



Colac Otway
SHIRE

AGENDA

ORDINARY COUNCIL MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

27 JULY 2011

at 3:00 PM

COPACC Meeting Rooms

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

COLAC-OTWAY SHIRE COUNCIL MEETING

27 JULY 2011

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NOTICE is hereby given that the next *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Rooms on 27 July 2011 at 3:00 pm.

AGENDA

1. OPENING PRAYER

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

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

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

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

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

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

5. QUESTION TIME

6. DECLARATION OF INTEREST

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 29/06/11.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Chief Executive Officer

OM112707-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM112707-2 COUNCIL POLICIES
OM112707-3 S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF
COUNCIL STAFF UPDATE
OM112707-4 SPECIAL COUNCIL MEETING TO CONSIDER FINANCIAL
STATEMENTS
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LOCAL GOVERNMENT REPRESENTATIVE
OM112707-6 COLAC YACHT CLUB LEASE AGREEMENT
OM112707-7 DRAFT PUBLIC OPEN SPACE STRATEGY FOR COMMUNITY
CONSULTATION
OM112707-8 INVESTMENT POLICY

Infrastructure and Services

OM112707-9 REPLACEMENT OF DREDGING VESSEL AT PORT OF APOLLO BAY
OM112707-10 CRESSY SHELFORD ROAD UPDATE
OM112707-11 ADVERSE POSSESSION CLAIM - 2 CHAPEL STREET, COLAC
OM112707-12 RAE STREET PARKING PETITION

General Business

OM112707-13 ASSEMBLY OF COUNCILLORS

Rob Small
Chief Executive Officer

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM112707-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>		

Recommendation

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

MOVED

SECONDED

OM112707-1

CEO'S PROGRESS REPORT TO COUNCIL

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

EXECUTIVE**G21 Geelong Regional Alliance**

Colac Otway Shire hosted the monthly meeting for the Board of the G21 Regional Alliance on 1 July 2011. This meeting was attended in part by our Mayor, CEO and General Manager for Sustainable Planning & Development. Agenda items included:

- Governance issues
- Barwon South West Regional Development Australia Update
- Barwon South West Regional Management Forum Update
- G21 Pillar Update.

Great South Coast Municipalities Group (GSCMG)

The Colac Otway Shire also had the privilege of hosting a meeting of the Great South Coast Mayors & CEOs on 1 July 2011. The Mayor and CEO attended this meeting which included:

- Major Project Cumulative Study Presentation
- Regional Tourism Boards Presentation
- Regional Priorities
- Communication Strategy.

Given that the G21 and the GSCMG Boards were meeting in Colac at the same time, a morning tea was held giving representatives from both groups the opportunity to discuss shared regional priorities and to explore opportunities for attracting Government funding for the mutual benefit of both regions.

The Great South Coast CEOs met in Warrnambool on 15 July 2011. This meeting was attended by the General Manager for Sustainable Planning & Development, as Acting CEO, and discussed:

- Economic Development Report
- Establishment of Pillar Groups
- Project Prioritisation
- NBN Rollout
- Women in Local Government
- Tourism Restructuring.

Naidoc Flag Raising Ceremony

NAIDOC Week celebrations were held across Australia in July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. As part of the celebrations of NAIDOC week in Colac, the CEO attended the Flag Raising Ceremony at the Botanic Gardens on 4 July 2011. Indigenous dancers entertained the large group who then enjoyed the free BBQ lunch. This is the second year the celebrations have taken place in Colac. Other activities included children's entertainment at the Colac Community Library and Learning Centre and the presentation of Naidoc awards and concert on Friday 8 July 2011.

Towards Liveable Communities Consultative Committee (TLC3)

The CEO, as Chair, attended a meeting of this committee on 6 July 2011. The committee discussed the Advancing Country Towns program and priorities for the year ahead.

Vic Roads Regional Cluster Meeting

The CEO and General Manager for Infrastructure & Services attended a Vic Roads Regional Cluster meeting on 21 July 2011. Chief Executive Officers and officers of the City of Greater Geelong, Colac Otway Shire, Golden Plains Shire, Borough of Queenscliffe and Surfcoast Shire were invited to meet with VicRoads and Department of Transport representatives to discuss major strategic regional issues. The G21 Transport Plan, stage 4C of the Geelong Ring Road and the duplication of the Princes Highway were some of the issues discussed at that meeting.

Apollo Bay Meetings

Community members in Apollo Bay are reminded that the Mayor and CEO are in the Apollo Bay office one afternoon a month to discuss with residents any concerns they might have with respect to the services provided by Council. Please contact the Executive Officer to the CEO, Mayor & Councillors on 52329458 to make an appointment.

Local Government National General Assembly - Canberra 19 – 22 June 2011

The Mayor, Cr Brian Crook, Deputy Mayor, Cr Stephen Hart, and Council's General Manager Sustainable Planning and Development, Jack Green, represented the Colac Otway Shire at the Local Government National General Assembly in Canberra from 19 to 22 June 2011.

With over 900 delegates in attendance from Councils across Australia, this was the largest NGA Conference conducted to date and there were around 100 motions put to the delegates for resolution over the three day period.

One of the major issues that was discussed during the National Assembly was the matter of Constitutional Recognition of Local Government in the Australian Constitution. It was made very clear to all delegates in attendance that the local government industry needs to work, both as a group and individually, over the next two years to ensure that our communities are fully aware of the issues involved and the need for them to support the recognition of local government when the Referendum is conducted, which is proposed to occur in October 2013.

While in Canberra, Council's delegation took the opportunity to meet with as many Ministers and their advisors as possible, with these meetings including:

- Advisor to Minister Conroy re NBN and communication issues
- Bindi Gove - advisor to Minister Martin Ferguson re Tourism
- David Pearson - advisor to Minister Mark Butler re Headspace and Youth at Risk Programs
- Jessica Loefstedt – advisor to Minister Anthony Albanese re Infrastructure support for Regional Councils
- Minister Tony Burke in a roundtable discussion re sustainable population and recycling programs.

The Assembly was addressed by many high profile politicians, senior government bureaucrats, and industry representatives and the fact that delegates were addressed by the Prime Minister, Julia Gillard, the Leader of the Opposition, Tony Abbott, as well as Leader of the Greens, Bob Brown is testimony to the importance of the role that local government plays in the government of this country and the recognition of that fact by the Federal Government and other major parties.

CORPORATE & COMMUNITY SERVICES**Aged & Disability Services****Service Delivery July 2010 - June 2011**

The July report provides an opportunity to detail the services delivered for the preceding financial year. The Aged & Disability Services Unit had 1,053 individuals who accessed and utilised services. Service demands have seen an increase in:

- general home care
- personal care
- respite care
- property maintenance.

“Meals on Wheels” continues to decrease, approximately 600 less meals annually. Many clients continue requesting meals, but not at the same frequency. Alternative meal choices include individual portion serves available from supermarkets which now offer a wide range of choice. This is encouraged by our service as it fits with our Active Service Model approach.

Comprehensive Assessments in the home numbered 1,280. The average assessment and documentation time for each client is 3.8 hours.

Delivery of services visits and hours for July 2010 to June 2011 are:

Services	Visits to client homes	Hours of service delivery
General home care	15,590	18,924
Personal Care	20,717	10,636
Respite Care	774	2,188
Property maintenance	609	1,098
TOTAL	37,690	32,846

Services	Volunteer Visits to client homes	Number of Meals
Meals on Wheels	13,687	16,687 meals
Centre based meals		3,870 meals

The grand total of visits to client homes by our staff and volunteers was 57,377.

Recruitment

Interviews were successfully conducted for the Community Care Worker position. It is anticipated that 9 new staff members (replacing 9 vacancies) will commence early August 2011.

Community Based Respite/The Meeting Place

Support is currently being provided to a range of people with a disability in the community. Currently, 40 people each week receive a total of around 140 hours of this respite support, of which, 50% meet respite eligibility criteria. This service delivery fulfils the overall expectation of Department of Human Services (DHS) targets. Service delivery is expected to increase over the coming year as the new Community Support and Activities Team Leader continues to develop this wonderful activity. Further focus will be directed towards aged carers in the future which will provide them with respite by providing community based activities for the person they care for.

The focus of The Meeting Place is changing to a more community based respite service with the following options and opportunities.

- It remains a gathering place for up to 15 people of varying abilities to meet friends on a Wednesday afternoon in a social, supportive environment.
- It provides the opportunity for residents within a disability support organisation to venture to different places and enjoy community participation.
- Straight Shooters Pool Lounge has been established as a community based venue on a Wednesday afternoon (4pm – 6pm) for another 10 – 15 people who require minimal staff support. This also caters for people who live independently in the community that have a historical connection to The Meeting Place and many friendships.
- OPUS After Hours (a Colanda Residential Service) utilise the Kanyana Centre on Wednesday evenings to provide opportunity for independent living skills and social participation. Currently 15 – 20 people access this opportunity on a rotational basis.
- Community Based Respite is being accessed by 12 people each Wednesday evening after The Meeting Place (5pm – 8pm) and social activities are decided by those attending.
- Transport is being provided to 4 rural participants to ensure equitable access to this service, and taxi and bus travel training is underway for several people.
- Holiday respite is provided for 3 or 4 people for 1 day per holiday period.
- Saturday community based respite is being accessed by 4 people on a regular basis and this will expand to Friday evenings in the near future.

The reorientation of these services and its focus on community participation is being strongly supported with active membership and liaison with key groups in the Colac, Geelong and Warrnambool areas which include:

- The Colac Disability Network
- Barwon South Western Region Workforce Recruitment and Retention Group
- Leadership in Reorientation of Day Services Group
- Colac Community Capacity Building Network
- Rural Access
- Colac Neighbourhood House
- Colanda Residential Services and all other local disability support services
- Department of Human Services Reorientation projects, Outreach and general sector support.

The Aged and Disability Unit and its Community Care Worker team have shown great support to both the program and the Community Activities and Support Team Leader with changes to the service delivery philosophy being implemented.

Maternal & Child Health

This has been a busy month and the service has been using an increased number of casual staff hours to cover new birth notifications and annual leave. Staff have participated in a professional development workshop in Geelong to work on assessment tools for children. Team leaders have had a meeting with Surf Coast Shire in regard to their Enhanced Nursing Project working with vulnerable families. The annual service data for 2010-2011 has been forwarded to the Department of Education & Early Childhood Development (DEECD) and to the Department of Health through its Integrated Reports and Information Systems (IRIS).

Number of infants enrolled from birth notifications for this month	25
First Time mothers	7

Key Ages and Stages Consultations

Home visits	23	8mths	15
2wks	24	12mths	17
4wks	20	18mths	15
8wks	18	2yrs	17
4mths	22	3.5yrs	7

- 74 additional consultations
- 20 phone consults
- 11 opportunistic immunisations
- 22 referrals (13 last month)
- 26 counselling sessions provided
- New parents groups - 3 sessions in Colac
- 30 families currently enrolled under Enhanced Home Visiting service (Vulnerable and at risk families).

Meetings included participation in 3 community strengthening activities including Bubs at the Hub.

Rural Access

National Disability Strategy 2010 – 2020

For the first time in Australia's history, all governments have committed to a unified ten year national plan to improve the lives of people with a disability, their families and carers, by developing a National Disability Strategy 2010 – 2020 (The Strategy). The Strategy identifies a strong role for local government in its implementation.

The Strategy looks beyond the specialist disability support system and provides leadership for a community-wide shift in attitudes based on a social model of disability that recognises that people with a disability can be more disadvantaged by attitudes, practices and structures and by society's response to their disability, than the disability itself. A greater focus is required on policies that seek to remove these barriers.

Policy actions will focus on improvements in areas where there is evidence of inadequacies or inequalities for people with disability. The Strategy is structured around six broad policy areas.

1. Inclusive and accessible
2. Rights protection, justice and legislation
3. Economic security
4. Personal and community support
5. Learning
6. Health and wellbeing.

The policies and practices developed by governments under the Strategy will reflect and reinforce the following approaches:

- Involvement of people with disability
- Community engagement
- Universal Design approach
- Life course approach
- Person-centred
- Independent living
- Interconnectivity.

The responsibility for changing attitudes and responses to disability belongs to everyone. The Strategy explains the values and principles needed to underpin policies and programs for people with disability. It helps provide national leadership to build awareness and understanding of what needs to change for people with disability to fulfill their potential as equal citizens.

Family Day Care

The Family Day Care (FDC) Training Calendar for July was "Focusing on Child Protection", about vigilance, reporting and awareness. This child protection training is based on the Child Wise organisation guidelines and procedures.

Over the coming months FDC training will focus on the new Quality Standards and the Early Years Learning Framework which becomes law in January 2012. FDC currently has 14 educators who are working very hard towards having all the skills and knowledge for the assessment that will follow in January 2012.

The FDC Unit went to a State Family Day Care Conference in Ballarat. Training in the Early Years Framework, and how we are introducing this to the educators, was given by the Department of Education and Early Child Development. Specific training was provided on ensuring that schemes have fit and proper educators (formerly known as FDC Carers). The Department of Education, Employment and Workplace Relations delivered training on reports, compliance and obligations under our funding agreement. VicRoads advised on FDC responsibilities around seatbelt laws and travelling.

Environmental Health Inspections

- Of a total of 367 food premises, 58 inspections were carried out in June 2011.
- 47 inspections of selling points for tobacco were also carried out to ensure legislative requirements are being met.
- 3 caravan park inspections were carried out to ensure compliance with new legislation.
- 7 prescribed accommodation premises were inspected.
- 15 food stalls inspected at various food events.
- 24 septic tank inspections were carried out with 6 permits to install and 4 permits to use systems being issued.

- 3 food recalls were received.
- 1 complaint was investigated in relation to sullage water in street drains in Gellibrand.
- The Soup Fest at Forrest was inspected. Stalls were well conducted and no complaints were received.

Food Sampling

14 food samples were submitted for analysis and six were found to be substandard.

Four samples taken from a Colac convenience store, which had previously returned unsatisfactory results, again indicated poor food handling techniques. Two of the results were positive for Listeria, a serious food poisoning organism. The store concerned has subsequently been required to undertake an extensive cleaning and education program.

Two samples from a Colac supermarket delicatessen were found to indicate poor food handling procedures and the supermarket was advised and instructed accordingly.

Immunisations

Immunisation data for the June quarter will be available for the August Council meeting.

Community Services

Volunteering Central Colac Project

Volunteering Central Colac is new to Colac Otway Shire and has been established in conjunction with the Victorian Government's new Volunteer Portal website. The website has been created to be a one stop shop to:

- advertise for volunteers
- identify resources to support volunteers
- provide information for individuals thinking of volunteering
- provide links to funding opportunities to support volunteers.

Council is the employer of the Volunteering Central Colac Project Worker, which is a position being managed by a committee of representatives from various organisations across the Colac Otway Shire who have an interest in volunteering.

The project worker has been recruiting organisations and service clubs to start promoting local volunteer opportunities on the portal. Currently there are 36 organisations and service clubs committed to signing up and we now await the registration process. Council is currently developing a process to advertise volunteering needs. Presently there are 14 volunteering opportunities posted for Colac, three for Apollo Bay and one for Birregurra.

Promotion of access to the website will commence in August with promotional material distributed and displayed across a large number of sites including Visitor Information Centres, Colac Otway Shire service centres, within Colac Otway Shire welcome packs, waiting rooms, shop front windows, service clubs etc.

Neighbourhood Renewal

The Year 9 Report (Final Report) for the Neighbourhood Renewal project for Colac was presented at its final celebration on 23 June 2011. This report highlighted the project's many achievements within the three Neighbourhood Renewal areas. A DVD talking about these highlights was presented in an information pack to all of the many local and regional guests.

A signing ceremony was held with a number of agencies and groups, including Colac Otway Shire, firming the commitment to work together to fulfill the expectations outlined for the

future. Community Hub Inc (CHI) will be the auspice organisation. Each of the three Neighbourhood Renewal areas has formed their own Neighbourhood Action Group which will meet regularly to plan and implement new initiatives for their neighbourhood. All signatory agencies are invited to attend and participate in these groups.

Events

Eurack Avenue of Honour – 28 July 2011

Ninety five years ago, on 28 July 1916, twenty *Ulmux Hollandica* Dutch Elm trees were planted in Eurack Road near the Eurack Hall. Over time, three of these trees have died and are earmarked to be replaced on Thursday 28 July 2011. Eurack's Avenue of Honour is the first known such avenue and the earliest known War Memorial in Victoria. Descendants of Troopers Fyffe, Inman and Adams will be joined by dignitaries, family and the public for this important remembrance activity.

2011-2012 Festival and Events Support Scheme

Twenty one event organisers were advised of their successful applications. Distribution of the \$60,000 Council funding, that has been allocated to these events, will begin with the receipt of tax invoices.

Upcoming Events

Events which will be held throughout the Colac Otway Shire in August include the annual Battle of the Bands event run by FReeZA on 28 August 2011 at COPACC.

Recreation

Council Community Funding Program 2011-2012

A civic reception will be held at COPACC on 29 July 2011 for the presentation of grants to successful applicants and for those receiving notification of contributions. This year, for the first time, Festival and Event Support Scheme recipients will also be invited to attend the civic reception to be formally presented with their funding. The timelines are designed to enable the grant recipients to have maximum time to undertake projects and meet project acquittal requirements.

Old Beechy Rail Trail

The design, artwork and layout of 31 signs (comprising 9 station signs, 15 interpretive signs and 7 environmental signs) has been completed as a part of the Old Beechy Rail Trail Interpretive signage project. The manufacture of structural components (pedestal and frames) and digital print panels (7 environmental signs) has also been completed. The manufacture of 24 screen printed graphic panels is currently in progress. It is anticipated that delivery of the 31 signs and their installation will occur in early August 2011.

A new event entitled "The Hunt for the Golden Boot" is currently being planned for October 2011. This exciting new event will encourage physical activity and raise awareness of the Rail Trail. Forty golden gumboots will be hidden along sections of the trail and each boot will contain a code for a prize. Those who find a boot will go into the draw to win a major prize. The event proposal is an outcome of the Old Beechy Rail Trail Marketing Plan which aims to encourage events on the trail to raise its profile.

Bicycle/Active Transport Strategy

Council officers are currently looking to develop a Bicycle/Active Transport Strategy to assist with Council's strategic co-ordination of facilities which support walking, cycling and alternative transport. Discussions are currently underway within Council to consider the

merits of expanding the development of a Bicycle Strategy (an identified key action in the Council Plan) to achieve the broader outcome of an Active Transport Strategy.

Department of Planning and Community Development – Community Facility Funding Program

Council has been advised that the Department of Planning and Community Development's (DPCD) Community Facility Funding Program opened 8 July 2011. This State Government funded program helps provide high quality, accessible community sport and recreation facilities across Victoria. The program encourages:

- increasing sport and recreation participation
- increased community access to leisure opportunities
- better planning of sport and recreation facilities
- innovative sport and recreation facilities
- environmentally sustainable design.

Council can apply under two categories of funding:

- 1) Planning: provides for the future sport and recreation needs of communities through better information gathering, consultation and strategic planning. Applications close 2 November 2011.
- 2) Building Community Infrastructure: for improving places where communities meet, interact and participate in sport and recreation. Applications close 24 August 2011.

Only Local Government Authorities are eligible to apply directly to the DPCD.

Apollo Bay Trails Feasibility Study

Work continues to progress on the Apollo Bay Trails Feasibility Study. The Apollo Bay Trails Project Manager has completed and mapped all proposed walks and is currently working through an assessment matrix to determine the feasibility of the walks. The Project Manager has had ongoing consultation with landowners, key organisations and the general community about the feasibility of the proposed walks. Such consultation will continue throughout the life of the study. All members of the community are welcome to contact the Project Manager at Council's Customer Service Centre to discuss the project further.

Central Reserve Master Plan

The Central Reserve Advisory Committee (CRAC) will review the Central Reserve Master Plan at its next meeting in early August. First developed in 2000 and formally reviewed in 2007, the Master Plan guides the future development of Colac Otway Shire's premier recreation reserve. The CRAC will identify priorities from the Master Plan to determine future funding applications to all levels of government. The two identified priorities to date are the redevelopment of the ground surface and redevelopment of the grandstand facility, which Council is continuing to scope and cost.

COPACC

The past month has been all about kids at COPACC. The Centre has:

- Hosted an enthusiastic group from Mercy College for the production of "Statespeare".
- Taken more than 680 primary school students on an exciting journey through the dark woods with "The Gruffalo".
- Co-ordinated eight activities over three rotations for 600 students for a wonderful World Environment Day event.
- Engaged COPACC staff members to run individual workshops for school holidays to keep the children entertained and warm out of the wild weather.

The finishing touches have been applied to the Civic Hall Black Box Theatre and the final report has been submitted to Regional Development Victoria, on time and under budget. The completed project is a thrilling result for COPACC staff, patrons and the Colac Otway community.

While a little quieter for Business Events over school holidays, COPACC has still managed to keep the centre humming with two football/netball club ball celebrations, the Year 8 Neighbourhood Renewal completion event, World Refugee Day celebrations, compliance training sessions for staff and an hilarious evening's entertainment with the Melbourne International Comedy Festival Roadshow.

The limited down time has also given staff the opportunity to conduct annual maintenance on lighting and electrical fixtures, along with other machinery in the centre.

Blue Water Fitness Centre

Bluewater Fitness Centre Stadium Redevelopment

Council expects to receive the revised concept plan for the Bluewater Fitness Centre Stadium redevelopment by the end of July. On receipt of the new concept plans, Council will consult with the key users of the stadium to ensure that the proposed plans adequately address their needs. Once the concepts have been approved, the architect will commence design development and prepare revised costing. Council will submit an application for \$650,000 to the Department of Planning and Community Development's Community Facility Funding Program in August.

Programming update

- The Centre has experienced the highest number of casual gym entries since November 2010, as well as another good month for group fitness participation.
- The total membership number (averaged across month) for June was 953 which is slightly up on April and May and edging toward the 1,028 mark that was experienced in February this year. It is a realistic objective to maintain over 1,000 members which the Centre will continue to work towards.
- The crèche reported another good month with a 33% increase in childcare numbers when compared with the same time last year. For the past six months (Dec - June) our total number of crèche attendances was 943 compared to 667 for the same time last year.
- The Learn to Swim program is currently taking new enrolments for Term 3 and already has 218 enrolments, with an aim to surpass the 267 that were achieved in Term 2.
- Water recreation squad numbers are well up on the same time last year.

The dry program team have undertaken a group fitness instructor course called "Smart Bar". There were seven participants in the course and the Centre will now look to introduce a new program in Term 4 based on the training received in this course.

Youth Council

Following a break for the July school holidays, the Youth Council will meet with Colac Otway Shire business development officers to assist with the 2011 Careers Expo coming up in August. Earlier this month Youth Councillors met with employment consultants at Western District Employment Access to discuss issues and obstacles faced by Colac and district youth looking to gain employment.

The Youth Council has approached members of the Traffic Road Accident Group to organise presentations at Colac secondary schools to educate young drivers on road safety.

INFRASTRUCTURE & SERVICES

CAPITAL WORKS UNIT

Cressy Shelford Road Rehabilitation

Council has completed the Biodiversity Conservation Training Program which was delivered by Andrew Hill from Ecology Partners. The final session with key Planning and Infrastructure staff was completed in late June. This session incorporated field visits to sites with nationally threatened species including the Growling Grass Frog, Spiny Peppergrass, Spiny Rice Flower and Corangamite Water Skink. In line with the project brief, Ecology Partners have compiled a report of the feedback received from the training, which showed participants considered the training to be informative and useful. Investigations into refresher training for Council's COSWorks unit are continuing.

Quotations have been sought from qualified graphic design artists to assist Council in the development of an environmental signage program. This program aims to raise the Community's awareness of threatened species throughout the Shire. Council is in the process of sourcing images for the signs and expect a draft to be completed by early August 2011.

Drainage Issues

Morley Avenue, Wye River

Vic Roads issued final plans for construction of the retaining wall and associated drainage works, which have been distributed to property owners along Morley Avenue. Works are expected to begin mid August 2011. Designs show the retaining wall will be a gabion structure and federal approval has been received regarding its visual impact.

Correspondence has been received from several of the affected property owners regarding their contribution to the drainage work. Additional information has been sent to them as requested. The Infrastructure Department is awaiting a signed agreement. If no agreement is reached with the property owners, a Special Charge Scheme under the Health Provisions in the Local Government Act will need to be enacted at an increased cost to the residents.

Jillian Road, Apollo Bay - Retarding basin

Property owners in the vicinity of the retarding basin located along Jillian Road, Apollo Bay raised concerns relating to potential seepage from the basin. Officers have commenced investigations to assess the retarding basin and general drainage issues at the Jillian Road retarding basin.

Old Beechy Rail Trail

Cosworks have completed works on the Banool to Wimba section of the Old Beechy Rail Trail. The trail is now off road all the way from Gellibrand to Dinmont (26km to 41km), which is a great achievement. Only the section between Dinmont and Beech Forest (41km to 45km) is located along Old Beech Forest Road (on the road).

Other works including the provision of bike racks in Gellibrand have been completed, with the racks installed late July 2011. A section of fencing for the new trail between Dinmont and Ditchley is still to be completed. Quotes have been requested from contractors, however the responses from contractors has been very slow.

The Cultural Heritage Management Plan, which was submitted to Aboriginal Affairs Victoria (AAV), has not been approved. Council Officers will be meeting with AAV to discuss the issues and concerns with the submitted report and aim to resubmit a modified report.

Digital Television Changeover

Advice has been received from the Department of Communications, Broadband and the Digital Economy (DCBDE) advising that the Apollo Bay switchover of the commercial

channels to digital happened on 16 June 2011. Technical difficulties delayed the switch over, which was originally planned for early 2011. Council owned equipment from Apollo Bay has been returned to Council, which will be stored for use as spare parts on the Wye River tower if required. Council has no further responsibility for TV signal quality in Apollo Bay.

Council has not received any additional information on the progress with the Wye River switch over. Council's tower in Wye River is still being used for television transmission, and its broadcast licence for Wye River has been extended until December 2011 at no cost to Council to ensure reception remains available within the town.

Residents in the townships of Separation Creek, Kennett River and Grey River are receiving television services from the VAST satellite system.

Apollo Bay Drainage Study

Arup Consulting Pty Ltd is currently preparing presentations to undertake the first consultation phase of the Apollo Bay Drainage Study. Residents of Apollo Bay and key stakeholders including Councillors, Corangamite Catchment Management Authority, Otway Coast Committee and Apollo Bay Chamber of Commerce and Tourism, are being invited to a meeting with the consultants to discuss drainage concerns and to share information to assist with the development of the first draft of the strategy. The consultation meeting will be held in mid August 2011.

Car Parking - Rae Street, Colac

Following a petition received from a business owner, requesting on street parking restriction changes on Rae Street, Colac, Council sought comments from adjoining property owners and placed a public notice in the Colac Herald. At the close of the response period Council had received no public comments, and feedback from adjoining property owners indicated their support for the parking changes.

The parking changes proposed are to introduce a three (3) hour parking restriction on the north side of Rae Street across eight (8) parking bays, and change eight (8) parking bays on the south side of Rae Street to all day parking. Officers are supportive of this proposal as overall there would be no net change to parking availability along Rae Street.

Building Maintenance and Renewal

<i>Sustainable Planning & Development (SP&D) Accommodation</i>	Detailed drawings have been approved by SP&D. An audit of access provisions has been undertaken by an accredited access consultant and the floorplan has been signed off as meeting all requirements of the Building Code and AS1428. The structural engineer's design drawings have been completed and will be included in the tender documentation. The Section J assessment has been completed and the report is being finalised. Once the architectural package is complete, tenders will be sought to undertake the refurbishment of the former library building. This is expected to be by the end of July 2011.
<i>Stonyford Hall</i>	Works at Stonyford Hall are complete. These works included replacing weatherboards, windows, doors, exterior painting, kitchen upgrade, mains power upgrade and a complete rewire.

*Stonyford Hall*

<i>Beech Forest Hall</i>	Council officers will make any modifications necessary based on the result of further deliberations by the Hall Committee on the type of kitchen required before work can recommence on the refurbishment.
<i>Cororooke Hall</i>	Cororooke Hall interior painting has commenced and the toilet upgrade is in progress. The Hall Committee has had the opportunity to provide input into the colour scheme for the Hall.
<i>Apollo Bay Office</i>	Apollo Bay office painting commenced on Thursday 14 July 2011. Consultation has been undertaken with various users of the building to limit any inconvenience.

Routine Road and Footpath Inspections

The following is a summary of the routine road and footpath network inspections completed during the month of June 2011:

<i>Footpath Inspection Colac - Area 4</i>	The south east quarter of the footpath network in Colac was inspected during the month of June. Areas of raised or sunken footpaths have been reported and repaired by Cosworks maintenance crews. Other condition based issues have been identified and will be monitored. The majority of defects related to overhanging vegetation. Private tree matters have been referred to Local Laws for follow up. Overhanging street trees have been reported to Council's Parks & Gardens area for works programming.
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Footpath Condition Audit

Council will commence a survey of its footpaths during August 2011 with the information collected used to determine future programs to maintain these Council assets in good condition.

Condition surveys will be undertaken by Infrastructure Management Group who were awarded the contract in July 2011 at a total cost of \$13,255 (ex GST). The footpath condition survey is part of Council's ongoing asset management program. Surveys are conducted every three years with the first survey conducted in 2006 and the second in 2008.



During the coming month residents may observe survey equipment in operation, including a fleet of two (2) quad bikes operating on footpaths. Both vehicles will incorporate mounted camera equipment in order to obtain detailed video imaging of the condition of Council's footpath network which measures approximately 132-km.

The data gained from this exercise will enable better management, and more cost effective maintenance and renewal strategies for these important community assets.

The footpath assessment vehicles will be operated by certified inspectors travelling at a brisk walking pace with high visibility hazard lighting and audible warning devices in operation.

Footpath Reconstruction Program

The Footpath Reconstruction Program for 2010/11 has been completed. Approximately 1,350 metres of concrete footpath was replaced this year and included the following streets:

Apollo Bay	
McLachlan Street	Great Ocean Road
Outlook Road	Ramsden Avenue
Colac	
Murray Street East	Bromfield Street
Dennis Street	Queen Street
Pitt Street	Polwarth Street
Lyon Street	Hart Street

Colac Youth Club Refurbishment

Spence Construction commenced refurbishment of the Colac Youth and Recreation in mid June 2011. This is a significant project in the context of Council's Capital Works Building Program and aims to provide an updated facility which is fit for purpose. The scope of works include; replastering of internal areas, replacement of asbestos roof, modifications to existing toilet and shower facilities, updating of kitchen fit-out, replacement of timber floor to main hall, re-painting, new floor coverings, and provision of access ramps.

Progress to date has been on track with the asbestos roof being removed and replaced. Demolition of internal areas will continue over the coming period.

MAJOR CONTRACTS/WASTE UNIT

Alvie Landfill - Auditor appointment

The Environmental Protection Authority (EPA) landfill licensing reform required that, for all active landfills, a Risk Management and an Environmental Management Plan be prepared and approved by an independent auditor by 30 June 2011. While Council now has this audit in process, it was unable to meet the required timeframe. The EPA has been aware of the

Council's position and the difficulty in obtaining an auditor. All active landfill sites within Victoria were required to comply with this resulting in a significant increase in the demand for landfill auditors. The EPA website provides a list of approved auditors that can be appointed for undertaking the assessment and auditing works. The undertaking of these tasks has resulted in additional expenditure to Council. The extra costs cannot be determined accurately at this stage because the extent of works will depend on audit outcomes and recommendations.

Council's Waste Management Section has appointed consultants to undertake the risk assessment and preparation of Risk Management and Environment Management Plans. Quotations have been obtained from two approved auditors who have agreed to complete the works by 15 August 2011. A letter has been written to the EPA advising of the difficulties associated with the appointment of auditors within the short time frame given the high demand for auditors at present. Council will be advised of the outcome of the audit process once completed.

Sustainability Victoria Strategic Review

Hon. Ryan Smith, the Minister for Environment and Climate Change has announced a strategic review of Sustainability Victoria (SV) to examine its focus and direction. A series of public consultation forums have been held throughout the State as part of the review process. A representative of Council attended the forum held in Geelong on Friday 17 June 2011 for providing input.

Some of the key objectives of the SV review are as mentioned below:

- Examine the current state of SV
- Review current programs being delivered
- Evaluate effectiveness of programs currently delivered
- Evaluate measures of Economic, Environment and Sustainability outcomes
- Deliver most effective, practical and targeted outcomes
- Review SV funding arrangements with EPA, DSE and other government agencies
- Focus on increased recycling
- Effective utilisation of waste, energy and water resources
- Effective use of landfill levy income and distribution etc.

During the public consultation forum the majority of participants were of the opinion that there is a need for SV to make their presence felt at regional and rural levels and to advertise their programs in a more effective way in order to benefit its stakeholders. There is also a need to review funding distribution methodology. Participants expressed the feeling that at present the roles and functions of SV are not fully known to the stakeholders.

Tenders

Tenders opened since the last reporting period:

1111 – Marengo Landfill Rehabilitation & Associated Works

Tenders awarded since the last reporting period are:

1101 – External Plant Hire – to Panel of Contractors

1103 – Annual Supply of Concrete Works – to Panel of Contractors

1105 – Electricity Supply to Public Lighting – to AGL Sales

Expression of Interest advertised since the last reporting period is:

1115 – Provision of a Canteen Service to Colac Livestock Selling Centre, closing 20 July 2011

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	A certificate of compliance has been issued and outstanding works guaranteed with a security bond. The developer is continuing to complete all works for stage 1.
Wyuna Estate Footpath Construction	Footpath construction is proceeding with works done in Scanlon Drive and Rose Drive. Completion of construction in Rose Drive and Banksia Drive will occur in the following month (weather permitting).
38-46 Cawood Street Subdivision 20 lots & reserve	Commencement of work on this subdivision has been delayed due to poor weather conditions. It is expected that the developer will start later in 2011.

Apollo Bay Harbour Breakwater Construction



The contractor, Australian Project Solutions has completed works on the Apollo Bay Breakwater with the final asphalt surface placed in June and the public given access to the site. It is expected that a practical completion certificate will be issued soon. This project has successfully been completed on budget and three months ahead of time.

COSWORKS

Cosworks have undertaken the following works during the last month:

Capital Works:

- Upper Gellibrand Bridge Works commenced
- Old Beechy Rail Trail construction ongoing

Storm Damage - There have been several storm damage events in Coastal areas and the Otways during the past month which have required works crews to assist with the cleanup.

Road Regrading - Maintenance regrading works are ongoing as weather permits in all areas of the Shire.

Road Pavement Minor Patching - Minor patching works continue on sealed roads in all areas of the Shire.

Major Patching - Major patching works have been undertaken on Nelson St & Ozone St in Apollo Bay.

Linemarking - Rural line marking works have been ongoing as weather permits in all areas of the Shire.

Gravel Road Re-sheeting - Resheeting works have been undertaken on the following roads:

Yeodene, Birregurra, Aerodrome, Reddies, Carsons, Scotts, OSheas, Farrells, Factory, Delaneys, Beeac, Troys and Larpent South Roads and Wickhams Lane,

Routine Drainage Works - Routine drainage works have been completed in Coastal townships, Otways and Swan Marsh - Irrewillipe areas.

Bridge Maintenance – Bridge Maintenance inspections have commenced in the Apollo Bay area.

Vegetation Control - Vegetation control works were undertaken in the Barongarook Areas during the past month.

Tree Maintenance – Tree maintenance was undertaken in Lavers Hill township, Creamery Road, Wickhams Lane, Lake Foreshore, Colac, Beeac, and Birregurra Parks & Streetscapes.

Township Mowing - Township mowing continues as per the maintenance program.

Gardens: General maintenance of all gardens has been undertaken during the past month.

Playground Maintenance - Playground maintenance has been completed as per recommendations and inspections required under the playground audits.

SUSTAINABLE PLANNING & DEVELOPMENT

Apollo Bay Harbour Master Plan Planning Scheme Amendment

A market research firm is currently undertaking an independent telephone survey of land owners in Apollo Bay to gauge the level of public support for the Apollo Bay Harbour Master Plan. This follows the widespread dissemination by Council of information about the Master Plan in April including a newsletter and facts sheet, and a public information session held in Apollo Bay on 21 May 2011. It is important to re-engage with the community on the Plan prior to proceeding with a Planning Scheme Amendment that incorporates the Master Plan into the Planning Scheme.

Draft Forrest Structure Plan

The Forrest Structure Plan has been finalised following consideration of issues raised in submissions. A report will be included in the August Council meeting agenda for consideration by Council. This follows a workshop with Councillors on the revised Plan early in June.

Colac CBD and Entrances Project

Project consultant Planisphere is currently preparing a draft report for the Colac CBD and Entrances Project following receipt of submissions on the Discussion Paper released in March. The project is seeking to guide streetscape and amenity improvements in central Colac and provide an inviting sense of arrival at the town's eastern and western entry points. The project consultant will discuss the draft report with the Project Steering Committee and Community Reference Group late in August prior to it being considered at the September Council meeting.

State Government Bushfire Planning Projects

The State Government is in the process of developing a suite of new provisions to be implemented in state wide planning schemes by September 2011 that respond to the recommendations of the Bushfire Royal Commission. The new provisions will include replacement of the Wildfire Management Overlay with a Bushfire Management Overlay, which contains improved permit requirements and decision guidelines, and mapping that is based on revised risk based hazard assessment techniques. New state planning policy will also be developed to give greater direction on how Councils should be making planning decisions. Planning officers are providing feedback on the proposed changes through three scheduled workshops attended by Department of Planning & Community Development representatives, Country Fire Authority, the Municipal Association of Victoria and local government, the most recent being on 29 June 2011.

Officers will be working with the State Government over the coming months to develop a scope of work to be undertaken to spend the \$120,000 grant received in June which is for the purpose of developing local planning policy to address bushfire risk in the Shire. Colac Otway Shire was one of ten councils to be offered the funding.

The State Government has also engaged consultants to prepare Regional Bushfire Assessments (RBAs). This work arises from the Bushfire Royal Commission findings and is aimed at establishing at a regional level the areas where there is the highest likelihood of conflict between land uses such as dwellings with high fire hazard and areas of environmental value. The RBAs will be an input to the development of regional land use plans, but will also have some value as an input to local strategic planning. Officers attended a briefing in Melbourne on the project, as well as a targeted workshop with the project consultant on 11 July 2011.

Apollo Bay Settlement Boundary and Urban Design Review

Project consultant Planisphere is currently completing a draft Study report for the Apollo Bay Settlement Boundary and Urban Design Review. The draft report has been considered by the project steering committee and will be placed on the August Council meeting agenda for consideration. It is anticipated the draft, when endorsed by Council, will be placed on public exhibition for six weeks prior to it being finalised for adoption.

Rural Living Strategy

Submissions received to the draft Rural Living Strategy are currently being considered. A revised Strategy is being prepared for Council that addresses issues raised in submissions for consideration at a meeting over the coming months.

Planning and Building Stakeholder Bulletin

The Planning and Building Unit has prepared the first edition of a new quarterly information bulletin that is aimed at keeping regular clients and stakeholders up to date with recent events and changes to policies and procedures. Copies are being sent to a list of persons who regularly deal with Council, but any person can obtain a copy from the Council web site, or in hard copy at the Colac or Apollo Bay Customer Service Centres. Persons interested in being added to the mailing list for future editions of the bulletin should contact the Planning or Building Services Units.

Industry Advisory Group (IAG)

The Industry Advisory Committee is being reformed and an Expression of Interest (Eoi) process has been advertised. This committee will now be known as the Industry Advisory Group and will assist Council in understanding local skills, labour and education and training issues. The Eoi process closes on 15 July 2011.

Colac Lions Park

Redevelopment of the Colac Lions Park is continuing with contractors removing the existing shelters, BBQ's, tables and seating to install the new infrastructure. Once this is completed a quotation process will be undertaken to award the contract to complete the new pathway linking the Lions Park to the Colac VIC.

Colac Marketing Strategy

Warne Marketing presented to Council's Management Workshop and sought feedback from the group on the strategy. Warne Marketing also presented at an OBI forum to seek feedback from committee members and members of the group to contribute to the initial stages of the strategy development. Warne Marketing will now develop a community survey before developing a draft document.

Priority Project List

A list of priority projects has been developed in relation to the Federal Government's Regional Development Australia Fund (RDAF), the State Government's Regional Growth Fund and other new funding programs. Council's Business Development Officer will develop a priority list based on the projects that have been nominated by other business units.

Grants

The State Government has released its new funding programs and guidelines for the next four years. Within this is the new Regional Growth Fund that has replaced the previous government's Regional Infrastructure Development Fund. The guidelines and information for the funding programs are available on the Regional Development Victoria website.

Colac Green Renewal Project

This is a tree planting project in the Colac West Neighbourhood Renewal area in parks and public areas completed by the community and coordinated with Community Hub Inc. The project is being funded by remaining funds from the auspice of the Employment Learning Coordinator through DHS.

Dairy Industry

The Economic Development Unit has been successful in their application to the Gardiner Foundation on behalf of the Dairy Industry Training Reference Group to fund a partnership project between Council, Colac Secondary College, West Vic Dairy and local farmers. The project will integrate a dairy industry innovation research and report writing exercise into the Colac Secondary College Yr 12 Agricultural/Horticultural curriculum. The Gardiner Foundation has funded three previous projects for the Dairy Industry Training Reference Group.

Birregurra and Forrest Community Infrastructure Plans

The development of new Community Infrastructure Plans for the townships of Forrest and Birregurra is underway, with the first round of consultation providing the communities with the opportunity to provide input into what they see as the strengths and weaknesses of their communities and what they would like to see improved. The next round of consultation will start to form the basis of a draft plan for both communities.

Visitor Information Centres (VIC)

The end of the financial year saw an increase of visitation to the Colac VIC of 17% over last year; however a drop in visitation to Great Ocean Road VIC of 6% compared to the previous year. This drop however, is in line with an overall drop of visitation to the Great Ocean Road of 5.5% for the year.

Neighbourhood Safer Places (NSP) – Places of Last Resort Implementation Plans submitted to the Fire Services Commissioner

At this stage there are no NSPs designated in the Colac Otway Shire. Council continues to work hard with partner agencies to identify and assess potential NSP sites. Implementation Plans have been developed by Council for potential NSP sites in Forrest, Barwon Downs and Carlisle River and these were recently submitted to the Fire Services Commissioner. If the plans are approved an instalment of funds will be released to Council in order to allow the development of detailed works plans and a recommendation report. Due to the large amount of vegetation removal that will be required to formally designate an NSP in these towns it is necessary to first undertake detailed assessments to ensure that the works can be carried out without causing other problems. The community will be engaged to get their input prior to any vegetation removal being undertaken.

Street Furniture Permits

Many businesses around the region utilise the footpath for business activities. Although placing chairs, tables and stands on the footpath is a common practice it can create trip hazards and restrict access for pedestrians, particularly at busy times of the year. Council requires business operators to obtain a permit for street furniture to ensure that this activity is undertaken in a manner that is both safe and of minimal impact to pedestrians. In order to help clarify the conditions associated with street furniture Council recently sent out a reminder notice to all permit holders with a set of conditions and a set of diagrams showing what is permitted along with a requirement for these conditions to be met prior to a new permit being issued/approved. There has been no change to the conditions but the format makes it easier to understand the requirements. Over the next 12-18 months Council will be reviewing the Local Laws and the community will be provided with the opportunity to comment on the current requirements during this process.

Water Levels in Lake Colac

The water levels in Lake Colac have remained stable over the last six months. Data collected by the Corangamite CMA shows that the water level is now at the level last seen in 2007 prior to the lake going into a dry cycle. Although there are many issues associated with the lake that still need managing such as weeds and carp, the issues associated with the lake being dry (e.g. fairy grass) are no longer a problem. As a result the Dry Lake Working Group formed to manage the issues has agreed that it no longer needs to meet. Council would like to thank all the parties represented on the working group for their efforts and will ensure that all the work undertaken by the group will be recorded to enable it to be used if/when the lake goes into another dry cycle.

What fish should be put into Lake Colac?

With the water level in Lake Colac increasing the questions about what fish are in the lake and what fish should be put into the lake have gained momentum. Local fisherman have undertaken test netting that has revealed that while eels of substantial size have managed to survive in the lake unfortunately carp of varying size have also been found. Although Council was unsuccessful in obtaining funds to try to prevent the carp from re-entering the lake, measures will continue to try to prevent the carp population from growing uninhibited. One way to do this is to try to get another species of fish to breed in the lake that would compete effectively with the carp. The Geelong Angling Association was recently successful in obtaining a grant from the State Government to do a piece of research to determine what would be a suitable species to be put into Lake Colac. Council is providing funds to help ensure the project is completed as soon as possible. If a suitable species can be found, then further funds will need to be secured in order to undertake a breeding program before actually releasing fish into the lake.

The Colac Reduce Energy Waste (CREW) Project

The CREW Project commenced in March 2011 to help Colac Neighbourhood Renewal (CNR) residents to reduce energy waste and their associated energy costs. The project is funded through a grant from Sustainability Victoria. Through free information sessions, workshops, waste wise sessions, formal home energy audit training, free home audits and the opportunity to work with their neighbours as a paid home auditor, the CREW project will assist the CNR community to reduce energy bills and improve education in more sustainable practices in the home. A number of community engagement strategies are in place to promote the CREW Project to CNR residents and Council will continue to work hard to get residents on board.

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>OM112707-2 COUNCIL POLICIES</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council adopts the following policies:</i></p> <ul style="list-style-type: none"> <li>• <i>Policy No 12.6 – Fencing for Events Policy</i></li> <li>• <i>Policy No 18.1 – Community Reference Group Membership Policy.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |   |   |
| <p><b><u>OM112707-3 S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF COUNCIL STAFF UPDATE</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that:</i></p> <ol style="list-style-type: none"> <li>1. <i>There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.</i></li> <li>2. <i>The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.</i></li> <li>3. <i>On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.</i></li> </ol> |   |   |

|                                                                                                                                                                                                                                                                                                                                                                                     |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p>4. <i>The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time adopt.</i></p>                                                                                                                                         |  |  |
| <p><b><u>OM112707-4 SPECIAL COUNCIL MEETING TO CONSIDER FINANCIAL STATEMENTS</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council holds a Special Council Meeting at 1.00pm on 14 September 2011 to consider the adoption 'In-Principle' of the Annual Financial, Standard and Performance Statements.</i></p> |  |  |
| <p><b><u>OM112707-5 SOUTH WEST LOCAL LEARNING AND EMPLOYMENT NETWORK - LOCAL GOVERNMENT REPRESENTATIVE</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council nominates Cr..... as a Board Member on the South West Local Learning and Employment Network.</i></p>                                               |  |  |
| <p><b><u>OM112707-6 COLAC YACHT CLUB LEASE AGREEMENT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council signs and seals the lease agreement with the Colac Yacht Club for a further five year term expiring on the 30 June 2016.</i></p>                                                                     |  |  |



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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><u>OM112707-7</u></b>      <b><u>DRAFT PUBLIC OPEN SPACE STRATEGY FOR COMMUNITY CONSULTATION</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><i><u>Recommendation(s)</u></i></b></p> <p><b><i>That Council endorses the draft Public Open Space Strategy for public exhibition in accordance with Council's Community Engagement Policy 2010.</i></b></p> |  |  |
| <p><b><u>OM112707-8</u></b>      <b><u>INVESTMENT POLICY</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><i><u>Recommendation(s)</u></i></b></p> <p><b><i>That Council adopts the "Investment Policy No. 16.3".</i></b></p>                                                                                                                                     |  |  |

**Recommendation**

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

**MOVED**                                        .....

**SECONDED**                                        .....



**OM112707-2 COUNCIL POLICIES**

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

**Purpose**

The purpose of this report is to present for Council's adoption two policies:

- Community Reference Group Membership Policy
- Fencing for Events Policy

**Declaration of Interests**

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

**Background**

At the 25 May 2011 Council meeting, Council resolved that the draft "Community Reference Group Membership Policy" and the draft "Fencing for Events Policy" be endorsed for community consultation for a period of six weeks.

Community Reference Group Membership Policy

For certain projects, Community Reference Groups are required to be established to advise Council on a particular project. The policy provides guidelines for the establishment of these groups.

Fencing for Events Policy

The policy provides objective criteria for assessment to formalise the requirements for temporary fencing at events.

No feedback/submissions have been received on either policy however Council has received some general inquiries by phone and email in regard to the Fencing for Events Policy which have been responded to appropriately by Council officers.

**Council Plan / Other Strategies / Policy****Leadership and Governance**

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

**Issues / Options**Community Reference Group Members Policy

Over the past few months there have been three Community Reference Groups that have been established by Council.

23 February 2011 Council Meeting:

- Colac Central Business District and City Entrances Project Community Reference Group
- Birregurra Structure Plan and Neighbourhood Character Study Community Reference Group.

30 March 2011 Council Meeting:

- Colac Road Hierarchy and Heavy Vehicle Truck Route for Colac Township Community Reference Group.

As part of the discussions on these community reference groups it was agreed that a policy was to be developed on "Community Reference Group Membership".

The policy sets out:

- (a) Membership
- (b) Appointment of Community Members
- (c) Member's Responsibilities
- (d) Term of Reference Group
- (e) Quorum
- (f) Frequency of Meetings
- (g) Place of Meetings
- (h) Evaluation.

The policy also includes a template that can be adopted for specific projects when seeking to appoint community members.

#### Fencing for Events Policy

Discussion has been held regarding the approval of the fencing of Memorial Square (for a three year period for the Custom Car and Bike Show. The event organisers were required to gain permission from Council on an annual basis to erect the fence. It was resolved that a "*Fencing for Events Policy*" be formulated so that in future any requests for the fencing of events could be assessed against a set of objective criteria, rather than being decided on an ad-hoc basis.

The policy sets out criteria for the erection of temporary fencing.

#### **Mandatory:**

Events held on land that is owned or managed by the Colac Otway Shire:

- Temporary fencing to be erected for one day (not exceeding 24 hour period)
- Temporary fencing must be installed by a professional fencing company ensuring quality material and adequate insurance therefore mitigating risk
- Temporary fencing should give consideration to public toilet access
- Temporary fencing should give consideration to public playground access
- A risk assessment specific to the erection of the temporary fencing to be provided by the qualified installer.

#### **Other reasons for temporary fencing may include:**

- Events that require donations or fee obtained as a result of erecting the temporary fencing
- Events with temporary fencing that contribute to the positive control of patron behaviour i.e. alcohol related issues, improves security.

The policy also includes "An Application to Erect a Temporary Fence for an Event".

#### **Proposal**

It is proposed that Council adopts the two policies:

Policy No 12.6  
Policy No 18.1

Fencing for Events Policy  
Community Reference Group Membership Policy.

**Financial and Other Resource Implications**

There are no financial implications for the Colac Otway Shire.

**Risk Management & Compliance Issues**

All events requiring temporary fencing will need to undertake Council's event approval process which specifically addresses risk management and compliance issues relevant to the event.

**Environmental and Climate Change Considerations**

Not applicable.

**Community Engagement**

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

The method selected to date has been of inform and consult.

Discussions have been held with appropriate stakeholders. An advertisement was placed in the Colac Herald on Friday, 27 May 2011 indicating that written submissions on the draft policies would be accepted up to Friday, 8 July 2011.

No submissions were received on either policy.

**Implementation**

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

**Conclusion**

The policies will put in place processes for the appointment of Community Reference Group Members and for event organisers to erect fencing appropriately and further increase safety at events.

**Attachments**

1. Policy No. 12.6 - Fencing for Events Policy
2. Policy No. 18.1 - Community Reference Group Membership Policy

**Recommendation(s)**

***That Council adopts the following policies:***

- ***Policy No 12.6 – Fencing for Events Policy***
- ***Policy No 18.1 – Community Reference Group Membership Policy.***

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FENCING FOR EVENTS POLICY

Policy No: 12.6

Date Adopted: 27/7/11

File No: GEN01688

Revised:

1. PURPOSE

The purpose of this policy is to determine and clarify the requirements for the frequency, location and timing of erection of fencing. The presence of a fence can also contribute to improved safety aspects at the event for both entrants and spectators.

2. INTRODUCTION

Over the past 12 month period there have been 35 events conducted across the municipality requiring involvement of the Colac Otway Shire. Due to the increased number of events, some events may consider the need to construct a temporary fence for their event.

3. RELATIONSHIP TO COUNCIL PLAN

This report directly relates to Council's Corporate Plan objective of providing strategic direction to ensure sustainable economic development and quality lifestyle for our residents and visitors.

4. OBJECTIVES / PURPOSE

To develop a policy with objective criteria for assessment to formalise the requirements for temporary fencing at events. The majority of events in the Colac Otway Shire are mostly conducted in a building, sporting arena or local park. Some events may in the future develop plans that could require a fenced area for admission purposes.

5. DEFINITIONS (where required)**Event**

Any planned activity where any structure (permanent or temporary), open area, roadway, (fenced or unfenced) will contain a number of persons greater than that normally surrounding the area prior to, during or after the event.

Event Organiser

A commercial entity, community group or individual who undertakes the planning and/or implementation of an organised event.

Public Open Space

A **public space** is a social space such as a town square or park that is open and accessible to all, regardless of gender, race, ethnicity, age or socio-economic level.

6. POLICY

Requests for the erection of temporary fencing would be based on the following criteria:

Mandatory

Events held on land that is owned or managed by the Colac Otway Shire.

- Temporary fencing to be erected for one day (not exceeding a 24 hour period).
- Temporary fencing must be installed by a professional fencing company ensuring quality material and adequate insurance therefore mitigating risk.
- Temporary fencing should give consideration to public toilet access.
- Temporary fencing should give consideration to public playground access.
- A Risk Assessment specific to the erection of the temporary fencing to be provided by the qualified installer.

Other reasons for temporary fencing may include:

- Events that require donations or fee obtained as a result of erecting the temporary fencing.

- Events with temporary fencing that contribute to the positive control of patron behaviour i.e. alcohol related issues, improves security.

7. IMPLEMENTATION AND REVIEW

A temporary fence around a designated area would occur after consultation between the Event Organisers and a qualified temporary fencing contractor or volunteer. Plans and details would be submitted to the Colac Otway Shire in the Event Application process for approval by the E Team. The “Application to Erect a Temporary Fence for an Event”, is attached..

8. RELATED LEGISLATION (where appropriate)

Not applicable

9. RELATED POLICIES / PROCEDURES / GUIDELINES (where appropriate)

Event Application – Point 4

APPENDIX 1

Application to Erect a Temporary Fence for an Event.

| | | |
|---|--------------|---------------|
| Name of Contractor | | |
| Organisation or Event | | |
| Address | | |
| Phone | | |
| Email | | |
| Requested dates and times of use | Day/s | Time/s |
| | | |
| Reason for fencing | | |

The applicant must provide evidence of relevant insurances, and risk management assessments including:

- Copies of required insurances showing certificate of currency including a minimum \$10,000,000 public liability insurance;
- A Risk Management report including Occupational Health and Safety requirements and site specific potential hazard assessment;

TERMS & CONDITIONS

- (1) All required documentation must be provided in full at least three months prior to the event to approve suitable arrangements.
- (2) The applicant must adhere to the times and location on the application.
- (3) The applicant must upon removal of the fencing, must make good the site of any holes in the ground, marks on footpaths etc.
- (4) The applicant shall at all times during the allocated period of use insure and keep insured with an insurance company approved by the Council against public risk for an amount of not less than \$10 million.
- (5) Events may need to be re-scheduled or cancelled in the event of unforeseen weather conditions.

UNDERTAKING

I _____ of _____

hereby make application erecting a fence at the site stated above, for the dates and times specified and acknowledge having received and read the Terms and Conditions undertake to be bound by and comply with the Terms and Conditions.

SIGNATURE OF APPLICANT: _____

DATE: _____

DECLARATION:

The Colac Otway Shire Council collects personal information to provide a variety of community services. The information collected in this form is used only for the purposes contemplated by the form (primary purpose) and is not passed onto third parties. In some instances however, disclosure is required by law or is necessary for the protection of persons or property. Where this occurs, Council will take every reasonable step to ensure your privacy is protected in accordance with the Information Privacy Act 2000 (Vic). Should you need to change or access your personal details or require further information about Council's Privacy Policy contact our Privacy Officer on 5232 9400.



COMMUNITY REFERENCE GROUP MEMBERSHIP POLICY

Policy No: 18.11

Date Adopted: 27/7/11

File No: GEN01688

Revised:

1. INTRODUCTION

For certain projects, Community Reference Groups are required to be established to advise Council on the particular project.

A Community Reference Group is a vital part of Council's efforts to engage the public in the process of having input.

2. RELATIONSHIP WITH COUNCIL PLAN

The formation of Community Reference Groups is consistent with Council's vision and mission.

Council's Vision is:

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

Council's Mission is:

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

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

3. POLICY

(a) Membership

The membership of the Community Reference Group will be made up of:

Category One

Three (3) members of the Colac Otway Shire Council including but not limited to:

1. A Councillor (appointed by Council) (this membership will automatically take on the Chairperson role);
2. The Mayor or an alternate Councillor if there is a Conflict of Interest or lack of availability; and
3. The General Manager responsible for the project or their nominee.

A Council officer will be nominated to act as secretariat (preparation of agendas and minute taking) for the Group, but will not be a Group member.

From time to time Council officers with specialist skills and knowledge will be invited to attend the Group's meeting to provide specific advice or information.

Category Two

Up to ten (10) members of the general community with appropriate skills and/or interest, obtained by way of a written Expression of Interest.

(b) Appointment of Community Members

Community members will be selected by Council based on nominations from interested members of the Colac Otway Shire community following advertisements seeking Expressions of Interest.

Following receipt of Expressions of Interest, the Council representatives on the Group will be involved in the selection of the appropriate community representatives for recommendation to Council.

In determining representation, the Council representatives will have regard to broad community representation relevant to the issues involved.

Councillors will be briefed on the selection of representatives in a confidential briefing prior to the preparation of a report.

A report to formalise the Community Reference Group members to be presented to Council following the selection process.

(c) Members Responsibilities

The Group does not have the power to direct any Council officer to undertake any work.

Council may at its discretion, revoke the membership of any member or the entire Reference Group at any time.

(d) Term of Reference Group

The term of the Reference Group will be determined by the length of the particular project.

(e) Quorum

Quorum will be half the Group members plus one.

(f) Frequency of Meetings

The frequency of meetings will be determined by the Council representatives.

(g) Place of Meetings

The meetings will be held at COPACC or other locations as determined by the Council representatives.

(h) Evaluation

In order to monitor and evaluate the effectiveness of the Reference Group there will be an evaluation process undertaken by the members at the conclusion of the particular project.

4. EXPRESSION OF INTEREST

A standard Expression of Interest form is attached which is to be adapted to the particular project.



..... COMMUNITY REFERENCE GROUP

**EXPRESSION OF INTEREST
AS A COMMUNITY MEMBER**

1. Name: _____

Address: _____

Phone: (Home) _____ (Business) _____

Facsimile: _____

Email: _____

Professional Qualifications: _____

Current Position: _____

Previous Positions: _____

2. Current or previous experience in

**3. Please outline any specialist skills that you can offer the
Project.**

4. Organisations/local networks of which you are a member and positions held:

**5. Other relevant information (please also attach any supporting information
you may wish to submit).**

Enquiries should be directed to..... on (03) 5232 9400 or
email.....

Expressions of Interest should be placed in a sealed envelope and marked 'Confidential
– Colac Otway Shire Community Reference Group and posted to:

.....

.....

Colac Otway Shire Council
PO Box 283
COLAC VIC 3250

or deliver to the Colac Otway Shire Office no later than

DECLARATION:

The Colac Otway Shire Council collects personal information to provide a variety of community services. The information collected in this form is used only for the purposes contemplated by the form (primary purpose) and is not passed onto third parties. In some instances however, disclosure is required by law or is necessary for the protection of persons or property. Where this occurs, Council will take every reasonable step to ensure your privacy is protected in accordance with the Information Privacy Act 2000 (Vic). Should you need to change or access your personal details or require further information about Council's Privacy Policy contact our Privacy Officer on 5232 9400.

1, (full name) agree to comply with all relevant Colac Otway Shire policies, procedures and guidelines that are adopted by Council, if appointed to the Reference Group.

Signed..... Date

Selection Criteria

The following criteria will be used when selecting a group member for the Colac Otway Shire Reference Group.

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

OM112707-3

S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF COUNCIL STAFF UPDATE

| | | | |
|-------------|--------------------------------|-----------|---------------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN0460 Delegations |

Purpose

The purpose of this report is to update Council's Instrument of Delegation to Members of Council Staff.

Declaration of Interests

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

Background

Council must update its Instrument of Delegation to enable enforcement of the statutory powers and responsibilities required within changing legislation and confer these duties to the relevant staff. Council last updated the delegation in October 2010 to reflect legislative changes and is now required to make further amendments.

Council Plan / Other Strategies / Policy**Leadership and Governance**

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

Issues / Options

Council is required to have an updated Instrument of Delegation to staff as per legislation.

The Maddocks delegation package provides Council with legislative amendments required to the Instrument of Delegation since changes made by Council in October 2010.

Amendments to the provisions are required for:

- *Cemeteries and Crematoria Act 2003*
- *Environment Protection Act 1970*
- *Food Act 1984*
- *Planning and Environment Act 1987*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.*

The delegated officers column has also been reviewed and updated.

Proposal

That Council resolve to seal the revised Instrument. The complete document is attached.

Financial and Other Resource Implications

Not applicable.

Risk Management & Compliance Issues

Council is required to review all delegations and the Instrument of Delegation to Members of Council Staff to reflect changing legislation.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

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

To date the review of the Instrument of Delegation has involved consultation with the appropriate Managers.

Inform is the level of community engagement methodology appropriate for this process. The adopted Instrument of Delegation will be placed on the Intranet for staff reference.

Implementation

The Instrument of Delegation comes into force after adoption by Council and fixing of the Council seal and a signed copy is placed on the register.

Conclusion

The update provides the latest amendments as required.

Attachments

1. S6 Instrument of Delegation - Council to Members of Council Staff

Recommendation(s)

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.***
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time adopt.***

~~~~~\ ~~~~~

Maddocks Delegations and Authorisations

**S6. Instrument of Delegation – Members of Staff**

**Colac Otway Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

27 July 2011

S6. Instrument of Delegation – Members of Staff

### Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:

|         |                                                            |
|---------|------------------------------------------------------------|
| "BEA"   | means Building and Environment Administrator               |
| "CC"    | means Contracts Co-ordinator                               |
| "EHC"   | means Environmental Health Co-ordinator                    |
| "EHO"   | means Environmental Health Officer (FSO)                   |
| "EO"    | means Environment Officer                                  |
| "EP"    | means Environment Planner                                  |
| "GMCCS" | means General Manager Corporate and Community Services     |
| "GMSPD" | means General Manager Sustainable Planning and Development |
| "GMIS"  | means General Manager Infrastructure and Services          |
| "LLC"   | means Local Laws Co-ordinator                              |
| "LLO"   | means Local Laws Officer                                   |
| "MBS"   | means Municipal Building Surveyor                          |
| "MCW"   | means <u>Manager Capital Works</u>                         |
| "MCWS"  | means <u>Manager Cosworks</u>                              |
| "MECS"  | means Manager Environment & Community Safety               |
| "MFCS"  | means Manager Finance & Customer Services                  |
| "MFPO"  | means Municipal Fire Prevention Officer                    |
| "MHCS"  | means Manager Health & Community Services                  |
| "MPB"   | means Manager Planning and Building                        |
| "MSA"   | means Manager Sustainable Assets                           |
| "PA"    | means Planning Assistant                                   |
| "PC"    | means Planning Co-ordinator                                |
| "PCofC" | means Planning Committee of Council                        |
| "PRC"   | means Property & Rates Co-ordinator                        |
| "PLO"   | means Planning Officer (inc. Planning Enforcement Officer) |

Deleted: Manager Cosworks

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on .
  - 3.2 the delegation:
    - 3.1.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.1.2 remains in force until varied or revoked;
    - 3.1.3 is subject to any conditions and limitations set out in the Schedule; and
    - 3.1.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

Deleted: 27 October 2010

S6. Instrument of Delegation – Members of Staff

27 July 2011



This Delegation was amended by Resolution of the Colac Otway Shire Council on

THE COMMON SEAL of the )  
COLAC OTWAY SHIRE COUNCIL was )  
hereunto affixed in the presence of: )

.....  
Chief Executive Officer

Deleted: 27 October 2010

| S6. Instrument of Delegation – Members of Staff

27 July 2011

\*

**SCHEDULE**

| S6. Instrument of Delegation – Members of Staff

27 July 2011

Deleted: 27 October 2010

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S6. Instrument of Delegation – Members of Staff

27 July 2011

1

| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                                                                |                      |                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------------------|
| Column 1                                                                                                                                                     | Column 2                                                                                                                                                       | Column 3             | Column 4                                                                                                    |
| PROVISION                                                                                                                                                    | THING DELEGATED                                                                                                                                                | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                    |
| s.8(1)(a)(ii)                                                                                                                                                | power to manage one or more public cemeteries                                                                                                                  | PRC<br>GMCCS<br>MFCS | <ul style="list-style-type: none"> <li>where appointed to manage cemetery by Governor in Council</li> </ul> |
| s.12(1)                                                                                                                                                      | function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act. | PRC<br>GMCCS<br>MFCS | where Council is a Class B cemetery trust                                                                   |
| s.12(2)                                                                                                                                                      | duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions.                                                                  | PRC<br>GMCCS<br>MFCS | where Council is a Class B cemetery trust                                                                   |
| s.13                                                                                                                                                         | duty to do anything necessary or convenient to enable it to carry out its functions                                                                            | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.14                                                                                                                                                         | power to manage multiple public cemeteries as if they are one cemetery                                                                                         | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.15(1) and (2)                                                                                                                                              | power to delegate powers or functions other than those listed                                                                                                  | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.15(4)                                                                                                                                                      | duty to keep records of delegations                                                                                                                            | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.17(1)                                                                                                                                                      | power to employ any persons necessary                                                                                                                          | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.17(2)                                                                                                                                                      | power to engage any professional, technical or other assistance considered necessary                                                                           | PRC<br>GMCCS<br>MFCS |                                                                                                             |

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27 July 2011

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

2

| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                         |                      |                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------------------|
| Column 1                                                                                                                                                            | Column 2                                                                                | Column 3             | Column 4                                                                                                    |
| PROVISION                                                                                                                                                           | THING DELEGATED                                                                         | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                    |
| s.17(3)                                                                                                                                                             | power to determine the terms and conditions of employment or engagement                 | PRC<br>GMCCS<br>MFCS | subject to any guidelines or directions of the Secretary                                                    |
| s.18(3)                                                                                                                                                             | duty to comply with a direction from the Secretary                                      | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.19                                                                                                                                                                | power to carry out or permit the carrying out of works                                  | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.20(1)                                                                                                                                                             | duty to set aside areas for the interment of human remains                              | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.20(2)                                                                                                                                                             | power to set aside areas for the purposes of managing a public cemetery                 | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.20(3)                                                                                                                                                             | power to set aside areas for those things in paragraphs (a) – (e)                       | PRC<br>GMCCS<br>MFCS |                                                                                                             |
| s.21(1)                                                                                                                                                             | power to establish and operate a crematorium in a public cemetery                       | PRC<br>GMCCS<br>MFCS | Council must not establish or operate a crematorium set aside for particular religious or community groups. |
| s.22                                                                                                                                                                | power to establish mausolea facilities                                                  | PRC<br>GMCCS<br>MFCS | subject to the prior written approval of the secretary                                                      |
| s.24(2)                                                                                                                                                             | power to apply to the Secretary for approval to alter the existing distribution of land | PRC<br>GMCCS<br>MFCS |                                                                                                             |

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27 July 2011

S6. Instrument of Delegation – Members of Staff

3

| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                            |                      |                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                                                                                                                                                            | Column 2                                                                                                                   | Column 3             | Column 4                                                                                                                                                                                                                                                       |
| PROVISION                                                                                                                                                           | THING DELEGATED                                                                                                            | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                       |
| s.26(1)                                                                                                                                                             | power to make rules for or with respect to the general care, protection and management of a public cemetery                | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                                                                                                                |
| s.36                                                                                                                                                                | power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section | PRC<br>GMCCS<br>MFCS | subject to the approval of the Minister                                                                                                                                                                                                                        |
| s.37                                                                                                                                                                | power to grant leases over land in a public cemetery in accordance with this section                                       | PRC<br>GMCCS<br>MFCS | subject to the Minister approving the purpose                                                                                                                                                                                                                  |
| s.39(1)                                                                                                                                                             | power to fix fees and charges or a scale of fees and charges for its services in accordance with this section              | PRC<br>GMCCS<br>MFCS | Subject to the Minister approving the purpose                                                                                                                                                                                                                  |
| s.39(3)                                                                                                                                                             | power to fix different fees and charges for different cases or classes of cases                                            | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                                                                                                                |
| s.40                                                                                                                                                                | duty to notify Secretary of fees and charges fixed under section 39                                                        | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                                                                                                                |
| s.45                                                                                                                                                                | power to invest money                                                                                                      | PRC<br>GMCCS<br>MFCS | subject to any direction of the Minister. This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case the borrowing and investment powers are governed by the Local Government Act 1989. |

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27 July 2011

S6. Instrument of Delegation – Members of Staff

4

| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                                        |                      |                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                                                                                                                                                     | Column 2                                                                                                                               | Column 3             | Column 4                                                                                                                                                                                                                                                                         |
| <b>PROVISION</b>                                                                                                                                             | <b>THING DELEGATED</b>                                                                                                                 | <b>DELEGATE</b>      | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                              |
| s.46                                                                                                                                                         | power to borrow money to enable it to perform its functions and exercise its powers.                                                   | PRC<br>GMCCS<br>MFCS | subject to the approval and conditions of the Treasurer.<br>This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case the borrowing and investment powers are governed by the Local Government Act 1989. |
| s.47                                                                                                                                                         | power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery | PRC<br>GMCCS<br>MFCS | provided the street was constructed pursuant to the Local Government Act 1989                                                                                                                                                                                                    |
| s.57(1)                                                                                                                                                      | duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act                         | PRC<br>GMCCS<br>MFCS | applies only to municipal councils, not cemetery trusts.<br>Report must contain the particulars listed in s.57(2)                                                                                                                                                                |
| s.59                                                                                                                                                         | duty to keep records for each public cemetery                                                                                          | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                                                                                                                                  |
| s.60(1)                                                                                                                                                      | duty to make information in records available to the public for historical or research purposes                                        | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                                                                                                                                  |
| s.60(2)                                                                                                                                                      | power to charge fees for providing information                                                                                         | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                                                                                                                                  |

Deleted: (2)(b)  
Deleted: duty to comply with conditions imposed by the Treasurer

Deleted: Subject to Budget process

Deleted: 27 October 2010

27 July 2011

S6. Instrument of Delegation – Members of Staff

5

| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                                 |                      |                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------|
| Column 1                                                                                                                                                            | Column 2                                                                                                                        | Column 3             | Column 4                                                               |
| PROVISION                                                                                                                                                           | THING DELEGATED                                                                                                                 | DELEGATE             | CONDITIONS & LIMITATIONS                                               |
| s.64(4)                                                                                                                                                             | duty to comply with a direction from the Secretary under section 64(3)                                                          | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.64B(d)                                                                                                                                                            | power to permit interments at a reopened cemetery                                                                               | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.66(1)                                                                                                                                                             | power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park                 | PRC<br>GMCCS<br>MFCS | the application must include the requirements listed in s.66(2)(a)-(d) |
| s.69                                                                                                                                                                | duty to take reasonable steps to notify of conversion to historic cemetery park                                                 | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.70(1)                                                                                                                                                             | duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.70(2)                                                                                                                                                             | duty to make plans of existing place of interment available to the public                                                       | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.71(1)                                                                                                                                                             | power to remove any memorials or other structures in an area to which an approval to convert applies                            | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.71(2)                                                                                                                                                             | power to dispose of any memorial or other structure removed                                                                     | PRC<br>GMCCS<br>MFCS |                                                                        |
| s.72(2)                                                                                                                                                             | duty to comply with request received under section 72                                                                           | PRC<br>GMCCS<br>MFCS |                                                                        |

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S6. Instrument of Delegation – Members of Staff



6

| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                                                      |                      |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| Column 1                                                                                                                                                     | Column 2                                                                                                                                             | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                    | THING DELEGATED                                                                                                                                      | DELEGATE             | CONDITIONS & LIMITATIONS |
| s.73(1)                                                                                                                                                      | power to grant a right of interment                                                                                                                  | PRC<br>GMCCS<br>MFCS |                          |
| s.73(2)                                                                                                                                                      | power to impose conditions on the right of interment                                                                                                 | PRC<br>GMCCS<br>MFCS |                          |
| s.75                                                                                                                                                         | power to grant the rights of interment set out in subsections (a) and (b)                                                                            | PRC<br>GMCCS<br>MFCS |                          |
| s.76(3)                                                                                                                                                      | duty to allocate a piece of interment if an unallocated right is granted                                                                             | PRC<br>GMCCS<br>MFCS |                          |
| s.77(4)                                                                                                                                                      | power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application | PRC<br>GMCCS<br>MFCS |                          |
| s.80(1)                                                                                                                                                      | function of receiving notification and payment of transfer of right of interment                                                                     | PRC<br>GMCCS<br>MFCS |                          |
| s.80(2)                                                                                                                                                      | function of recording transfer of right of interment                                                                                                 | PRC<br>GMCCS<br>MFCS |                          |
| s.82(2)                                                                                                                                                      | duty to pay refund on the surrender of an unexercised right of interment                                                                             | PRC<br>GMCCS<br>MFCS |                          |
| s.83(2)                                                                                                                                                      | duty to pay refund on the surrender of an unexercised right of interment (sold holder)                                                               | PRC<br>GMCCS<br>MFCS |                          |

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S6. Instrument of Delegation – Members of Staff

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| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                                        |                      |                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                                                                                                                                                     | Column 2                                                                                                                               | Column 3             | Column 4                                                                                                                                                        |
| PROVISION                                                                                                                                                    | THING DELEGATED                                                                                                                        | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                                                                        |
| s.83(3)                                                                                                                                                      | power to remove any memorial and grant another right of interment for a surrendered right of interment                                 | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.84(1)                                                                                                                                                      | function of receiving notice of surrendering an entitlement to a right of interment                                                    | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.85(1)                                                                                                                                                      | duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry                                     | PRC<br>GMCCS<br>MFCS | the notice must be in writing and contain the requirements listed in s.85(2)                                                                                    |
| s.86                                                                                                                                                         | power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.87(3)                                                                                                                                                      | duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment                  | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.88                                                                                                                                                         | function to receive applications to carry out a life and reposition procedure at a place of interment                                  | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.89(1)                                                                                                                                                      | power to approve or refuse an application for a lift and re-position procedure in accordance with sub-section (2) & (3)                | PRC<br>GMCCS<br>MFCS | <ul style="list-style-type: none"> <li>Can only be delegated to members of a committee established under section 86 of the Local Government Act 1989</li> </ul> |

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S6. Instrument of Delegation – Members of Staff

| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                                                                               |                      |                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                                                                                                                                                     | Column 2                                                                                                                                                                      | Column 3             | Column 4                                                                                                                                                        |
| PROVISION                                                                                                                                                    | THING DELEGATED                                                                                                                                                               | DELEGATE             | CONDITIONS & LIMITATIONS                                                                                                                                        |
| s.90                                                                                                                                                         | power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d)                                    | PRC<br>GMCCS<br>MFCS | <ul style="list-style-type: none"> <li>Can only be delegated to members of a committee established under section 86 of the Local Government Act 1989</li> </ul> |
| s.91(1)                                                                                                                                                      | power to cancel a right of interment in accordance with this section                                                                                                          | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.91(3)                                                                                                                                                      | duty to publish notice of intention to cancel right of interment                                                                                                              | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.92                                                                                                                                                         | power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment                         | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.98(1)                                                                                                                                                      | function of receiving application to establish or alter a memorial or a place of interment                                                                                    | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.99                                                                                                                                                         | power to approve or refuse an application made under section 98 or to cancel an approval                                                                                      | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |
| s.99(4)                                                                                                                                                      | duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested | PRC<br>GMCCS<br>MFCS |                                                                                                                                                                 |

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S6. Instrument of Delegation – Members of Staff

| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                         |                      |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| Column 1                                                                                                                                                     | Column 2                                                                                                                | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                    | THING DELEGATED                                                                                                         | DELEGATE             | CONDITIONS & LIMITATIONS |
| s.100(1)                                                                                                                                                     | power to require a person to remove memorials or places of interment                                                    | PRC<br>GMCCS<br>MFCS |                          |
| s.100(2)                                                                                                                                                     | power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1) | PRC<br>GMCCS<br>MFCS |                          |
| s.100(3)                                                                                                                                                     | power to recover costs of taking action under section 100(2)                                                            | PRC<br>GMCCS<br>MFCS |                          |
| s.101                                                                                                                                                        | function of receiving applications to establish or alter a building for ceremonies in the cemetery                      | PRC<br>GMCCS<br>MFCS |                          |
| s.102(1)                                                                                                                                                     | power to approve or refuse (if satisfied of the matters in (b) and (c)) an application under section 101                | PRC<br>GMCCS<br>MFCS |                          |
| S.102(2)&(3)                                                                                                                                                 | power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)                 | PRC<br>GMCCS<br>MFCS |                          |
| s.103(1)                                                                                                                                                     | power to require a person to remove a building for ceremonies                                                           | PRC<br>GMCCS<br>MFCS |                          |
| s.103(2)                                                                                                                                                     | power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)            | PRC<br>GMCCS<br>MFCS |                          |

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S6. Instrument of Delegation – Members of Staff

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| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                                                                                |                      |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| Column 1                                                                                                                                                            | Column 2                                                                                                                                                                       | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                           | THING DELEGATED                                                                                                                                                                | DELEGATE             | CONDITIONS & LIMITATIONS |
| s.103(3)                                                                                                                                                            | power to recover costs of taking action under section 103(2)                                                                                                                   | PRC<br>GMCCS<br>MFCS |                          |
| s.106(1)                                                                                                                                                            | power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs             | PRC<br>GMCCS<br>MFCS |                          |
| s.106(2)                                                                                                                                                            | power to require the holder of the right of interment to provide for an examination                                                                                            | PRC<br>GMCCS<br>MFCS |                          |
| s.106(3)                                                                                                                                                            | power to open and examine the place of interment if section 106(2) not complied with                                                                                           | PRC<br>GMCCS<br>MFCS |                          |
| s.106(4)                                                                                                                                                            | power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with | PRC<br>GMCCS<br>MFCS |                          |
| s.107(1)                                                                                                                                                            | power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs                                                         | PRC<br>GMCCS<br>MFCS |                          |
| s.107(2)                                                                                                                                                            | power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with                                               | PRC<br>GMCCS<br>MFCS |                          |

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S6. Instrument of Delegation – Members of Staff

| <b>CEMETERIES AND CREMATORIA ACT 2003</b><br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(iii) of this Act |                                                                                                                                                                  |                      |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------|
| Column 1                                                                                                                                                             | Column 2                                                                                                                                                         | Column 3             | Column 4                                                                     |
| PROVISION                                                                                                                                                            | THING DELEGATED                                                                                                                                                  | DELEGATE             | CONDITIONS & LIMITATIONS                                                     |
| s.108                                                                                                                                                                | power to recover costs and expenses                                                                                                                              | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.109(1)(a)                                                                                                                                                          | power to open, examine and repair a place of interment                                                                                                           | PRC<br>GMCCS<br>MFCS | where the holder of right of interment or responsible person cannot be found |
| s.109(1)(b)                                                                                                                                                          | power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial                                                         | PRC<br>GMCCS<br>MFCS | where the holder of right of interment or responsible person cannot be found |
| s.109(2)                                                                                                                                                             | power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies                    | PRC<br>GMCCS<br>MFCS | where the holder of right of interment or responsible person cannot be found |
| s.110(1)                                                                                                                                                             | power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.110(2)                                                                                                                                                             | power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary         | PRC<br>GMCCS<br>MFCS |                                                                              |
| s.111                                                                                                                                                                | power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment                                               | PRC<br>GMCCS<br>MFCS |                                                                              |

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S6. Instrument of Delegation – Members of Staff

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| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(ii) of this Act |                                                                                                                       |                      |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| Column 1                                                                                                                                                     | Column 2                                                                                                              | Column 3             | Column 4                 |
| PROVISION                                                                                                                                                    | THING DELEGATED                                                                                                       | DELEGATE             | CONDITIONS & LIMITATIONS |
| s.112                                                                                                                                                        | power to sell and supply memorials                                                                                    | PRC<br>GMCCS<br>MFCS |                          |
| s.116(4)                                                                                                                                                     | duty to notify the Secretary of an interment authorisation granted                                                    | PRC<br>GMCCS<br>MFCS |                          |
| s.116(5)                                                                                                                                                     | power to require an applicant to produce evidence of the right of interment holder's consent to application           | PRC<br>GMCCS<br>MFCS |                          |
| s.118                                                                                                                                                        | power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met    | PRC<br>GMCCS<br>MFCS |                          |
| s.119                                                                                                                                                        | power to set terms and conditions for interment authorisations                                                        | PRC<br>GMCCS<br>MFCS |                          |
| s.131                                                                                                                                                        | function of receiving an application for cremation authorisation                                                      | PRC<br>GMCCS<br>MFCS |                          |
| s.133(1)                                                                                                                                                     | duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with | PRC<br>GMCCS<br>MFCS |                          |
| s.145                                                                                                                                                        | duty to comply with an order made by the Magistrates' Court or a coroner                                              | PRC<br>GMCCS<br>MFCS |                          |

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S6. Instrument of Delegation – Members of Staff

| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(iii) of this Act |                                                                                                                                            |                      |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------------|
| Column 1                                                                                                                                                      | Column 2                                                                                                                                   | Column 3             | Column 4                                  |
| PROVISION                                                                                                                                                     | THING DELEGATED                                                                                                                            | DELEGATE             | CONDITIONS & LIMITATIONS                  |
| s.146                                                                                                                                                         | power to dispose of bodily remains by a method other than interment or cremation with the approval of the Secretary                        | PRC<br>GMCCS<br>MFCS | subject to the approval of the Secretary  |
| s.147                                                                                                                                                         | power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation                    | PRC<br>GMCCS<br>MFCS |                                           |
| s.149                                                                                                                                                         | duty to cease using method of disposal if approval revoked by the Secretary                                                                | PRC<br>GMCCS<br>MFCS |                                           |
| s.150 & 152(1)                                                                                                                                                | power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met                           | PRC<br>GMCCS<br>MFCS |                                           |
| s.151                                                                                                                                                         | function of receiving an application to inter or cremate body parts                                                                        | PRC<br>GMCCS<br>MFCS |                                           |
| s.152(2)                                                                                                                                                      | power to impose terms and conditions on authorisation granted under section 150                                                            | PRC<br>GMCCS<br>MFCS |                                           |
| Schedule 1A<br>Clause 8(3)                                                                                                                                    | power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication | PRC<br>GMCCS<br>MFCS | where Council is a Class B cemetery trust |

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S6. Instrument of Delegation – Members of Staff



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| CEMETERIES AND CREMATORIA ACT 2003<br>The provisions of this Act apply to Councils appointed as a cemetery trust pursuant to section 8(1)(a)(iii) of this Act |                                                             |                                         |                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------|
| Column 1                                                                                                                                                      | Column 2                                                    | Column 3                                | Column 4                                                                                                |
| <b>PROVISION</b><br>Schedule 1<br>Clause 8(8)                                                                                                                 | <b>THING DELEGATED</b><br>power to regulate own proceedings | <b>DELEGATE</b><br>PRC<br>GMCCS<br>MFCS | <b>CONDITIONS &amp; LIMITATIONS</b><br>where Council is a Class B cemetery trust<br>subject to clause 8 |

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S6. Instrument of Delegation – Members of Staff

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

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S6. Instrument of Delegation – Members of Staff

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| ENVIRONMENT PROTECTION ACT 1970 |                                                                   |                                          |                                                           |
|---------------------------------|-------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------|
| Column 1                        | Column 2                                                          | Column 3                                 | Column 4                                                  |
| PROVISION                       | THING DELEGATED                                                   | DELEGATE                                 | CONDITIONS & LIMITATIONS                                  |
| s.53M(3)                        | power to require further information                              | MHCS<br>EHC<br>EHO<br>MECS<br>LLC<br>LLO |                                                           |
| s.53M(4)                        | duty to advise applicant that application is not to be dealt with | MHCS<br>EHC<br>EHO<br>MECS<br>LLC<br>LLO |                                                           |
| s.53M(5)                        | duty to approve plans, issue permit or refuse permit              | MHCS<br>EHC<br>EHO                       | refusal must be ratified by Council or it is of no effect |
| s.53M(6)                        | power to refuse to issue septic tank permit                       | MHCS<br>EHC<br>EHO                       | refusal must be ratified by Council or it is of no effect |
| s.53M(7)                        | duty to refuse to issue a permit in circumstances in (a)-(c)      | MHCS<br>EHC<br>EHO                       | refusal must be ratified by Council or it is of no effect |

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S6. Instrument of Delegation – Members of Staff

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

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S6. Instrument of Delegation – Members of Staff

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

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S6. Instrument of Delegation – Members of Staff

| FOOD ACT 1984   |                                                                                                                                                                               |                    |                                                                                                                      |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------|
| Column 1        | Column 2                                                                                                                                                                      | Column 3           | Column 4                                                                                                             |
| PROVISION       | THING DELEGATED                                                                                                                                                               | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                             |
| s.19M(4)(a)&(5) | power to conduct a food safety audit and take actions where deficiencies are identified                                                                                       | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                          |
| s.19N           | function of receiving information from a food safety auditor                                                                                                                  | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                          |
| s.19NA(1)       | power to request food safety audit reports                                                                                                                                    | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                          |
| s.19U(3)        | power to waive and vary the costs of a food safety audit if there are special circumstances                                                                                   | MHCS<br>EHC<br>EHO |                                                                                                                      |
| s.19U(4)        | duty to ensure that information relating to costs of a food safety audit are available for inspection by the public                                                           | MHCS<br>EHC<br>EHO |                                                                                                                      |
| s.19UA          | power to charge fees for conducting a food safety assessment or inspection                                                                                                    | MHCS<br>EHC<br>EHO | Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39 |
| s.19UA(4)       | duty to consider proprietor's history of compliance in deciding whether to charge the fee                                                                                     | MHCS<br>EHC<br>EHO |                                                                                                                      |
| s.19UA(5)       | duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public | MHCS<br>EHC<br>EHO |                                                                                                                      |

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S6. Instrument of Delegation – Members of Staff

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| FOOD ACT 1984 |                                                                                                                                                                                        |                    |                                                                                                                                       |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Column 1      | Column 2                                                                                                                                                                               | Column 3           | Column 4                                                                                                                              |
| PROVISION     | THING DELEGATED                                                                                                                                                                        | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                                              |
| s. 19W        | power to direct a proprietor of a food premises to comply with any requirement under Part IIIB                                                                                         | MHCS<br>EHC<br>EHO | power of registration authority                                                                                                       |
| s. 19W(3)(a)  | power to direct a proprietor of a food premises to have staff at the premises undertake training or induction                                                                          | MHCS<br>EHC<br>EHO | power of registration authority                                                                                                       |
| s. 19W(3)(b)  | power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | MHCS<br>EHC<br>EHO | power of registration authority                                                                                                       |
| --            | power to register, renew or transfer registration                                                                                                                                      | MHCS<br>EHC<br>EHO | Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council (see sec.58A(2)) |
| s.35A         | function of registering food premises                                                                                                                                                  | MHCS<br>EHC<br>EHO |                                                                                                                                       |
| s.35B(1)      | power to recognise, in writing, the registration of another registration authority for a specified temporary or mobile food premises                                                   | MHCS<br>EHC<br>EHO |                                                                                                                                       |
| s.38(3)       | duty to consult with the secretary about the proposed exemption under section 38(2)                                                                                                    | MHCS<br>EHC<br>EHO |                                                                                                                                       |
| s.38AA(2)     | Function of being notified of operation                                                                                                                                                | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                                           |

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| FOOD ACT 1984 |                                                                                                                                            |                    |                                             |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------|
| Column 1      | Column 2                                                                                                                                   | Column 3           | Column 4                                    |
| PROVISION     | THING DELEGATED                                                                                                                            | DELEGATE           | CONDITIONS & LIMITATIONS                    |
| s.38AA(4)     | duty to determine whether the food premises are exempt from the requirement of registration                                                | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.38AA(5)     | power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.38AB(4)     | power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)              | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.38A(4)      | Power to request a copy of a completed food safety program template                                                                        | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.38B(1)(a)   | duty to assess the application and determine which class of food premises under section 19C the food premises belongs                      | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.38B(1)(b)   | duty to ensure proprietor has complied with requirements of section 38A                                                                    | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.38B(1)(c)   | duty to inspect premises                                                                                                                   | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.38B(2)      | duty to be satisfied of the matters in section 38B(2)(a)-(b)                                                                               | MHCS<br>EHC<br>EHO | Where Council is the registration authority |

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| FOOD ACT 1984 |                                                                                                                            |                    |                                                                                                                     |
|---------------|----------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------|
| Column 1      | Column 2                                                                                                                   | Column 3           | Column 4                                                                                                            |
| PROVISION     | THING DELEGATED                                                                                                            | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                            |
| s.38D(1)      | duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39 | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38D(2)      | duty to be satisfied of the matters in section 38D(2)(a)-(d)                                                               | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38D(3)      | power to request copies of any audit reports                                                                               | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38E(1)(c)   | function of assessing the requirement for a food safety program                                                            | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38E(2)      | power to register the food premises on a conditional basis                                                                 | MHCS<br>EHC<br>EHO | Where Council is the registration authority<br>Not exceeding the prescribed time limit defined under subsection (5) |
| s.38E(3)(a)   | function of receiving certificates                                                                                         | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38E(4)      | duty to register the food premises when conditions are satisfied                                                           | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38F(3)(a)   | duty to note the change to the classification of the food premises on the certificate of registration                      | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |
| s.38F(3)(b)   | power to require proprietor to comply with requirements of this Act                                                        | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                                         |

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| FOOD ACT 1984 |                                                                                                                                                                 |                    |                                                                                                   |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------|
| Column 1      | Column 2                                                                                                                                                        | Column 3           | Column 4                                                                                          |
| PROVISION     | THING DELEGATED                                                                                                                                                 | DELEGATE           | CONDITIONS & LIMITATIONS                                                                          |
| s.39(2)       | duty to inspect within 12 months before renewal of registration                                                                                                 | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                       |
| s.39(3)       | duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(d) apply                                                   | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                       |
| s.39A         | power to register, renew or transfer food premises despite minor defects                                                                                        | MHCS<br>EHC<br>EHO | Where Council is the registration authority Only if satisfied of matters in subsections (2)a)-(c) |
| s.39A(6)      | duty to comply with direction of Secretary                                                                                                                      | MHCS<br>EHC<br>EHO |                                                                                                   |
| s.40(1)       | duty to issue a certificate of registration in the prescribed form                                                                                              | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                       |
| s.40(2)       | power to incorporate the certificate of registration in one document with any certificate of registration under the <i>Public Health and Wellbeing Act 2008</i> | MHCS<br>EHC<br>EHO |                                                                                                   |
| s.40C(2)      | power to grant or renew the registration of food premises for a period less than 1 year                                                                         | MHCS<br>EHC<br>EHO | Where Council is the registration authority                                                       |
| s.40D(1)      | power to suspend or revoke the registration of food premises                                                                                                    | MHCS<br>EHC        | Where Council is the registration authority                                                       |
| s.40D(2)      | duty to specify how long a suspension is to last under s.40D(1)                                                                                                 | MHCS<br>EHC        | Where Council is the registration authority                                                       |

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| FOOD ACT 1984   |                                                                                                                                                                                                                                                                                  |                    |                                             |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------|
| Column 1        | Column 2                                                                                                                                                                                                                                                                         | Column 3           | Column 4                                    |
| PROVISION       | THING DELEGATED                                                                                                                                                                                                                                                                  | DELEGATE           | CONDITIONS & LIMITATIONS                    |
| s.40E(4)        | duty to comply with direction of Secretary                                                                                                                                                                                                                                       | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.43(1) and (2) | duty to maintain records of the prescribed particulars and orders in force under Part III                                                                                                                                                                                        | MHCS<br>EHC        | Where Council is the registration authority |
| s.43(3)         | duty to make available information held in records, free of charge, on request                                                                                                                                                                                                   | MHCS<br>EHC<br>EHO | Where Council is the registration authority |
| s.46(5)         | power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution without proceedings first being instituted against the person first charged | MHCS<br>EHC<br>EHO | Where Council is the registration authority |

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

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                     |                                 |                               |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------|
| Column 1                          | Column 2                                                                                                                                                                            | Column 3                        | Column 4                      |
| PROVISION                         | THING DELEGATED                                                                                                                                                                     | DELEGATE                        | CONDITIONS & LIMITATIONS      |
| s.4B                              | power to prepare an amendment to the Victoria Planning Provisions                                                                                                                   | PCofC<br>GMSPD<br>PC<br>MPB     | if authorised by the Minister |
| s.4G                              | function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister                                                                         | GMSPD<br>PC<br>MPB              |                               |
| s.4H                              | duty to make amendment to Victorian Planning Provisions available                                                                                                                   | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                               |
| s.4I                              | duty to keep Victoria Planning Provisions and other documents available                                                                                                             | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                               |
| s.8A(3)                           | power to apply to Minister to prepare an amendment to the planning scheme                                                                                                           | PCofC<br>GMSPD<br>PC<br>MPB     |                               |
| s.11(3)(b)                        | duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation                                                                        | GMSPD<br>PC<br>MPB              |                               |
| s.12A (1)                         | duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s.19 of the Planning and Environment (Planning Schemes) Act 1996) | PCofC<br>GMSPD<br>PC<br>MPB     |                               |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                               |                                           |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                      | Column 3                                  | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                               | DELEGATE                                  | CONDITIONS & LIMITATIONS |
| s.12(3)                           | power to carry out studies and do things to ensure proper use of land in which Council is the planning authority and consult with other persons to ensure co-ordination of planning scheme with these persons | PCofC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                          |
| s.12B(1)                          | duty to review planning scheme                                                                                                                                                                                | PCofC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                          |
| s.12B(2)                          | Duty to review planning scheme at direction of Minister                                                                                                                                                       | PCofC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                          |
| s.12B(5)                          | duty to report findings of review of planning scheme to Minister without delay.                                                                                                                               | PCofC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                         |                                                  |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                | Column 3                                         | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                         | DELEGATE                                         | CONDITIONS & LIMITATIONS |
| s.14                              | Duties of a Responsible Authority as set out in subsections (a) to (d)                                                                                                  | PCofC<br>GMSPD<br>PC<br>PLO<br>EP<br>MPB<br>MECS |                          |
| s.17(1)                           | duty of giving copy amendment to the planning scheme                                                                                                                    | GMSPD<br>PC<br>MPB<br>PLO<br>PA                  |                          |
| s.17(2)                           | duty of giving copy s.173 agreement                                                                                                                                     | GMSPD<br>PC<br>PLO<br>MPB<br>PA<br>EP<br>MECS    |                          |
| s.18                              | duty to make amendment etc. available                                                                                                                                   | GMSPD<br>PC<br>MPB<br>PLO<br>PA                  |                          |
| s.19                              | power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | GMSPD<br>PC<br>MPB                               |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                        |                                               |                          |
|-----------------------------------|------------------------------------------------------------------------|-----------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                               | Column 3                                      | Column 4                 |
| PROVISION                         | THING DELEGATED                                                        | DELEGATE                                      | CONDITIONS & LIMITATIONS |
| s.20(1)                           | power to apply to Minister for exemption from the requirements of s 19 | PCofC<br>GMSPD<br>PC<br>MPB                   |                          |
| s.21 (2)                          | duty to make submissions available                                     | GMSPD<br>PC<br>MPB<br>PLO<br>PA<br>EP<br>MECS |                          |
| s.21A(4)                          | duty to publish notice in accordance with section                      | GMSPD<br>PC<br>MPB<br>PLO<br>PA<br>EP<br>MECS |                          |
| s.22                              | duty to consider all submissions                                       | PCofC<br>GMSPD<br>PC<br>MPB                   |                          |
| s.23(2)                           | power to refer submissions to a panel                                  | PCofC<br>GMSPD<br>PC<br>MPB                   |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                      |                                 |                          |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                             | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                      | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.24                              | function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.26(1)                           | power to make report available for inspection                                                                        | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                          |
| s.26(2)                           | duty to keep report of panel available for inspection                                                                | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                          |
| s.27 (2)                          | power to apply for exemption if panel's report not received                                                          | PCofC<br>GMSPD<br>PC<br>MPB     |                          |
| s.28                              | duty to notify the Minister if abandoning an amendment                                                               | GMSPD<br>PC<br>MPB              |                          |
| s.30(4)(a)                        | duty to say if amendment has lapsed                                                                                  | GMSPD<br>PC<br>MPB              |                          |
| s.30(4)(b)                        | duty to provide information in writing upon request                                                                  | GMSPD<br>PC<br>MPB              |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                       |                             |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| Column 1                          | Column 2                                                                                              | Column 3                    | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                       | DELEGATE                    | CONDITIONS & LIMITATIONS |
| s.31                              | duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B)               | GMSPD<br>PC<br>MPB          |                          |
| s.32(2)                           | duty to give more notice if required                                                                  | GMSPD<br>PC<br>MPB          |                          |
| s.33(1)                           | duty to give more notice of changes to an amendment                                                   | GMSPD<br>PC<br>MPB          |                          |
| s.35A(2)                          | duty to not approve an amendment under s.35B unless the amendment has been certified by the Secretary | GMSPD<br>PC<br>MPB          |                          |
| s.35B(1)                          | power to approve amendment in form certified under s.35A                                              | PCofC<br>GMSPD<br>PC<br>MPB |                          |
| s.35B(2)                          | duty to give to Minister notice of approval, copy of approved amendment and other documents           | PCofC<br>GMSPD<br>PC<br>MPB |                          |
| s.36(2)                           | duty to give notice of approval of amendment                                                          | GMSPD<br>PC<br>MPB          |                          |
| s.38(5)                           | duty to give notice of revocation of an amendment                                                     | GMSPD<br>PC<br>MPB          |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                              |                                 |                          |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                     | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                              | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.39                              | function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT | GMSPD<br>PC<br>MPB              |                          |
| s.40(1)                           | function of lodging copy of approved amendment                                                               | GMSPD<br>PC<br>MPB              |                          |
| s.40(1A)                          | duty to lodge prescribed documents and copy of approved amendment with the relevant authorities              | GMSPD<br>PC<br>MPB              |                          |
| s.41                              | duty to make approved amendment available                                                                    | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                          |
| s.42                              | duty to make copy of planning scheme available                                                               | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                          |
| s.46N(1)                          | duty to include condition in permit regarding payment of development infrastructure levy                     | PCofC<br>GMSPD<br>PC<br>MPB     |                          |
| s.46N(2)(c)                       | function of determining time and manner for receipt of development contributions levy                        | PCofC<br>GMSPD<br>PC<br>MPB     |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                            |                                     |                          |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                   | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                            | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s.46N(2)(d)                       | power to enter into an agreement with the applicant regarding payment of development infrastructure levy                                   | GMSPD<br>PC<br>MPB                  |                          |
| s.46O(1)(a) & (2)(a)              | power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit                     | GMSPD<br>PC<br>MPB<br>MBS           |                          |
| s.46O(1)(d) & (2)(d)              | power to enter into agreement with the applicant regarding payment of community infrastructure levy                                        | GMSPD<br>PC<br>MPB<br>MBS           |                          |
| s.46P(1)                          | power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured                                               | GMSPD<br>PC<br>MPB                  |                          |
| s.46P(2)                          | power to accept provision of land, works, services or facilities in part or full payment of levy payable                                   | GMSPD<br>CEO<br>PC<br>MPB           |                          |
| s.46Q(1)                          | duty to keep proper accounts of levies paid                                                                                                | GMSPD<br>GMCCS<br>MFCS<br>PC<br>MPB |                          |
| s.46Q(1A)                         | duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency | GMSPD<br>GMCCS<br>MFCS<br>PC<br>MPB |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                  |                            |                                                                                                                                                                                                                               |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                         | Column 3                   | Column 4                                                                                                                                                                                                                      |
| PROVISION                         | THING DELEGATED                                                                                                                                  | DELEGATE                   | CONDITIONS & LIMITATIONS                                                                                                                                                                                                      |
| s.46Q(2)                          | duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc. | GMSPD<br>CEO<br>PC<br>MPB  |                                                                                                                                                                                                                               |
| s.46Q(3)                          | power to refund any amount of levy paid if it is satisfied the development is not to proceed                                                     | GMSPD<br>PC<br>MPB         |                                                                                                                                                                                                                               |
| s.46Q(4)(c)                       | duty to pay amount to current owners of land in the area                                                                                         | GMSPD<br>CEO<br>PC<br>MPB  | <ul style="list-style-type: none"> <li>must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister</li> </ul> |
| s.46Q(4)(d)                       | duty to submit to the Minister an amendment to the approved development contributions plan                                                       | GMSPD<br>CEO<br>PC<br>MPB  | <ul style="list-style-type: none"> <li>must be done in accordance with Part 3</li> </ul>                                                                                                                                      |
| s.46Q(4)(e)                       | duty to expend that amount on other works etc.                                                                                                   | GMSPD<br>CEO<br>PC<br>MPB  | <ul style="list-style-type: none"> <li>with the consent of, and in the manner approved by, the Minister</li> </ul>                                                                                                            |
| s.46QC                            | power to recover any amount of levy payable under Part 3B                                                                                        | GMSPD<br>MFCS<br>PC<br>MPB |                                                                                                                                                                                                                               |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                   |                                                   |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                          | Column 3                                          | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                   | DELEGATE                                          | CONDITIONS & LIMITATIONS |
| s.46V(3)                          | duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available | GMSPD<br>PC<br>MPB                                |                          |
| s.46Y                             | duty to carry out works in conformity with the approved strategy plan                                                                             | PCofC<br>GMSPD<br>GMIS<br>PC<br>MPB<br>EP<br>MECS |                          |
| s.47                              | power to decide that an application for a planning permit does not comply with that Act.                                                          | GMSPD<br>PC<br>MPB<br>EP<br>MECS                  |                          |
| s.49(1)                           | duty to keep a register of all applications for permits and determinations relating to permits                                                    | GMSPD<br>PC<br>MPB<br>PLO<br>PA<br>EP<br>MECS     |                          |
| s.49(2)                           | duty to make register available for inspection                                                                                                    | GMSPD<br>PA<br>PC<br>PLO<br>MPB                   |                          |

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

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                               |                                 |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                      | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                               | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.51                              | duty to make copy of application available for inspection                                                                                                                     | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                          |
| s.52(1)(a)                        | duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.52(1)(b)                        | duty to give notice of the application to other municipal councils where appropriate                                                                                          | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.52(1)(c)                        | duty to give notice of the application to all persons required by the planning scheme                                                                                         | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.52(1)(ca)                       | duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant                     | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.52(1)(cb)                       | duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant        | GMSPD<br>PC<br>PLO<br>MPB       |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                              |                                    |                          |
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| Column 1                          | Column 2                                                                                     | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                              | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s.52(1)(d)                        | duty to give notice of the application to other persons who may be detrimentally effected    | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.52(1A)                          | power to refuse an application                                                               | PCofC<br>GMSPD<br>PC<br>MPB        |                          |
| 52(1AA)                           | duty to give notice of an application to remove or vary a registered restrictive covenant    | PCofC<br>GMSPD<br>PC<br>MPB        |                          |
| s.52(3)                           | power to give any further notice of an application where appropriate                         | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.53(1)                           | power to require the applicant to give notice under section 52(1) to persons specified by it | GMSPD<br>PC<br>PLO<br>MPB          |                          |
| s.53(1A)                          | power to require the applicant to give the notice under section 52(1AA)                      | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.54(1)                           | power to require the applicant to provide more information                                   | GMSPD<br>PC<br>MPB<br>PLO          |                          |

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

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

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

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                  |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Column 1                          | Column 2                                                         | Column 3                           | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROVISION                         | THING DELEGATED                                                  | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| s60(1A)                           | power to consider certain matters before deciding on application | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB | Or where the application may have an effect on the broader community.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| s.61(1)(a)                        | power to decide to grant a permit                                | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> Save where the application may have an effect on the broader community.<br>The permit must not be |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                   |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Column 1                          | Column 2                                          | Column 3                           | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| PROVISION                         | THING DELEGATED                                   | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| s.61(1)(b)                        | power to decide to grant a permit with conditions | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB | <p>inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> <p>Save where the application may have an affect on the broader community.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                             |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| Column 1                          | Column 2                                                                                    | Column 3                        | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PROVISION                         | THING DELEGATED                                                                             | DELEGATE                        | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| s.61(1)(c)                        | power to refuse the permit                                                                  | PCofC<br><br>GMSPD<br>PC<br>MPB | Save where the proposed use and/or development.<br><ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> Save where the application may have an affect on the broader community. |
| s.61(2)                           | duty to decide to refuse to grant a permit if referral authority objects to grant of permit | PCofC<br>GMSPD<br>PC<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s.61(3)(a)                        | duty not to decide to grant a permit to use coastal Crown land without Minister's consent   | PCofC<br>GMSPD<br>PC<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                             |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Column 1                          | Column 2                                                                                    | Column 3                           | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROVISION                         | THING DELEGATED                                                                             | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| s.62(2)                           | power to include other conditions                                                           | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB | Save where the proposed use and/or development.<br><ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>Or where the application may have an affect on the broader community.</li> </ul> |
| s.62(4)                           | duty to ensure conditions are consistent with subsections (a), (b) and (c)                  | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| s.62(5)(a)                        | power to include a permit condition to implement an approved development contributions plan | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                             |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Column 1                          | Column 2                                                                                                                                    | Column 3                           | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROVISION                         | THING DELEGATED                                                                                                                             | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| s.62(5)(b)                        | power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB | Save where the proposed use and/or development.<br><ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Olway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>Or where the application may have an affect on the broader community.</li> </ul> |
| s.62(5)(c)                        | power to include a permit condition that specified works be provided or paid for by the applicant                                           | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| s.62(6)(a)                        | duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with s.46N             | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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

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

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

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

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

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                   |                           |                          |
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| Column 1                          | Column 2                                                                                                          | Column 3                  | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                   | DELEGATE                  | CONDITIONS & LIMITATIONS |
| s.92                              | duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90        | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.93(2)                           | duty to give notice of VCAT order to stop development                                                             | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.95(3)                           | function of referring certain applications to the Minister                                                        | GMSPD<br>PC<br>MPB        |                          |
| s.95(4)                           | duty to comply with an order or direction                                                                         | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.96(1)                           | duty to obtain a permit from the Minister to use and develop its land                                             | GMSPD<br>PC<br>MPB        |                          |
| s.96(2)                           | function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land | GMSPD<br>PC<br>MPB        |                          |
| s.96A(2)                          | power to agree to consider an application for permit concurrently with preparation of proposed amendment          | GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.96C                             | power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C | GMSPD<br>PC<br>MPB        |                          |

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

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                        |                                 |                          |
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| Column 1                          | Column 2                                                                                                                               | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                        | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.96K                             | duty to comply with direction of the Minister to give notice of refusal                                                                | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.97C                             | power to request Minister to decide the application                                                                                    | GMSPD<br>PC<br>MPB              |                          |
| s.97D(1)                          | duty to comply with directions of Minister to supply any document or assistance relating to application                                | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.97G(3)                          | function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister            | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.97G(6)                          | duty to make a copy of permits issued under s.97F available for inspection                                                             | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.97L                             | duty to include Ministerial decisions in a register kept under s.49                                                                    | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.97MCA(2)                        | function of consulting with advisory committee regarding the areas for which the Development Assessment Committee is to be established | GMSPD<br>PC<br>MPB              |                          |

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

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

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

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                                   |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                                                                                                                                                                                                      | Column 3                    | Column 4                                          |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                                                                                                                                                                                                               | DELEGATE                    | CONDITIONS & LIMITATIONS                          |
| s.156                             | duty to pay fees and allowances (including a payment to the Crown under subsection (2A) and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4) | GMSPD<br>PC<br>MPB          | Where Council is the relevant planning authority. |
| s.171(2)(f)                       | power to carry out studies and commission reports                                                                                                                                                                                                                                                                                                                                             | GMSPD<br>PC<br>MPB          |                                                   |
| s.171(2)(g)                       | power to grant and reserve easements                                                                                                                                                                                                                                                                                                                                                          | PCofC<br>GMSPD<br>PC<br>MPB |                                                   |
| s.173                             | power to enter into agreement covering matters set out in s.174                                                                                                                                                                                                                                                                                                                               | GMSPD<br>PC<br>MPB          |                                                   |
| ---                               | power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority                                                                                                                                               | GMSPD<br>PC<br>PLO<br>MPB   |                                                   |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                                                       |                             |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                                              | Column 3                    | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                                                       | DELEGATE                    | CONDITIONS & LIMITATIONS |
|                                   | power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority | GMSPD<br>PC<br>MPB          |                          |
| s.177(2)                          | power to end a section 173 agreement with approval of the Minister or the consent of all those bound by any covenant in the agreement                                                                                                 | GMSPD<br>PC<br>MPB          |                          |
| s.178                             | power to amend a s.173 agreement                                                                                                                                                                                                      | PCofC<br>GMSPD<br>PC<br>MPB |                          |
| s.179(1)                          | duty to lodge agreement with Minister                                                                                                                                                                                                 | GMSPD<br>PC<br>PLO<br>MPB   |                          |
| s.179(2)                          | duty to make available for inspection copy agreement                                                                                                                                                                                  | GMSPD<br>PC<br>PLO<br>MPB   |                          |
| s.181                             | power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General                                                                                                            | GMSPD<br>PC<br>PLO<br>MPB   |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                        |                                 |                          |
|-----------------------------------|------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                               | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                        | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.182                             | power to enforce an agreement                                          | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.183                             | duty to tell Registrar of Titles of ending/amendment of agreement      | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.198(1)                          | function to receive application for planning certificate               | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.199(1)                          | duty to give planning certificate to applicant                         | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s.201(1)                          | function of receiving application for declaration of underlying zoning | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| s.201(3)                          | duty to make declaration                                               | GMSPD<br>PC<br>PLO<br>MPB       |                          |

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| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                        |                                    |                          |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                               | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                        | DELEGATE                           | CONDITIONS & LIMITATIONS |
|                                   | power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council          | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
|                                   | power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council.  | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
|                                   | power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or a condition in a permit. | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
|                                   | power to give written authorisation in accordance with a provision of a planning scheme                                                                | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.201UAB(1)                       | function of providing the Growth Areas Authority with information relating to any land within municipal district                                       | GMSPD<br>MPB                       |                          |
| s.201UAB(2)                       | duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible                                         | GMSPD<br>MPB                       |                          |

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| PLANNING AND ENVIRONMENT REGULATIONS 2005 |                                                                                                                                                                                                                                                                                 |                                 |                          |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                                  | Column 2                                                                                                                                                                                                                                                                        | Column 3                        | Column 4                 |
| PROVISION                                 | THING DELEGATED                                                                                                                                                                                                                                                                 | DELEGATE                        | CONDITIONS & LIMITATIONS |
| r 6                                       | duty of responsible authority to provide copy of matter considered under section 6Q(1A)(g) for inspection free of charge                                                                                                                                                        | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| r7                                        | duty of responsible authority to provide copy information or report requested by Minister                                                                                                                                                                                       | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| r22                                       | power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |
| r 55                                      | duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement                                                                                                                                               | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                          |

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| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2000 |                                                                                                                   |                    |                          |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Column 1                                         | Column 2                                                                                                          | Column 3           | Column 4                 |
| PROVISION                                        | THING DELEGATED                                                                                                   | DELEGATE           | CONDITIONS & LIMITATIONS |
| r.13(1)                                          | power to waive or rebate fee in prescribed circumstances                                                          | GMSPD<br>PC<br>MPB |                          |
| r.13(2)                                          | power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances                       | GMSPD<br>PC<br>MPB |                          |
| r.13(3)                                          | duty if fee waived or rebated to record the matters taken into account and which formed the basis of the decision | GMSPD<br>PC<br>MPB |                          |

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| RAIL SAFETY ACT 2006 |                                                                                                                                                |              |                                             |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------------------------|
| Column 1             | Column 2                                                                                                                                       | Column 3     | Column 4                                    |
| PROVISION            | THING DELEGATED                                                                                                                                | DELEGATE     | CONDITIONS & LIMITATIONS                    |
| s.33                 | duty to comply with a direction of the Safety Director under this section                                                                      | GMIS<br>MCW, | duty of Council as a utility under s.3      |
| s.33A                | duty to comply with a direction of the Safety Director to give effect to arrangements under this section.                                      | GMIS<br>MCW, | duty of Council as a utility under s.3      |
| s.34                 | duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1) | GMIS<br>MCW, | duty of Council as a utility under s.3      |
| s.34C(2)             | function of entering into safety interface agreements with rail infrastructure manager                                                         | GMIS<br>MCW, | where Council is the relevant road manager  |
| s.34D(1)             | function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed                  | GMIS<br>MCW, | where Council is the registration authority |
| s.34D(2)             | function of receiving written notice of opinion                                                                                                | GMIS<br>MCW, | where Council is the registration authority |
| s.34D(4)             | function entering into safety interface agreement with infrastructure manager                                                                  | GMIS<br>MCW, | where Council is the registration authority |
| s.34E(1)(a)          | duty to identify and assess risks to safety                                                                                                    | GMIS<br>MCW, | where Council is the registration authority |
| s.34E(1)(b)          | duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)                 | GMIS<br>MCW, | where Council is the registration authority |

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| RAIL SAFETY ACT 2006 |                                                                                                                                          |            |                                             |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------------------------------|
| Column 1             | Column 2                                                                                                                                 | Column 3   | Column 4                                    |
| PROVISION            | THING DELEGATED                                                                                                                          | DELEGATE   | CONDITIONS & LIMITATIONS                    |
| s.34E(3)             | duty to seek to enter into a safety interface agreement with rail infrastructure manager                                                 | GMS<br>MCW | where Council is the registration authority |
| s.34F(1)(a)          | duty to identify and assess risks to safety if written notice has been received under section 34D(2)(a)                                  | GMS<br>MCW | where Council is the registration authority |
| s.34F(1)(b)          | duty to determine measures to manage any risks identified and assessed if written notice has been received under section 34D(2)(a)       | GMS<br>MCW | where Council is the registration authority |
| s.34F(2)             | duty to seek to enter into a safety interface agreement with rail infrastructure manager                                                 | GMS<br>MCW | where Council is the registration authority |
| s.34H                | power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c) | GMS<br>MCW | where Council is the registration authority |
| s.34J                | function of entering into safety interface agreements                                                                                    | GMS<br>MCW | where Council is the registration authority |
| s.34J(2)             | function of receiving notice from Safety Director                                                                                        | GMS<br>MCW | where Council is the registration authority |
| s.34J(7)             | duty to comply with a direction of the Safety Director given under section 34J(5)                                                        | GMS<br>MCW | where Council is the registration authority |
| s.34K(2)             | duty to maintain a register of items set out in subsections (a)-(b)                                                                      | GMS<br>MCW | where Council is the registration authority |

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| RESIDENTIAL TENANCIES ACT 1997 |                                                                                                                                             |                   |                               |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------|
| Column 1                       | Column 2                                                                                                                                    | Column 3          | Column 4                      |
| PROVISION                      | THING DELEGATED                                                                                                                             | DELEGATE          | CONDITIONS & LIMITATIONS      |
| s.142D                         | function of receiving notice regarding an unregistered rooming house                                                                        | MHCS<br>EHC       |                               |
| s.252                          | power to give tenant a notice to vacate rented premises if subsection(1) applies                                                            | GMCCS<br>PRC      | where Council is the landlord |
| s.262(1)                       | power to give tenant a notice to vacate rented premises                                                                                     | GMCCS<br>PRC      | where Council is the landlord |
| s.262(3)                       | power to publish its criteria for eligibility for the provision of housing by Council                                                       | GMCCS<br>PRC      |                               |
| s.518F                         | power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | MHCS              |                               |
| s.522(1)                       | give a compliance notice to a person                                                                                                        | PRC<br>LLC<br>LLO |                               |
| s.525(2)                       | power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)                                        | GMCCS             |                               |
| s.525(4)                       | duty to issue identity card to authorised officers                                                                                          | GMCCS             |                               |
| s.526(5)                       | duty to keep record of entry by authorised officer under section 526                                                                        | PRC<br>LLC        |                               |
| s.526A(3)                      | function of receiving report of inspection                                                                                                  | PRC<br>LLC        |                               |
| s.527                          | power to authorise a person to institute proceedings (either generally or in a particular case)                                             | LLC               |                               |

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| ROAD MANAGEMENT ACT 2004 |                                                                                              |                            |                                                                                                                |
|--------------------------|----------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                     | Column 3                   | Column 4                                                                                                       |
| PROVISION                | THING DELEGATED                                                                              | DELEGATE                   | CONDITIONS & LIMITATIONS                                                                                       |
| s.11(1)                  | power to declare a road by publishing a notice in the Government Gazette                     | GMIS<br>MSA                | obtain consent in circumstances specified in s11(2)                                                            |
| s.11(8)                  | power to name a road or change the name of a road by publishing notice in Government Gazette | GMCCS<br>PRC               |                                                                                                                |
| s.11(9)(b)               | duty to advise Registrar                                                                     | GMCCS<br>PRC               |                                                                                                                |
| s.11(10)                 | duty to inform Secretary to Department of Sustainability and Environment of declaration etc. | MSA<br>PRC                 | clause subject to s.11(10A)                                                                                    |
| s.11(10A)                | duty to inform Secretary to Dept of Sustainability and Environment or nominated person       | GMIS<br>MSA<br>MCWS<br>MCW | duty of co-ordinating road authority                                                                           |
| s.12(2)                  | power to discontinue road or part of a road                                                  | GMIS<br>MSA                | power of co-ordinating road authority                                                                          |
| s.12(4)                  | power to publish, and provide copy, notice of proposed discontinuance                        | GMIS<br>MSA                | power of coordinating road authority where it is the discontinuing body<br>- unless subsection (1) applies     |
| s.12(5)                  | duty to consider written submissions received within 28 days of notice                       | GMIS<br>MSA                | duty of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (1) applies     |
| s.12(6)                  | function of hearing a person in support of their written submission                          | GMIS<br>MSA                | function of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (1) applies |
| s.12(7)                  | duty to fix day, time and place of meeting under subsection (6) and to give notice           | GMIS<br>MSA                | duty of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (1) applies     |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                                                                                                                                                           |             |                                                                                                                                                                        |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                                                                                                                                                  | Column 3    | Column 4                                                                                                                                                               |
| PROVISION                | THING DELEGATED                                                                                                                                                                                                                           | DELEGATE    | CONDITIONS & LIMITATIONS                                                                                                                                               |
| s12(10)                  | duty to notify of decision made                                                                                                                                                                                                           | GMIS<br>MSA | duty of coordinating road authority where it is the discontinuing body<br>- does not apply where an exemption is specified by the regulations or given by the Minister |
| s13(1)                   | power to fix a boundary road by publishing notice in Government Gazette                                                                                                                                                                   | GMIS<br>MSA | power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate                                                                         |
| s.14(4)                  | function of receiving notice from VicRoads                                                                                                                                                                                                | GMIS<br>MSA |                                                                                                                                                                        |
| s14(7)                   | power to appeal against decision of VicRoads                                                                                                                                                                                              | GMIS        |                                                                                                                                                                        |
| s15(1)                   | power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport. | GMIS        |                                                                                                                                                                        |
| s15(1A)                  | power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority                                                                                                                | GMIS<br>MSA |                                                                                                                                                                        |
| s15(2)                   | duty to include details of arrangement in public roads register                                                                                                                                                                           | GMIS<br>MSA |                                                                                                                                                                        |
| s16(7)                   | power to enter into an arrangement under s15                                                                                                                                                                                              | GMIS        |                                                                                                                                                                        |
| s16(8)                   | duty to enter details of determination in public roads register                                                                                                                                                                           | GMIS<br>MSA |                                                                                                                                                                        |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                     |             |                                                                                               |
|--------------------------|-----------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                            | Column 3    | Column 4                                                                                      |
| PROVISION                | THING DELEGATED                                                                                     | DELEGATE    | CONDITIONS & LIMITATIONS                                                                      |
| s17(2)                   | duty to register public road in public roads register                                               | MSA         | power of coordinating road authority                                                          |
| s17(3)                   | power to decide that a road is reasonably required for general public use                           | GMIS<br>MSA | power of coordinating road authority                                                          |
| s17(3)                   | duty to register a road reasonably required for general public use in public roads register         | MSA         | power of coordinating road authority                                                          |
| s17(4)                   | power to decide that a road is no longer reasonably required for general public use                 | GMIS        | power of coordinating road authority                                                          |
| s17(4)                   | duty to remove road no longer reasonably required for general public use from public roads register | MSA         | power of coordinating road authority                                                          |
| s18(1)                   | power to designate ancillary area                                                                   | GMIS        | power of coordinating road authority, and obtain consent in circumstances specified in s18(2) |
| s18(3)                   | duty to record designation in public roads register                                                 | GMIS<br>MSA | power of coordinating road authority                                                          |
| s19(1)                   | duty to keep register of public roads in respect of which it is the coordinating road authority     | GMIS<br>MSA |                                                                                               |
| s19(4)                   | duty to specify details of discontinuance in public roads register                                  | GMIS<br>MSA |                                                                                               |
| s19(5)                   | duty to ensure public roads register is available for public inspection                             | GMIS<br>MSA |                                                                                               |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                               |                     |                                                                  |
|--------------------------|---------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                      | Column 3            | Column 4                                                         |
| PROVISION                | THING DELEGATED                                                                                               | DELEGATE            | CONDITIONS & LIMITATIONS                                         |
| s.21                     | power to reply to request for information or advice                                                           | GMIS<br>MSA         | obtain consent in circumstances specified in s11(2)              |
| s.22(2)                  | power to comment on proposed direction                                                                        | GMIS<br>MSA         |                                                                  |
| s.22(4)                  | duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report | GMIS<br>MSA         |                                                                  |
| s.22(5)                  | duty to give effect to a direction under this section                                                         | GMIS<br>MSA         |                                                                  |
| s.40(1)                  | duty to inspect, maintain and repair a public road.                                                           | GMIS<br>MSA<br>MCWS |                                                                  |
| s.40(5)                  | power to inspect, maintain and repair a road which is not a public road                                       | GMIS<br>MSA<br>MCW  |                                                                  |
| s.41(1)                  | power to determine the standard of construction, inspection, maintenance and repair                           | GMIS<br>MCWS<br>MSA |                                                                  |
| s42(1)                   | power to declare a public road as a controlled access road                                                    | GMIS                | power of coordinating road authority and Schedule 2 also applies |
| s42(2)                   | power to amend or revoke declaration by notice published in Government Gazette                                | GMIS                | power of coordinating road authority and Schedule 2 also applies |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                                                                                                         |                    |                                                                                                                                         |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                                                                                                | Column 3           | Column 4                                                                                                                                |
| PROVISION                | THING DELEGATED                                                                                                                                                                         | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                                                |
| s.42A(3)                 | duty to consult with VicRoads before road is specified                                                                                                                                  | GMIS               | duty of co-ordinating road authority<br>- if road is a municipal road or part thereof                                                   |
| s.42A(4)                 | power to approve Minister's decision to specify a road as a specified freight road                                                                                                      | GMIS<br>MSA        | power of co-ordinating road authority<br>- if road is a municipal road or part thereof and where road is to be specified a freight road |
| s.48EA                   | duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport). | GMIS<br>MSA<br>MCW | duty of responsible road authority, infrastructure manager or works manager                                                             |
| s.48M(3)                 | function of consulting with the Secretary for purposes of developing guidelines under section 48M                                                                                       | GMIS<br>MSA<br>MCW |                                                                                                                                         |
| s.48N                    | duty to notify the Secretary of the location of the bus topping point and the action taken by Council                                                                                   | GMIS<br>MSA<br>MCW |                                                                                                                                         |
| s.49                     | power to develop and publish a road management plan                                                                                                                                     | GMIS<br>MSA        |                                                                                                                                         |
| s.51                     | power to determine standards by incorporating the standards in a road management plan                                                                                                   | GMIS<br>MSA        |                                                                                                                                         |
| s.53(2)                  | power to cause notice to be published in Government Gazette of amendment etc of document in road management plan                                                                        | GMIS<br>MSA        |                                                                                                                                         |
| s.54(2)                  | duty to give notice of proposal to make a road management plan                                                                                                                          | GMIS<br>MSA        |                                                                                                                                         |

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| ROAD MANAGEMENT ACT 2004 |                                                                                                        |                            |                                                  |
|--------------------------|--------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------|
| Column 1                 | Column 2                                                                                               | Column 3                   | Column 4                                         |
| PROVISION                | THING DELEGATED                                                                                        | DELEGATE                   | CONDITIONS & LIMITATIONS                         |
| s.54(5)                  | duty to conduct a review of road management plan at prescribed intervals                               | GMIS<br>MSA                |                                                  |
| s.54(6)                  | power to amend road management plan                                                                    | GMIS<br>MSA                |                                                  |
| s.54(7)                  | duty to incorporate the amendments into the road management plan                                       | GMIS<br>MSA                |                                                  |
| s.55(1)                  | duty to cause notice of road management plan to be published in Government Gazette and newspaper.      | GMIS<br>MSA                |                                                  |
| s.63(1)                  | power to consent to conduct of works on road                                                           | GMIS<br>MCWS<br>MCW<br>MSA | power of coordinating road authority             |
| s.63(2)(e)               | power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency     | GMIS<br>MCWS<br>MCW<br>MSA | power of infrastructure manager                  |
| s.64(1)                  | duty to comply with clause 13 of Schedule 7                                                            | GMIS<br>MCWS<br>MCW<br>MSA | duty of infrastructure manager or works manager  |
| s.66(1)                  | power to consent to structure etc                                                                      | LLC<br>LLO                 | power of coordinating road authority             |
| s.67(2)                  | function of receiving the name and address of the person responsible for distributing the sign or bill | LLC<br>LLO                 | where Council is the coordinating road authority |

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| ROAD MANAGEMENT ACT 2004 |                                                           |                            |                                      |
|--------------------------|-----------------------------------------------------------|----------------------------|--------------------------------------|
| Column 1                 | Column 2                                                  | Column 3                   | Column 4                             |
| PROVISION                | THING DELEGATED                                           | DELEGATE                   | CONDITIONS & LIMITATIONS             |
| s.67(3)                  | power to request information                              | LLC<br>LLO                 | power of coordinating road authority |
| s.68(2)                  | power to request information                              | LLC<br>LLO                 | power of coordinating road authority |
| s71(3)                   | power to appoint an authorised officer                    | GMSPD<br>GMCCS<br>GMIS     |                                      |
| s.72                     | duty to issue an identity card to each authorised officer | GMCCS                      |                                      |
| s.85                     | function of receiving report from authorised officer      | GMIS<br>MCWS<br>MSA        |                                      |
| s86                      | duty to keep register re s85 matters                      | GMIS                       |                                      |
| s.87(1)                  | function of receiving complaints                          | GMIS<br>MCWS<br>MSA        |                                      |
| s87(2)                   | power to investigate complaint and provide report         | GMIS                       |                                      |
| s.112(2)                 | power to recover damages in court                         | GMIS<br>MCWS<br>MCW        |                                      |
| s116                     | power to cause or carry out inspection                    | GMIS<br>MCWS<br>MCW<br>MSA |                                      |

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| ROAD MANAGEMENT ACT 2004  |                                                                                                |                            |                          |
|---------------------------|------------------------------------------------------------------------------------------------|----------------------------|--------------------------|
| Column 1                  | Column 2                                                                                       | Column 3                   | Column 4                 |
| PROVISION                 | THING DELEGATED                                                                                | DELEGATE                   | CONDITIONS & LIMITATIONS |
| s.119(2)                  | function of consulting with VicRoads                                                           | GMIS<br>MCWS<br>MCW<br>MSA |                          |
| s.120(1)                  | power to exercise road management functions on an arterial road (with the consent of VicRoads) | GMIS<br>MCWS<br>MSA        |                          |
| s120(2)                   | power to seek consent of VicRoads                                                              | GMIS<br>MCW                |                          |
| s'121(1)                  | power to enter into an agreement re works                                                      | GMIS<br>MCW                |                          |
| s.122(1)                  | power to charge and recover fees                                                               | GMIS<br>MCW<br>MSA         |                          |
| s.123(1)                  | power to charge for any service                                                                | GMIS<br>MCW<br>MSA         |                          |
| Schedule 2<br>Clause 2(1) | power to make a decision re controlled access roads                                            | GMIS                       |                          |
| Schedule 2<br>Clause 3(1) | power to make policy about controlled access roads                                             | GMIS                       |                          |
| Schedule 2<br>Clause 3(2) | power to amend, revoke or substitute policy about controlled access roads                      | GMIS                       |                          |
| Schedule 2<br>Clause 4    | function of receiving details of proposal from VicRoads                                        | GMIS<br>MCW<br>MSA         |                          |

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| ROAD MANAGEMENT ACT 2004    |                                                                                                                                                                                                                                                                                                    |                            |                                                                                          |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------|
| Column 1                    | Column 2                                                                                                                                                                                                                                                                                           | Column 3                   | Column 4                                                                                 |
| PROVISION                   | THING DELEGATED                                                                                                                                                                                                                                                                                    | DELEGATE                   | CONDITIONS & LIMITATIONS                                                                 |
| Schedule 2<br>Clause 5      | duty to publish notice of declaration                                                                                                                                                                                                                                                              | GMIS                       |                                                                                          |
| Schedule 7,<br>Clause 7(1)  | duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve                                                                                                                                                 | GMIS<br>MCW<br>MSA         | duty of infrastructure manager or works manager                                          |
| Schedule 7,<br>Clause 8(1)  | duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road                                     | GMIS<br>MCW<br>MCWS<br>MSA | duty of infrastructure manager or works manager                                          |
| Schedule 7,<br>Clause 9(1)  | duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | GMIS<br>MCW<br>MSA         | duty of infrastructure manager or works manager responsible for non-road infrastructure. |
| Schedule 7,<br>Clause 9(2)  | duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.                                                           | GMIS<br>MCWS<br>MCW<br>MSA | duty of infrastructure manager or works manager                                          |
| Schedule 7,<br>Clause 10(2) | where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected                                                                                                                                                  | GMIS<br>MCW<br>MSA         | duty of infrastructure manager or works manager                                          |

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| ROAD MANAGEMENT ACT 2004    |                                                                                                                                       |                            |                                      |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------|
| Column 1                    | Column 2                                                                                                                              | Column 3                   | Column 4                             |
| PROVISION                   | THING DELEGATED                                                                                                                       | DELEGATE                   | CONDITIONS & LIMITATIONS             |
| Schedule 7<br>Clause 12(2)  | power to direct infrastructure manager or works manager to conduct reinstatement works                                                | GMIS                       | power of coordinating road authority |
| Schedule 7<br>Clause 12(3)  | power to take measures to ensure reinstatement works are completed                                                                    | GMIS<br>MCW<br>MSA         | power of coordinating road authority |
| Schedule 7<br>Clause 12(4)  | duty to ensure that works are conducted by an appropriately qualified person                                                          | GMIS<br>MCW<br>MSA         | power of coordinating road authority |
| Schedule 7<br>Clause 12(5)  | power to recover costs                                                                                                                | GMIS<br>MCW<br>MFCS<br>MSA | power of coordinating road authority |
| Schedule 7,<br>Clause 13(1) | duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2) | GMIS<br>MCWS<br>MCW<br>MSA | duty of works manager                |
| Schedule 7<br>Clause 13(2)  | power to vary notice period                                                                                                           | GMIS<br>MCWS<br>MCW<br>MSA | power of coordinating road authority |
| Schedule 7,<br>Clause 13(3) | duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)                               | GMIS<br>MCW                | duty of infrastructure manager       |

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| ROAD MANAGEMENT ACT 2004   |                                                                      |                            |                                                                                                   |
|----------------------------|----------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------|
| Column 1                   | Column 2                                                             | Column 3                   | Column 4                                                                                          |
| PROVISION                  | THING DELEGATED                                                      | DELEGATE                   | CONDITIONS & LIMITATIONS                                                                          |
| Schedule 7<br>Clause 16(1) | power to consent to proposed works                                   | GMIS<br>MCWS<br>MCW<br>MSA | power of coordinating road authority                                                              |
| Schedule 7<br>Clause 16(4) | duty to consult                                                      | GMIS<br>MCWS<br>MCW<br>MSA | where Council is the co-ordinating road authority responsible authority or infrastructure manager |
| Schedule 7<br>Clause 16(5) | power to consent to proposed works                                   | GMIS<br>MCW<br>MSA         | where Council is the co-ordinating road authority                                                 |
| Schedule 7<br>Clause 16(6) | power to set reasonable conditions on consent                        | GMIS<br>MCW<br>MSA         | where Council is the co-ordinating road authority                                                 |
| Schedule 7<br>Clause 16(8) | power to include consents and conditions                             | GMIS<br>MCW<br>MSA         | where Council is the co-ordinating road authority                                                 |
| Schedule 7<br>Clause 17(2) | power to refuse to give consent and duty to give reasons for refusal | GMIS                       | power of coordinating road authority                                                              |
| Schedule 7<br>Clause 18(1) | power to enter into an agreement                                     | GMIS<br>MCW<br>MSA         | power of coordinating road authority                                                              |

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| ROAD MANAGEMENT ACT 2004           |                                                                                                                                           |                                 |                                                                                                                                                   |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                           | Column 2                                                                                                                                  | Column 3                        | Column 4                                                                                                                                          |
| PROVISION                          | THING DELEGATED                                                                                                                           | DELEGATE                        | CONDITIONS & LIMITATIONS                                                                                                                          |
| Schedule 7<br>Clause 19(1)         | power to give notice requiring rectification of works                                                                                     | GMS<br>MSA<br>MCW               | power of coordinating road authority                                                                                                              |
| Schedule 7<br>Clause 19(2)&<br>(3) | power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred        | GMS<br>MSA<br>MCW               | where Council is the co-ordinating road authority                                                                                                 |
| Schedule 7<br>Clause 20(1)         | power to require removal, relocation, replacement or upgrade of existing non-road infrastructure                                          | GMS<br>MSA<br>LLC<br>MCW<br>LLO | power of coordinating road authority                                                                                                              |
| Schedule 7A<br>Clause 2            | power to cause street lights to be installed on roads                                                                                     | GMS<br>MSA                      | power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.             |
| Schedule 7A<br>Clause 3(1)(d)      | duty to pay installation and operation costs of street lighting – where road is not an arterial road.                                     | GMS<br>MSA                      | where Council is the responsible road authority for the road.                                                                                     |
| Schedule 7A<br>Clause 3(1)(e)      | duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas     | GMS<br>MSA                      | where Council is the responsible road authority.                                                                                                  |
| Schedule 7A<br>Clause (3)(1)(f)    | duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4. | GMS<br>MSA                      | where Council is responsible road authority that installed the light (re. installation costs) and where Council is relevant municipal Council (re |

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| ROAD MANAGEMENT ACT 2004 |                 |          |                                               |
|--------------------------|-----------------|----------|-----------------------------------------------|
| Column 1                 | Column 2        | Column 3 | Column 4                                      |
| PROVISION                | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS<br>operating costs). |

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| CEMETERIES AND CREMATORIA REGULATIONS 2005 |                                                                                                                                                   |                      |                                 |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------|
| Column 1                                   | Column 2                                                                                                                                          | Column 3             | Column 4                        |
| PROVISION                                  | THING DELEGATED                                                                                                                                   | DELEGATE             | CONDITIONS & LIMITATIONS        |
| r.17                                       | power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)                                  | PRC<br>GMCCS<br>MFCS |                                 |
| r.18(1)                                    | power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator | PRC<br>GMCCS<br>MFCS |                                 |
| r.18(2)                                    | duty to ensure any fittings removed of are disposed in an appropriate manner                                                                      | PRC<br>GMCCS<br>MFCS |                                 |
| r.19                                       | power to dispose of any metal substance or non-human substance recovered from a cremator                                                          | PRC<br>GMCCS<br>MFCS |                                 |
| r.20(2)                                    | power to release cremated human remains to certain persons                                                                                        | PRC<br>GMCCS<br>MFCS | Subject to any order of a court |
| r.21(1)                                    | duty to make cremated human remains available for collection within 2 working days after the cremation                                            | PRC<br>GMCCS<br>MFCS |                                 |
| r.21(2)                                    | duty to hold cremated human remains for at least 12 months from the date of cremation                                                             | PRC<br>GMCCS<br>MFCS |                                 |
| r.21(3)                                    | power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation                               | PRC<br>GMCCS<br>MFCS |                                 |
| r.21(4)                                    | duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period                              | PRC<br>GMCCS<br>MFCS |                                 |

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| CEMETERIES AND CREMATORIA REGULATIONS 2005 |                                                                                                                                                |                      |                          |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
| Column 1                                   | Column 2                                                                                                                                       | Column 3             | Column 4                 |
| PROVISION                                  | THING DELEGATED                                                                                                                                | DELEGATE             | CONDITIONS & LIMITATIONS |
| r.22                                       | duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)                                                                | PRC<br>GMCCS<br>MFCS |                          |
| r.26                                       | duty to provide statement that alternative vendors or supplier of monuments exist                                                              | PRC<br>GMCCS<br>MFCS |                          |
| r.36                                       | power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)                                                | PRC<br>GMCCS<br>MFCS |                          |
| r.38(2)                                    | power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area                              | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 4                       | power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6                                           | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 5(1)                    | duty to display the hours during which pedestrian access is available to the cemetery                                                          | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 5(2)                    | duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 6(1)                    | power to give directions regarding the manner in which a funeral is to be conducted                                                            | PRC<br>GMCCS<br>MFCS |                          |
| Schedule 6, clause 7(1)                    | power to give directions regarding the dressing of places of interment and memorials                                                           | PRC<br>GMCCS<br>MFCS |                          |

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

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| Column 1      | Column 2                                                                | Column 3           | Column 4                 |
|---------------|-------------------------------------------------------------------------|--------------------|--------------------------|
| PROVISION     | THING DELEGATED                                                         | DELEGATE           | CONDITIONS & LIMITATIONS |
| r.7           | function of entering into a written agreement with a caravan park owner | MHCS<br>EHC<br>EHO |                          |
| r.11          | function of receiving applications for registration                     | MHCS<br>EHC<br>EHO |                          |
| r.13(1) & (2) | duty to grant registration if (a) & (b) is satisfied                    | MHCS<br>EHC<br>EHO |                          |
| r.13(4) & (5) | duty to issue certificate of registration                               |                    |                          |
|               |                                                                         |                    |                          |
|               |                                                                         |                    |                          |
|               |                                                                         |                    |                          |
|               |                                                                         |                    |                          |
| r.15(1)       | function of receiving notice of transfer of ownership                   | MHCS<br>EHC<br>EHO |                          |
| r.16(1)       | duty to transfer registration to new caravan park owner                 | MHCS<br>EHC<br>EHO |                          |
| r.16(2)       | duty to issue certificate of transfer of registration                   | MHCS<br>EHC<br>EHO |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010 |                                                                                                                   |                    |                          |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Column 1                                                                                                | Column 2                                                                                                          | Column 3           | Column 4                 |
| PROVISION                                                                                               | THING DELEGATED                                                                                                   | DELEGATE           | CONDITIONS & LIMITATIONS |
| r.17(1)                                                                                                 | power to determine the fee to accompany applications for registration or applications for renewal of registration | MHCS<br>EHC<br>EHO |                          |
| r.18                                                                                                    | duty to keep register of caravan parks                                                                            | MHCS<br>EHC        |                          |
| r.19(4)                                                                                                 | power to determine where the emergency contact person's details are displayed                                     | MHCS<br>EHC<br>EHO |                          |
| r.19(6)                                                                                                 | power to determine where certain information is displayed                                                         | MHCS<br>EHC<br>EHO |                          |
| r.22(6)                                                                                                 | duty to notify caravan park owners of emergency service agencies                                                  | MHCS<br>EHC<br>EHO |                          |
| r.22(7)                                                                                                 | duty to consult with relevant emergency services agency                                                           | MHCS<br>EHC<br>EHO |                          |
| r.23(2)                                                                                                 | power to determine places in which caravan park owner must display a copy of emergency procedures                 | MHCS<br>EHC<br>EHO |                          |
| r.24(1)                                                                                                 | power to determine places in which caravan park owner must display copy of public emergency warnings              | MHCS<br>EHC<br>EHO |                          |
| r.25(3)                                                                                                 | duty to consult with relevant floodplain management authority                                                     | MHCS<br>EHC<br>EHO |                          |

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S6. Instrument of Delegation – Members of Staff



86

| Column 1                  | Column 2                                                                                                           | Column 3           | Column 4                 |
|---------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| PROVISION                 | THING DELEGATED                                                                                                    | DELEGATE           | CONDITIONS & LIMITATIONS |
| r.26                      | duty to have regard to any report of the relevant fire authority                                                   | MHCS<br>EHC<br>EHO |                          |
| r.28(c)                   | power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling | MHCS<br>EHC<br>EHO |                          |
| r.39                      | function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe            | MHCS<br>EHC<br>EHO |                          |
| r.39(b)                   | power to require notice of proposal to install unregistrable movable dwelling or rigid annexe                      | MHCS<br>EHC<br>EHO |                          |
| r.40(4)                   | function of receiving installation certificate                                                                     | MHCS<br>EHC<br>EHO |                          |
| r.42                      | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling                              | MHCS<br>EHC<br>EHO |                          |
| Schedule 3<br>Clause 4(3) | power to approve the removal of wheels and axles from unregistrable movable dwelling                               | MHCS<br>EHC<br>EHO |                          |

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S6. Instrument of Delegation – Members of Staff

87

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 |                                                                                                                                           |             |                                      |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------|
| Column 1                                   | Column 2                                                                                                                                  | Column 3    | Column 4                             |
| PROVISION                                  | THING DELEGATED                                                                                                                           | DELEGATE    | CONDITIONS & LIMITATIONS             |
| r.301(1)                                   | duty to conduct reviews of road management plan                                                                                           | GMIS<br>MSA |                                      |
| r.302(2)                                   | duty to give notice of review of road management plan                                                                                     | GMIS<br>MSA |                                      |
| r.302(5)                                   | duty to produce written report of review of road management plan and make report available                                                | GMIS<br>MSA |                                      |
| r.303                                      | duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act | GMIS<br>MSA |                                      |
| r.306(2)                                   | duty to record on road management plan the substance and date of effect of amendment                                                      | MSA         |                                      |
| r.501(1)                                   | power to issue permit                                                                                                                     | GMIS<br>MSA | power of coordinating road authority |
| r.501(4)                                   | power to charge fee for issuing permit under r.501(1)                                                                                     | GMIS<br>MSA | power of coordinating road authority |
| r.503(1)                                   | power to give written consent to person to drive on road a vehicle which is likely to cause damage to road                                | GMIS<br>MSA | power of coordinating road authority |
| r.508(3)                                   | power to make submission to Tribunal                                                                                                      | GMIS        | power of coordinating road authority |
| r.509(1)                                   | power to remove objects, refuse, rubbish or other material deposited or left on road                                                      | LLC<br>MCWS | power of responsible road authority  |

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27 July 2011

S6. Instrument of Delegation – Members of Staff

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

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S6. Instrument of Delegation -- Members of Staff

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| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005 |                                                                                                                                                                                         |             |                                      |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------|
| Column 1                                                    | Column 2                                                                                                                                                                                | Column 3    | Column 4                             |
| PROVISION                                                   | THING DELEGATED                                                                                                                                                                         | DELEGATE    | CONDITIONS & LIMITATIONS             |
| r.10                                                        | power, where consent given under s.63(1) of the Act, to exempt a person from requirement under clause 13(1) of Schedule 7 to that Act to give notice as to the completion of those work | GMIS<br>MCW | power of coordinating road authority |
| r.18(2)                                                     | power to waive whole or part of fee in certain circumstances                                                                                                                            | GMIS        | power of coordinating road authority |

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27 July 2011

S6. Instrument of Delegation – Members of Staff

**OM112707-4 SPECIAL COUNCIL MEETING TO CONSIDER FINANCIAL STATEMENTS**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Brett Exelby                   | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00392     |

**Purpose**

Purpose of this report is to notify Council of the intention to consider the annual financial statements for the 2010-2011 financial year at a Special Council Meeting on 14 September 2011.

**Declaration of Interests**

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

**Background**

Each year Council must approve the annual financial statements.

Council must nominate two (2) Councillors to sign the declarations included as part of the annual financial statements.

The statements are first considered by Council's Audit Committee where the statements are reviewed and agreed to in principle. At that point Council is asked to adopt the financial statements as the annual financial statements for Council.

Refer sections of the Local Government Act 1989 below.

Annual Report

Section 131(7) and (8) of the *Local Government Act 1989*:

- (7) *The Council must not submit the standard statements or the financial statements to its auditor or the Minister unless it has passed a resolution giving its approval in principle to the standard statements and the financial statements.*
- (8) *The Council must authorise 2 Councillors to certify the standard statements and the financial statements in their final form after any changes recommended or agreed to by the auditor have been made."*

Performance Statement

Section 132(6) of the *Local Government Act 1989*:

- (6) *The Council must not submit the statement to its auditor or the Minister unless the Council has passed a resolution giving its approval in-principle to the statement.*
- (7) *The Council must authorise 2 Councillors to approve the statement in its final form after any changes recommended or agreed to by the auditor have been made."*

**Council Plan / Other Strategies / Policy****Leadership and Governance**

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

Part of the leadership and governance objective is that Council will fulfil its leadership, statutory and legal obligations. The Annual Statements are an important part of that process.

**Issues / Options**

It is expected that the Victorian Auditor General will have approved in principle the Financial Statements, Standard Statements and Performance Statement in time for the special meeting to consider the statements for 2010-2011.

However, until such time as the statements are approved by the Auditor General and Council the statements are still subject to review and amendment.

**Proposal**

The statements are to be reviewed by the Victorian Auditor General's agent, Coffey Hunt, during their planned visit for the week ending 26 August 2011.

The Audit Committee will then review the statements on 12 September 2011.

A copy of the draft statements will have been provided to Councillors in preparation for the Special Council meeting on 14 September 2011.

Subject to any significant statement amendments which prevent Council adopting the financial, standard and performance statements, it is recommended that Council agree to a Special Council Meeting to consider the adoption of the Annual Statements.

**Financial and Other Resource Implications**

The statements need to be certified by Council to ensure that the statements are able to be forwarded to the Minister by the statutory deadline of 30 September 2011 as part of Council's Annual Report.

**Risk Management & Compliance Issues**

Details of the relevant sections of the *Local Government Act* are included under the background to this report.

**Environmental and Climate Change Considerations**

Not applicable.

**Community Engagement**

Not applicable.

**Implementation**

Prior to the 30 September 2010 deadline for completion and signing of the statements.

**Conclusion**

Subject to any significant statement amendments which prevent Council adopting the financial statements, it is recommended that Council agree to a Special Council Meeting to consider the adoption of the Annual Financial, Standard and Performance Statements on 14 September 2011.

**Attachments**

Nil

**Recommendation(s)**

***That Council holds a Special Council Meeting at 1.00pm on 14 September 2011 to consider the adoption 'In-Principle' of the Annual Financial, Standard and Performance Statements.***

~~~~~) ~~~~~

OM112707-5

SOUTH WEST LOCAL LEARNING AND EMPLOYMENT NETWORK - LOCAL GOVERNMENT REPRESENTATIVE

| | | | |
|-------------|-----------------------------------|-----------|-----------------------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate &
Community Services | FILE REF: | GEN00781 South
West LLEN |

Purpose

For Council to consider an invitation from South West Local Learning and Employment Network (South West LLEN) to fill a vacancy for a Local Government representative on its Board.

Declaration of Interests

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

Background

A letter has been received from Mike Holland, Chairperson South West LLEN, extending an invitation to the Shire to fill a vacancy on the Board of South West LLEN.

The letter notes that the South West LLEN is an incorporated not-for-profit independent association operating under the auspices of the State Government through the Youth Transitions Division of the Department of Education and Early Childhood Development. The role of LLEN's across the state is to work with key stakeholders, schools, families, employers and training providers to enhance the education training and employment opportunities of young people from age 10 to 19. The South West LLEN works in four local government areas – Colac Otway, Corangamite, Warrnambool City and Moyne Shire.

The LLEN works within these areas in partnership brokerage and workplace learning, with a focus on re-engaging young people, programs for young people who may be at risk of disengaging in school, lower socio economic groups, indigenous young people and young people with a disability. The LLEN also works closely to develop the opportunities for schools and young people with business and industry.

The Board meets every two months in various locations within each local government area, often Colac, Warrnambool or other locations in the Shires of Moyne and Corangamite.

Council Plan / Other Strategies / Policy Leadership and Governance

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

Economic Development

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

Issues / Options

The South West LLEN plays an important role in Learning and Employment across the four local government areas of Colac Otway, Corangamite and Moyne Shires and Warrnambool City.

Council could elect to appoint a Councillor or an officer to the Board of South West LLEN.

Proposal

That Council advises the South West LLEN that a Councillor fill the vacancy on the Board.

Financial and Other Resource Implications

There are no financial and other resource implications relevant to this report.

Risk Management & Compliance Issues

There are no risk management issues relevant to this report.

Environmental and Climate Change Considerations

There are no environmental considerations relevant to this report.

Community Engagement

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

The method selected would be to 'involve'. The board meets every two months.

Implementation

The nominated Councillor will be advised of the details of the South West LLEN Board meetings.

Conclusion

It is recommended that a Councillor be represented on the South West LLEN Board as the LLEN plays an important role in the key areas of learning and employment.

Attachments

Nil

Recommendation(s)

That Council nominates Cr..... as a Board Member on the South West Local Learning and Employment Network.

~~~~~\ ~~~~~

OM112707-6

**COLAC YACHT CLUB LEASE AGREEMENT**

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

**Purpose**

The purpose of this report is to seek Council endorsement to renew the lease with the Colac Yacht Club.

**Declaration of Interests**

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

**Background**

The Department of Sustainability and Environment (DSE) has appointed Colac Otway Shire Council (the Landlord) as the Committee of Management of the land at Hamilton Street Colac. Colac Otway Shire has previously agreed to lease a portion of the land to the Colac Yacht Club (the Tenant) pursuant to section 17D of the Crown Land Reserves Act subject to the conditions, covenants, reservations, restrictions and exceptions and at the rent set out in the attached lease. The existing lease agreement was due to cease 30 June 2011. The lease has been reviewed, signed by the Colac Yacht Club and is attached for Council's consideration.

**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.

This proposed lease agreement is consistent with Council's Corporate Plan which stipulates 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.

**Issues / Options**

Specific issues regarding length of lease, fees and charges and exact title areas have been clarified throughout the lease renewal. This lease renewal process has been undertaken in consultation with the Council, the Colac Yacht Club and the DSE. The lease agreement has been agreed to and signed by the Colac Yacht Club.

**Proposal**

It is proposed that Council accept this renewed lease and endorse this document with the common seal.

**Financial and Other Resource Implications**

All financial information is detailed in the lease agreement. Council has been responsible for all costs associated with renewal of the lease. There are no additional resource implications for Council as a result of renewing this lease agreement.

**Risk Management & Compliance Issues**

All risk management and compliance issues are detailed in the individual lease agreement.

**Environmental and Climate Change Considerations**

There are will be no environmental issues impacted upon as a result of the content and renewal of this lease agreement.

**Community Engagement**

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

The method of engagement selected is inform and will include formal notification via correspondence to the Colac Yacht Club and the DSE regarding the variation and renewal of this lease agreement.

**Implementation**

It is proposed that this agreement will be effective 1 July 2011. Should Council endorse the revised lease, copies will be provided to the Colac Yacht Club and the DSE.

**Conclusion**

The proposed lease agreement is a revision of the existing agreement between Council and the Colac Yacht Club. The agreement has been updated for a further five year term, expiring 30 June 2016.

**Attachments**

1. Draft Lease Agreement with Colac Yacht Club

**Recommendation(s)**

***That Council signs and seals the lease agreement with the Colac Yacht Club for a further five year term expiring on the 30 June 2016.***

~~~~~) ~~~~~

EXISTING IMPROVEMENTS

Colac Yacht Club Inc.

AND

Colac-Otway Shire Council

**Section 17D Crown Land (Reserves) Act 1978
Lease
(Non Retail)**

**DEPARTMENT OF SUSTAINABILITY
AND
ENVIRONMENT**

DAC-125929-81-10-V2

Section 17D Crown Land (Reserves) Act 1978 lease – Existing Improvements Committee (Non Retail) | January 2009

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Section 17D Crown Land (Reserves) Act 1978 lease – Existing Improvements Committee (Non Retail) 1 January 2009

THIS LEASE is made on _____ and commences on the date in Item 4 of schedule 1

BETWEEN THE LANDLORD whose name appears in Item 1 (**Landlord**)

AND THE TENANT whose name appears in Item 2 (**Tenant**)

RECITALS

- A The Land is reserved pursuant to Section 4 of the Act for the purpose set out in Item 13.
- B The Minister has appointed the Landlord as the Committee of Management of the Land and has power to enter into this Lease pursuant to Section 17D of the Act subject to the approval in writing of the Minister.
- C The Landlord has agreed to lease the Land to the Tenant pursuant to Section 17D of the Act subject to the conditions, covenants, reservations, restrictions and exceptions and at the Rent set out in this Lease.

OPERATIVE PROVISIONS

1 PART 1 – DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this document:

Act means the *Crown Land (Reserves) Act 1978*

Authority includes any government, local government, statutory, public or other Person, authority, instrumentality or body having jurisdiction over the Land, the Premises or any part of it or anything in relation to it;

Bank Guarantee means an unconditional and irrevocable undertaking in a form acceptable to the Landlord given by a bank authorised under the provisions of *the Banking Act 1959* (Cth.) or an Act of the Parliament of Victoria;

Business Day means any day (except a Saturday, Sunday or public holiday) on which banks are open for business in Melbourne, Victoria;

Claim includes any claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding and right of action;

Clause means a clause of this Lease; ("sub-clause" has a similar meaning); a reference to a Clause followed by a number refers to the relevant Clause in this Lease;

Commencement Date means the date set out in Item 4;

Cost includes any cost, charge, expense, outgoing, payment or other expenditure of any nature whatever;

Crown means the Crown in right of the State of Victoria;

Default Rate means the rate for the time being fixed under section 2 of the *Penalty Interest Rates Act 1983*; if that rate ceases to be published then it means any rate substituted in its place;

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Section 17D Crown Land (Reserves) Act 1978 lease – Existing Improvements Committee (Non Retail) 1 January 2009

Further Obligations means any obligations set out in Schedule 3;

Further Term means the further term or terms set out in Item 8;

GST means any consumption, goods and services or value added tax, by whatever name called, imposed, levied or collected by any Federal or State Government which operates at any time or times during the Term or any renewal or overholding of the Lease including, without limitation, GST as defined in the GST Act and any replacement tax;

GST Act means *A New System (Goods and Services Tax) Act 1999*;

Guaranteed Sum means the amount set out in Item 9;

Hazardous Materials includes any substance, material, thing, component or element which is hazardous, a contaminant or a pollutant to persons or property;

Insured Sum means the amount set out in Item 12;

Her Majesty means Her Majesty Queen Elizabeth II and her heirs and successors;

Item means the relevant item in Schedule 1 to this Lease;

Land means the land described in Item 3 to a depth of 15 metres below the surface and all rights, easements and appurtenances usually and normally enjoyed with that land and all improvements, fixtures, fittings, plant, equipment and chattels listed in Item 15 of Schedule 1 together with any other improvements, fixtures, fittings, plant, equipment and chattels on it at the Commencement Date;

Landlord means the Landlord named in this Lease and the person for the time being entitled to the Lease reversion when the Lease ends;

Landlord's Agents means the employees, contractors, agents and any other Person appointed from time to time by the Landlord as agent of the Landlord;

Law includes any requirement of any statute, rule, regulation, proclamation, ordinance or local law, present or future, and whether State, Federal or otherwise;

Minister means the Minister having responsibility for the administration of the Act or such other Minister of the Crown or Authority to whom responsibility for this Lease may at any time be given;

Minister's Agents and Officers includes any person, committee or delegate (including any statutory authority or statutory body corporate or committee for the time being responsible for the administration, care and management of the Land) from time to time responsible for carrying out functions, including the functions of the Minister, under this Lease;

Name and Notice Address means the name and address in Item 11 as it may be changed from time to time;

Notice means any notice or other written communication;

Party means a party to this Lease and includes any Guarantor;

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Section 17D Crown Land (Reserves) Act 1978 lease – Existing Improvements Committee (Non Retail) 1 January 2009

Permitted Use means the permitted use of the Land set out in Item 7;

Person includes any corporation and vice versa;

Premises means the Land and the Tenant's Improvements;

Proposed Work means the construction, alteration, addition, renovation, refurbishment, demolition, removal of or to any improvement on the Land;

Rates and Taxes means all existing and future rates (including any special rates or levies) taxes (including land tax on a single holding basis), duties, charges, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the Land or the Landlord or the Tenant or payable by the owner or occupier of the Land;

Rent means the annual Rent set out in Item 6;

Requirement includes any lawful Notice, order or direction received from or given by any Authority or pursuant to any Law, in writing or otherwise, and notwithstanding to whom such Requirement is addressed or directed but if not addressed to the Tenant then the Tenant must be given a copy;

Review Date means at the date or dates set out in Item 10.

Services means all services installed or to be installed and connected to the Premises including, without limitation, gas, electricity, telephone and telecommunication, water, sewerage and drainage;

Supply means the supply of any good, service or thing by either Party under this Lease.

Tenant means the Tenant named in this Lease and includes in the case of a:

- (a) corporation the Tenant, its successors and permitted assigns;
- (b) natural Person the Tenant, his executors, administrators and permitted assigns;

Tenant's Employees means each of the Tenant's employees, agents, contractors, invitees or others (whether with or without invitation), sublessees, licensees and concessionaires or others (whether expressly or impliedly) who may at any time be in or upon the Land;

Tenant's Improvements means those items listed in Item 16 of Schedule 1 and all buildings, structures, fixtures, fittings, plant, equipment, partitions, signs or other material or articles and chattels of all kinds which are at any time erected or installed by the Tenant in or on the Land;

Term means the term of this Lease set out in Item 5 commencing from and including the Commencement Date; and

this Lease or "the Lease" means this lease and includes all schedules, appendices, attachments, plans and specifications, annexures and exhibits to it.

1.2 Interpretation

- (a) The singular includes the plural and vice versa;

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- (b) A gender includes all genders;
- (c) An obligation imposed by this Lease on more than one Person binds them jointly and severally;
- (d) Every covenant by the Tenant includes a covenant by the Tenant to procure compliance with the covenant by each of the Tenant's Employees;
- (e) A reference to legislation includes a modification or re-enactment of it, a legislative provision substituted for it or amendment of it and a regulation, rule or statutory instrument issued under it;
- (f) This Lease must be interpreted so that it complies with all Laws applicable in Victoria. Any provision must be read down so as to give it as much effect as possible. If it is not possible to give a provision any effect at all, then it must be severed from the rest of the Lease. If any provision or part of it cannot be so read down, such provision or part shall be deemed to be void and severable and the remaining provisions of this Lease shall not in any way be affected or impaired;
- (g) Unless otherwise stated, no provision of this Lease limits the effect of any other provision of this Lease. "Including" and similar expressions are not and must not be treated as words of limitation;
- (h) A reference to the Land, Premises or any thing includes the whole and each part of it;
- (i) The Landlord and the Tenant agree that:
 - (i) the terms contained in this Lease constitute the whole of the agreement in respect of the Land and Premises between the Landlord and the Tenant and all previous negotiations and agreements are negated;
 - (ii) no further terms are to be implied or arise between the Landlord and the Tenant by way of collateral or other agreement made by or on behalf of the Landlord or by or on behalf of the Tenant on or before or after the execution of this Lease, and any implication or collateral or other agreement is excluded and negated;
 - (iii) no information, representation or warranty by the Landlord or the Landlord's agents was supplied or made with the intention or knowledge that it would be relied on by the Tenant in entering into this Lease; and
 - (iv) no information, representation or warranty has been relied on by the Tenant in entering into this Lease.
- (j) Headings and the index to this Lease are for guidance only and do not affect the interpretation of this Lease;
- (k) If a reference is made to any Person, body or Authority and that person, body or Authority has ceased to exist, then the reference is deemed to be a reference to the Person, body or Authority that then serves substantially the same or equivalent objects as the Person, body or Authority that has ceased to exist;

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- (l) Reference to the President of a Person, body or Authority must, in the absence of a President, be read as a reference to the senior officer or equivalent employee for the time being of the Person, body or Authority or such other Person fulfilling the duties of President;
- (m) A reference to "writing" or "written" and any words of similar import include printing, typing, lithography and any other means of reproducing characters in tangible and visible form, including any communication effected through any electronic medium if such communication is subsequently capable of reproduction in tangible or visible form;
- (n) A reference to "corporation" and any other words or expressions used or defined in the *Corporations Act 2001*, unless the context otherwise requires, has the same meaning that is given to them in the *Corporations Act 2001*;
- (o) This Lease is governed by Victorian law. The Parties irrevocably submit to the non-exclusive jurisdiction of the courts of that State and courts of appeal from them. Except as expressly agreed in writing by both Parties or for an action required at a federal level, each Party waives any right it has to object to an action being brought in any court outside Victoria including, without limitation, by claiming that the action has been brought in an inconvenient forum or that those courts do not have jurisdiction;
- (p) If the day or last day for doing anything or on which an entitlement is due to arise is not a Business Day, the day or last day for doing the thing or date on which the entitlement arises for the purposes of this Lease shall be the next Business Day;
- (q) Each provision of this Lease continues to have full force and effect until it is satisfied or completed;
- (r) Where a word or phrase is defined, its other grammatical forms have a corresponding meaning; and
- (s) A reference to an agreement or a document is to that agreement or document as amended, novated, supplemented, varied or replaced from time to time except to the extent prohibited by this Lease.

1.3 Minister's delegations

- (a) Wherever this Lease refers to an action, consent, approval or other thing to be done by, or matter to be considered by the Minister, the reference to the Minister shall be deemed to include a reference to the Minister's Agents and Officers.
- (b) The Minister may appoint any person as the Minister's delegate to exercise all powers conferred by this Lease on the Minister expressly, including without limitation, the power to give any consent or approval pursuant to this Lease.
- (c) The Minister may change the appointment at any time.

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2 PART 2 - EXCLUSION OF STATUTORY PROVISIONS

2.1 Moratorium

To the extent permitted by law, the application to this Lease or to any Party of any Law or any Requirement or any moratorium having the effect of extending or reducing the Term, reducing or postponing the payment of Rent or any part of it or otherwise affecting the operation of the terms of this Lease or its application to any Party is excluded and negated.

2.2 Exclusion of Statutory Provisions

The covenants, powers and provisions implied in leases by virtue of the *Transfer of Land Act 1958* are expressly negated.

3 PART 3 - LEASE OF LAND

3.1 Lease of Land for Term

The Landlord leases the Land to the Tenant for the Term.

3.2 Landlord's Reservations

The Landlord reserves the right for the Landlord and the Landlord's Agents to:

- (a) carry out any works that may be required to comply with any applicable Law or Requirement; and
- (b) create any registered or unregistered easement or other right over the Land as long as it does not adversely affect the Tenant's rights under this Lease;
- (c) enter the Land and the Premises for the purposes set out in this Clause.

3.3 Other Reservations

This Lease is granted subject to the following reservations:

- (a) the reservation to the Crown of all gold and minerals within the meaning of the *Mineral Resources Development Act 1990* and petroleum within the meaning of the *Petroleum Act 1958*, all of which are described as the "reserved minerals";
- (b) the reservation to the Crown of the rights of access for the purpose of searching for and obtaining the reserved minerals in any part of the Land;
- (c) the reservation to the Crown of the rights of access for any pipeline works and other purposes necessary for obtaining and conveying on and from the Land any of the reserved minerals obtained in any part of the Land; and
- (d) the right to resume the Land for mining purposes under Section 205 of the *Land Act 1958*.

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3.4 Landlord's Exercise of Rights

Except in an emergency, the Landlord must give the Tenant reasonable notice of the Landlord's intended exercise of the rights set out in this Clause. The Landlord must only exercise the rights at reasonable times and must minimise interference to the Tenant when doing so.

3.5 Ownership of Tenant's Improvements

The Tenant owns all of the Tenant's Improvements unless the Act requires any buildings and structures erected on the Land by the Tenant to be and to remain the property of the Landlord.

4 PART 4 - RENT

4.1 Tenant to pay Rent

The Tenant covenants to pay the Rent:

- (a) at the times and in the manner set out in Item 6 without demand by the Landlord;
- (b) without any abatement, deduction or right of set-off;
- (c) to the Landlord at the address set out in Item 14 or to any other address or in any other way the Landlord directs the Tenant by Notice.

4.2 Apportionment of Rent

If the Commencement Date is not the first day of a rent period, the first and last instalments of Rent will be apportioned on a pro-rata daily basis for the periods from:

- (a) the Commencement Date to the first day of the next rent period;
- (b) the first day of the last rent period of the Term until the date on which the Term expires.

5 PART 5 - RATES AND TAXES AND GST

5.1 Tenant to pay Rates and Taxes

The Tenant must pay the Rates and Taxes:

- (a) to the assessing Authority on time if assessed directly against the Tenant or the Land; but otherwise
- (b) to the Landlord by the date which is 10 Business Days before the due date for payment if the Landlord must pay the Rates and Taxes and has given the Tenant a copy of the notice at least 10 Business Days before then.

5.2 Tenant to Produce Receipts

The Tenant must produce receipts to the Landlord evidencing payment of the Rates and Taxes by the due date for payment if the Tenant is required to pay them to the assessing Authority.

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5.3 Pro-rata apportionment

If necessary, the Rates and Taxes will be apportioned on a pro-rata daily basis at the beginning and at the end of the Term.

5.4 Goods and Services Tax

- (a) If GST is or will be or is purported to be payable on any Supply the Party receiving the Supply must pay the Party making the Supply a sum equal to any GST payable by the supplier for that Supply.
- (b) To the extent that one Party is required to reimburse the other Party for costs incurred by the other Party, those costs do not include any amount in respect of GST for which the Party is entitled to claim an input tax credit.
- (c) A Party's obligation to pay an amount under this Clause is subject to a valid tax invoice being delivered to that Party. For the avoidance of any doubt, the Rent and all other payments under this Lease are exclusive of GST.

6 PART 6 - COST OF SERVICES

The Tenant must pay Costs for all Services (including any special, additional or unusual Services separately supplied, metered, consumed or connected as appropriate in, to or on the Land or the Premises):

- (a) by direct payment on or before the due date if assessed directly against the Land or the Premises; but otherwise
- (b) by reimbursing the Landlord by the date which is 5 Business Days before the due date for payment if the Landlord has given a copy of the Notice to the Tenant at least 10 Business Days before then.

7 PART 7 - COSTS

The Tenant must pay to the Landlord all the Landlord's reasonable legal and other Costs including the costs of valuers, quantity surveyors and other consultants engaged by the Landlord of and incidental to:

- (a) the negotiation, preparation and execution of this Lease;
- (b) any consent required under this Lease;
- (c) any assignment or subletting for which the Landlord's consent is required by this Lease;
- (d) any variation, extension, surrender or termination of this Lease otherwise than by effluxion of time;
- (e) any default by the Tenant or the Tenant's Employees in observing or performing any covenants contained or implied in this Lease.

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8 PART 8 - INTEREST

8.1 Payment

The Tenant must pay on demand interest at the Default Rate on any Rent or other moneys which the Tenant has not paid within 30 days of the due date for payment.

8.2 Calculation

Interest is to be calculated daily from the due date and is to continue until the overdue money is paid. The interest will be capitalised on the last day of each month and may be recovered in the same way as Rent in arrears.

8.3 No Prejudice

If the Landlord requires a Tenant to pay interest, it is without prejudice to any other rights, powers and remedies which the Landlord may have under this Lease or at law.

9 PART 9 - USE OF PREMISES

9.1 Tenant's Permitted Use and negative covenants

The Tenant must not:

- (a) use the Premises for any purpose other than the Permitted Use;
- (b) do anything in or on the Premises which in the reasonable opinion of the Landlord causes or may cause nuisance, damage, disturbance or danger to the Landlord or the occupiers or owners of any other property;
- (c) use or allow the use of any radio, television or other sound producing equipment at a volume that can be heard outside the Premises except with the prior written consent of the Landlord which is not to be unreasonably withheld but may be given conditionally;
- (d) affix any television or radio mast or antennae, satellite dish or any other communication device to any part of the Premises except with the prior written consent of the Landlord which is not to be unreasonably withheld but may be given conditionally;
- (e) write, paint, display, hang or affix any sign, advertisement, placard, name, flagpole, flag or notice on any part of the Premises except with the prior written consent of the Landlord which is not to be unreasonably withheld but may be given conditionally;
- (f) overload the floor, walls, roof or any other part of the Premises, or, bring onto or remove from the Premises any plant or heavy equipment which by reason of its weight or vibration in its operation or in any way is likely in the reasonable opinion of the Landlord to cause damage to any part of the Premises or the Services;
- (g) except to the extent that they are necessary for the Permitted Use and then only in compliance with any Law or Requirement and in such quantities as are reasonably appropriate, store Hazardous Materials on or in the Premises;

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- (h) install any equipment or system in the Premises that overloads or may overload the electrical or other Services to the Premises;
- (i) use the Premises as a residence unless it is a Permitted Use;
- (j) use the Premises for an illegal purpose;
- (k) burn any rubbish or waste on the Premises other than the burning of vegetation in accordance with all necessary permits.

9.2 Tenant's positive covenants

The Tenant at its Cost must:

- (a) at all times carry out the Permitted Use in a business like and reputable manner;
- (b) keep the Premises clean and not permit any accumulation of useless property or rubbish in them;
- (c) keep the Premises free of pests, insects and vermin;
- (d) provide the Landlord (and keep updated when it changes) with the name, postal address, e-mail address, telephone and facsimile transmission numbers of a person or persons to contact during and after business hours if an emergency arises which affects the Premises;
- (e) comply with the Landlord's reasonable operational requirements for the Services and not interfere with the Services;
- (f) on vacating the Premises, remove all lettering, signs, flagpoles, flags, and other distinctive marks from the Premises and make good any damage caused by the removal;
- (g) obtain, maintain and comply with all consents or approvals from all Authorities which from time to time are necessary or appropriate for the Permitted Use. The Tenant must not by any act or omission cause or permit any consent or approval to lapse or be revoked;
- (h) maintain documented risk management identification and treatment programs for the Premises and the Services;
- (i) arrange for the regular and efficient removal from the Premises of its refuse and rubbish;
- (j) the Tenant must if a notifiable infectious illness occurs in the Premises promptly give Notice to the Landlord and all relevant Authorities and thoroughly fumigate and disinfect the Premises to the satisfaction of the Landlord and all relevant Authorities;
- (k) undertake all fire protection works on the Land required by Law to the satisfaction of the Landlord and all relevant Authorities;

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- (l) permit the Landlord or the Landlord's servants or agents with or without vehicles and equipment, workmen or others at all times to enter the Land for fire protection and suppression purposes;
- (m) comply with the further obligations, if any, set out in Schedule 3.

9.3 No warranty as to use

- (a) The Landlord gives no warranty (either present or future) that the Land or the Premises are fit for the Permitted Use.
- (b) The Tenant has entered into this Lease with full knowledge of and subject to any prohibitions or restrictions contained in any Law or any Requirement on how the Land or the Premises may be used.

9.4 To Let Signs and Inspection

The Landlord may after giving reasonable notice and at reasonable times:

- (a) place advertisements and signs on those parts of Land and Premises as are reasonable having regard to the interests of the Landlord and the Tenant where the Premises are available for lease if the Tenant does not exercise any option to renew this Lease for a Further Term;
- (b) by appointment with the Tenant, show prospective tenants through the Land and the Premises.

The Landlord in exercising rights under this Clause must endeavour to minimise any inconvenience to the Tenant.

9.5 Cost of alteration

Pay to the Landlord on demand the Cost reasonably incurred by the Landlord of any alteration to any Services, sprinkler or fire prevention equipment and installations (including alarms) which may become necessary because of the non-compliance of the Tenant or of the Tenant's Employees with any Requirements, including those of any Tenant's insurer of the Premises or any Tenant's fittings within the period required or, if no period is required, within a reasonable period to meet those requirements.

10 PART 10 - COMPLIANCE WITH LAWS AND REQUIREMENTS

10.1 Compliance with Laws

- (a) The Tenant at its Cost must comply with and observe all Laws and Requirements relating to the Land, the Premises, the Services and the Permitted Use. If the Tenant receives any Notice from an Authority, the Tenant must immediately provide a complete copy of it to the Landlord;
- (b) Before complying with any Law or Requirement, the Tenant must:
 - (i) obtain the written consent of the Landlord which is not to be unreasonably withheld and;
 - (ii) observe the provisions of this Lease.

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10.2 Landlord may comply with Laws if Tenant defaults

If the Tenant fails to do so, the Landlord may comply with any Law or Requirement referred to in this Clause either in part or whole. If the Landlord does this:

- (a) any Costs incurred by the Landlord must be paid or reimbursed to the Landlord by the Tenant;
- (b) it is without prejudice to any of the Landlord's other rights in respect of non-compliance by the Tenant with its obligations under this Lease.

11 PART 11 - MAINTENANCE REPAIRS ALTERATIONS AND ADDITIONS

11.1 General repairing obligation

- (a) The Tenant at its Cost during the Term and any extension or holding over must keep the Premises and the Services in good repair and condition and clean and tidy. For the avoidance of any doubt, the Tenant acknowledges that the Landlord will have no responsibility for any repairs or maintenance to the Premises and the Services;
- (b) Before carrying out any repairs or maintenance to the Premises, the Tenant must obtain the written approval of the Landlord and all relevant Authorities but the Tenant will not be required to obtain written or any form of approval from the Landlord for maintenance of a non-structural nature.

11.2 Landlord's right of inspection

The Landlord or the Landlord's Agents may enter the Premises and view the state of repair and condition of the Premises and Services:

- (a) in the presence of the Authorised Officer of the Tenant if required by the Tenant;
- (b) at reasonable times on giving to the Tenant reasonable notice in writing (except in the case of emergency when no notice is required).

11.3 Enforcement of repairing obligations

The Landlord may serve on the Tenant a Notice:

- (a) specifying any failure by the Tenant to carry out any repair, replacement or cleaning of the Premises or the Services which the Tenant is required to do under this Lease; and/or
- (b) require the Tenant to carry out the repair, replacement or cleaning within a reasonable time. If the Tenant does not comply with the Notice, the Landlord may elect to carry out such repair, replacement or cleaning and any Costs incurred must be paid by the Tenant when demanded by the Landlord.

11.4 Landlord may enter to repair

The Landlord, the Landlord's Agents and others authorised by the Landlord may at all reasonable times after giving the Tenant reasonable notice (except in the case of emergency when no notice is required) enter the Land and the Premises to carry out any

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works and repairs in the circumstances set out below. In doing so, the Landlord must endeavour not to cause undue inconvenience to the Tenant.

- (a) The circumstances for entry are:
 - (i) to carry out any repairs on or to the Premises or the Services, which the Landlord considers necessary or desirable or which relate to anything which the Landlord is obliged or entitled to do under this Lease;
 - (ii) if an Authority requires any repair or work to be undertaken on or to the Premises or the Services which the Landlord is either required or in the Landlord's discretion elects to do and for which the Tenant is not liable under this Lease; and/or
 - (iii) if the Landlord elects to carry out any repair work which the Tenant is required or liable to do under this Lease by any Law or by any Requirement but fails to do so within the time specified or otherwise allowed for that work to be done.

11.5 Alterations to Premises

- (a) The Tenant must not and must not permit any other person to carry out any Proposed Work without the Landlord's and the Minister's prior written consent which must not be unreasonably withheld or delayed;
- (b) In seeking the Landlord's and the Minister's consent the Tenant must submit plans and specifications of the Proposed Work for the approval of the Landlord together with a list of the Persons (if any) from or to whom the Tenant proposes to call a tender or award a contract for the Proposed Work;
- (c) the Landlord and the Minister may give consent subject to the Tenant satisfying the following requirements:
 - (i) any Proposed Work must be supervised by a Person approved by the Landlord;
 - (ii) any Proposed Work must be executed promptly and continuously in a proper and workmanlike manner, using the materials and by contractors or tradesmen approved by the Landlord, in accordance with all Laws and Requirements;
 - (iii) the Tenant must pay on demand all Costs incurred by the Landlord and the Minister in considering or inspecting the Proposed Work and its supervision, including the reasonable fees of architects, engineers or other building consultants reasonably engaged by or on behalf of the Landlord;
 - (iv) the Tenant must obtain and keep current and comply with all necessary approvals or permits from all Authorities necessary to enable any Proposed Work to be lawfully effected, and must on request by the Landlord produce for inspection by the Landlord copies of all such approvals and permits;

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- (v) on completion of the Proposed Work the Tenant must immediately obtain and produce to the Landlord, any unconditional certificates of compliance or of satisfactory completion issued by relevant Authorities and, a certificate by a consultant approved by the Landlord that the Proposed Work has been carried out in accordance with the plans and specifications approved by the Landlord.

11.6 Notice to Landlord of damage, accident etc

The Tenant must immediately give Notice to the Landlord of any:

- (a) damage however caused, accident to or defects in the Premises or the Services;
- (b) circumstances likely to cause any damage or injury occurring within the Premises of which the Tenant has actual or constructive notice;
- (c) any fault in the Services; or
- (d) Notice from any Authority.

12 PART 12 - ASSIGNMENT AND SUBLETTING

12.1 No disposal of Tenant's interest

The Tenant must not without the prior written consent of the Landlord and the Minister:

- (a) assign, transfer, sub-let, grant any licence, mortgage, encumber, charge or part with or share the possession of or otherwise deal with or dispose of the Tenant's estate or interest in the Land or any part of the Land or the Premises;
- (b) declare itself trustee of the Land or any part of the Land or of any legal or equitable estate or interest in the Land or the Premises.

12.2 Deemed assignment on change of shareholding

There is a deemed assignment under this Clause if the Tenant is a Corporation (other than an incorporated association) and there is any change in any of the following which results in a change in the effective control of the Tenant:

- (a) the membership of the Corporation or any holding Company of the Corporation;
- (b) the beneficial ownership of any shares in the capital of the Corporation or any holding Company of the Corporation; or
- (c) the beneficial ownership of the business or assets in the Corporation or part of it.

If any of these events occur then the Tenant must obtain the Landlord's written consent under this Clause. This does not apply in relation to the sale of shares in the Tenant or the Tenant's holding company that is listed on a recognised stock exchange.

12.3 Acceptance of Rent by Landlord

The acceptance by the Landlord of any Rent or other payment from any Person other than the Tenant does not constitute an acknowledgment by the Landlord that it recognises that person as the Authorised assignee or sub tenant.

12.4 S.144 excluded

Section 144 of the *Property Law Act 1958* does not apply to this Lease.

13 PART 13 - INSURANCE AND INDEMNITIES

13.1 Insurances to be taken out by Tenant

The Tenant must effect and maintain at the Tenant's Cost:

- (a) a standard public liability insurance policy endorsed to extend the indemnity under the policy to include the Tenant's liability under Clause 13.5. The policy must:
 - (i) be for an amount of not less than the Insured Sum or such higher amount as the Landlord may reasonably require in respect of any single occurrence; and
 - (ii) be on terms that the insurer waives all rights of subrogation against the Landlord;
- (b) insurance for the Premises and all Tenant's property for their full replacement value; and
- (c) any other insurance reasonably required by the Landlord.

13.2 Tenant's insurance obligations

The Tenant must:

- (a) ensure that all policies of insurance effected by the Tenant pursuant to this Clause are taken out with an insurance office or company authorised by the Australian Prudential Regulation Authority to conduct new or renewal insurance business in Australia including policies underwritten by Lloyd's of London or otherwise approved by the Landlord.
- (b) by 30 July in each year of the Term, produce to the Landlord a certificate of currency; and
- (c) pay all premiums and other money payable in respect of the insurance policies when they become due and payable.

13.3 Non-vitiating of policies

The Tenant must not do anything in, to or on the Premises and must use its best endeavours not to allow anything to be done which may vitiate or render void or voidable any Tenant's insurances or any condition of any insurance taken out by the Landlord of which the Tenant has been made aware in respect of the Premises or any property in or on it.

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13.4 Exclusion of Landlord's liability

- (a) In the absence of any negligence or deliberate act or omission or material breach of this Lease by the Landlord or the Landlord's Agents, the Tenant acknowledges that all property which may be in or on the Premises will be at the sole risk of the Tenant and the Landlord will not be liable for any Claim that the Tenant or the Tenant's Employees or any Person claiming by, through or under the Tenant may incur or make or any which arises from:
 - (i) any fault in the construction or state of repair of the Premises or any part of it; or
 - (ii) the collapse of the Premises irrespective of the cause; or
 - (iii) any defect in any Services; or
 - (iv) the flow, overflow, leakage, condensation or breakdown of any water, air-conditioning, gas, oil or other sources of energy or fuel, whether from the roof, walls, gutter, downpipes or other parts of the Premises.
- (b) In the absence of any negligence or deliberate act or omission or material breach of this Lease by the Landlord or the Landlord's Agents, the Tenant agrees that the Landlord will not be responsible for and releases the Landlord, the Crown and the Landlord's Agents from liability in respect of any:
 - (i) Claim relating to any property of the Tenant or any other Person in or on the Premises or any part of it however occurring; or
 - (ii) death, damage or injury to any Person or property in on or under the Premises or on any land near it suffered as a direct consequence of the construction, operation, presence or maintenance of the Premises and including, without limitation, damage or injury to any person or property resulting from any collision with or the collapse of the Premises.

13.5 Indemnities

In the absence of any negligence or deliberate act or omission or material breach of this Lease by the Landlord or the Landlord's Agents and Officers and despite:

- (a) any Claims having resulted from anything which the Tenant may be authorised or obliged to do under this Lease; and/or
- (b) at any time any waiver or other indulgence having been given to the Tenant in respect of any obligation of the Tenant under this Clause,

the Tenant will indemnify and keep indemnified the Landlord, the Landlord's Agents and the Crown from and against all Claims for which any of them will or may be or become liable, during or after the Term, in respect of or arising from:

- (i) any cause whatever in respect of damage or injury to the Premises, to any property or to any Person or the death of any Person inside or outside the Premises caused or contributed to by any neglect or default of the Tenant or the Tenant's Employees under this Lease or by the use of the Premises

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by the Tenant or by the Tenant's Employees including, without limitation, injury or death to any Person or property resulting from any collision with or collapse of the Premises;

- (ii) the negligent or careless use or neglect of the Services and facilities of the Premises by the Tenant or the Tenant's Employees or any other Person claiming through or under the Tenant or of any trespasser while such trespasser is in or on the Premises caused or contributed to by any default or negligent act or omission of the Tenant;
- (iii) overflow or leakage of water (including rain water) or from any Services whether originating inside or outside the Premises caused or contributed to by any act or omission on the part of the Tenant or the Tenant's Employees or other Person claiming through or under the Tenant;
- (iv) failure of the Tenant to give Notice to the Landlord of any defect in any of the mechanical or any other Services in the Premises within a reasonable time of the Tenant becoming aware of it; and
- (v) damage to plate, float and other glass caused or contributed to by any act or omission on the part of the Tenant or the Tenant's Employees.

14 PART 14 - DAMAGE AND DESTRUCTION

14.1 Tenant to reinstate Premises

If the Premises or any part of them are at any time damaged or destroyed by any disabling cause then the Tenant must expeditiously re-instate the Premises and make them fit for the occupation and use by the Tenant as if it was Proposed Work.

14.2 Obligation to reinstate is absolute

The Tenant's obligation under Clause 14.1 to reinstate the Premises applies irrespective of how the damage and destruction occurred and irrespective of whether any policy of insurance effected for the Premises is avoided or payment refused or reduced.

14.3 Rent and Rates and Taxes

The Tenant must continue to pay the Rent and the Rates and Taxes even if the Premises are destroyed or damaged.

15 PART 15 - LANDLORD'S COVENANT

15.1 Quiet Enjoyment

If the Tenant pays the Rent and observes and performs in a timely fashion the covenants and conditions on its part contained in this Lease, the Tenant may occupy and enjoy the Land during the Term without any interruption by the Landlord or by any Person claiming through the Landlord except as provided in this Lease.

16 PART 16 - TERMINATION AND DEFAULT

16.1 Events of Default

The following are Events of Default:

- (a) if the Rent or any other money payable under this Lease is not paid within 30 days of the due date for payment whether legally demanded or not;
- (b) if the Tenant at any time fails to perform or observe any of its obligations under this Lease;
- (c) if the Tenant or the Guarantor are companies then if either the Tenant or the Guarantor:
 - (i) enter into any compromise or arrangement with any of its creditors or if an application is made to any court for an order summoning a meeting of creditors; or
 - (ii) has a receiver or receiver and manager or administrator or controller appointed of any of its assets; or
 - (iii) is wound up or dissolved or notice is given of intention to propose a resolution for winding up or an order is made or resolution passed or an application is made for winding up or dissolution; or
 - (iv) has a resolution passed by the directors that in their opinion the company can no longer continue its business; or
 - (v) calls a meeting of its creditors pursuant to the *Corporations Act 2001*; or
 - (vi) is placed under official management or if the members determine to convene a meeting of creditors for the purpose of placing the company under official management; or
 - (vii) has an inspector appointed pursuant to the *Australian Securities and Investments Commission Act 2001*; or
 - (viii) is unable to pay its debts as and when they fall due; or
 - (ix) makes an assignment for the benefit of or enters into an arrangement or composition or a moratorium whether formal or informal with its creditors or financiers; or
 - (x) has a provisional liquidator or a liquidator by any means appointed;
- (d) if any execution exceeding ten thousand dollars is issued, levied or enforced against the Tenant or the Guarantor or on any of the assets of the Tenant or the Guarantor unless such execution is fully paid or satisfied within seven days from the date of the issue, levy or enforcement, or appropriate legal proceedings to invalidate the execution are taken within seven days of the issue, levy or enforcement; and

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- (e) if the Tenant or the Guarantor is a natural person and becomes or is made bankrupt or makes any assignment of his estate or any part of it for the benefit of creditors or otherwise seeks relief under or takes advantage of any Law for the time being in force relating to bankruptcy or insolvent debtors or causes or permits his goods to be levied on or under any execution or other legal process.

16.2 Forfeiture of Lease

If an Event of Default occurs the Landlord may, without prejudice to any other Claim which the Landlord has or may have against the Tenant or any other Person at any time re-enter into and upon the Land or any part of it in the name of the whole and thereupon this Lease will be absolutely determined.

16.3 Re-entry

The right of re-entry for breach of any covenant or condition to which section 146(1) of the *Property Law Act 1958* applies must not be exercised until the expiration of 30 days after the Landlord has served on the Tenant the notice required pursuant to that section.

16.4 Landlord may rectify

If the Tenant is in default under this Lease and fails to commence to rectify that default within 7 days of the Landlord notifying the Tenant in writing of that default and requiring its rectification or, having commenced, fails to expeditiously complete that rectification within a reasonable time, the Landlord may, but will not be obliged to, remedy at any time without further notice any default by the Tenant under this Lease. If the Landlord so elects all reasonable Costs incurred by the Landlord (including legal costs and expenses) in remedying the default will constitute a liquidated debt and must be paid by the Tenant to the Landlord on demand.

16.5 Waiver

- (a) The Landlord's failure to take advantage of any default or breach of covenant by the Tenant will not be or be construed as a waiver of it, nor will any custom or practice which may grow up between any of the Parties in the course of administering this Lease be construed to waive or to lessen the right of the Landlord to insist upon the timely performance or observance by the Tenant of any covenant or condition of this Lease or to exercise any rights given to the Landlord in respect of any such default;
- (b) A waiver by the Landlord of a particular breach is not deemed to be a waiver of the same or any other subsequent breach or default;
- (c) The demand by the Landlord for, or subsequent acceptance by or on behalf of the Landlord of, Rent or any other money payable under this Lease will not constitute a waiver of any earlier breach by the Tenant of any covenant or condition of this Lease, other than the failure of the Tenant to make the particular payment or payments of Rent or other moneys so accepted, regardless of the Landlord's knowledge of any earlier breach at the time of acceptance of such Rent or other moneys.

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16.6 Tender after determination

If the Landlord accepts money from the Tenant after the Landlord ends this Lease the Landlord may (in the absence of any express election of the Landlord) apply it:

- (a) first, on account of any Rent and other moneys accrued and due under this Lease but unpaid at the date the Lease is ended; and
- (b) secondly, on account of the Landlord's Costs of re-entry.

16.7 Essential terms

The Landlord and the Tenant agree that each of the following covenants by the Tenant are essential terms of this Lease:-

- (a) to pay the Rent;
- (b) to keep the Premises open for use;
- (c) to carry on the Permitted Use;
- (d) to comply with Laws and Requirements;
- (e) subject to this Lease, to repair and maintain and, if necessary, reinstate or demolish the Tenant's Improvements;
- (f) not to assign this Lease or sub-let the Land or any part of it;
- (g) to take out and keep current those insurances required to be taken out by the Tenant;
- (h) to pay or reimburse Rates and Taxes.

16.8 Damages for Breach

The Tenant covenants to compensate the Landlord for any breach of an essential term of this Lease. The Landlord may recover damages from the Tenant for such breaches. The Landlord's entitlement under this Clause is in addition to any other remedy or entitlement to which the Landlord is entitled (including to terminate this Lease).

16.9 Repudiation by Tenant

- (a) The Tenant covenants to compensate the Landlord for any loss or damage suffered by reason of the Tenant's conduct (whether acts or omissions):
 - (i) constituting a repudiation of this Lease or of the Tenant's obligations under this Lease; or
 - (ii) breaching any Lease covenants.
- (b) The Landlord may recover damages against the Tenant in respect of repudiation or breach of covenant for the loss or damage suffered by the Landlord during the entire term of this Lease.

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16.10 Acts by the Landlord not to constitute forfeiture

The Landlord's entitlement to recover damages shall not be affected or limited if any of the following events occur:-

- (a) the Tenant abandons or vacates the Land; or
- (b) the Landlord elects to re-enter the Land or to terminate the Lease; or
- (c) the Landlord accepts the Tenant's repudiation; or
- (d) the Parties' conduct (or that of any of their servants or agents) constitutes a surrender by operation of law.

16.11 Mitigation

Nothing in this Clause will operate to relieve the Landlord of any obligation which would otherwise apply to mitigate any loss or damage suffered by the Landlord.

17 PART 17 - DETERMINATION OF TERM

17.1 Tenant to yield up

When this Lease ends the Tenant at its Cost, if required by the Landlord must remove the Tenant's Improvements in a proper and workmanlike manner in compliance with the requirements of all Authorities and to the satisfaction of the Landlord. If the Landlord does not require the Tenant to remove the Tenant's Improvements those improvements that have not vested in the Landlord by operation of Law will revert to and become the absolute property of the Crown (except for the Tenant's trade fixtures, fittings and chattels) without any payment or compensation.

17.2 Tenant to continue pay rent etc

If the Tenant is required to remove the Tenant's Improvements the Tenant must continue to pay the Rent, the Rates and Taxes and all other money payable under this Lease until it has demolished and removed the Tenant's Improvements.

17.3 Tenant not to cause damage

- (a) The Tenant must not cause or contribute to any damage to the Land in the demolition and removal of the Tenant's Improvements.
- (b) If the Tenant causes any such damage in the demolition and removal of the Tenant's Improvements, the Tenant must make good any such damage and must leave the Land in a condition that is acceptable to the Landlord and all Authorities.
- (c) If the Tenant fails to do so within a reasonable time, the Landlord may make good any such damage at the Cost of and as agent for the Tenant and recover from the Tenant the reasonable cost to the Landlord of doing so as a liquidated debt payable on demand.

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17.4 Failure by Tenant to remove the Tenant's Improvements

If the Tenant fails to remove the Tenant's Improvements in accordance with this Clause or if the Landlord re-enters the Land, the Landlord at the Landlord's option (without prejudice to any action or other remedy which the Landlord has) may:

- (a) demolish and remove the Tenant's Improvements; and
- (b) without being guilty of any manner of trespass, cause any of the Tenant's property to be removed and stored in such manner as is reasonable at the risk and at the Cost of Tenant and/or at the option of the Landlord sell it as the attorney of the Tenant and appropriate the proceeds of sale in payment of any Rent or other money owing by the Tenant to the Landlord and pay any residue without interest to the Tenant; or
- (c) treat the Tenant's property as if the Tenant had abandoned its interest in it and it had become the property of the Landlord, and deal with it in such manner as the Landlord thinks fit without being liable in any way to account to the Tenant for them.

17.5 Tenant to indemnify and pay Landlord's Costs

The Tenant must:

- (a) indemnify and keep indemnified the Landlord in respect of the reasonable cost of the removal and storage of the Tenant's property, the cost of demolishing and removing the Tenant's Improvements that the Tenant was required to remove and also in respect of all Claims which the Landlord may suffer or incur at the suit of any Person (other than the Tenant) claiming an interest in the Premises or the Tenant's property by reason of the Landlord acting in any manner permitted in this Clause; and
- (b) pay to the Landlord as a liquidated debt payable on demand any reasonable Costs incurred by the Landlord in exercising its rights pursuant to this Clause, including any excess of Costs over moneys received in disposal of the Tenant's property pursuant to the Landlord's rights contained in Clause 17.4 except to the extent caused by any negligent act or omission of the Landlord.

17.6 Condition at Termination

At the end of this Lease the Tenant must return the Premises to the Landlord in the condition required by this Lease.

17.7 Earlier breaches

The ending of this Lease does not prejudice or affect any rights or remedies of the Landlord against the Tenant in respect of any earlier breach by the Tenant of any Lease covenants and conditions.

18 PART 18 – MISCELLANEOUS

18.1 Notices

- (a) Any Notice served or given by either Party pursuant to this Lease will be valid and effectual if signed by either Party or by any director, alternate director, secretary, executive officer, attorney, managing agent, Authorised Officer or solicitors for the time being of that Party or any other Person nominated from time to time by that Party.
- (b) Each Party must immediately provide the other Party with a Notice containing full particulars of the address and facsimile information of the Party giving the Notice and must update such notice in the event of any change.
- (c) Any Notice required to be served or which the Landlord may elect to serve on the Tenant shall be sufficiently served if:
 - (i) served personally
 - (ii) sent by facsimile transmission
 - (iii) forwarded by prepaid security post to the Tenant at its address in this Lease.
- (d) Any Notice required to be served on the Landlord shall be sufficiently served if:
 - (i) served personally
 - (ii) sent by facsimile transmission
 - (iii) forwarded by prepaid security post addressed to the Landlord to the Name and Notice Address.

All such Notices must be addressed to the Landlord at that address or at such other address as the Landlord from time to time nominates.

- (e) Any Notice is deemed to have been duly served if given:-
 - (i) by post, two Business Days after the day it was posted;
 - (ii) by facsimile, at the time of transmission to the Party's facsimile number unless the time of dispatch is later than 5.00 p.m. at the place to which the facsimile transmission is sent in which case it shall be deemed to have been received at the commencement of business on the next Business Day in that place. A copy of any Notice sent by facsimile transmission must also on the date of dispatch be sent by mail to the Party to whom it was sent by facsimile transmission;
 - (iii) personally, on the date of service.

18.2 Overholding

If the Tenant continues in occupation of the Land after the Term has expired without objection by the Landlord:

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- (a) the Tenant will be deemed a tenant on the terms of this Lease from month to month for a period not exceeding the period permitted by the Act (if any) at a rent to be agreed and failing agreement at a rent to be determined by a qualified valuer acting as an expert and not as an arbitrator and his costs must be paid equally by the Parties;
- (b) either Party may end the Lease by giving to the other Party at any time one month's Notice.

18.3 Set-Off

If the Tenant defaults in the payment of the Rent, the Rates and Taxes or any other money payable under this Lease to the Landlord or any Authority, the Landlord may set-off that amount against any moneys which may from time to time be payable by the Landlord to the Tenant on any account whatsoever but any set-off will not relieve the Tenant from its default for any non-payment of the Rent, the Rates and Taxes or other moneys under this Lease.

18.4 Easements

The Landlord may grant rights of support and enter into any arrangement or agreement with any party with an interest in any adjacent land or with any Authority as the Landlord thinks fit for the purpose of:

- (a) public or private access to the Land; or
- (b) support structures erected on adjoining land;
- (c) the provision of Services.

The Landlord must not exercise any rights under this Clause if it substantially and permanently derogates from the enjoyment of the rights of the Tenant under this Lease.

18.5 Guarantee

If a Guarantee and Indemnity is annexed to this Lease, the Tenant must on the same date as the execution of this Lease procure its execution by the Guarantors named in it and deliver the executed Guarantee and Indemnity to the Landlord. If that Landlord elects, this Lease will not take effect until the Guarantee and Indemnity has been properly executed by the Guarantors and delivered to the Landlord.

18.6 Waiver

No waiver by one Party of a breach by or on behalf of the other Party of any obligation, provision or condition of this Lease expressed or implied shall operate as a waiver to or of any other breach of the same or any other obligation, provision or condition of this Lease expressed or implied.

19 PART 19 – FURTHER TERM

19.1 Option for new lease

The Landlord must grant the Tenant and the Tenant must take a new lease for the next Further Term if:

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- (a) the Tenant gives the Landlord a renewal Notice not more than six months or less than three months before the Term expires;
- (b) there is no unremedied default of which the Landlord has given the Tenant written notice;
- (c) the Tenant has not persistently defaulted under this Lease throughout its Term and the Landlord has not given the Tenant Notices of the defaults; and
- (d) the Tenant does not default under this Lease after giving the Landlord the renewal Notice.

19.2 Terms of new lease

The new lease will:

- (a) commence on the day after the Term expires;
- (b) be at an initial annual Rent from the commencement of the Further Term determined in the manner set out in this Lease and the Second Schedule; and
- (c) be on the terms and conditions contained in this Lease including any provision for the review of Rent but not including any provision for renewal if there are no Further Terms.

19.3 Execution of extension of lease

The Landlord and the Tenant, at the Landlord's option, must execute either a new lease or an extension of lease to be prepared at the direction of the Landlord and at the Tenant's Cost.

19.4 Guarantor to execute extension of lease or guarantee

- (a) If the Tenant is a corporation, then the Tenant must procure the Guarantor to execute a guarantee of the Tenant's obligations under the new lease.
- (b) The Landlord does not have to grant the new lease if the Tenant does not procure the Guarantor to execute the guarantee in accordance with the preceding sub-Clause.

20 PART 20 – BANK GUARANTEE

20.1 Tenant to provide Bank Guarantee

If asked to do so by the Landlord, in order to secure the performance of the obligations of the Tenant under this Lease the Tenant must procure in favour of the Landlord a Bank Guarantee for the Guaranteed Sum. The following provisions apply to the Bank Guarantee:-

- (a) The Bank Guarantee will remain in force until the bank is notified in writing by the Landlord that it is no longer required.
- (b) The Bank Guarantee must be provided to the Landlord and come into effect on the Commencement Date;

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- (c) If the Tenant is in breach of or fails to perform its obligations under this Lease the Landlord may, without prejudice to all other rights and remedies available to it, draw down the whole or any part of the Bank Guarantee and apply the proceeds drawn down to remedy or assist in remedying and to compensate the Landlord for that default and to assist the Landlord in exercising any or all of the Landlord's rights and remedies under this Lease;
- (d) If the Landlord is entitled to exercise any rights and remedies under this Lease the whole of the Bank Guarantee or such of it remaining may be drawn down and the amount deposited in an interest bearing bank account in the name and under the control of the Landlord and the amount together with interest applied to remedy or assist in remedying the default and to compensate the Landlord for the reasonable loss, cost, expense and damage resultant upon the Tenant's default and the Landlord having to exercise its rights and remedies and to assist in the exercise of any rights and remedies under this Lease;
- (e) The Bank Guarantee must require the bank to pay to the Landlord the Guaranteed Sum or such part of the Guaranteed Sum which has not already been paid to the Landlord without any form of deduction, counterclaim or set off whatsoever on receipt by the bank of a copy of a notice of default certified by or on behalf of the Landlord or its solicitors and without reference or regard to the Tenant or any communication or direction given by the Tenant to the bank to the contrary. The bank must have no responsibility to investigate the entitlement of the Landlord to terminate or seek specific performance of this Lease or demand the payment of any money under this Lease.

20.2 Return of Bank Guarantee

The Landlord must return the Bank Guarantee to the Tenant when this Lease comes to an end and the Tenant has no outstanding obligations under this Lease or liability or potential liability in damages for any breach or non-performance of any obligations under this Lease.

20.3 Assignment or sale does not affect guarantee

The Landlord will not be deemed to have waived or relinquished any right under the Bank Guarantee if the Tenant assigns this Lease. If that occurs, the Bank Guarantee will remain in full force and effect as if it had been provided by the assignee and it will be read accordingly. The Landlord may, as a condition of assignment, require the assignee to provide an equivalent replacement Bank Guarantee and if that occurs, the Landlord must return the Bank Guarantee provided by the Tenant assigning this Lease.

EXECUTED as a deed.

EXECUTED by Colac Otway Shire Council in the presence of:


Common Seal

.....
Chief Executive Officer

.....
Name of signatory (print)

THE COMMON SEAL of Colac Yacht Club Inc is affixed in accordance with its constitution in the presence of:

Common Seal


.....
Company Secretary/Director *COMMODORE*

Dave Lawson
.....
Name of Company Secretary/Director (print)



MINISTERIAL ATTESTATION

Under Section 17D of the *Crown Land (Reserves) Act 1978* I (*full name and title*) in the Department of Sustainability and Environment as delegate of the Minister for Environment and Climate Change hereby:

- Consent to the grant of this lease;
- Approve the covenants, exceptions, reservations and conditions contained therein;
- Am satisfied that the purpose for which the lease is being granted is not detrimental to the purpose for which the land is reserved.

(Signature)



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SCHEDULE 1

| | | |
|----|---------------------------------|--|
| 1 | LANDLORD: | Colac-Otway Shire Council |
| 2 | TENANT: | Colac Yacht Club Inc. A0006897J |
| 3 | LAND: | Portion of CA 70A, Township of Colac (.0525ha as per appendix A) |
| 4 | COMMENCEMENT DATE: | 1 st July 2011 |
| 5 | TERM: | 5 years |
| 6 | RENT: | Year 1 - \$900.00 including GST
Year 2 - \$930.00 including GST
Year 3 - \$960.00 including GST
Year 4 - \$990.00 including GST
Year 5 - \$1020.00 including GST |
| 7 | PERMITTED USE: | Use of the club rooms as club rooms and for reception, private functions, Bingo and uses of a like or ancillary nature. |
| 8 | FURTHER TERM: | N/A |
| 9 | GUARANTEED SUM: | Nil |
| 10 | REVIEW DATE(S): | N/A |
| 11 | NAME AND NOTICE ADDRESS: | Landlord:
2-6 Rae Street Colac 3250

Tenant:
At its registered office as an Incorporated Association or on its public officer |
| 12 | INSURED SUM: | \$10 Million |
| 13 | RESERVATION: | Land temporarily reserved for public purposes by Order in Council dated 25 th September 1902 (vide Government Gazette 1 st October 1902, page 3989) |
| 14 | PAYMENT ADDRESS: | 2-6 Rae Street Colac 3250 |
| 15 | LANDLORD'S IMPROVEMENTS: | N/A |

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16 **TENANT'S
IMPROVEMENTS:**

The Buildings erected on the Land (but subject to Clause 3.5)

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SCHEDULE 2

(RENT REVIEW)

The Landlord may review the annual rent on each Review Date as follows;

- 1 Not earlier than three months before the Review Date and not later than sixty days after the Review Date the Landlord must give the Tenant notice of the new rental it proposes be paid by the Tenant during that period or part thereof.
- 2 Time shall not be of the essence in respect of the Landlord's rent review notice and any delay by the Landlord in giving notice will not affect the Landlord's rights.
- 3 Within twenty eight days of being notified in writing of the proposed new rent the Tenant may give to the Landlord written notice of objection to the proposed new rent and within a further thirty days from the notice of objection supply the Landlord with a rent valuation from a qualified valuer. If no notice of objection is given or if notice is given and no rent valuation is supplied the new rent will be the new rent as proposed in the Landlord's notice.
- 4 If within thirty days from the lodgment with the Landlord of the Tenant's rent valuation the Landlord and the Tenant are unable to agree on the new rent and a conference of the Landlord's and Tenant's valuer's has failed to result in agreement on the rent the new rent shall be determined by a valuer nominated by the President for the time being of the Australian Property Institute (the **nominated valuer**) who in making a determination, must accept representations from either Party received within twenty one days of the appointment.
- 5 The decision of the nominated valuer will be final and binding and the nominated valuer's costs and fees must be paid by the parties equally.
- 6 Until the new rent is agreed or determined the Tenant must pay rent at the rate applicable immediately prior to the date fixed for review until such time as the new rent is determined.
- 7 After the new rent is determined the Tenant must pay the difference if any between the amount of the new rent paid since the date fixed for review.

Method of Determination:

- 1 In determining a new rent for the Premises the nominated valuer must as nearly as possible determine the open market rent value on the date when that rent is to apply for the Premises having regard to the following matters:
 - (a) act as an expert and not as an arbitrator and his decision will be final and binding on the parties;
 - (b) there is a reasonable period within which to negotiate the new rent having regard to the nature of the property and the state of the market;
 - (c) the Landlord and the Tenant are well acquainted with the Premises and aware of any factors which might affect its value.

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- (d) The length of the Term and the period between rent reviews.
- (e) The terms and obligations of the Lease.
- (f) The Permitted Use.
- (g) The rental of comparable premises
- (h) Rents paid to the Tenant under any sub leases or licences

but must disregard the value of any improvements on the Land regardless of who owns those improvements.

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SCHEDULE 3

FURTHER OBLIGATIONS

1. The Landlord is agreeable to and consents the Colac Yacht Club Inch holding a club licence for the premises under the Liquor Control Act.
2. The Landlord shall be responsible for all general municipal rates applicable to the premises.
3. The Rent Review provisions in Schedule 2 shall not apply during the Term.
4. The Tenant and its members, invitees, visitors and workmen are entitled to access to and from the Land via the existing carriageway to Hamilton Street, Colac 3250

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APPENDIX ONE
(PLAN OF LAND)



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**OM112707-7 DRAFT PUBLIC OPEN SPACE STRATEGY FOR
COMMUNITY CONSULTATION**

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

Purpose

The purpose of this report is to present the draft Public Open Space Strategy for endorsement by Council in order to commence public exhibition in accordance with Council's Community Engagement Policy 2010.

Declaration of Interests

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

Background

In November 2010, Council engaged Sykes Consulting to prepare the Colac Otway Public Open Space Strategy (Strategy). The purpose of the Strategy is to establish justifiable strategic directions for the planning, provision, development, preservation and management of a diverse range of public open space. This must be based on clear evidence of community demand and sustainable asset management outcomes.

The development of the Strategy represents a commitment by Council and key stakeholders to carefully plan the future provision of open space and to examine how the existing open space system can be improved. This Strategy will guide decision making for planning applications when new subdivisions are proposed for urban areas and for enhancements to open space in established communities throughout the Shire.

The draft Strategy applies to all public open space within the Colac Otway Shire, including all land managed by Council, Barwon Water and the Crown. This includes:

- All neighbourhood spaces
- Public parks and gardens
- Sports reserves
- Water bodies
- Linear reserves
- Creek corridors
- Foreshore reserves
- Forest parks
- National parks
- Other conservation reserves.

The draft Strategy considers the role that all publicly owned and managed land plays in meeting the wide range of recreational needs of the community. In addition, the draft Strategy identifies the important links between public spaces in the Shire. The draft Strategy has a particular focus on Council owned and/or managed open space. There are more than 100 parcels of open space within the Shire, many of which are managed by Council.

It is not the role of this draft Strategy to address specific planning or management issues relating to the Great Otway National Park and forest parks which are managed by State Government agencies – Parks Victoria and Department of Sustainability and Environment (DSE). These parks have been recently subject to a planning process coordinated by Parks Victoria. However, in relation to the Otway Coastal Reserve which provides many recreational opportunities for the coastal towns and is managed by the Otway Coast Committee, the draft Strategy outlines specific recommendations to enhance its benefits to the coastal communities.

The project has been guided by a Project Steering Committee consisting of representatives from:

- Council
- Barwon Water
- DSE
- Department of Planning and Community Development (DPCD).

The development of the draft Strategy has been based on significant community consultation. An Issues and Opportunities Paper was prepared, which outlined key issues and opportunities relating to open space that were identified from existing Council documents and other sources. This paper was released for community consultation in March 2011. The consultation involved:

- Key stakeholder meetings
- Organisation surveys
- An online community survey
- Five (5) drop-in sessions in Apollo Bay, Colac and Cororooke (including a morning in Colac's Memorial Square and a stall at the Apollo Bay Community Market)
- Written submissions.

The draft Strategy also takes into account previous community consultation relevant to open space (e.g. former Colac High School site survey).

The draft Strategy has been prepared within the framework of relevant State and regional policies and is consistent with other policies and strategies of the Colac Otway Shire.

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

Open space has significant physical and mental health benefits for individuals and research continues to reinforce the importance of a good quality and diverse open space system.

In preparing the draft Public Open Space Strategy, careful consideration has been given to the important elements of open space in growing and changing communities. As a result, the draft Strategy identifies the following vision.

“The Colac Otway public open space network will:

Provide a widely varied and sustainable network of open spaces which meets the needs of a diverse community for recreational, sporting and social opportunities as well as protecting and enhancing important flora, fauna and landscape values.”

The principles that underpin the draft Strategy emphasise that the public open space network will be:

- Environmentally sustainable and developed to respond to the challenges arising from climate change.
- Accessible to all members of the community whether they live in urban centres, smaller settlements, coastal towns or rural areas.
- Provided and improved to offer a balanced and diverse range of opportunities for passive recreation, children’s play, social gatherings, informal active recreation, walking, cycling and organised sport.
- Managed, where appropriate, in partnership with other agencies, service organisations, sports clubs and other groups.
- Managed to protect and enhance areas with significant flora, fauna, geological, heritage, cultural and/or landscape values.
- Planned so that it contributes to the economic, health, social wellbeing and connectivity of the diverse communities in Colac Otway Shire.
- Sufficiently resourced to provide quality development and maintenance at appropriate standards.
- Expanded as opportunities arise such as in new subdivisions and along waterways.
- Preserved for future generations by ensuring that there is ‘no net loss’ of open space as land use and environments change over time.

Key Issues

Through the research, discussions with key stakeholders and via consultation with the community, the draft Strategy identifies the following issues and opportunities:

- Meeting community needs
- Providing new open space
- Partnerships
- Links and corridors
- Environment
- Management challenges
- Community engagement.

These issues are explained in detail in the draft Strategy.

Whilst there is currently a satisfactory provision of open space across the Shire, the draft Strategy clearly identifies that there is a lack of access to open space and that the quality of the open space network needs significant improvement. In particular, the amount of quality, accessible open space in parts of urban Colac and Apollo Bay is lacking and needs significant improvement.

Key Strategic Directions

After considering the key issues and future requirements for open space in the Shire, the draft Strategy identifies the following Key Strategic Directions:

- Planning the open space network
- Planning scheme
- Providing open space in new urban neighbourhoods
- Partnerships
- Environment

- Links and corridors
- Planning of existing spaces
- Developing and managing open space.

The Key Strategic Directions and an analysis of the current open space network inform the draft Strategy, which outlines recommendations and actions to achieve the implementation of the Strategy. The recommendations are presented in two parts, firstly those that are of key strategic interest or apply municipality wide and secondly those that apply to specific areas.

A key recommendation is for Council to ensure that the Local Planning Policy Framework of the Colac Otway Planning Scheme (Clause 21 – Municipal Strategy Statement and Clause 22 – Local Planning Policies) provides effective policy guidance for the provision of open space in all areas of the Shire. Council will also be required to set specific open space contribution percentage requirements in the Schedule to Clause 52.01. The draft Strategy provides guidance in this area, with the approach proposing a sliding scale of open space contributions up to 10% in residential zoned areas and up to 5% for township, low density and industrial zoned land.

The proposed open space contribution scheme has precedence in the Precinct Structure Planning Guidelines for residential areas – 10% (Growth Areas Authority 2009) and the Subdivision Act 1988 – up to 5%. These amounts are on the basis that Colac Otway Shire has sufficient requirements for improvements to the open space system to justify these figures. In addition to the contributions, where land is granted Council should also negotiate for the development of the open space to an acceptable standard.

There is also a Background Report for this project which documents:

- The full literature review
- Survey results
- Community consultation results
- The Issues and Opportunities Paper used for consultation
- Other research.

This data has informed the draft Strategy and whilst it is available for viewing, it is not intended to be placed on public exhibition.

Options

Council has the options of:

1. Endorsing public exhibition of the draft Public Open Space Strategy to commence public consultation
2. Requiring further work to be undertaken to the draft Strategy prior to public exhibition or
3. Not supporting exhibition of the draft Strategy and ceasing the project.

Considering the significant work that has been undertaken in preparing the draft Strategy, including a thorough community consultation process, and that the development of this Strategy is a key action from the Council Plan, it is recommended that Council supports the public exhibition of the draft Strategy. A further report will be provided to Council following the public consultation period that will respond to the submissions received and may make further recommendations on the adoption of a final Public Open Space Strategy.

Proposal

It is proposed that Council resolve to publicly exhibit the draft Public Open Space Strategy in line with the Colac Otway Shire Community Engagement Policy 2010.

Financial and Other Resource Implications

The Public Open Space Strategy has been undertaken in accordance with the budget allocation for this project. Funding contributions were received from DPCD, DSE and Barwon Water.

It is important to note that implementation of the draft Public Open Space Strategy will require future financial contributions from Council. The draft Strategy states that the current level of Council resourcing available to develop and manage open space is limited and the standard of maintenance may not be adequate for all open spaces in the Shire.

It is important to note that while Council will be able to obtain both land and cash as open space contributions from developers to fund improvements to the open space system, this source of funding will not be sufficient for all the improvements required. Council will need to commit projects to budget and seek external funding through government programs and community and stakeholder partnerships to ensure that adequate resources are secured to improve and sustain a high quality public open space system.

Council does have some resources in its Open Space Reserve Fund which could be used to improve the standard of existing open space however it is unlikely that these limited funds will achieve any significant overall improvements.

Risk Management & Compliance Issues

The draft Public Open Space Strategy has been developed to protect and enhance public open space in the Shire for future generations. The draft Strategy provides guidance for the future development and management of open space and identifies a range of improvements to alleviate risk issues for land managers. A key issue is implementing the Public Open Space Strategy as a statutory land use planning requirement via an amendment to the Colac Otway Planning Scheme.

Environmental and Climate Change Considerations

The consideration of environmental factors is important in the planning and management of open space and the draft Strategy identifies that the community is expecting improved environmentally sustainable management of open space. Climate change is leading to changing rainfall patterns and possibly more frequent severe weather events. Also the protection and good management of remnant vegetation, habitat areas, wetlands and water bodies is essential for the long term survival of indigenous species of flora and fauna.

After considering the key issues and future requirements for open space in the Shire, the draft Strategy identifies "Environment" as a Key Strategic Direction. This is based on the principles outlined in the draft Strategy and has been developed taking into account the community feedback on the Issues and Opportunities paper released in March 2011.

Community Engagement

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

"Consult" has been chosen as the method of engagement for the development to the draft Strategy and has involved a range of community consultation approaches including:

- Key stakeholder meetings
- Organisation surveys

- Online community survey
- Drop-in sessions and community workshops in Apollo Bay, Colac and Cororooke (including a morning in Colac's Memorial Square and a stall at the Apollo Bay Community Market)
- Written submissions.

Following Council consideration of the draft Strategy, officers will commence the public exhibition process by writing to local community organisations, placing advertisements in the local media and directly contacting organisations and individuals who have previously forwarded submissions to the project. Copies of the document will be available on Council's website and for viewing in the Colac and Apollo Bay Customer Service Centres.

The exhibition period will be for a minimum of six weeks within which time written submissions may be received.

In addition, a series of community workshops/drop-in sessions will be held during the exhibition period to present and discuss the draft Strategy.

Implementation

The public consultation will be implemented as outlined above and will commence in August 2011, subject to the endorsement of this report.

At the conclusion of the public exhibition period, all written submissions and comments will be received and reviewed by the Project Steering Committee. Modifications to the draft Public Open Space Strategy may be made to the draft Strategy as deemed appropriate.

It is recommended that the final Public Open Space Strategy be implemented in two ways. Firstly through strategic planning outcomes, which will provide clear guidance through the planning scheme. Secondly, the recommendations outlined in the draft Strategy provide clear guidance about enhancements required to the public open space system. These actions will result in improved open space in existing communities as well as assist with the identification of new open space which will be required as communities grow.

Implementation of recommendations within the Strategy will only commence following Council's adoption of the final Public Open Space Strategy.

Conclusion

The Colac Otway Public Open Space Strategy represents a commitment by Council and key stakeholders to carefully plan the future provision of open space and examine how the existing open space system can be improved. The draft Strategy has been developed via a thorough process including significant consultation with the community.

Recommendations contained within the draft Strategy have been guided by the Issues and Opportunities Paper, state and local planning policies and community consultation. Further community consultation is planned to enable members of the community to provide valuable input into the process and comment on the recommendations contained in the draft Strategy.

Attachments

1. Draft Colac Otway Public Open Space Strategy

Recommendation(s)

That Council endorses the draft Public Open Space Strategy for public exhibition in accordance with Council's Community Engagement Policy 2010.

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# Colac Otway Public Open Space Strategy

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Draft

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Sykes Consulting / Urbis

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July 2011

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## EXECUTIVE SUMMARY

Colac Otway Shire contains a rich diversity of public open space ranging from coastal foreshore and state forest to volcanic geopark and inland lakes. Scattered throughout the communities of Colac Otway is a range of local parks, sporting reserves and linear corridors.

The development of the Colac Otway Public Open Space Strategy represents a commitment by Council and key stakeholders to carefully plan the future provision of open space and examine how the existing open space system can be improved. This strategy will guide decision making for planning applications as new subdivisions are developed in the urban areas and for enhancements to open space in established communities throughout the Shire.

Open space has significant physical and mental health benefits for individuals and research continues to reinforce the importance of a good quality and diverse open space system.

Located in Victoria's south west and comprising the major urban centre of Colac, the coastal resort of Apollo Bay, rural townships of Birregurra, Beeac, Cressy and Forrest and a large rural hinterland, development of the shire dates back to the 1850's. Colac experienced significant growth in first half of the 20<sup>th</sup> century as it became a major service centre for local agriculture and timber industries. Similarly Apollo Bay was established as a port to service the timber harvesting of some of the Otway ranges. In later years the Shire has catered for distinct housing markets; a relatively stable rural population in inland areas, emerging growth in the regional centre and a growing coastal population. Current and future demand for increased housing in the Colac and Elliminyt areas comes predominantly from new households forming within the shire whereas increased housing demand in coastal areas is expected from further afield, such as Geelong and Melbourne.

In preparing the draft Public Open Space Strategy, careful consideration has been given to the important elements of open space in growing and changing communities. As a result, the Colac Otway public open space network will:

***Provide a widely varied and sustainable network of open spaces which meets the needs of a diverse community for recreation, sporting and social opportunities as well as protecting and enhancing important flora, fauna and landscape values.***

The principles that underpin this strategy emphasise that the public open space network will be:

- Environmentally sustainable and developed to respond to the challenges arising from climate change.
- Accessible to all members of the community whether they live in urban centres, smaller settlements, coastal towns or rural areas.
- Provided and improved to offer a balanced and diverse range of opportunities for passive recreation, children's play, social gatherings, informal active recreation, walking, cycling and organised sport.
- Managed, where appropriate, in partnership with other agencies, service organisations, sports clubs and other groups.

- Managed to protect and enhance areas with significant flora, fauna, geological, heritage, cultural and/or landscape values.
- Planned so that it contributes to the economic, health, social wellbeing and connectivity of the diverse communities in Colac Otway Shire.
- Sufficiently resourced to provide quality development and maintenance at appropriate standards.
- Expanded as opportunities arise such as in new subdivisions and along waterways.
- Preserved for future generations by ensuring that there is 'no net loss' of open space as land use and environments change over time.

For the purpose of this strategy, the shire has been divided into four areas. These areas were defined based on location, settlement type, availability of demographic information and an understanding of the unique and similar qualities in each area. Three main criteria were used to analyse and assess the adequacy of the existing open space system in each area and these criteria are identified in the table below that summarises the results of the assessment of open space in Colac Otway.

Table 1: Public Open Space Analysis by Area

| Area                           | Population | Access | Amount | Quality |
|--------------------------------|------------|--------|--------|---------|
| Colac Otway Shire              | ↑          | ✓      | ✓✓     | ✓       |
| Urban Colac                    | ↑          | ✓      | ✓✓     | ✓       |
| Rural North                    | =          | ✓✓     | ✓✓     | ✓✓      |
| Rural South                    | =          | ✓✓     | ✓✓     | ✓✓      |
| Great Ocean Road / Otways Area | ↑!!        | ✓      | ✓✓     | ✓       |

Population: ↑: Population is expected to increase by more than 15% by 2031  
 =: Population is expected to remain within 15% of the 2009 figure by 2031  
 !!: Note that the population fluctuates with transient and visitor population at peak holiday seasons

Assessment: ✓: Basic Provision (opportunity for significant improvement)  
 ✓✓: Satisfactory Provision (some opportunity for improvement)  
 ✓✓✓: Excellent Provision (meets or exceeds criteria)

The strategic directions for Colac Otway public open space are summarised as follows:

**Planning the Open Space Network:**

- The open space network will be planned and developed to ensure that all residents will have access to recreation and sports facilities within a reasonable distance of where they live. The network will also include linkages and trails, and will be designed to protect significant flora, fauna and geological and heritage features.

- Through an analysis of the usage of all Colac Otway Council owned land, sites may be identified as offset sites under the requirements of the Native Vegetation Framework, or identified as sites that could be retired in favour of more suitably located land for open space.

**Planning Scheme:**

- Council will ensure that the Local Planning Policy Framework of the Colac Otway Planning Scheme (Clause 21 – Municipal Strategy Statement and Clause 22 – Local Planning Policies) provides effective policy guidance for the provision of open space in all areas of the Shire, i.e. Colac urban area, Apollo Bay, other coastal towns, rural settlements and the rural area of the Shire. Council will also set specific open space contribution percentage requirements in the Schedule to Clause 52.01.
- Council will consider the current zoning of all open space and commence preparation of amendments to re-zone all identified open space sites that currently have inappropriate zoning.

**Providing open space in new urban neighbourhoods:**

- In the larger new residential subdivisions especially in Colac, Elliminyt and Apollo Bay, the open space network, i.e. neighbourhood parkland, district sports and linear spaces, will be planned as a key component of the infrastructure in line with the provisions outlined in Clause 56.05-2 of the Colac Otway Planning Scheme.
- In other coastal towns and in the rural settlements, the provision of new open space will take into account the existing provision of open space in the current urban area and new open space will be achieved by negotiation with developers on a site by site basis.

**Partnerships:**

- Council will liaise and work with other agencies that manage open space in the municipality.
- Council will liaise with all agencies that can provide expertise to assist Council in the management of its public open space.
- Council wherever possible will involve local community groups, service clubs and sporting organisations in the management of open space areas.

**Environment:**

- The planning and design of open space will take into account possible impacts of climate change especially the predicted changing rainfall patterns, viable opportunities to use alternative water sources for open space irrigation and the more frequent occurrence, and intensity of storm events.
- All Council managed open spaces will be planned and managed to protect and enhance their environmental values and degraded environmental areas will be rehabilitated wherever possible. Indigenous species of trees and shrubs will be planted in preference to introduced species except at sites with identified cultural or heritage significance.
- The design of facilities to be located in open space will consider the environmental life cycle of the materials proposed in the construction of the facilities.

**Links and Corridors:**

- Priority will be given to developing and enhancing linear links and corridors wherever possible (including along waterways) both in the Colac urban area and elsewhere in the Shire.
- Shared pathways and linked walking and bike routes providing access to key destinations will be promoted in order to increase the level of physical activity of all age groups and improve the overall health of the community.

**Planning spaces:**

- Master plans or reserve design plans will be prepared for high profile open spaces, those spaces where difficult issues or competing demands need to be resolved, and for sites where significant new developments are proposed. Simple concept design plans will generally be sufficient when required for neighbourhood open spaces and other spaces where usage patterns are relatively straight forward.

**Developing and managing open space:**

- A set of "Standards for Open Space Development", i.e. relating to the provision of infrastructure such as types of planting, play equipment, pathways, signage, picnic tables, seating, bins, sports facilities, etc. will be used to guide the provision of facilities in each open space area in line with area's position in the open space hierarchy and nature or category. These standards include the consideration of siting of public art in open space.
- Developers of new open spaces in new urban areas will be expected to meet these standards as a minimum requirement.
- Service level standards will be developed in consultation with the community to guide the maintenance levels of each open space in the network.
- Signage guidelines will be prepared to guide the installation of all future signage in open space areas.

**The priorities for implementation of the Public Open Space Strategy are:**

- To incorporate changes in the Colac Otway Planning Scheme through the statutory amendment process to achieve improved outcomes for open space provision as new communities / subdivisions are developed.
- To complete a comprehensive audit of open space infrastructure and upgrade open space for formalised and unstructured recreation. This will result in improved provision for existing activities and cater for future emerging activities and shared use arrangements.
- To provide good quality and well maintained neighbourhood parks in urban residential areas to offer a range of recreation opportunities for residents within their local community.
- To improve open space sites in smaller settlements to ensure that residents have access to a good range of informal and organised recreation activities.
- To improve linkages and connections throughout the shire to provide accessible pathways for walking and cycling.
- To acknowledge the importance of open space to enhance the health and wellbeing of the community and promote increased use of open space for family and individual recreation.
- To effectively plan for open space development and improvement through master planning and application of the standards for open space development.

It is recommended that the Public Open Space Strategy be implemented in two ways. Firstly the recommendations outlined in Section 9 (9.1 and 9.2) provide clear guidance about enhancements required to the public open space system. Secondly, through statutory planning outcomes summarised in Section 9.3, which will provide clear guidance for open space contributions through the planning scheme. These actions will result in improved open space in existing communities as well as assist with the identification of new open space which will be required as communities grow.

It is important to note that while Council will be able to obtain both land and cash as open space contributions from developers to fund improvements to the open space system, this source of funding will not be sufficient for all the improvements required. Council will commit projects to budget and seek external funding through government programs and/or community and stakeholder partnerships to ensure that adequate resources are secured to improve and sustain a high quality public open space system.



Apollo Bay Foreshore, Apollo Bay

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## 1. Introduction

The Colac Otway Shire is located in the south west of Victoria about 160 kilometres from Melbourne. It has an area of 3,433 square kilometres, a forecast 2011 population of approximately 22,000 and is bounded by Golden Plains Shire on the north, the Surf Coast Shire on the east, Bass Strait on the south and the Corangamite Shire on the west.

The Shire includes agricultural land, urban areas, resorts, townships, small settlements and large areas of national park and forest park. It contains the significant Otway coastline with spectacular scenery and beaches, rainforest areas, waterfalls, lakes and major volcanic features. Much of the rural area, especially in the north, is used for farming with cropping and dairying being the main agricultural activities. Timber harvesting and fishing occur in the south. Tourism is important to the Shire especially along the Great Ocean Road.

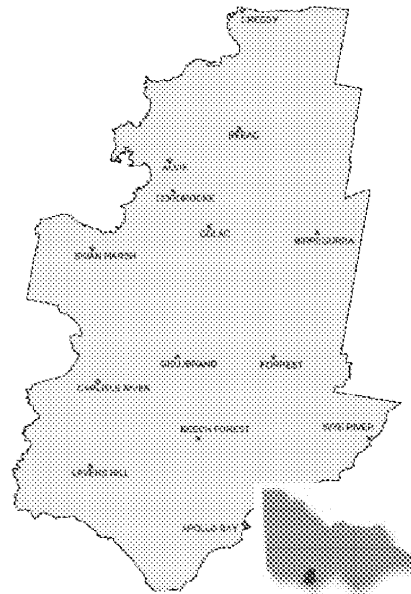
The two major townships in the Shire are Colac, the main commercial and service centre with a forecast 2011 population of 12,683 and Apollo Bay, a key tourist centre with a permanent population of approximately 1,000 rising to an estimated 10,000 in summer. The Shire contains a number of smaller rural settlements including Gellibrand, Cororooke, Birregurra, Beech Forest, Laver Hill, Forrest, Swan Marsh, Warrion, Cressy and Beeac. It also contains the coastal settlements of Wye River/Separation Creek, Kennett River, Skenes Creek and Marengo. New residential areas are being developed on the outskirts of Colac and pressure for new housing is occurring at Apollo Bay.

### 1.1 Purpose of the Strategy

The draft Colac Otway Public Open Space Strategy has been prepared to provide a strategic framework for the planning and provision of open space within the municipality. It aims to guide Council in meeting the diverse open space needs of the community in both the short and long term.

The draft Strategy recognises and responds to the complex nature of the Shire, in particular the unique combination of small rural settlements and townships, coastal communities and well as the Colac regional centre.

When approved, the Strategy will inform Council on the planning, provision, development, management and protection of a diverse range of public open spaces which will strengthen the attractiveness and liveability of the Shire and contribute to building healthier, more sustainable and better connected communities.



## **1.2 Scope and Methodology**

The draft Strategy considers all public open space including all Council owned land and Crown land managed as open space within Colac Otway Shire. It also considers the role of open spaces managed by other government authorities that are open to the public. This includes all neighbourhood spaces, public parks and gardens, sports reserves, foreshores, linear reserves, creek corridors, foreshore reserves, forest parks, national parks and other conservation reserves.

The draft Strategy considers the role that all publicly owned and managed land plays in meeting the wide range of recreation needs of the community and identifies the important links between public spaces in the Shire. The Great Otway National Park, forest parks and the West Barwon Reservoir are managed by State Government agencies - Parks Victoria, the Department of Sustainability and Environment (DSE) and Barwon Water – and are subject to their own planning processes. It is therefore not the role of this Public Open Space Strategy to address specific planning or management issues relating to these areas.

The draft Strategy has a particular focus on Council owned and/or managed open space. However in relation to the Otway Coastal Reserve which provides many recreation opportunities for the coastal towns and is managed by the independent Otway Coast Committee, the Strategy outlines specific recommendations to enhance its benefits to the coastal communities.

The methodology adopted to prepare the final Strategy involves extensive community consultation and comprises three key steps:

(1) Preparation of an Issues and Opportunities Paper which outlined key issues and opportunities relating to open space that were identified from existing Council documents and other sources. This Paper was released for community consultation in March 2011.

The consultation involved meetings, organisation surveys, community survey on Council's website, drop-in sessions (including a morning in Memorial Square and a stall at the Apollo Bay Saturday Market) and written submissions.

(2) Preparation of this draft Public Open Space Strategy taking into account the community and other stakeholder feedback on the Issues and Opportunity Paper, Council policies, demographic information and existing provision of open space in the Shire as well as current and projected community needs for open space.

The draft Strategy is now being released for further community consultation and its availability will be widely advertised in the local papers and on the Colac Otway Shire's website. Further community and stakeholder meetings will be held.

(3) The final Strategy which will be prepared taking into account comment and feedback on the draft Strategy. The final version of the Public Open Space Strategy will then be presented to Council for formal adoption. Following adoption, it is the intention of Council to implement the Strategy (subject to annual work programs commitments and budget allocations) primarily through including the policy outcomes in the Planning Scheme.



### **1.3 Benefits of Open Space to the Colac Otway Community**

The Colac Otway Public Health and Wellbeing Plan, 2010-2013 (draft) states that about one third of the residents of the Shire indicate they are physically inactive which is the highest level in Victoria as a whole and in rural Victoria in particular. Research indicates that high levels of inactivity lead to both community social and individual health issues. Providing a comprehensive, accessible and attractive open space network available to all residents and developing a culture of using the network, is fundamental to addressing social and health issues.

Accessible open space provides opportunities for physical activity by all age groups and is vital for community social wellbeing. It is important that the community has access to open space for walking, cycling, informal recreation, relaxation, children's play and organised sport. Benefits of open space include increasing physical activity, improving community health, increasing community cohesion and social interaction, reducing child obesity and enabling the balanced development of children. Open spaces provide desirable settings for activities that address the effects of sedentary lifestyles, such as obesity, high blood pressure and depression. They provide easily accessible opportunities for bringing friends and families together to have fun, to celebrate important events or just to relax.

The characteristics of local neighbourhoods influence physical and social development of individuals and safe liveable neighbourhoods with green spaces encouraging people to develop positive perceptions of their community. Well developed open spaces can increase the values of nearby properties and increase the overall amenities of the urban areas in which they are located.

An integrated network of pedestrian and cycling pathways that link open spaces to residential areas, schools, recreation and community facilities provides active healthy and safe transport opportunities. This can in turn lead to reduced car usage and resultant reduced greenhouse emissions.

Open spaces also have a role in cleaning air in urban areas through trees stabilising dust and adsorbing pollutants, and in cleaning stormwater by providing locations for water treatment areas.

Large natural areas of open space such as national parks are critical for the protection of indigenous biodiversity and provide important tourist destinations which provide economic benefits to local communities. Experiencing well managed natural areas encourages people to appreciate and learn about the natural environment and the need for its protection. Urban open spaces can provide important areas for the conservation of flora and fauna and habitat corridors on linear open spaces provide for the movement of indigenous species of fauna.

## 2. Vision and Guiding Principles

The Colac Otway open space network is very diverse ranging from mountain forests and rugged coastal areas to recreation reserves and neighbourhood parks in small settlements and urban areas. It is highly valued by the community and fulfils vital recreation and conservation needs which are reflected in the vision and guiding principles.

### 2.1 Vision

The Colac Otway public open space network will:

***Provide a widely varied and sustainable network of open spaces which meets the needs of a diverse community for recreation, sporting and social opportunities as well as protecting and enhancing important flora, fauna and landscape values.***

### 2.2 Guiding Principles

In line with the above vision and following community feedback based on the Issues and Opportunities Paper, the public open space network will be:

- Environmentally sustainable and developed to respond to the challenges arising from climate change.
- Accessible to all members of the community whether they live in urban centres, smaller settlements, coastal towns or rural areas.
- Provided and improved to offer a balanced and diverse range of opportunities for passive recreation, children's play, social gatherings, informal active recreation, walking, cycling and organised sport.
- Managed, where appropriate, in partnership with other agencies, service organisations, sports clubs and other groups.
- Managed to protect and enhance areas with significant flora, fauna, geological, heritage, cultural and/or landscape values.
- Planned so that it contributes to the economic, health, social wellbeing and connectivity of the diverse communities in Colac Otway Shire.
- Sufficiently resourced to provide quality development and maintenance at appropriate standards.
- Expanded as opportunities arise such as in new subdivisions and along waterways.
- Preserved for future generations by ensuring that there is 'no net loss' of open space as land use and environments change over time.

### 3. Strategic Context

The draft Strategy has been prepared within the framework of relevant State and regional policies and to be consistent with other policies and strategies of the Colac Otway Shire. Only a summary of these documents is presented here – for more information see the Literature Review in the accompanying Background Document.

#### 3.1 State Planning Provisions

The framework for all land use planning in Victoria is provided by planning schemes prepared under the provisions of the Planning and Environment Act (1987). The Colac Otway Planning Scheme has been prepared specifically for the Colac Otway Shire and although this Scheme contains some provisions that apply specifically locally, it also contains provisions developed by the State Government that apply State-wide. Clauses 52.01 and 56.05 of the Victorian Planning Provisions (which form part of the Planning Scheme) provide objectives and standards for urban landscapes and provision of open space.

Clause 52.01 sets out the public open space contributions payable for subdivisions. At present the Planning Scheme does not specify an amount so the Subdivision Act applies instead (See Section 5.2 for a further discussion of this legislation).

In relation to open space, Clause 56.05-2 – Public open space provision objectives - provides the following guidance in relation to the provision of open space in residential subdivisions<sup>1</sup>.

Objectives:

- To provide a network of quality, well distributed, multi-functional and cost-effective public open space that includes local parks, active open spaces, linear parks and trails and links to regional open space.
- To provide a network of public open space that caters for a broad range of users.
- To encourage healthy and active communities.
- To provide adequate unencumbered land for public open space and integrate any encumbered land within the open space network.
- To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to sustainable neighbourhoods.

Standard C13 - the provision of open space should:

- Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.
- Provide a network of well-distributed neighbourhood public open space that includes:
  - Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaption in response to changing community preferences.

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<sup>1</sup> Please refer for full text to Victorian Planning Provisions Clause 56.05-2 (Amended Oct 2009)

- Additional small local parks or public squares in activity centres and higher density residential areas.
- Active open space of at least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is:
  - Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space.
  - Sufficient to incorporate two football/cricket ovals.
  - Appropriate for the intended use in terms of quality and orientation.
  - Located on flat land (which can be cost effectively graded).
  - Located with access to, or making provision for, a recycled or sustainable water supply.
  - Adjoin schools and other community facilities where practical.
  - Designed to achieve sharing of space between sports.
- Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.

Public open space should:

- Be provided along foreshores, streams and permanent water bodies.
- Be linked to existing or proposed future public open spaces where appropriate.
- Be integrated with floodways and encumbered land that is accessible for public recreation.
- Be suitable for the intended use.
- Be of an area and dimensions to allow easy adaption to different uses in response to changing community active and passive recreational preferences.
- Maximise passive surveillance.
- Be integrated with urban water management systems, waterways and other water bodies.
- Incorporate natural and cultural features where appropriate.

### 3.2 Subdivision Act

Clause 18 of the Subdivision Act (1988) - Council may require public open space. This Clause has been widely used by councils across Victoria to achieve new open space in subdivisions (or as an alternative to obtain a monetary contribution to upgrade existing open space). This Clause provides for up to 5% of the land area or site value of a residential, industrial or commercial subdivision to be provided to Council as open space or if a monetary contribution be used to purchase new open space or upgrade existing open space.

### 3.3 Other State and Regional Policies and Strategies

The following is a list of other State and regional documents that have been considered in preparing this draft Strategy.

- Colac Otway Planning Scheme - State wide policy framework and other State Contents (see also local provisions below)
- Victorian Native Vegetation Framework
- Barwon South West Regional Trails Master Plan 2009

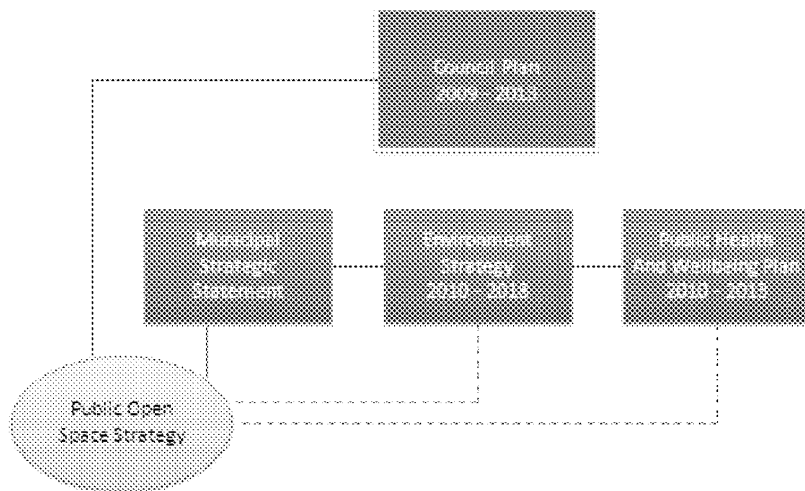
- Central West Estuaries Action Plan 2005
- Great Otway National Park and Forest Park Management Plan 2009
- Corangamite Regional Catchment Management Strategy 2003-2008
- Corangamite Native Vegetation Plan 2000
- Central West Victoria Regional Coastal Action Plan 2003

### **3.4 Local Policies and Strategies**

To ensure compatibility with the policy framework of the Colac Otway Shire, the following documents were reviewed in the preparation of the draft Strategy.

- Colac Otway Planning Scheme - Local contents including the Municipal Strategic Statement (see also State-wide provisions above)
- Council Plan 2009-2013
- Arts and Culture Strategy 2007-2011
- Old Beechy Line Concept Plan 1999 – Council report
- Old Beechy Rail Trail Review and Strategic Action Plan 2009 – 2014
- Colac Otway Bicycle Strategy 1999
- Playground Maintenance Schedule and Improvement Program – Colac Otway Shire 2006
- Colac Otway Recreation Strategy 2006-2010
- Regional Recreation Reserve Master Plans 2007
- Central Reserve Master Plan 2000 & 2011
- Colac Otway Festival and Events Strategy 2007-2011
- Apollo Bay Harbour Precinct Master Plan 2008
- Apollo Bay Foreshore Master Plan
- Lake Colac Foreshore Master Plan 2002
- Lake Colac Management Plan 2002
- Township Master Plans for Barwon Downs (2006), Beeac (2002), Beech Forest (2004), Birregurra (2003), Cressy (2002), Forrest (2007), Gellibrand (2005), Lavers Hill (2006), Carlisle River (2004), Swan Marsh (2002 – revised 2008)
- Environmental Strategy 2010-2018
- Colac Bird Reserve Plan
- Botanic Gardens Master Plan
- Roadside Vegetation Management Plan (undated)
- Structure Plans for Kennett River, Wye River and Separation Creek 2008
- Heritage Study 2003
- Three Towns Study (Wye River, Kennett River and Separation Creek)
- Colac Structure Plan 2007
- Apollo Bay Structure Plan 2007
- Rural Living Strategy, Volume 1&2 (draft) 2010
- Birregurra Structure Plan (draft) 2010
- Forrest Structure Plan (draft) 2010
- Apollo Bay Settlement Boundary and Urban Design Review (Issues Analysis March 2011)
- Colac CBD and Entrances Project (Discussion Paper March 2011)

The chart indicated below illustrates how the draft Strategy relates to other relevant Council policies and strategies.



## 4. Open Space Planning Framework

A well distributed network of open spaces provided with recreation opportunities and sporting facilities providing for the needs of all members of the community is essential for strong and vibrant communities. These assets are just as important and should be provided together with other forms of community infrastructure such as schools, community centres and roads. In addition open space areas set aside primarily for the protection of the natural environment are essential for the long term survival of Victoria's native flora and fauna.

Analysing and comparing the current provision of open space with that which could reasonably be expected to meet community expectations is a method of ensuring that Colac Otway Shire will have an effective and equitable open space network.

The analysis used in this draft Strategy is based on using the two techniques generally used to classify open space i.e. the hierarchy and the category of each open space. The criteria of access, amount and quality are then applied to complete the analysis of the current open space network.

### 4.1. Hierarchy of Open Spaces

Different access criteria are usually applied in relation to the different types (i.e. place in the hierarchy) of spaces. Based on experience gained from researching the planning of other municipal open space networks, the draft Colac Otway Open Space Strategy analyses and plans the open space network in accordance with the following hierarchy of spaces:

- Neighbourhood (or township) parkland provided with facilities such as playgrounds, relaxation areas and picnic facilities, often also with limited informal sport facilities such as a half ball court. An example of a neighbourhood open space is Beeac Park.
- District or Township sports reserve provided with facilities for sports i.e. football, cricket, netball, etc and a pavilion and often also with a public toilet. An example of a district sports reserve is Colac Cricket Ground. This type of reserve could also include a small site in a settlement that only has tennis courts.
- Regional open space, i.e. open space that might attract users from within municipal wide catchment and potentially also visitors from outside the area. Examples of regional level open space are the Colac Botanic Gardens and the Memorial Square.
- State level open space, i.e. areas with significant cultural, recreation or environmental values generally managed by State Government agencies. Examples of State level space are the Red Rock Lookout and BBQ Area or the Great Otway National Park.

The application of the hierarchy is useful in giving guidance on the provision of size of land, levels of development of facilities and maintenance requirements, i.e. facilities provided in neighbourhood open spaces would generally be those needed by the local community such as playgrounds, whereas those provided in state level open spaces would be those needed by visitors from outside the local area such as car parking and toilets.

It should be noted that in some cases facilities usually provided in an open space at one level in the hierarchy could be provided in an open space at a higher level in the hierarchy, i.e. neighbourhood park facilities such as a playground or picnic facility could be provided in a district sports reserve or in a regional open space.

#### 4.2. Categories of Open Space

The community should be provided with an agreed suite of facilities and enjoy a reasonable range of recreation opportunities at each open space site depending on its nature or category. The Planning Scheme does not currently include any detailed categories for Open Space.

The draft Strategy analyses the Colac Otway open space network according to the nature or category of each open space defined as indicated in Table 4.1.

Table 4.1: Definition of Categories of Open Space

| Category                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Open Space Categories that provide accessible and useable open space for a range of recreation activities and opportunities.</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Parkland                                                                                                                                   | Open space that provides for a range of informal recreation experiences / uses (i.e. playgrounds, open space areas for informal play, walking, picnic facilities, relaxation). Examples of parkland are Birregurra Park in Birregurra or Selwyn Brown Park in the urban Colac area.                                                                                                                                                                                                                                                                                                                                              |
| Formal Garden                                                                                                                              | Open space with significant plantings (often exotic and/or with heritage values), structures (often heritage) and landscape features. Often formally designed and of a high standard usually with mown and irrigated lawns or grass, paving, sculpture, shrub or flower beds. Often subject to intensive use and may host special events. Provides a range of informal recreation opportunities. An example of a formal garden is the Colac Botanic Gardens.                                                                                                                                                                     |
| Linear Open Space and Corridor                                                                                                             | Long, relatively narrow, interconnected open space areas which can serve a variety of purposes including drainage and flood ways, visual buffers, movement corridors (for pedestrians, cyclists, etc where appropriate) or flora and fauna linkages. Generally, the most significant corridors will be located along waterways or disused railways, but also include many drainage reserves. Examples of linear open space are the Old Beechy Rail Trail and Barongarook Creek.                                                                                                                                                  |
| Sports Reserve                                                                                                                             | Open space primarily developed and managed for the playing of organised sports in an outdoor setting. Facilities within the reserve would generally include grassed and/or synthetic playing fields and courts, car parking, pavilions and toilets. This category often contains facilities which by their nature are exclusively used by one sports or other club, such as a bowling club. Perimeter areas could be developed as parkland with playgrounds, picnic areas and walking paths to provide informal recreation opportunities. Examples of sports reserves are Central Reserve and the Birregurra Recreation Reserve. |
| Foreshore                                                                                                                                  | Open space along the coastal edge that provides a diversity of unique experience and opportunity for recreation activity. Foreshore open space also has significant environmental values and specific management priorities to preserve and protect its qualities. An example of a foreshore area is the Apollo Bay Foreshore.                                                                                                                                                                                                                                                                                                   |



| Category                                                                                                                                                                                                                                                                                                                                 | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Open Space Categories that provide valuable and significant benefits, however, due to their primary function and purpose, they have management priorities that may impact on their availability for some recreation uses. These categories of open space are therefore not used in the analysis of the open space network.</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Natural Area                                                                                                                                                                                                                                                                                                                             | Open space including remnant vegetation, wildlife habitat and previously disturbed land which has been developed to provide a bushland like setting to help maintain biological diversity. These areas are conserved and protected primarily for their natural values and recreation activities are therefore limited to low key activities. Facilities may include pathways, rest areas, interpretive trails and nature based facilities such as bird hides. In some cases shared trails may transverse this parkland. Examples of natural areas are the Great Otway National Park and the Marengo Flora Reserve. |
| Drainage Reserve                                                                                                                                                                                                                                                                                                                         | Space set aside primarily for drainage or stormwater retention purposes. These areas in some cases can provide a range of community open space opportunities depending on specific site analysis, but should not be considered a substitute for community open space.                                                                                                                                                                                                                                                                                                                                              |
| Road Reserve                                                                                                                                                                                                                                                                                                                             | Long narrow areas of vegetation along roadsides throughout the Shire. These open space areas often have high environmental values and are prioritised for conservation management, even though they are not accessible for recreation activity.                                                                                                                                                                                                                                                                                                                                                                    |
| Water body or Wetlands                                                                                                                                                                                                                                                                                                                   | Water in the form of creeks, lakes, wetlands and harbours can provide diverse recreation activity, usually associated with valued open space parkland on the shores/edges and have specific management requirements. Examples of water bodies are Lake Colac, Barongarook Creek and the Apollo Bay Harbour.                                                                                                                                                                                                                                                                                                        |

It should be noted that in some cases, an area of open space defined as one category could also contain an area of another category of open space. For example an area classified as linear corridor because of the overall nature of the open space could contain an area of parkland or an area classified as foreshore could contain a natural area.

#### 4.3 Open Space Planning Criteria

Complementary to the classification based on the hierarchy and categories considered above, the criteria that are used in the draft Strategy to analyse open space provision and provide a basis for planning future needs in Colac Otway relate to access, amount and quality as outlined below.

A useful benchmark of open space provision often used is the overall area available to the community, usually expressed as hectare of open space per 1000 residents. Given the nature of the population distribution in the Colac Otway Shire (one regional centre, numerous smaller settlements and a broadly dispersed rural population), analysis on this basis is be considered to be useful only at the Shire-wide level and for the two main urban centres of Colac and Apollo Bay.

The Planning Scheme provisions (see Section 3.1 for details) have been applied in relation to access distance to and the size of individual open spaces when analysing the Colac Otway open space network. However this application has been subject to two provisos:

- As there is a mixture of urban and rural areas, the distances to access neighbourhood and district sports facilities necessarily varies between the residents of the large urban centre i.e. Colac and the smaller settlements, and the residents living in rural areas of the Shire (who may need to travel some distance to the nearest settlement to access such facilities).
- The existing physical form of the developed urban part of Colac-Elliminyt may make the 400 metre access distance requirement difficult to achieve in all cases.

In addition, criteria relating to the quality of each open space have been applied in this draft Strategy. These criteria relate to usability, presentation standard and provision of facilities in compared with agreed standards for provision of facilities in open space area (see Table 7.1 – Standards for Open Space Development for details of these standards).

In summary the criteria, underpinned by the guiding principles and applied to the current provision and to future planning of open space in Colac Otway Shire are

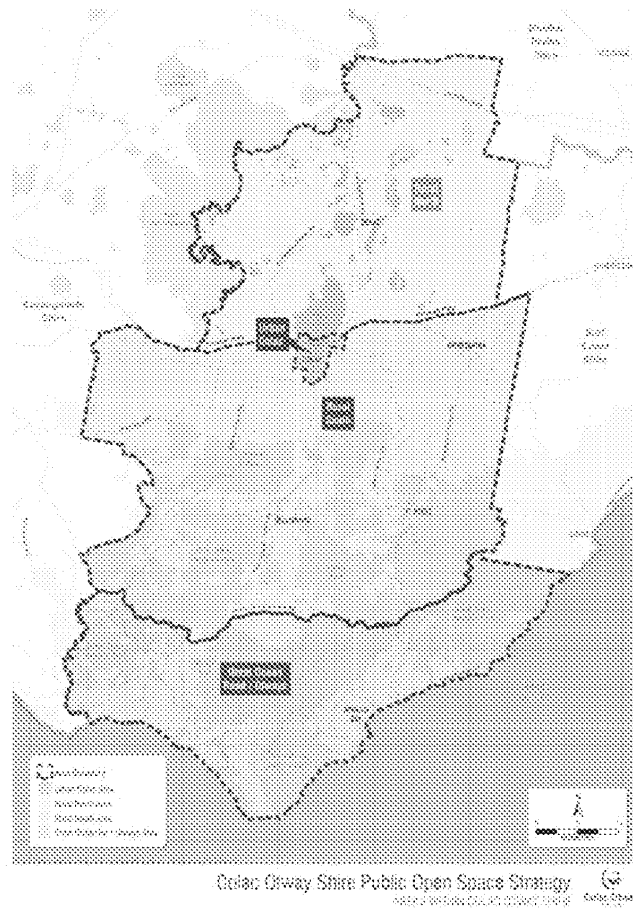
| Criteria | Measure / Comment                                                                                                                                                                                                                                                                                                                                                               |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Access   | <ul style="list-style-type: none"> <li>• For the residential areas of Colac and Apollo Bay catchment and distribution of useable public open space to be within 400m of 95% of households.</li> <li>• For small rural settlements, useable public open space to be centralised and able to service surrounding rural communities.</li> </ul>                                    |
| Amount   | <ul style="list-style-type: none"> <li>• For the whole shire and the residential areas of Colac and Apollo Bay, the overall total area of useable public open space will be expressed as a ratio of the population.</li> <li>• For small rural settlements, the sizes of useable open spaces will be compared to the hierarchical level of each open space category.</li> </ul> |
| Quality  | <ul style="list-style-type: none"> <li>• Useability / 'fit-for-purpose' of open space</li> <li>• Quality and presentation</li> <li>• Consistency with agreed facility provision standards</li> </ul>                                                                                                                                                                            |

## 5. Colac Otway Communities and Existing Open Space

### 5.1. Planning Areas

In considering the current distribution of open space and for planning future provision, it is useful to consider the Shire as comprising four geographical areas. As information on population (both current levels and future projections) is available for these areas, their use will enable planning to be directly related to population trends. The analysis of current open space provision is undertaken both for the Shire as a whole as well as for each of these areas. The draft Strategy outlines both strategic Shire-wide recommendations and specific recommendations for each area.

The four key geographic areas that the Shire of Colac Otway has been divided into are shown in the following map and further outlined in the subsequent table.



**Table 5.1:** Definition of Areas and Population Totals (2006 census)

| Area   | Name of Area, size and population                                                                                                      | Townships and localities within the Area                                                                                                                                                                                                                                                                                                                                                                       |
|--------|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Area 1 | Central Area<br>Area: 4,932ha<br>Population: 11,080 (2006)                                                                             | Colac, Colac East and Elliminyt.                                                                                                                                                                                                                                                                                                                                                                               |
| Area 2 | Rural North Area<br>Area: 107,742ha<br>Population: 3,272 (2006)                                                                        | Alvie, Beeac, Cororooke, Cressy, Irrewarra and Warrion, and the localities of Balintore, Barunah Plains, Colac (part), Coragulac, Corunnun, Cundare, Cundare North (part), Dreeite (part), Dreeite South, Eurack, Ombersley (part), Ondit, Weering, Whoorel (part), Winchelsea (part), Wingeel (part) and Wool Wool (part).                                                                                    |
| Area 3 | Rural South Area<br>Area: 129,413ha<br>Population: 2,851 (2006)                                                                        | Barongarook, Birregurra, Carlisle River, Forrest, Beech Forest, Gellibrand, Larpent, Pirron Yallock and Swan Marsh, and the localities of Barongarook West, Barramunga, Barwon Downs, Bungador, Carpendeit (part), Colac West, Gerangamete, Irrewillipe, Irrewillipe East, Jancourt East (part), Kawarren, Murroon, Nalangil, Pennyroyal (part), Simpson (part), Stonyford (part), Warncoort, Yeo and Yeodene. |
| Area 4 | Great Ocean Road / Otways Area<br>Area: 101,244ha<br>Population: 2,655 (2006)<br>Consider transient and peak holiday season population | Apollo Bay, Glenaire, Johanna, Kennett River, Lavers Hill, Marengo, Skenes Creek, Wongarra and Wye River, and the localities of Aire Valley, Cape Otway, Chapple Vale, Ferguson, Gellibrand Lower (part), Grey River, Hordern Vale, Mount Sabine, Petticoat Creek, Separation Creek, Skenes Creek North, Sugarloaf, Tanybryn, Weeaprounah, Wyelangta and Yuulong.                                              |

## 5.2 Demographic Profile of Colac Otway

It is important to understand the nature of the residential population that comprises the Colac Otway Shire when analysing provision of open space to cater for current and future community needs. The following summary is based on the 2006 census as it was the last formal data gathered by the Australian Bureau of Statistics (ABS).

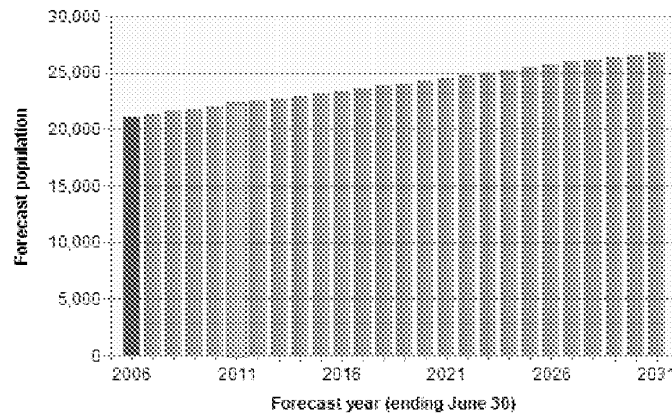
Colac Otway Shire is a rural, residential and resort area. The Shire encompasses a total land area of 3,433 square kilometres, of which a large proportion is State Forest and National Park, including beaches, coastline, rainforests, waterfalls, lakes and craters. Much of the rural area is used for timber and agriculture - agricultural activity is concentrated in the northern part of the Shire, while timber and fishing are prevalent in the south. Tourism is an important industry, especially in the southern section along the Great Ocean Road.

The Shire has two main townships, with many small villages and localities. The largest town is Colac, which serves as an administrative and retail centre and a commercial centre for the region's wide range of industry (timber manufacturing and service, construction, retail and wholesale, food processing and tourism) and primary producers (dairy, beef, sheep, crops, pastures, horticulture and organic farming). Colac is also the largest city in the region, has a large public sector including health, education and local government and is considered to be the gateway to the Great

Otway National Park and Western Plains. The other major township is Apollo Bay, which serves as the major tourism centre.

The resident population of the Colac Otway Shire is 20,294 (at the time of the 2006 census) indicating a stable population when compared to the 2001 census. According to population projections prepared for Council in ID Consulting and based on the 2006 census data produced by the ABS, the population is projected to increase to 26,797 by 2031, representing an overall increase of just under 21% (from 2006 to 2031). The following table illustrates how this growth is likely to occur.

Forecast population, Colac Otway Shire



A summary of key population statistics for the Colac Otway Shire is shown below, indicating the change from 2001 to 2006 as recorded by the ABS and collated for Council by Profile id.

|                         | Number | %    | G21 % |
|-------------------------|--------|------|-------|
| <b>Total Population</b> | 20,294 |      |       |
| <b>Females</b>          | 10,179 | 50.2 | 51.0  |
| <b>Males</b>            | 10,115 | 49.8 | 49.0  |
| <b>Indigenous</b>       | 141    | 0.7  | 0.7   |
| <b>Australian Born</b>  | 17,721 | 87.3 | 80.4  |
| <b>Overseas Born</b>    | 1,366  | 6.7  | 14.2  |
| <b>0-4 yrs</b>          | 1,203  | 5.9  | 6.1   |
| <b>5-17 yrs</b>         | 3,843  | 18.9 | 18.0  |
| <b>18-64 yrs</b>        | 11,799 | 58.1 | 60.1  |
| <b>65-84 yrs</b>        | 3,009  | 14.8 | 13.8  |
| <b>85 yrs+</b>          | 439    | 2.2  | 2.0   |
| <b>Household Size</b>   | 2.42   |      | 2.51  |

(Source: Usual residence data as reported on Council's website – COS Community Profile)

Observations about the above data as it relates to Colac Otway Shire include:

- Generally most population data reflects average figures in the G21 region – while most percentages are similar, Colac Otway Shire has a higher percentage of Australian born residents and lower proportion of residents born overseas.
- When compared to the 2001 census data, the older age groups (65 yrs+) and the adult age range from 18-64 yrs were the key groups experiencing population increase as a percentage of the total Shire population.

The following table summarises the age proportions within each of the areas of Colac Otway and the rating that reflects the level of social-economic disadvantage (a lower SEIFA score represents more low income families and people with little training and in unskilled occupations).

| Age                | Colac Otway Shire (G21 area) | Area 1 Urban Colac | Area 2 Rural Nth | Area 3 Rural Sth | Area 4 Coast Green Hill Otway |
|--------------------|------------------------------|--------------------|------------------|------------------|-------------------------------|
| <b>0-4 yrs</b>     | 1,219<br>6.1%<br>(6.2%)      | 736<br>6.6%        | 188<br>5.7%      | 189<br>6.6%      | <b>154</b><br><b>5.8%</b>     |
| <b>5-17 yrs</b>    | 3,806<br>19.2%<br>(18.3%)    | 2,088<br>18.8%     | 693<br>21.2%     | 609<br>21.3%     | <b>407</b><br><b>15.3%</b>    |
| <b>18-64 yrs</b>   | 11,632<br>58.6%<br>(60.3%)   | 6,173<br>55.7%     | 1,972<br>60.3%   | 1,771<br>62.1%   | <b>1,714</b><br><b>64.6%</b>  |
| <b>65-84 yrs</b>   | 2,790<br>14%<br>(13.2%)      | 1,758<br>15.9%     | 399<br>12.2%     | 287<br>10.1%     | <b>335</b><br><b>12.6%</b>    |
| <b>85 yrs+</b>     | 420<br>2.1%<br>(2%)          | 323<br>2.9%        | 23<br>0.7%       | 7<br>0.2%        | <b>46</b><br><b>1.7%</b>      |
| <b>SEIFA Index</b> | <b>967.3</b>                 | <b>939.7</b>       | <b>983.1</b>     | <b>1002.9</b>    | <b>1007.2</b>                 |

(SEIFA : Socio-Economic Indexes for Areas)

### 5.3 Implications of Demographics for Open Space Provision

The demographic profile of the Colac Otway Shire has a number of implications for the provision of open space. These include that:

- There is a need to ensure that a good diversity of open space, ranging from small neighbourhood parks to linear trails and natural areas, will be provided to cater for a growing and ageing population.
- A range of open space settings should acknowledge and celebrate the rural, regional, coastal and urban diversity of the Shire's communities.
- Family recreation areas in open space are important to encourage greater use of parks and participation which will improve the health and wellbeing of Colac Otway communities.

- Open space is a vital part of community infrastructure especially for those communities with a lower SEIFA index. This applies particularly to Urban Colac neighbourhood renewal areas, where use of open space for activity and socialising improves the health and wellbeing of individuals and the overall community.
- New residents settling in the Shire, mainly in the coastal settlements, from the Geelong and Melbourne areas, are likely to have high expectations of open space that are typical of urbanised communities.

#### 5.4 Colac Otway Open Space

The Colac Otway Shire contains a wide range of open space including the large Great Otway National Park of state conservation and recreation significance and the Forest Park areas with major recreation opportunities. It also includes the significant Otway Coast Foreshore Reserve and many other types of open space including public gardens, sports reserves, water bodies, linear reserves, creek corridors and other conservation reserves. It contains many local neighbourhood parks which provide important recreation and social opportunities for local communities.

The following is a list that summarises all the public open space throughout Colac Otway Shire with a brief description of each site.

| Reserve name                     | Town             | Size   | Hierarchy     | Category         |
|----------------------------------|------------------|--------|---------------|------------------|
| Alvie Recreation Reserve         | Alvie            | 2.8ha  | Township      | Sports Reserve   |
| Red Rock BBQ Area                | Alvie            | 1.0ha  | Neighbourhood | Parkland         |
| Red Rock Lookout                 | Alvie            | 3.0ha  | State         | Natural Area     |
| Anderson Creek                   | Apollo Bay       | 0.8ha  | Neighbourhood | Linear           |
| Apollo Bay Foreshore (natural)   | Apollo Bay       | 61.1ha | Regional      | Natural Area     |
| Apollo Bay Foreshore (Golf Club) | Apollo Bay       | 10.3ha | Regional      | Foreshore        |
| Apollo Bay Foreshore (parkland)  | Apollo Bay       | 10.3ha | Regional      | Foreshore        |
| Apollo Bay Recreation Reserve    | Apollo Bay       | 9.3ha  | Township      | Sports Reserve   |
| Marriners Lookout                | Apollo Bay       |        | Neighbourhood | Linear           |
| Milford Creek                    | Apollo Bay       | 1.1 ha | Neighbourhood | Linear           |
| Paradise Reserve                 | Apollo Bay       | 70ha   | Regional      | Natural Area     |
| Park Avenue                      | Apollo Bay       | 1ha    | Neighbourhood | Parkland         |
| Seaview Drive 1                  | Apollo Bay       | 0.4ha  | Neighbourhood | Drainage Reserve |
| Seaview Drive 2                  | Apollo Bay       | 0.2ha  | Neighbourhood | Drainage Reserve |
| Balintore Foreshore Reserve      | Balintore        | 0.4ha  | Neighbourhood | Foreshore        |
| Six Mile Dam                     | Barongarook West | 5.4ha  | Neighbourhood | Drainage Reserve |
| Barwon Downs Town Park           | Barwon Downs     | 0.8ha  | Township      | Parkland         |
| Beeac Crown Land (Foreshore)     | Beeac            | 0.8ha  | Neighbourhood | Foreshore        |
| Beeac Park                       | Beeac            | 1022m2 | Neighbourhood | Parkland         |
| Beeac Recreation Reserve         | Beeac            | 3ha    | Township      | Sports Reserve   |
| Windmill Park                    | Beeac            | 0.15ha | Neighbourhood | Parkland         |
| Beech Forest Recreation Reserve  | Beech Forest     | 2.4ha  | Township      | Sports Reserve   |
| Cliff Young Reserve              | Beech Forest     | 0.1ha  | Neighbourhood | Parkland         |

Colac Otway Public Open Space Strategy

| Reserve name                                 | Town           | Size   | Hierarchy            | Category         |
|----------------------------------------------|----------------|--------|----------------------|------------------|
| Council Land                                 | Beech Forest   | 3.6ha  | Neighbourhood        | Natural Area     |
| John Gardner Park                            | Beech Forest   | 0.9ha  | Neighbourhood        | Parkland         |
| Rail Trail                                   | Beech Forest   | 1.1ha  | Neighbourhood        | Parkland         |
| Birregurra Golf Course                       | Birregurra     | 16ha   | Township             | Sports Reserve   |
| Birregurra Park                              | Birregurra     | 1ha    | Township             | Parkland         |
| Birregurra Recreation Reserve                | Birregurra     | 3.1ha  | Township             | Sports Reserve   |
| Skateboard Park                              | Birregurra     | 0.8ha  | Township             | Parkland         |
| Carlisle River Recreation Reserve            | Carlisle River | 3.7ha  | Township             | Sports Reserve   |
| Ball Street Park                             | Colac          | 0.3ha  | Neighbourhood        | Parkland         |
| Barongarook Creek                            | Colac          | 2.9ha  | Township             | Linear           |
| Bird Reserve                                 | Colac          | 4.5ha  | Regional             | Natural Area     |
| Botanic Gardens                              | Colac          | 14ha   | Regional             | Formal Garden    |
| Bruce Street Open Space 1                    | Colac          | 1ha    | Neighbourhood        | Parkland         |
| Bruce Street Open Space 2 (Old Tip Site)     | Colac          | 8.3ha  |                      |                  |
| Central Bowls Club                           | Colac          | 1.2ha  | Township             | Sports Reserve   |
| Central Reserve                              | Colac          | 6.9ha  | Regional             | Sports Reserve   |
| Colac Cricket Ground                         | Colac          | 2.3ha  | Township             | Sports Reserve   |
| Colac Showgrounds                            | Colac          | 8.2ha  | Regional or Township | Sports Reserve   |
| Colac Tennis Tournament Club                 | Colac          | 1.8ha  | Township             | Sports Reserve   |
| Donaldson Street Park                        | Colac          | 0.4ha  | Neighbourhood        | Parkland         |
| Eastern Reserve                              | Colac          | 7.6ha  | Township             | Sports Reserve   |
| Esplanade Reserve                            | Colac          | 0.7ha  | Neighbourhood        | Parkland         |
| Glengowan Estate Open Space                  | Colac          | 1.2ha  | Neighbourhood        | Linear           |
| Hugh Murray Reserve                          | Colac          | 5.9ha  | Neighbourhood        | Parkland         |
| Inglis Court Park                            | Colac          | 0.1ha  | Neighbourhood        | Parkland         |
| Johnstone Crescent Park                      | Colac          | 0.8ha  | Neighbourhood        | Parkland         |
| Joseph Paatsch Reserve                       | Colac          | 0.4ha  | Neighbourhood        | Linear           |
| Lake Colac Foreshore                         | Colac          | 13.5ha | Regional             | Foreshore        |
| Lawrence Court Park                          | Colac          | 0.4ha  | Neighbourhood        | Parkland         |
| Memorial Square                              | Colac          | 2ha    | Regional             | Formal Garden    |
| Newcombe Estate Park (Begley Street)         | Colac          | 0.4ha  | Neighbourhood        | Parkland         |
| Robertson Street Park                        | Colac          | 0.5ha  | Neighbourhood        | Parkland         |
| Sculpture Park                               | Colac          | 2.2ha  | Neighbourhood        | Linear           |
| Selwyn Brown Park                            | Colac          | 0.4ha  | Neighbourhood        | Parkland         |
| Stoddart Street Park                         | Colac          | 1.5ha  | Neighbourhood        | Parkland         |
| Western Bay Park                             | Colac          | 1.35ha | Neighbourhood        | Parkland         |
| Western Bay Park                             | Colac          | 1ha    | Township             | Sports Reserve   |
| Western Oval                                 | Colac          | 3.6ha  | Township             | Sports Reserve   |
| Corunnun Foreshore Reserve                   | Corunnun       | 4.2ha  | Township             | Foreshore        |
| Cressy Park                                  | Cressy         | 0.04ha | Neighbourhood        | Parkland         |
| Cressy Recreation Reserve (inc Bowling Club) | Cressy         | 6.7ha  | Township             | Sports Reserve   |
| Belevedere Estate                            | Elliminyt      | 4ha    | Neighbourhood        | Drainage Reserve |



Colac Otway Public Open Space Strategy

| Reserve name                             | Town             | Size    | Hierarchy     | Category         |
|------------------------------------------|------------------|---------|---------------|------------------|
| Colac Golf Club and Turf Club            | Elliminyt        | 119.2ha | Regional      | Sports Reserve   |
| Harris Road Swamp                        | Elliminyt        | 1.6ha   | Neighbourhood | Drainage Reserve |
| Irwillipe Road Basin                     | Elliminyt        | 7.7ha   | Neighbourhood | Drainage Reserve |
| Joiner Reserve                           | Elliminyt        | 1.4ha   | Neighbourhood | Parkland         |
| South Colac Oval/Elliminyt Memorial Park | Elliminyt        | 7.7ha   | Township      | Sports Reserve   |
| Spring Street Reserve                    | Elliminyt        | 0.2ha   | Neighbourhood | Parkland         |
| Tulloch Street Dam                       | Elliminyt        | 0.5ha   | Neighbourhood | Drainage Reserve |
| Wyuna Estate Open Space 1                | Elliminyt        | 0.5ha   | Neighbourhood | Drainage         |
| Wyuna Estate Open Space 2                | Elliminyt        | 0.3ha   | Neighbourhood | Parkland         |
| Forrest Park                             | Forrest          | 1.5ha   | Township      | Parkland         |
| Forrest Recreation Reserve               | Forrest          | 4.8ha   | Township      | Sports Reserve   |
| Gellibrand Recreation Reserve            | Gellibrand       | 3.2ha   | Township      | Sports Reserve   |
| Rail Trail                               | Gellibrand       | 2.6ha   | Regional      | Linear           |
| Rex Norman Reserve                       | Gellibrand       | 0.6ha   | Township      | Parkland         |
| Irrewarra Recreation Reserve             | Irrewarra        | 3.2ha   | Township      | Sports Reserve   |
| Meredith Park                            | Irrewarra        | 6ha     | Neighbourhood | Parkland         |
| Irwillipe Recreation Reserve             | Irwillipe        | 4ha     | Township      | Sports Reserve   |
| Loves Creek Reserve                      | Kawarren         | 7ha     | Township      | Natural Area     |
| Kennett River Foreshore Reserve          | Kennett River    | 2.0ha   | Regional      | Foreshore        |
| Kennett River Reserve 1                  | Kennett River    | 0.5ha   | Neighbourhood | Parkland         |
| Kennett River Reserve 2                  | Kennett River    | 0.5ha   | Neighbourhood | Parkland         |
| Lavers Hill Reserve                      | Lavers Hill      | 0.5ha   | Neighbourhood | Waterway         |
| Heathfield Estate                        | Marengo          | 11.5ha  | Neighbourhood | Drainage         |
| Heathfield Estate                        | Marengo          | 1.6ha   | Neighbourhood | Parkland         |
| Murroon Wetland                          | Murroon          | 3.3ha   | Neighbourhood | Waterway         |
| Pirron Yallock Creek Reserve             | Pirron Yallock   | 2ha     | Neighbourhood | Waterway         |
| Separation Creek Reserve 1               | Separation Creek | 0.4ha   | Neighbourhood | Natural Area     |
| Separation Creek Reserve 2               | Separation Creek | 0.2ha   | Neighbourhood | Natural Area     |
| Separation Creek Reserve 3               | Separation Creek | 0.1ha   | Neighbourhood | Natural Area     |
| Pirron Yallock Recreation Reserve        | Swan Marsh       | 2.7ha   | Township      | Sports Reserve   |
| Warrion Recreation Reserve               | Warrion          | 2.5ha   | Township      | Sports Reserve   |
| West Barwon Reservoir                    | Forrest          | 15ha    | Regional      | Parkland         |
| Wye River Foreshore                      | Wye River        | 4.0ha   | Regional      | Foreshore        |
| Wye River Reserve 1                      | Wye River        | 0.9ha   | Neighbourhood | Natural Area     |
| Wye River Reserves 2, 3, 4, 5 & 6        | Wye River        | 0.5ha   | Neighbourhood | Natural Area     |

In addition to the open space sites identified in the above table:

- A number of other crown reserves are located throughout the Shire that add to the open space system and environment.
- A number of stand-alone tennis courts that are not part of open space parks or reserves exist throughout the Shire. These courts are noted in the listing of open space for each area of the Shire in Section 8 of this report.



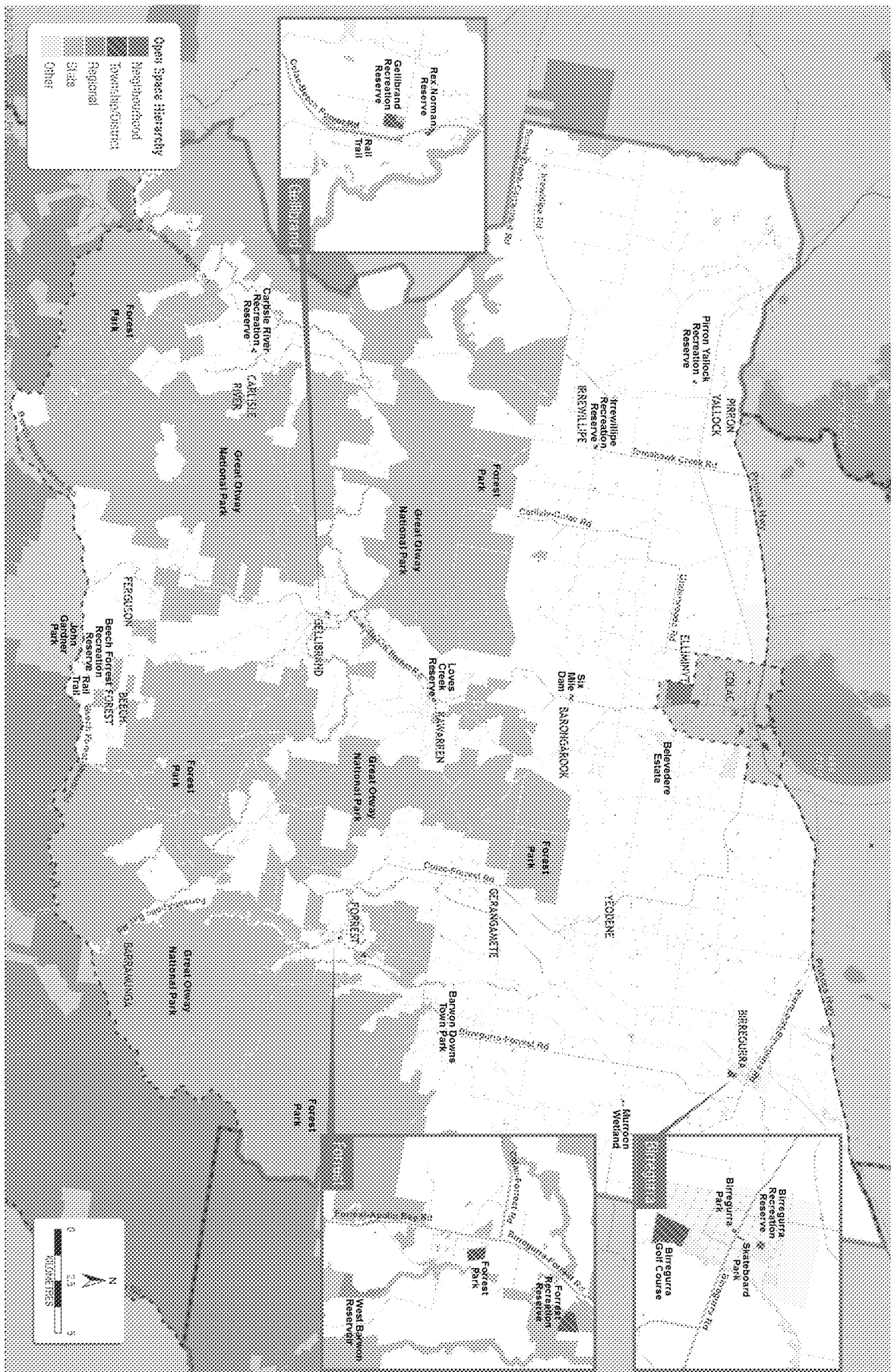


Urban Colac Area  
OPEN SPACE CATEGORY

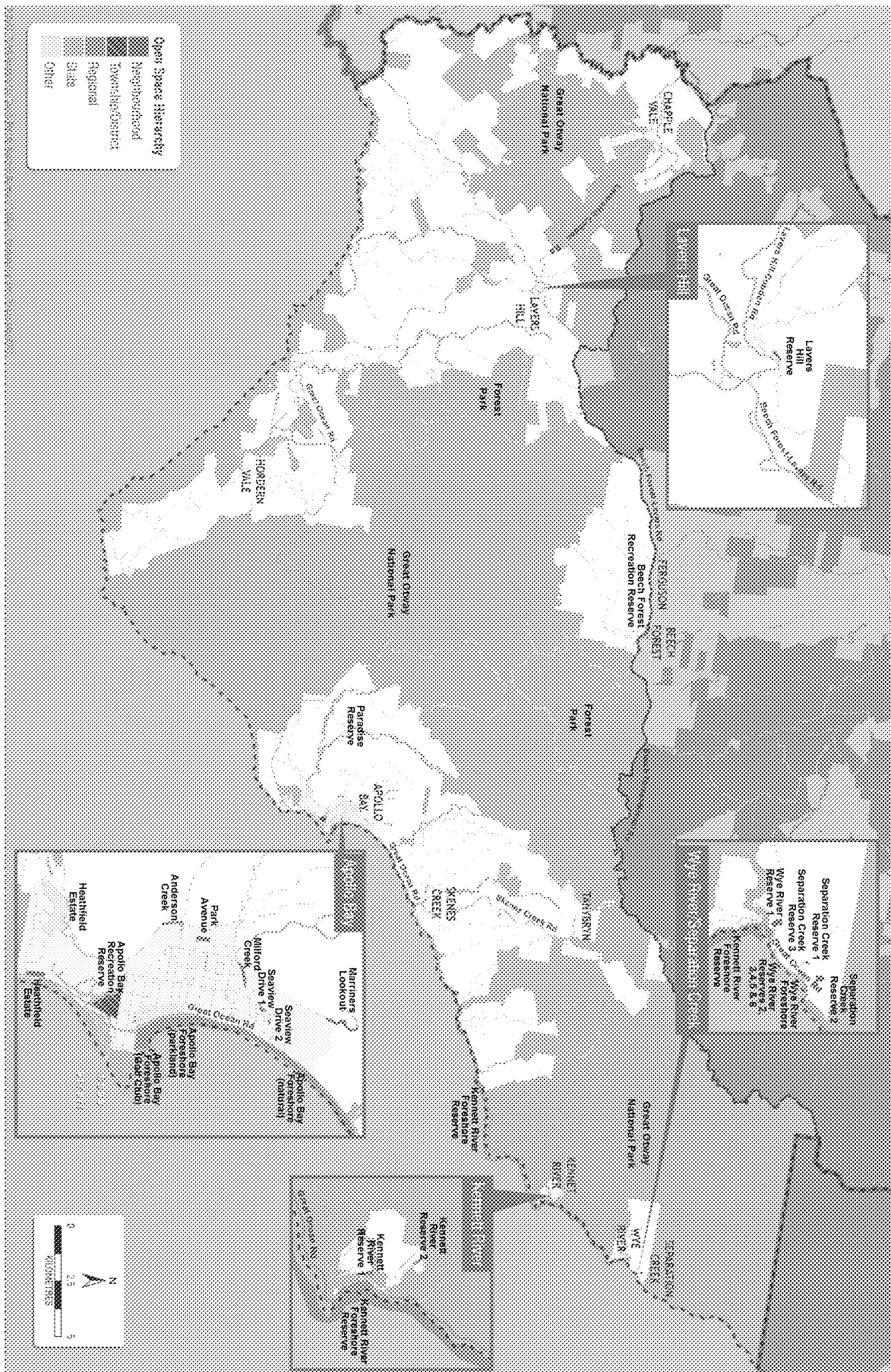




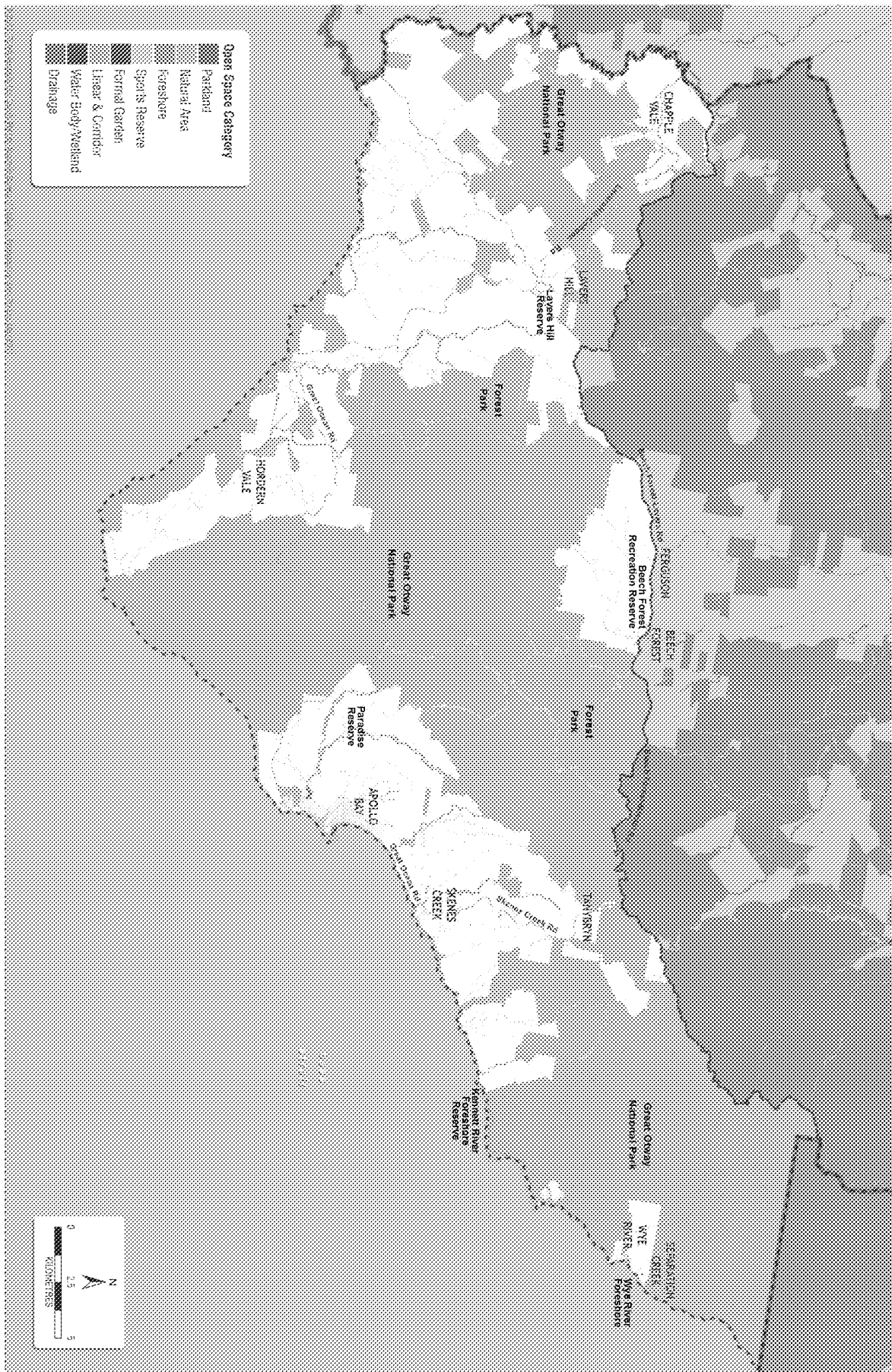












## 6. Community Views and Key Issues

The Colac Otway Shire is facing many issues relating to the provision of an open space network that meets the needs of its community. These issues include some that are inherited, i.e. the limited spaces available in the older areas of Colac, some that are environmental, i.e. the impact of climate change and the challenge of weed control, some that arise from the development of new residential areas and some that relate to management, i.e. the availability of resources to manage open space areas.

### 6.1 Community and Stakeholder Feedback

A series of consultation methods were used to gather community feedback about open space in Colac Otway Shire. A summary of the consultation process and key results are provided in the following table. A detailed Consultation Report is provided in the Background Document.

| Consultation Type                                          | Key Results                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Organisation Survey<br/>39 surveys completed</p>        | <p>Overall membership numbers have increased.<br/>Volunteer numbers have increased and are expected to continue to do so.<br/>Most open space facilities are shared between organisations.<br/>In general, the majority of facilities are suitable for club / organisations' needs, however a range of improvements have been identified.<br/>Organisations are generally proactive with the management, maintenance and upgrade of their facilities and in the operation of their club / organisation.</p>                                                        |
| <p>Meetings<br/>6 internal / stakeholder meetings held</p> | <p>Policy guidance on developer contributions, open space acquisition etc.<br/>Connections between open spaces, paths and trails.<br/>Understanding of maintenance / resource implications.<br/>Importance of partnerships.</p>                                                                                                                                                                                                                                                                                                                                    |
| <p>Focus Groups / Drop-ins<br/>Approx. 80 attendees</p>    | <p>Safe pathways linking community facilities and open space.<br/>More parks and playgrounds needed.<br/>Improvements to open space facilities to encourage greater participation and social interaction.<br/>Potential to capitalise on key attractions / open space areas.</p>                                                                                                                                                                                                                                                                                   |
| <p>Feedback Forms<br/>23 completed</p>                     | <p>High emphasis on linear linkages / shared pathways.<br/>Identification of opportunities for trails along creek / river corridors, within reserves and linking open spaces.<br/>Apollo Bay foreshore is highly valued, however more accessible parks are needed away from / in addition to the foreshore.<br/>Lack of playgrounds / facilities for children and families.<br/>Concern about dangers of walking on roadsides.<br/>Importance of supporting infrastructure to enable key open space areas to better cater for locals and visitors (i.e. picnic</p> |

|                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                | <p>facilities, public toilets, car parking etc.)</p> <p>Opportunities for increased tourism through improvements to key open space areas / attractions.</p> <p>Improvements required to some sporting facilities / ground surfaces.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Survey Monkey</p> <p>249 responses</p>                                                                                      | <p>High use of open space</p> <p>Access to open space via driving and walking.</p> <p>High frequency of use and most commonly with two or more people.</p> <p>Emphasis on local provision / close to home.</p> <p>Improved walking / cycling paths, improved maintenance and more facilities would promote greater use.</p> <p>Agreement that open space is valuable, and encourages people to be healthy and active.</p> <p>Mixed views about the quality of open space.</p> <p>Improved access to and within open space, more playgrounds and more information is needed.</p>                                                                                                                                                                                                                                        |
| <p>Submissions:</p> <p>7 received<br/>(Residents x 4, Colac Area Health, Apollo Bay Pony Club, Friends of Botanic Gardens)</p> | <p>Emphasis on high quality fenced playgrounds.</p> <p>Proposed development of a community playground in Elliminyt, and more / higher quality playgrounds in Colac.</p> <p>Provision of open space close to homes.</p> <p>Concern about poor condition of sports playing surfaces, and maintenance standards of parks and gardens.</p> <p>Preservation and maintenance of Botanic Gardens in accordance with master plan and Heritage Victoria.</p> <p>Proposed relocation of the Pony Club to Heathfield Estate.</p> <p>Paths to connect all open spaces in Apollo Bay.</p> <p>Proposed use of Community Indicators due to the implications of open space on public health.</p> <p>Support for the inclusion of the Open Space Strategy in the Planning Scheme and for urban planning in the strategic framework.</p> |
| <p>Beeac Progress Association Consultation Township Meeting</p>                                                                | <p>Improvements to tennis courts.</p> <p>Development of sporting precinct with a range of recreation facilities.</p> <p>Footpaths and shared pathways.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>Neighbourhood Renewal Survey Results</p>                                                                                    | <p>Lower rating / perception of the physical environment and health and wellbeing in Neighbourhood Renewal Areas.</p> <p>'No additional sport and recreation facilities needed', and 'swimming pools' were the most common responses.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Colac High School Site Survey by Cr Russell</p>                                                                             | <p>Education Facilities.</p> <p>Community Use – open space, community gardens, playground.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Issues and Opportunities Paper</p>                                                                                          | <p>Delivered to numerous locations including Community Centres, Libraries, Blue Water Fitness Centre, Colac Secondary College, Neighbourhood Action Groups and Neighbourhood Houses.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## **6.2 Key Issues**

The following issues and opportunities have been summarised from those that were identified in previous studies, those that were indicated by Council staff, those that have been observed by the project team and those provided by feedback received in the consultation.

### **Meeting Community Needs**

- The opportunities for providing open space facilities to the residents differs between urban Colac, Apollo Bay, the smaller settlements, the coastal towns and the rural areas in the Shire. A key issue is how to provide appropriate facilities in the different areas while maintaining consistency and equality across the Shire.
- There is potential for improved facilities at many parks / open space areas to encourage greater visitation, participation and community interaction. Such facilities include new / improved playgrounds for children and families, and supporting infrastructure including BBQ and picnic facilities, public toilets, car parking etc.
- Some parks / reserves are underdeveloped and do not adequately cater for the community in which they are located. There is also some concern about the quality / standard of open spaces and associated infrastructure.
- Improvements are needed to some sporting facilities, including upgrades to playing field surfaces.

### **Providing New Open Space**

- The opportunities to provide best practice and high standard open space networks, including neighbourhood parks and new links and corridors, in new residential subdivisions at no cost to Council have not always been pursued in the past. A key issue is how to achieve the best outcomes in the future.
- Not all existing urban areas of Colac and Apollo Bay have good access to local open space. A key issue is how to provide new open space opportunities in developed urban areas.
- The Colac and Apollo Bay Structure Plans encourage infill development which will result in an increased concentration of demand for open space in these settlements.
- Clearly expressed best practice standards for open space contributions are required to ensure sites transferred to Council are appropriate to meet long term community needs.

### **Partnerships**

- Much of the open space, especially the Great Otway National Park and forest park in the southern part of the Shire is managed by State agencies i.e. not the Colac Otway Shire. Coordination of planning and management of the whole open space network regardless of the management agency is a key issue for both Council and the State agencies.
- The coastal reserve managed by the Otway Coast Committee provides for overseas, interstate and other visitors as well as providing most of the recreation

opportunities for the local communities of Separation Creek, Wye River, Kennett River, Skenes Creek, Apollo Bay and Marengo. Significant feedback on the Issues and Opportunities Paper related to issues associated with the coastal reserve serving these communities. A key issue is how Council can work effectively with the Committee to provide recreation opportunities for these settlements while providing for visitor and tourist demands.

- Many sports organisations and community groups such as Rotary and Lions clubs assist Council with the management of open space areas. A key issue is how to ensure that these arrangements are efficient and effective.

#### **Links and Corridors**

- Links are important components of the open space network and corridors are important for protecting natural values of waterways as well as providing for the movement of wildlife. The provision of links and corridors where they are missing and extensions (especially along waterways), and the need for high standard management of the corridors and shared pathways are key issues.
- Most of the Old Beechy Rail Trail lies on the land of the former rail line but some sections of the former rail line are not available, i.e. in the Colac urban area. Completing the Trail through the missing sections, extending the Trail to connect to other destinations and managing the Trail to a high standard are key issues.
- Pathways / footpaths are lacking in some areas, particularly between key community facilities and open space areas, discouraging residents from walking / riding and presenting risks to those residents using road verges.

#### **Environment**

- Impacts arising from climate change are predicted to be changing rainfall patterns, predicted more frequent storm events and sea level rises. Planning response to these challenges are key issues.
- The management of natural areas requires specialist skills and ongoing consistent programs. Providing and resourcing these programs are key issues.
- The management of open space requires effective control of weeds, vermin and fire. Implementing effective programs to manage these threats is a key issue.

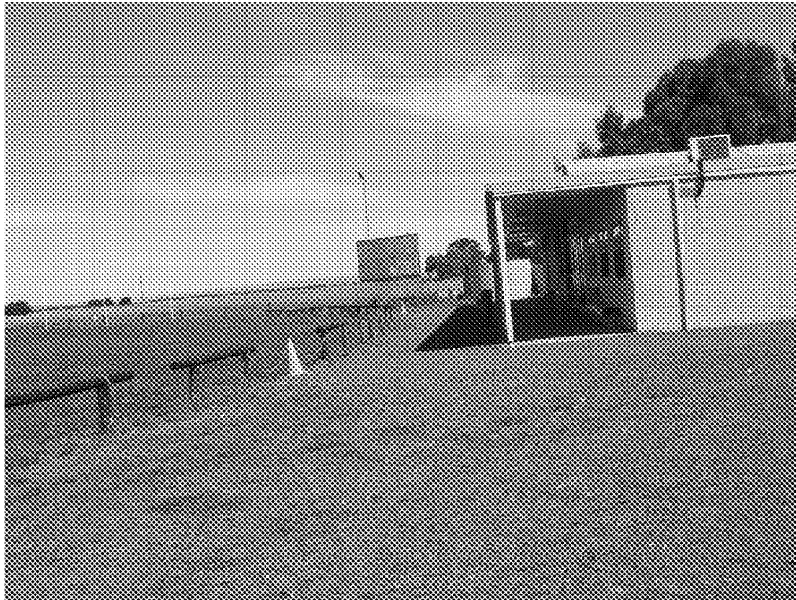
#### **Management Challenges**

- The current standard of development and management varies considerably between different open space areas in the Shire. Some sports reserves have limited facilities other than playing spaces and some playgrounds appear to provide only for limited age groups. Passive recreation facilities are often poor quality or absent in the smaller open spaces. How to provide high development of a wide range of facilities is a key issue.
- The current level of Council resourcing available to manage open space is limited and high standard maintenance does not occur at all open spaces in the Shire. A key issue is how to increase the level of resourcing for open space management and assuming that there will always be constraints, how to establish management priorities across diverse sites.

- Management of risks such as arising from dangerous trees and unsafe playgrounds requires constant attention. Providing and maintaining a risk management program is a key issue.
- Greater policy direction and improved internal processes are required for the establishment of new open spaces within the Shire.

#### **Community Engagement**

- The community must be fully involved in any significant decisions relating to the planning, development or management of open space. A key issue is how to achieve this efficiently and effectively.
- The community highly values open space within their local area and the broader region, which contributes to the physical environment in which they live. The community has strong views (some conflicting) about ways to improve open space to better cater for their needs.
- There is potential for more information / greater promotion of open space areas and the associated recreation opportunities that are available for the community and visitors to the area.



Beeac Recreation Reserve, Beeac

## 7. Key Strategic Directions

The following key strategic directions have been developed after considering the key issues and future requirements for open space in the Shire. They are based on the principles outlined in Section 2.2 and have been developed taking into account the community feedback on the Issues and Opportunities paper released in March 2011.

These directions are designed to provide guidance for Council's decision making in relation to open spaces and to assist it to address the challenges relating to the planning and managing of open space. The directions underpin the recommendations and actions outlined in Section 9.

An important consideration that will assist effective implementation of the strategy is a well-integrated approach across the organisation and with key partners. A good referral system within Council and between Council departments will be crucial to ensure that the key directions of this strategy are taken into account in decision making.

### 7.1. Planning the Open Space Network

All residents of the Shire should have the opportunity to access a broad range of open spaces with recreation and sports facilities located within a reasonable distance from where they live. The community should also have access to a network of linkages and trails, as well as a network of conservation reserves. Good access to open space, i.e. being close to home and within walking distance was given as a very important factor for visiting open space in the community feedback on the Issues and Opportunities Paper.

However different approaches may need to be applied to providing open space opportunities in different areas of the Shire. For example, open space opportunities may be provided differently in the smaller rural and coastal settlements compared with urban Colac and Apollo Bay. Also approaches to accessing open space in the rural areas of the Shire may differ from those in both the larger and smaller settlements.

Open space requirements may also vary in response to the varying growth patterns between different small rural communities that may emerge from the Rural Living Strategy. Some settlements where the population may grow i.e. Birregurra, Beeac and Forrest may have different needs to other settlements, where any growth will be more limited, i.e. Carlisle River, Pirron Yallock, etc.

The evaluation of open space in the Shire involves a range of criteria (analysing access, amount and quality as outlined in section 4.3) to ensure that a balanced and well-connected open space system is provided for the benefit of the community now and for future generations. These criteria are important planning tools for Council to use when considering any open space for the future and this evaluation process will be ongoing as new residential areas are developed. It is possible that some sites may be deemed unsuitable as open space areas. A process is required to address such sites to determine the future of the land and this may include:

- Analysis of the open space provision across the immediate and broader area to check how valuable the site is, in terms of its role in the open space system.
- An assessment of the size, location and useability of this site.
- Consideration of the ability of nearby open space to offer appropriate, safe and sufficient open space to meet long term needs.
- Assessment of the existing and potential values and attributes of the site.
- The nature of the original acquisition of the site as public open space and any statutory or legal obligations in relation to the site.
- Investigation of planning status, environmental values, potential for native vegetation offset, and any other issues that may emerge from investigations.

After an extensive assessment, a recommendation might be made about the future of a site that might involve: its future as open space, re-allocation to another public use, lease, sale or even splitting the site into various uses. An important part of the process is extensive community consultation to understand how residents may relate to a site and what the general view is about potential change of use or disposal of land. The community has an opportunity to comment early in the process as well as through any statutory process that may occur to formalise a decision. Should any sites be sold as an outcome of the above process, proceeds will be considered for open space acquisition (of more suitable land), and development and/or enhancement of existing open space sites.

**Strategic Directions – Planning the Network**

*The open space network will be planned and developed to ensure that all residents will have access to recreation and sports facilities within a reasonable distance of where they live. The network will also include linkages and trails, and will be designed to protect significant flora, fauna and geological and heritage features.*

*Through an analysis of the usage of all Colac Otway Council owned land, sites may be identified as offset sites under the requirements of the Native Vegetation Framework, or identified as sites that could be retired in favour of more suitably located land for open space*

**7.2. Planning Scheme**

As the Colac Otway Planning Scheme provides the basis for all land use and development in the Shire, it is essential the Planning Scheme provisions provide the framework for protecting as well as expanding and enhancing the open space network. It is also important that primary land uses align with the objectives of the zone, with rezoning as required.

Key policy provisions in the Planning Scheme relating to open space are outlined in Clause 11.03 of the State Planning Policy Framework, Clause 21 of the Municipal Strategic Statement in the Local Planning Policy Framework, and the Particular Provisions (Clauses 52 and 56).



The approach being recommended for Colac Otway Shire for open space contributions is similar to an approach adopted by Surf Coast Shire in its Open Space Contributions Strategy (2009), (which is currently the subject of a planning scheme amendment). This approach for Colac Otway Shire provides a sliding scale of open space contributions as follows:

- 1) For residential (subdivision) zoning and development, open space contributions would be 1% for every lot up to a maximum of 10%.
- 2) For subdivision in low density, industrial and township zones, open space contributions would be 1% for every lot up to a maximum of 5%.

The percentages included above have precedence in the Precinct Structure Planning Guidelines for residential areas – 10% (Growth Areas Authority 2009) and the Subdivision Act 1988 – up to 5%.

The open space analysis in the residential areas of Urban Colac, Apollo Bay and Marengo suggest a shortfall of open space in meeting the walkability distribution and quality standards. Improvements would include land acquisition for new open space as well as improvements to the existing open space system. With the emerging growth evident in Birregurra, either new open space areas will be required or improvements to existing parks will be appropriate depending on extent and location of residential growth. In rural townships and outlying rural settlements improvements to linkages and enhancements to existing open space would be priority for open space contributions in the event of future subdivision.

Whether the open space contribution is requested as land or cash-in-lieu depends on the location of the subdivision and analysis of the existing open space system (open space in the vicinity of the subdivision, etc.) with each application considered on a case-by-case basis. The Public Open Space Strategy will be an important tool for Council to use in determining appropriate open space requirements.

The Public Park and Recreation and Public Conservation and Resource Zones in Clause 30 are commonly used to control the land use of public open space. However, as discussed in later sections of this report, open space sites also sit within a range of other zones such as Township and Residential.

Other planning scheme provisions that can be used to address public open space are as follows:

- Council can amend the Local Policy Framework to reflect local open space needs and requirements (including through the use of specific policies in Clause 22 and through the inclusion of reference documents such as an Open Space Strategy).
- In addition to the Public Park and Recreation and Public Conservation and Resource Zones, the Urban Floodway Zone (Clause 30) is also used to control the land use of public open space (up to the 1:100 ARI flood level).
- The Public Acquisition Overlay (Clause 40) can be used where there are specific areas of land that Council wish to acquire for public open space.
- The Development Contributions Overlay (Clause 40) can be used to set out public open space contributions, although this requires significant financial modelling (including models for apportionment of contributions) to be undertaken.

It should be noted that the State Planning Policy Framework and the suite of zones and many other elements of the Planning Scheme are set by the State Government and apply state-wide. It is typically the schedules to the zones and overlays that can be customised.

**Strategic Directions – Planning Scheme**

*Council will ensure that the Local Planning Policy Framework of the Colac Otway Planning Scheme (Clause 21 – Municipal Strategy Statement and Clause 22 – Local Planning Policies) provides effective policy guidance for the provision of open space in all areas of the Shire, i.e. Colac urban area, Apollo Bay, other coastal towns, rural settlements and the rural area of the Shire. Council will also set specific open space contribution percentage requirements in the Schedule to Clause 52.01.*

*Council will consider the current zoning of all open space and commence preparation of amendments to re-zone all identified open space sites that currently have inappropriate zoning.*

**7.3. Providing Open Space in New Urban Neighbourhoods**

The planning of new urban areas, especially in the Colac, Elliminyt and Apollo Bay areas, presents an opportunity to create and develop new spaces as part of the development and generally at no initial cost to Council. Provisions in the Planning Scheme should provide clarity to the community and developers on the open space that will be required in these areas and whether contributions will be requested as land or cash in lieu.

The objective is to achieve a network of open spaces which will meet the community's long term requirements for passive and active recreation (including sporting needs) and should be planned in line with the criteria indicated in Section 4. In some cases there may be sites that cannot be developed due to their physical form or are required to be set aside for storm water management or to protect natural values. These areas should only be considered to be meeting the requirements for community open space if they can provide the required recreation functions in addition to their primary purpose. For example a site set aside to protect native grassland cannot provide a site for a neighbourhood park as these two uses are incompatible. However an area set aside for stormwater retention may be able to provide for some recreation activities depending on the frequency and severity of storm events the design of the area and the recreation activities proposed.

New open spaces created should reflect the different circumstances of different areas within the Shire, i.e. small lot subdivisions may have different requirements and constraints compared with larger growth areas and Colac may have different requirements compared with Apollo Bay.

To ensure that the residents of new areas have immediate access to recreation opportunities and the Council is not exposed to financial commitments, it is important that open space in new areas be handed over from the developers to Council with the agreed suite of facilities developed to an appropriate standard.

The Colac Otway Planning Scheme contains the following Particular Provisions set by the State Government and apply State wide:

- Clause 52.01 – Public Open Space contribution and Subdivision – A person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988 which is up to 5%. As no amount is currently specified in the schedule to Clause 52.01 of the Colac Otway Planning Scheme, Council currently has to negotiate agreed outcomes with developers or rely on the provisions of the Subdivision Act.
- Clause 56 includes requirements for residential subdivision and provides a framework for provision of open space.
- Clause 56.05-2 Public open space provision objectives:
  - To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.
  - To provide a network of public open space that caters for a broad range of users.
  - To encourage healthy and active communities.
  - To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.
  - To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.

Developers will be required to provide suitable land that has been developed in accordance with Clause 56.05-2 and Council's standards and requirements.

Documentation that must be submitted for approval as part of planning applications will include:

- Detailed plans showing all asset provision and locations.
- Asset and planting schedules.
- Maintenance schedules and suggested time period for maintenance prior to handover (suggested 1-2 years).

At practical/final completion, documentation should include:

- As constructed plans.
- Asset/technical/product manuals and specifications.
- Specialist information/knowledge sources/equipment requirements for special treatments.

It should be noted that this framework would be most appropriate for planning open space in the new residential growth areas in Colac, Elliminyt and Apollo Bay. More site specific approaches taking into account the existing provision (or lack) of open space may be more appropriate for planning open space in any new urban areas in other coastal towns or rural settlements.

**Strategic Directions – Providing Open Space in New Urban Neighbourhoods**

*In the larger new residential subdivisions especially in Colac, Elliminyt and Apollo Bay, the open space network, i.e. neighbourhood parkland, district sports and linear spaces, will be planned as a key component of the infrastructure in line with the provisions outlined in Clause 56.05-2 of the Colac Otway Planning Scheme.*

*In other coastal towns and in the rural settlements, the provision of new open space will take into account the existing provision of open space in the current urban area and new open space will be achieved by negotiation with developers on a site by site basis.*

**7.4. Partnerships**

Many of the larger areas of open space in the Shire are managed by agencies other than the Colac Otway Shire. These areas include National Park managed by Parks Victoria and Forest Park managed by DSE. These areas protect significant natural values as well as providing recreation opportunities both for residents of the Colac Otway Shire and the wider Victorian population. All the open space with conservation or recreation values of State significance lies within the areas managed by these agencies. It is important that the planning and management of all open space areas within the Shire is coordinated across the management boundaries.

The reserve along the coastline provides the setting for the internationally recognised Great Ocean Road and caters for visitors from overseas, interstate and state-wide. This Reserve managed by the Otway Coast Committee, includes most of the local recreation land used by the local communities at Separation Creek, Wye River, Kennett River, Skenes Creek, Apollo Bay and Marengo. It is important the Council and the Committee work together to provide open space opportunities for these local communities in these settlements.

State or other agencies have expertise that could assist Council in the management of some open space i.e. DSE could assist with natural area management and the CFA could assist with fire management in open space areas.

Council works with many community based and sports organisations in the management of open space areas. Community groups such as Rotary and Lions clubs have an important role in providing community involvement in the management of local spaces. Also small settlement communities can play a key role in maintaining local reserves and some sporting clubs are responsible for maintaining sports reserves. Other community groups with important roles in the management of open space are the Friends of Colac Botanic Gardens and the Old Beechy Rail Trail Management Committee.

**Strategic Direction – Partnerships**

*Council will liaise and work with other agencies that manage open space in the municipality.*

*Council will liaise with all agencies that can provide expertise to assist Council in the management of its public open space.*

*Council wherever possible will involve local community groups, service clubs and sporting organisations in the management of open space areas.*

**7.5. Environment**

The consideration of environmental factors is important in the planning and management of open space and the community is expecting more environmentally sustainable management of open space. Climate change is leading to changing rainfall patterns and possibly more frequent severe weather events. Also the protection and good management of remnant vegetation, habitat areas, wetlands and water bodies is essential for the long term survival of indigenous species of flora and fauna.

Council's Environment Strategy has as one of its targets an emphasis on the consideration of environmental values when acquisition of open space in new residential areas and/or in any location is negotiated. This is an important consideration to ensure that important values are preserved and that critical management priorities are developed.

Planting using drought tolerant species generally assists in responding to the challenges arising from climate change as well as assisting in reducing ongoing maintenance requirements.

Although the large areas of public land with high conservation values such as the Great Otway National Park and the Otway Coastal Reserve are not managed by Council, many smaller areas managed by Council have conservation values of significance. Also many of the waterways provide green links providing movement corridors for wildlife.

The planting of indigenous species of flora contributes to increased abundance of indigenous wildlife species especially birdlife. Open space can also provide sites for the location of attractive multi-purpose water features and opportunities for applying water sensitive urban design principles for the treatment, storage and harvesting of stormwater.

Environmentally responsible design of open space facilities should take into account the environmental and social impacts of the origin and full life cycle of the materials used. Responsible use of water and investigation of alternative water sources is also an important priority for Council and the community.

**Strategic Directions – Environment**

*The planning and design of open space will take into account possible impacts of climate change especially the predicted changing rainfall patterns, viable opportunities to use alternative water sources for open space irrigation and the more frequent occurrence, and intensity of storm events.*

*All Council managed open spaces will be planned and managed to protect and enhance their environmental values and degraded environmental areas will be rehabilitated wherever possible. Indigenous species of trees and shrubs will be planted in preference to introduced species except at sites with identified cultural or heritage significance.*

*The design of facilities to be located in open space will consider the environmental life cycle of the materials proposed in the construction of the facilities.*

**7.6. Links and Corridors**

Links and corridors are important components of the open space network and the Colac Otway Shire currently has both valuable existing links and the potential for additional links. Corridors are important for protecting natural and aesthetic values of waterways as well as providing for the movement of wildlife.

Links can provide diverse recreation opportunities including attractive dedicated cycling and walking routes located away from roads. If well developed, managed to a high standard, connected to key destinations and widely promoted, walking/cycling links can provide alternatives to car use and can contribute to increased physical activity and improved health of the community. The improvement of walking and cycling paths was the most common reason given by the community in the feedback on the Issues and Opportunities Paper that would encourage more use of open space.

The Old Beechy Rail Trail, developed following the route of the former narrow gauge rail line from Colac to Beech Forest, is one of Victoria's important rail trails. Most of the trail lies on the land of the former rail line, but as some sections of the former rail line are not available, parts of the trail have been developed on nearby roads. Although the trail currently has significant usage, it has the potential to become an even more important recreation and tourist facility.

**Strategic Directions – Links and Corridors**

*Priority will be given to developing and enhancing linear links and corridors wherever possible (including along waterways) both in the Colac urban area and elsewhere in the Shire.*

*Shared pathways and linked walking and bike routes providing access to key destinations will be promoted in order to increase the level of physical activity of all age groups and improve the overall health of the community.*

### 7.7. Planning of Existing Spaces

Sound planning of individual open spaces is essential for providing a basis for good management of the spaces and an effective mechanism for the community to be involved in their future development. Such planning should take into account the role of each individual space within the overall open space network to ensure each space is complementary to other spaces and scarce resources are used efficiently across the network.

Planning of specific sites allows for the requirements of the existing community to be met as well as providing for the needs of future communities. It also provides an opportunity for the community to be made aware of management challenges and provides a process for resolving any conflicts with usage of the space. It can assist in resolving any issues that the neighbours may have in relation to open space areas.

Planning should consider the needs of the existing community, accommodate the requirements of any projected increase or change in the population. It should ensure that the spaces cater for all sections of the community including women, children, different cultural groups and the elderly. The range of facilities should be appropriate to each type and category of park and developed to a standard suitable to cater for the use of the open space. All major development or significant changes should be preceded by a comprehensive program of engagement of the community.

Planning needs to take into account the differences between communities and the challenges facing coastal and the smaller settlements compared with the urban areas in the municipality.

#### **Strategic Directions – Planning of Existing Spaces**

*Master plans or reserve design plans will be prepared for high profile open spaces, those spaces where difficult issues or competing demands need to be resolved, and for sites where significant new developments are proposed. Simple concept design plans will generally be sufficient when required for neighbourhood open spaces and other spaces where usage patterns are relatively straight forward.*

### 7.8. Developing and Managing Open Space

The current standard of development and management varies considerably across different open space areas in the Shire. For example many of the sports playing fields and pavilions in the Colac area appear to be “fit for purpose” although the surroundings in many cases are poorly developed, the landscaping is usually limited and informal recreation facilities are generally not provided. Playgrounds appear to provide only for limited age group ranges and passive recreation facilities are often poor quality or absent in the smaller open spaces.

In order to give the community a realistic idea of what facilities could reasonably be expected in any specific space, provide equity of open space opportunities, and effectively and efficiently use available resources, a systematic approach to the provision of facilities in open space areas is required. This can be achieved by outlining a set of standards called “Standards for Open Space Development” relating to both the type of each open space area i.e. its position in the hierarchy and the

nature or category of each space. The standards are outlined in Table 7.1 at the end of this section.

Application of these standards would provide all communities with equitable and appropriate open space opportunities. However given limited resources it is unlikely that full implementation of the standards will be achieved in the short term.

The community should also have a realistic understanding of the standard of management or maintenance that applies to each open space. This can be achieved by developing levels of maintenance service based on the level of each open space in the hierarchy i.e. the specified level of maintenance for a township/district sports reserve may vary from the level specified for a regional sports reserve. A review of parks and gardens services undertaken in 2010 identified the need to undertake a critical review of the service levels, previously documented in 1996. This review would include such elements as: defining the scope of assets that are maintained, defining what is delivered in existing budgets and establishing unit costs for maintenance. Once gaps in service delivery are identified, new service levels can be prepared. As service level standards could have resource implications for Council, they should be developed through an interactive process with the community.

The overall presentation of the open space network and clarity of information on sites would be enhanced by well-designed and presented signage, which could be achieved by the development and implementation of signage guidelines. Such guidelines should also make it more efficient for Council to design and install signage.

Additional walking and cycling paths and toilet facilities and improved maintenance were the four most important reasons given in the community feedback on the Issues and Opportunities Paper that would encourage more use of open space.

When managing the development and use of open space, the principles of multi-use and sharing are critical to ensure that maximum community benefit is achieved from the resources that are invested in public open space and its infrastructure.

**Strategic Directions – Developing and Managing Open Space**

*A set of "Standards for Open Space Development", i.e. relating to the provision of infrastructure such as types of planting, play equipment, pathways, signage, picnic tables, seating, bins, sports facilities, etc will be used to guide the provision of facilities in each open space area in line with area's position in the open space hierarchy and nature or category. These standards include the consideration of siting of public art in open space.*

*Developers of new open spaces in new urban areas will be expected to meet these standards as a minimum requirement.*

*Service level standards will be developed in consultation with the community to guide the maintenance levels of each open space in the network.*

*Signage guidelines will be prepared to guide the installation of all future signage in open space areas.*



### Table 7.1 Standards for Open Space Development

The following pages outline the standards that will guide development of open space for both new construction and enhancements to existing open spaces. Where infrastructure features are noted as “might have”, discussion between Council and developers for new open space sites will determine the requirement for these items based on community need and site characteristics.

In addition to the tables outlining standards for the various types of open space, the following industry resources will be useful when plans and concepts are being developed for open space improvements.

- Heart Foundation: “Healthy by design – A planners’ Guide to Environments for Active Living” 2004
- Department of Sustainability and Environment / Crime Prevention Victoria – “Safer Design Guidelines for Victoria” 2005
- City of Greater Geelong “Sustainable Communities” – Infrastructure Development Guidelines 2010
- Growth Area Authority – Precinct Structure Planning Guidelines 2009
- The Good Play Space Guide “I Can Play Too” PRAV / DPCD 2007
- Infrastructure Design Manual – Colac Otway Shire

Colac Otway Public Open Space Strategy

Standards for development of Parkland

| Infrastructure                                                                     | Neighbourhood | Township / District | Regional |
|------------------------------------------------------------------------------------|---------------|---------------------|----------|
| Shade planting                                                                     | ∫             | ∫∫                  | ∫∫       |
| Shade planting with indigenous species                                             | ∫             | ∫∫                  | ∫∫       |
| Landscape planting                                                                 | x             | ∫                   | ∫∫       |
| Drought tolerant planting                                                          | ∫∫            | ∫∫                  | ∫∫       |
| Indigenous planting                                                                | ∫             | ∫                   | ∫∫       |
| Non-indigenous planting with heritage values                                       | x             | x                   | x        |
| Formal planting including garden beds                                              | xx            | xx                  | x        |
| Vegetation compatible with surrounding landscape                                   | ∫             | ∫                   | ∫        |
| Open areas for informal play                                                       | ∫∫            | ∫∫                  | ∫∫       |
| Usability / wheel access                                                           | ∫             | ∫∫                  | ∫∫       |
| Seating                                                                            | ∫∫            | ∫∫                  | ∫∫       |
| Pathways -- possible circuit                                                       | ∫             | ∫∫                  | ∫∫       |
| Shared pedestrian / bike pathways                                                  | ∫             | ∫∫                  | ∫∫       |
| Signage (information)                                                              | ∫             | ∫∫                  | ∫∫       |
| Signage (directional)                                                              | x             | ∫                   | ∫∫       |
| Signage (interpretive)                                                             | x             | ∫                   | ∫∫       |
| Water sensitive urban design                                                       | ∫             | ∫                   | ∫∫       |
| Play equipment                                                                     | ∫             | ∫∫                  | ∫∫       |
| Provision for a range of abilities                                                 | ∫             | ∫∫                  | ∫∫       |
| Picnic tables                                                                      | ∫             | ∫∫                  | ∫∫       |
| Access to water                                                                    | x             | ∫∫                  | ∫∫       |
| Drinking fountain                                                                  | x             | ∫∫                  | ∫∫       |
| Basketball ring / hitting wall                                                     | x             | ∫                   | ∫∫       |
| Fitness equipment                                                                  | x             | ∫                   | ∫∫       |
| Shade structure                                                                    | x             | ∫                   | ∫∫       |
| Structure / shelter                                                                | x             | ∫                   | ∫∫       |
| Rubbish bin                                                                        | ∫             | ∫∫                  | ∫∫       |
| Bike racks                                                                         | ∫             | ∫∫                  | ∫∫       |
| Barbecues                                                                          | xx            | ∫                   | ∫∫       |
| Linking pathways to other open spaces                                              | ∫             | ∫∫                  | ∫∫       |
| Bicycle / pedestrian linkages along road reserves to surrounding residential areas | ∫             | ∫∫                  | ∫∫       |
| Kick around area                                                                   | ∫             | ∫∫                  | ∫∫       |
| Irrigation / irrigation system                                                     | xx            | ∫                   | ∫        |
| Alternate water sources                                                            | xx            | ∫                   | ∫∫       |
| Lighting                                                                           | xx            | xx                  | x        |
| Artworks / sculpture                                                               | ∫             | ∫                   | ∫∫       |
| Public toilets                                                                     | xx            | ∫                   | ∫∫       |
| Barrier for safety: fencing, landscape, etc.                                       | ∫             | ∫                   | ∫        |
| Fencing of environmentally sensitive areas                                         | ∫             | ∫                   | ∫        |
| Water feature -- formal                                                            | x             | x                   | ∫        |
| Water feature -- informal                                                          | x             | ∫                   | ∫        |
| Car parking -- on road                                                             | ∫             | ∫∫                  | ∫∫       |
| Car parking -- off-road                                                            | xx            | ∫                   | ∫∫       |
| Disabled car parking                                                               | x             | ∫                   | ∫∫       |
| Skateboard area                                                                    | x             | ∫                   | ∫        |

∫∫ = should have, ∫ = might have, x = should not have, xx = must not have

Standards for development of Formal Garden

| Infrastructure                                                                     | Township / District | Regional |
|------------------------------------------------------------------------------------|---------------------|----------|
| Shade planting                                                                     | ∕∕                  | ∕∕       |
| Shade planting with indigenous species                                             | ∕                   | ∕        |
| Landscape planting                                                                 | ∕                   | ∕        |
| Drought tolerant planting                                                          | ∕                   | ∕        |
| Indigenous planting                                                                | ∕                   | ∕        |
| Non-indigenous planting with heritage values                                       | ∕                   | ∕        |
| Formal planting including garden beds                                              | ∕∕                  | ∕∕       |
| Vegetation compatible with surrounding landscape                                   | ∕                   | ∕        |
| Open areas                                                                         | ∕∕                  | ∕∕       |
| Usability / wheel access                                                           | ∕∕                  | ∕∕       |
| Seating                                                                            | ∕∕                  | ∕∕       |
| Pathways - possible circuit                                                        | ∕∕                  | ∕∕       |
| Signage (information)                                                              | ∕∕                  | ∕∕       |
| Signage (directional)                                                              | ∕                   | ∕        |
| Signage (interpretive)                                                             | ∕∕                  | ∕∕       |
| Water sensitive urban design                                                       | ∕∕                  | ∕∕       |
| Play equipment                                                                     | ∕                   | ∕        |
| Provision for a range of abilities                                                 | ∕                   | ∕        |
| Picnic tables                                                                      | ∕                   | ∕        |
| Access to water                                                                    | ∕                   | ∕        |
| Drinking fountain                                                                  | ∕                   | ∕        |
| Shade structure                                                                    | ∕                   | ∕        |
| Structure / shelter                                                                | ∕                   | ∕        |
| Rubbish bin                                                                        | ∕∕                  | ∕∕       |
| Bike racks                                                                         | ∕                   | ∕        |
| Barbecues                                                                          | ∕                   | ∕        |
| Linking pathways to other open spaces                                              | ∕                   | ∕        |
| Bicycle / pedestrian linkages along road reserves to surrounding residential areas | ∕                   | ∕        |
| Irrigation / irrigation system                                                     | ∕                   | ∕        |
| Alternate water sources                                                            | ∕                   | ∕        |
| Lighting                                                                           | ∕                   | ∕        |
| Artworks / sculpture                                                               | ∕                   | ∕        |
| Public toilets                                                                     | ∕                   | ∕        |
| Barrier for safety: fencing, landscape, etc.                                       | ∕                   | ∕        |
| Fencing of environmentally sensitive areas                                         | ∕                   | ∕        |
| Water feature - formal                                                             | ∕                   | ∕        |
| Water feature - informal                                                           | ∕                   | ∕        |
| Car parking - on road                                                              | ∕∕                  | ∕∕       |
| Car parking - off-road                                                             | ∕                   | ∕        |
| Disabled car parking                                                               | ∕∕                  | ∕∕       |

∕∕ = should have, ∕ = might have, x = should not have, x = must not have

Standards for development of Linear Open Space and Corridor

| Infrastructure                                                                     | Neighbourhood | Township / District | Regional |
|------------------------------------------------------------------------------------|---------------|---------------------|----------|
| Shade planting                                                                     | ∕∕            | ∕∕                  | ∕∕       |
| Shade planting with indigenous species                                             | /             | ∕∕                  | ∕∕       |
| Landscape planting                                                                 | /             | /                   | /        |
| Drought tolerant planting                                                          | /             | /                   | /        |
| Indigenous planting                                                                | /             | /                   | /        |
| Non-indigenous planting with heritage values                                       | x             | x                   | /        |
| Formal planting including garden beds                                              | xx            | xx                  | xx       |
| Vegetation compatible with surrounding landscape                                   | ∕∕            | ∕∕                  | ∕∕       |
| Disability / wheel access                                                          | ∕∕            | ∕∕                  | ∕∕       |
| Seating                                                                            | /             | /                   | ∕∕       |
| Shared pedestrian / bike pathways                                                  | ∕∕            | ∕∕                  | ∕∕       |
| Signage (information)                                                              | /             | /                   | ∕∕       |
| Signage (directional)                                                              | /             | /                   | ∕∕       |
| Signage (interpretive)                                                             | /             | /                   | /        |
| Picnic tables                                                                      | /             | /                   | /        |
| Fitness equipment                                                                  | /             | /                   | /        |
| Shade structure                                                                    | /             | /                   | /        |
| Structure / shelter                                                                | /             | /                   | /        |
| Rubbish bin                                                                        | /             | /                   | ∕∕       |
| Bike racks                                                                         | /             | /                   | ∕∕       |
| Barbecues                                                                          | xx            | xx                  | /        |
| Access to water                                                                    | xx            | xx                  | ∕∕       |
| Linking pathways to other open spaces                                              | ∕∕            | ∕∕                  | ∕∕       |
| Bicycle / pedestrian linkages along road reserves to surrounding residential areas | ∕∕            | ∕∕                  | ∕∕       |
| Irrigation / irrigation system                                                     | xx            | xx                  | xx       |
| Alternate water sources                                                            | xx            | xx                  | xx       |
| Lighting                                                                           | x             | x                   | /        |
| Artworks / sculpture                                                               | xx            | xx                  | /        |
| Public toilets                                                                     | xx            | xx                  | /        |
| Barrier for safety                                                                 | /             | /                   | /        |
| Fencing of environmentally sensitive areas                                         | /             | /                   | /        |
| Water feature -- formal                                                            | xx            | xx                  | xx       |
| Water feature -- informal                                                          | /             | /                   | /        |
| Car parking -- on road                                                             | x             | /                   | ∕∕       |
| Car parking -- off-road                                                            | x             | /                   | /        |
| Disabled car parking                                                               | x             | /                   | ∕∕       |

∕∕ = should have, / = might have, x = should not have, x = must not have

Standards for development of Sports Reserves

| Infrastructure                                                                     | Neighbourhood<br>(might apply to school ovals) | Township / District | Regional |
|------------------------------------------------------------------------------------|------------------------------------------------|---------------------|----------|
| Shade planting                                                                     | /                                              | //                  | //       |
| Shade planting with indigenous species                                             | /                                              | /                   | /        |
| Landscape planting                                                                 | /                                              | /                   | /        |
| Drought tolerant planting                                                          | /                                              | /                   | /        |
| Indigenous planting                                                                | /                                              | /                   | /        |
| Formal planting including garden beds                                              | xx                                             | xx                  | x        |
| Open areas for informal play                                                       | /                                              | //                  | //       |
| Disability / wheel access                                                          | /                                              | //                  | //       |
| Seating                                                                            | /                                              | //                  | //       |
| Pathways – possible circuit                                                        | /                                              | /                   | /        |
| Shared pedestrian / bike pathways                                                  | x                                              | /                   | //       |
| Signage (information)                                                              | //                                             | //                  | //       |
| Water sensitive urban design                                                       | /                                              | //                  | //       |
| Play equipment                                                                     | /                                              | /                   | //       |
| Provision for a range of abilities                                                 | /                                              | /                   | //       |
| Picnic tables                                                                      | /                                              | //                  | //       |
| Access to water                                                                    | /                                              | //                  | //       |
| Drinking fountain                                                                  | /                                              | //                  | //       |
| Basketball ring / hitting wall                                                     | /                                              | /                   | /        |
| Fitness equipment                                                                  | xx                                             | /                   | /        |
| Shade structure                                                                    | x                                              | /                   | //       |
| Structure / shelter                                                                | x                                              | /                   | //       |
| Rubbish bin                                                                        | /                                              | //                  | //       |
| Bike racks                                                                         | /                                              | //                  | //       |
| Barbecues                                                                          | xx                                             | /                   | //       |
| Linking pathways to other open spaces                                              | /                                              | //                  | //       |
| Bicycle / pedestrian linkages along road reserves to surrounding residential areas | /                                              | //                  | //       |
| Irrigation / irrigation system                                                     | /                                              | //                  | //       |
| Alternate water sources                                                            | /                                              | //                  | //       |
| Lighting                                                                           | /                                              | //                  | //       |
| Artworks / sculpture                                                               | xx                                             | xx                  | x        |
| Public toilets                                                                     | /                                              | //                  | //       |
| Barrier for safety: fencing, landscape, etc.                                       | /                                              | /                   | /        |
| Water feature – formal                                                             | xx                                             | xx                  | x        |
| Water feature – informal                                                           | xx                                             | xx                  | x        |
| Sports playing areas                                                               | //                                             | //                  | //       |
| Training fields / Cricket practice nets                                            | x                                              | /                   | //       |
| Courts – tennis / netball / multi-use                                              | /                                              | //                  | //       |
| Pavillion / change rooms                                                           | /                                              | //                  | //       |
| Car parking – on road                                                              | /                                              | //                  | //       |
| Car parking – off-road                                                             | x                                              | //                  | //       |
| Disabled car parking                                                               | x                                              | //                  | //       |
| Alternate energy sources                                                           | x                                              | //                  | //       |
| Skateboard area                                                                    | x                                              | /                   | /        |

// = should have, / = might have, x = should not have, xx = must not have

Colac Otway Public Open Space Strategy

Standards for development of Foreshore

| Infrastructure                                                                     | Neighbourhood | Township / District | Regional |
|------------------------------------------------------------------------------------|---------------|---------------------|----------|
| Shade planting                                                                     | ✓             | ✓✓                  | ✓✓       |
| Shade planting with indigenous species                                             | ✓             | ✓✓                  | ✓✓       |
| Landscape planting                                                                 | ✓             | ✓                   | ✓        |
| Drought tolerant planting                                                          | ✓             | ✓                   | ✓        |
| Indigenous planting                                                                | ✓             | ✓✓                  | ✓✓       |
| Vegetation compatible with surrounding landscape                                   | ✓             | ✓✓                  | ✓✓       |
| Open areas for informal play                                                       | ✓             | ✓                   | ✓        |
| Disability / wheel access                                                          | ✓             | ✓✓                  | ✓✓       |
| Seating                                                                            | ✓             | ✓✓                  | ✓✓       |
| Pathways – possible circuit                                                        | x             | ✓                   | ✓        |
| Shared pedestrian / bike pathways                                                  | ✓             | ✓✓                  | ✓✓       |
| Signage (information)                                                              | ✓             | ✓✓                  | ✓✓       |
| Signage (directional)                                                              | ✓             | ✓✓                  | ✓✓       |
| Signage (interpretive)                                                             | ✓             | ✓✓                  | ✓✓       |
| Water sensitive urban design                                                       | ✓             | ✓                   | ✓        |
| Play equipment                                                                     | x             | ✓                   | ✓        |
| Provision for a range of abilities                                                 | x             | ✓                   | ✓        |
| Picnic tables                                                                      | x             | ✓                   | ✓✓       |
| Access to water                                                                    | x             | ✓                   | ✓✓       |
| Drinking fountain                                                                  | x             | ✓                   | ✓✓       |
| Fitness equipment                                                                  | x             | ✓                   | ✓        |
| Shade structure                                                                    | x             | ✓                   | ✓        |
| Structure / shelter                                                                | x             | ✓                   | ✓        |
| Coastal related structures (e.g. surf lifesaving club)                             | x             | ✓                   | ✓        |
| Rubbish bin                                                                        | ✓             | ✓✓                  | ✓✓       |
| Bike racks                                                                         | x             | ✓                   | ✓        |
| Barbecues                                                                          | xx            | ✓                   | ✓        |
| Linking pathways to other open spaces                                              | ✓             | ✓✓                  | ✓✓       |
| Bicycle / pedestrian linkages along road reserves to surrounding residential areas | ✓             | ✓✓                  | ✓✓       |
| Irrigation / irrigation system                                                     | xx            | xx                  | x        |
| Alternate water sources                                                            | xx            | xx                  | x        |
| Lighting                                                                           | x             | x                   | ✓        |
| Artworks / sculpture                                                               | x             | x                   | ✓        |
| Public toilets                                                                     | xx            | ✓                   | ✓        |
| Barrier for safety: fencing, landscape, etc.                                       | x             | x                   | ✓        |
| Fencing of environmentally sensitive areas                                         | ✓             | ✓                   | ✓        |
| Car parking – on road                                                              | x             | ✓                   | ✓✓       |
| Car parking – off-road                                                             | x             | x                   | ✓        |
| Disabled car parking                                                               | x             | ✓                   | ✓✓       |

✓✓ = should have, ✓ = might have, x = should not have, xx = must not have

Colac Otway Public Open Space Strategy

Standards for development of Natural Areas

| Infrastructure                                   | Neighbourhood | Township / District | Regional | State |
|--------------------------------------------------|---------------|---------------------|----------|-------|
| Shade planting                                   | /             | /                   | /        | /     |
| Shade planting with indigenous species           | /             | /                   | /        | /     |
| Landscape planting                               | xx            | xx                  | xx       | xx    |
| Drought tolerant planting                        | /             | /                   | /        | /     |
| Indigenous planting                              | /             | /                   | //       | //    |
| Non-indigenous planting with heritage values     | xx            | xx                  | xx       | xx    |
| Formal planting including garden beds            | xx            | xx                  | xx       | xx    |
| Vegetation compatible with surrounding landscape | /             | /                   | /        | /     |
| Open areas for informal play                     | xx            | xx                  | xx       | xx    |
| Disability / wheel access                        | x             | x                   | x        | x     |
| Seating                                          | /             | /                   | /        | /     |
| Pathways – possible circuit                      | /             | /                   | /        | /     |
| Shared pedestrian / bike pathways                | x             | x                   | x        | x     |
| Signage (information)                            | /             | /                   | //       | //    |
| Signage (directional)                            | /             | /                   | //       | //    |
| Signage (interpretive)                           | /             | /                   | //       | //    |
| Water sensitive urban design                     | x             | x                   | x        | x     |
| Natural play elements                            | x             | /                   | /        | /     |
| Picnic tables                                    | x             | /                   | /        | /     |
| Access to water                                  | x             | /                   | /        | /     |
| Structure / shelter                              | x             | /                   | /        | /     |
| Rubbish bin                                      | x             | /                   | /        | /     |
| Bike racks                                       | x             | /                   | /        | /     |
| Barbecues                                        | xx            | xx                  | /        | /     |
| Linking pathways to other open spaces            | /             | /                   | /        | /     |
| Irrigation / irrigation system                   | x             | x                   | x        | x     |
| Lighting                                         | xx            | xx                  | xx       | xx    |
| Artworks / sculpture                             | xx            | xx                  | xx       | xx    |
| Public toilets                                   | x             | /                   | /        | /     |
| Barrier for safety                               | x             | /                   | /        | /     |
| Fencing of environmentally sensitive areas       | /             | /                   | /        | /     |
| Water feature – formal                           | xx            | xx                  | xx       | xx    |
| Water feature – informal                         | /             | /                   | /        | /     |
| Car parking – on road                            | /             | /                   | /        | /     |
| Car parking – off-road                           | xx            | xx                  | /        | /     |
| Disabled car parking                             | xx            | xx                  | /        | /     |

// = should have, / = might have, x = should not have, x = must not have

## 8. Open Space Provision and Analysis

This section of the Public Open Space Strategy provides an analysis and assessment of the current provision of public open space throughout the Shire. The focus is on the provision of accessible and useable open space that provides for structured and informal recreation opportunities. However, other types of open space that offer environmental, amenity and other benefits are also recognised as important in the overall system.

This analysis is presented initially as a summary for the whole municipality then in greater detail for each of the four areas that have been defined as zones in Council Plan and key areas for this project: Urban Colac, Rural North, Rural South and Great Ocean Road / Otways.

A rating system has been used to summarise the assessment of open space and is defined as follows.

For population:

|    |                                                                                     |
|----|-------------------------------------------------------------------------------------|
| ↑  | Population is expected to increase by more than 15% by 2031                         |
| =  | Population is expected to remain within 15% of the 2009 figure by 2031              |
| !! | Population fluctuates with transient and visitor population at peak holiday seasons |

For the assessment by each of the three criteria (access, amount and quality):

|     |                                                           |
|-----|-----------------------------------------------------------|
| ✓   | Basic Provision (opportunity for significant improvement) |
| ✓✓  | Satisfactory Provision (some opportunity for improvement) |
| ✓✓✓ | Excellent Provision (meets or exceeds criteria)           |



### 8.1. Municipal Open Space Provision

The Colac Otway municipality has a vast diversity of public open space. It is characterised by significant natural areas with a significant percentage of the Shire being national park or forest park and a range of open space sites that are used for recreation and sport by residents and visitors.

The following table presents a summary of the amount of open space within Shire by category and hierarchy.

Table 8.1 Area of Open Space within the Shire listed by Category and Hierarchy

| Category                                                                                                             | State (ha) | Regional (ha) | District / Township (ha) | Neighbourhood (ha) | Total (ha)          |
|----------------------------------------------------------------------------------------------------------------------|------------|---------------|--------------------------|--------------------|---------------------|
| Parkland                                                                                                             | -          | 15            | 4.7                      | 29.54              | 49.24               |
| Formal Garden                                                                                                        | -          | 16            | -                        | -                  | 16                  |
| Sports Reserve                                                                                                       | -          | 134.3         | 92.6 [5.6]               | -                  | 226.9 [5.6]         |
| Linear OS / Corridor                                                                                                 | -          | 2.6           | -                        | 5.7                | 8.3                 |
| Foreshore                                                                                                            |            | 6             | 4.2                      | 1.2                | 11.4                |
| Sub-Total: Open Space considered in the assessment as useable and accessible open space for recreation opportunities |            |               |                          |                    | <b>311.84 [5.6]</b> |
| Natural Area                                                                                                         | 3++        | 74.5          | 7                        | 5.7                | 90+                 |
| Drainage                                                                                                             |            |               | N/A                      |                    | 31.8                |
| Road Reserve                                                                                                         |            |               | N/A                      |                    | -                   |
| Water Body / Wetlands                                                                                                |            |               | N/A                      |                    | 5.8                 |
| Sub-Total: Other Open Space                                                                                          |            |               |                          |                    | 127.6+              |
| Total: All Open Space (approximate)                                                                                  |            |               |                          |                    | 440+                |

+ denotes additional public open space to be included when the national park / forest park areas are added into the totals.

[5.6] denotes land area (not open space) containing tennis court facilities.

Table 8.2 Current and Projected Population in the Shire

| Population                                                                                                              |                                           | ↑      |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------|
| 2006 population:                                                                                                        |                                           | 21,044 |
| 2009 forecast population:                                                                                               |                                           | 21,822 |
| 2011 forecast population:                                                                                               |                                           | 22,263 |
| Projected 2031 population                                                                                               |                                           | 26,797 |
| Change between 2006 and 2031:                                                                                           |                                           | +5,573 |
| SEIFA Index                                                                                                             |                                           | 967.3  |
| Age Groups: 0-17 years                                                                                                  | 5,199 in 2006 increasing to 6,226 by 2031 | +1,027 |
| Age Groups: 70 years+                                                                                                   | 2,533 in 2006 increasing to 3,711 by 2031 | +1,178 |
| <b>Comment:</b> The population across the whole shire is projected to increase between 2006 and 2031 by just under 21%. |                                           |        |

Source of population data: Population Forecasts for Colac Otway Shire, forecast id, id consulting p/l, updated Jan 2011

The following open space analysis is a general assessment across the Shire, drawing broad observations of general provision in the Colac Otway municipality as a whole.

| <b>Access</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Distribution of Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ✓✓ |
| Location and connections to open space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ✓  |
| <p><b>Comment:</b><br/>                     While Colac Otway Shire is well provided for open space, the distribution of the open space sites is not always consistent with settlement areas. The assessment of the distribution of open space in the urban areas of the Shire (Colac, Apollo Bay) considers walking distance from households, whereas in the rural areas the assessment considers whether public open space is provided in centralised locations that are focal points for townships and surrounding communities.<br/>                     Access also considers the connectedness of the open space system – in Colac Otway Shire, linkages and connections between open space sites and between communities is poor. There is very good potential to improve these connections using creek corridors, road reserves, the Old Beechy Rail Trail and other open space areas.</p> |    |

| <b>Amount</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Amount of open space:<br>297 ha for the 2011 population (22,263) = 13.34 ha/1000 people<br>Assuming 297 ha for the 2031 projected population (26,797) =<br>Projected future open space provision of 11.1 ha/1000 people                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ✓✓✓ |
| Sizes of open space compared to hierarchy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ✓✓  |
| <p><b>Comment:</b><br/>                     Colac Otway Shire is very well provided for when the total quantity of open space is considered. The above total of 297ha does not include the significant national park and forest park that covers a large part of the southern portion of the Shire. The figure of 13ha per 1000 people and future 11ha per 1000 people taking population growth into account exceeds industry standards that are often used of 6ha per 1000 people. So with the quantity of open space providing well for current and future needs, the other criteria become important considerations.<br/>                     The sizes of open space sites when compared to the hierarchy classification falls short of targets in some cases. Where there is a good quantity of open space this may not require any action provided the facilities and activities available within the open space sites meet community demand. However there are some areas in the Shire where it may be desirable to increase the size of sites or seek opportunities to acquire other larger sites for development of specific open space types.</p> |     |

| <b>Quality</b>                                                                                                                                                                                                                                                                                                                                  |   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Useability – “Fit for purpose”                                                                                                                                                                                                                                                                                                                  | ✓ |
| Quality and Presentation                                                                                                                                                                                                                                                                                                                        | ✓ |
| Consistency with Standards for Open Space Development                                                                                                                                                                                                                                                                                           | ✓ |
| <p><b>Comment:</b><br/>                     The open space system throughout Colac Otway is generally in a fair condition, with improvements required to ensure the standards for open space development are met and that the presentation, quality and useability of sites matches the needs and demands of the community into the future.</p> |   |

## 8.2. Area Open Space Provision

### Urban Colac Area

The Urban Colac area is the main regional centre of the Colac Otway Shire. Covering the areas of Colac, Colac East and Elliminyt, this area is experiencing growth through rezoning of rural land and residential subdivision. Colac is the principal town for the shire and provides commercial, community facilities and services, recreation and transport infrastructure of a regional nature. (Source: Draft Colac Otway Rural Living Strategy, 2011). Elliminyt has become effectively a suburb of Colac, located to the south of the main centre.

The Urban Colac area services the broader region with its key open space sites, including a number of sporting facilities, the Botanic Gardens, Memorial Square and Colac Lake Foreshore. Future population growth and an ageing community suggests that open space will become even more significant for residents in this area.

Table 8.3 Open Space Sites in the Colac Urban Area

| Name                                       | Town      | Hierarchy | Category             | Zoning      | Ownership Management | Area (ha) |
|--------------------------------------------|-----------|-----------|----------------------|-------------|----------------------|-----------|
| Lake Colac Foreshore                       | Colac     | Regional  | Foreshore            | PPRZ        | Crown Council        | 13.5      |
| Barongarook Creek                          | Colac     | District  | Linear OS / Corridor | PPRZ        | Crown Council        | 2.9       |
| Botanic Gardens                            | Colac     | Regional  | Formal Garden        | PPRZ        | Crown Council        | 14.0      |
| Memorial Square                            | Colac     | Regional  | Formal Garden        | PPRZ        | Crown Council        | 2.0       |
| Central Bowls Club                         | Colac     | District  | Sports Reserve       | PPRZ        | Council CoM          | 1.2       |
| Central Reserve                            | Colac     | Regional  | Sports Reserve       | PPRZ        | Council Council      | 6.9       |
| Colac Cricket Ground                       | Colac     | District  | Sports Reserve       | PPRZ        | Crown Council        | 2.3       |
| Colac Showgrounds                          | Colac     | District  | Sports Reserve       | PPRZ<br>PUZ | Crown<br>DSE CoM     | 8.2       |
| Colac Tennis Tournament Club               | Colac     | District  | Sports Reserve       | PPRZ        | Council CoM          | 1.8       |
| Eastern Reserve                            | Colac     | District  | Sports Reserve       | R1Z         | Council Council      | 7.6       |
| Western Bay Park                           | Colac     | District  | Sports Reserve       | PPRZ        |                      | 1.0       |
| Western Oval                               | Colac     | District  | Sports Reserve       | PPRZ        | Council Council      | 3.6       |
| Colac Golf Club and Turf Club              | Elliminyt | Regional  | Sports Reserve       | PPRZ        | Crown Numerous       | 119.2     |
| South Colac Oval / Elliminyt Memorial Park | Elliminyt | District  | Sports Reserve       | PPRZ        | Crown Council        | 7.7       |
| Esplanade Reserve                          | Colac     | N'hood    | Parkland             | PPRZ        | Council Council      | 0.7       |
| Ball Street Park                           | Colac     | N'hood    | Parkland             | PPRZ        | Council Council      | 0.3       |
| Bruce St OS 1                              | Colac     | N'hood    | Parkland             | PPRZ        | Council Council      | 1.0       |

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| Name                     | Town      | Hierarchy       | Category             | Zoning | Ownership Management   | Area (ha) |
|--------------------------|-----------|-----------------|----------------------|--------|------------------------|-----------|
| Donaldson St Park        | Colac     | N'hood          | Parkland             | PPRZ   | Council Council        | 0.4       |
| Hugh Murray Reserve      | Colac     | N'hood          | Parkland             | PPRZ   | Council Council        | 5.9       |
| Inglis Crt Park          | Colac     | N'hood          | Parkland             | R1Z    | Council Council        | 1.0       |
| Johnstone Cres Park      | Colac     | N'hood          | Parkland             | PPRZ   | Council Council        | 0.7       |
| Lawrence Crt Park        | Colac     | N'hood          | Parkland             | PPRZ   | Council Council        | 0.4       |
| Newcombe Estate Park     | Colac     | N'hood          | Parkland             | R1Z    | Council Council        | 0.4       |
| Robertson St Park        | Colac     | N'hood          | Parkland             | PPRZ   | Council Council        | 0.5       |
| Selwyn Brown Park        | Colac     | N'hood          | Parkland             | PPRZ   | Council Council        | 0.4       |
| Stoddart St Park         | Colac     | N'hood          | Parkland             | PPRZ   | Council Council        | 1.5       |
| Western Bay Park         | Colac     | N'hood          | Parkland             | PPRZ   | Crown Council          | 1.35ha    |
| Joiner Reserve           | Elliminyt | N'hood          | Parkland             | PPRZ   | Council Council        | 1.4       |
| Spring St Reserve        | Elliminyt | N'hood          | Parkland             | R1Z    | Council Council        | 0.2       |
| Wyuna Estate OS 2        | Elliminyt | N'hood          | Parkland             | R1Z    | Council Council        | 0.3       |
| Glengowan Estate OS      | Colac     | N'hood          | Linear OS / Corridor | PPRZ   | Council Council        | 1.2       |
| Joseph Paatsch           | Colac     | N'hood          | Linear OS / Corridor | PPRZ   | Council Council        | 0.4       |
| Sculpture Park           | Colac     | N'hood          | Linear OS / Corridor | PPRZ   | Crown Council          | 2.2       |
| Sub-Total                |           |                 |                      |        |                        | 212.15    |
| <b>Other Open Space:</b> |           |                 |                      |        |                        |           |
| Bird Reserve             | Colac     | Regional        | Natural              | PPRZ   | Council Council        | 4.5       |
| Belvedere Estate         | Elliminyt | n/a             | Drainage             | LDRZ   | Private <sup>(1)</sup> | 4.0       |
| Harris Road Swamp        | Elliminyt | n/a             | Drainage             | R1Z    | Council Council        | 1.6       |
| Irrewillipe Road Basin   | Elliminyt | n/a             | Drainage             | RLZ    | Council Council        | 7.7       |
| Tulloh Street Dam        | Elliminyt | n/a             | Drainage             | RLZ    | Council Council        | 0.5       |
| Wyuna Estate OS 1        | Elliminyt | n/a             | Drainage             | R1Z    | Council Council        | 0.5       |
| Bruce St OS 2 (Old Tip)  | Colac     | Former Tip Site |                      | PPRZ   | Council Council        | 8.3       |

| Schools:                        |            |                                                       |
|---------------------------------|------------|-------------------------------------------------------|
| Name of School                  | Town       | Comment about level of community access to open space |
| Colac Secondary College         | Colac      |                                                       |
| Trinity College                 | Colac      | Sports oval used for cricket                          |
| St Marys Primary School         | Colac      |                                                       |
| Colac Primary School            | Colac East |                                                       |
| Colac South West Primary School | Colac      |                                                       |
| Colac Specialist School         | Colac      |                                                       |
| Colac West Primary School       | Colac      |                                                       |
| Elliminyt Primary School        | Elliminyt  |                                                       |
| Sacred Heart Primary School     | Elliminyt  |                                                       |

(1) = land is not yet handed over to Council, so is still in private ownership and management

Table 8.4 Current and Projected Population in the Colac Urban Area

| Population                                                                                                                                                                                                                                                                                                                                                                                                                     |                                           | ↑      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------|
| 2006 population:                                                                                                                                                                                                                                                                                                                                                                                                               |                                           | 11,810 |
| 2009 forecast population:                                                                                                                                                                                                                                                                                                                                                                                                      |                                           | 12,386 |
| 2011 forecast population:                                                                                                                                                                                                                                                                                                                                                                                                      |                                           | 12,683 |
| Projected 2031 population:                                                                                                                                                                                                                                                                                                                                                                                                     |                                           | 15,781 |
| Change between 2006 and 2031:                                                                                                                                                                                                                                                                                                                                                                                                  |                                           | +3971  |
| SEIFA Index:                                                                                                                                                                                                                                                                                                                                                                                                                   |                                           | 939.7  |
| Age Groups: 0-17 years                                                                                                                                                                                                                                                                                                                                                                                                         | 2,900 in 2006 increasing to 3,795 by 2031 | +895   |
| Age Groups: 70 years+                                                                                                                                                                                                                                                                                                                                                                                                          | 1,740 in 2006 increasing to 2,195 by 2031 | +455   |
| <b>Comment:</b>                                                                                                                                                                                                                                                                                                                                                                                                                |                                           |        |
| The population is projected to increase by more than 15% with growth expected in children and young people as well as the older age groups. This area has the lowest SEIFA score, represents more low income families and people with little training and in unskilled occupations. The considerations for open space provision are that the demands for well distributed and good quality open spaces are likely to increase. |                                           |        |

Source of population data: Population Forecasts for Colac Otway Shire, forecast id, id consulting p/l, updated Jan 2011

| Access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Distribution of Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ✓✓ |
| Location and connections to open space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ✓  |
| <b>Comment:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
| While there are gaps in the open space network as indicated by the unshaded areas in the mapping (at the end of this section), much of this area is currently zoned Rural Living Zone where allotments are larger and residential density is very low. As these areas are put forward for subdivision, the provisions for open space contribution will apply, ensuring that adequate open space is provided as residential density increases.                                                                                                                                                                                                                   |    |
| Some gaps in the residential areas of Urban Colac are evident and the neighbourhood park network could be more comprehensive if some neighbourhood parkland facilities were developed on sports reserves in the Urban Colac area. The site (or part of the site) of the old Colac High School could be converted to open space which would provide access to an area that currently does not have good access to open space (and as there are neighbourhood renewal areas in this vicinity, the need for open space is well documented). The area also has a lack of connections and lack of footpaths that restrict walking access around Colac and Elliminyt. |    |

| <b>Amount</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| # of ha of types of open space<br>212.15 ha for the 2011 population (12,683) = 16.7 ha/1000 people<br>Assuming 212.15 ha for the 2031 projected population (15,781) =<br>Projected future open space provision of 13.4 ha/1000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ✓✓✓ |
| Sizes of open space compared to hierarchy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ✓✓  |
| <b>Comment:</b><br>The amount of open space in the Urban Colac Area is easily sufficient to meet current and future demands, however the need for well distributed open space (as discussed in the section above – Access) indicates the priority in acquiring open space in strategic locations. When the sizes of open space sites are examined against the hierarchy, many of the neighbourhood parks are small when compared to the 1ha benchmark as outlined in planning standards (clause 56.05-2). Many of the sports grounds are also on the small side of the standard of 8ha, however there is sufficient quantity of sporting open space when compared to the 2ha/1000 people that has been supported by Sport and Recreation Victoria.<br>An additional future need for active sport open space is in the area of rectangular playing fields to cater for the increasing demand of soccer and other future sports that require fields. It is suggested that either the former Colac High School site, the Colac Secondary College or the Turf Club / Golf Club site could be developed into sports reserves containing rectangular playing fields. |     |

| <b>Quality</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Useability – “Fit for purpose”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ✓✓ |
| Quality and Presentation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ✓  |
| Consistency with Standards for Open Space Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ✓  |
| <b>Comment:</b><br>The Urban Colac Area falls short in the assessment of quality of open space. There is generally a poor level of infrastructure across open space, although this needs to be more thoroughly assessed in the audit of open space infrastructure (that is partially complete). Maintenance of open space is not well resourced so there needs to be careful consideration of increasing the level of infrastructure to ensure that any improvements can be sustained into the future.<br>In addition to the existing open space, there is a concern about some of the land that is being offered by developers as open space – often it is drainage or other type of encumbered land. If the purpose for which the land is designated cannot be met, (i.e. as neighbourhood parkland open space), then alternative sites should be considered.<br>The “fit for purpose” analysis is an important one and an example is the Irwillipie Road Basin in Elliminyt. While a large portion of the site is a retarding basin (and its primary purpose is for drainage) there is sufficient land around the outside to create a walking track and parkland for the local community that addresses one of the identified gaps in the Urban Colac Area for neighbourhood parkland.<br>Consideration also needs to be given to play spaces in the Elliminyt area as there are currently no local play opportunities. |    |

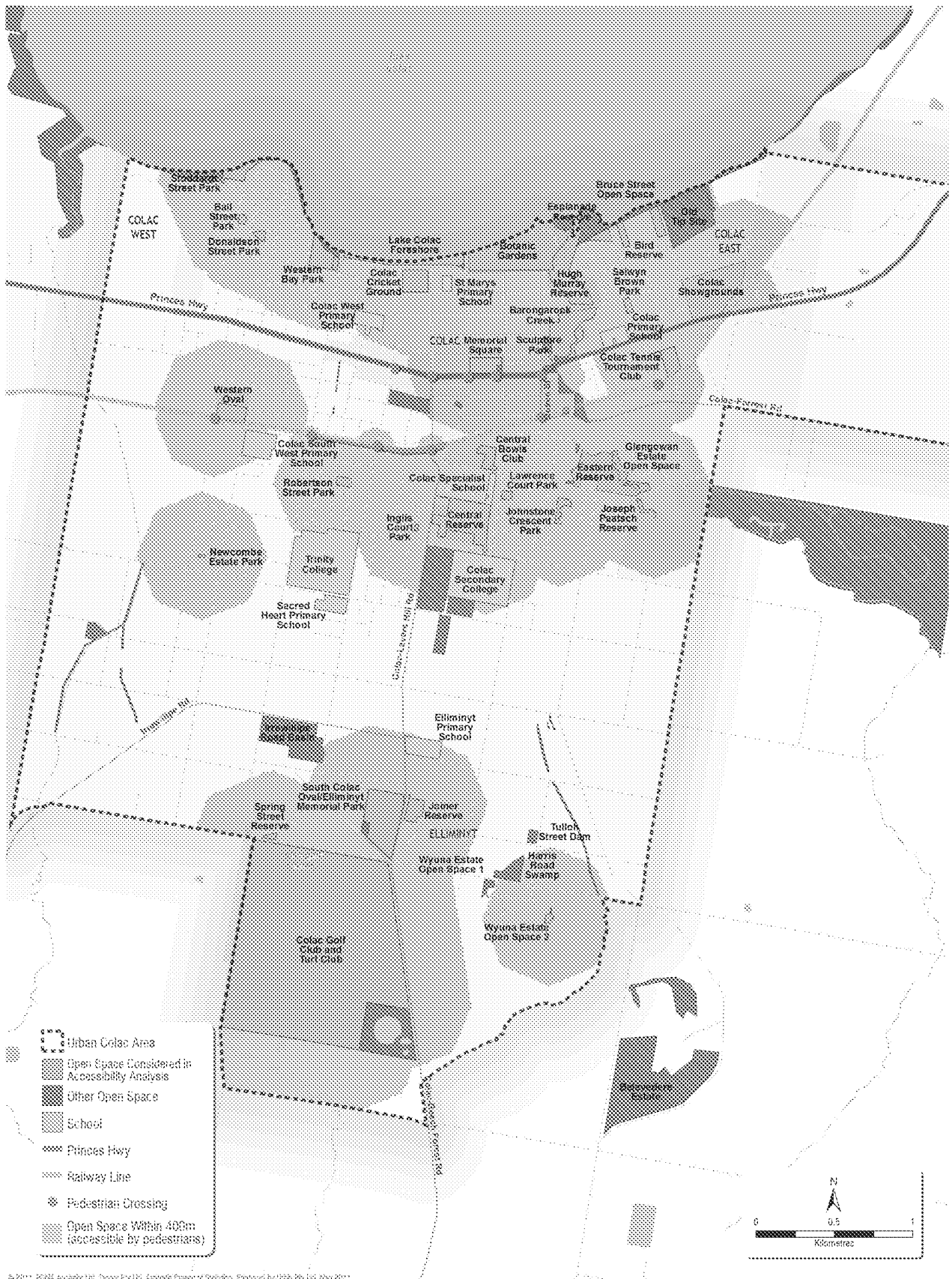


Figure 1: Public Open Space Strategy for Urban Residential Areas - Colac Area. Prepared for Otago Regional Council by PWC.

Urban Colac Area  
WALKABLE OPEN SPACE ACCESS - RESIDENTIAL AREAS



**Area Analysis of Open Space: Rural North Area**

The Rural North Area extends from the northern boundary of Colac to the municipal border at Cressy where Colac Otway Shire meets the Hamilton Highway. The state significant Red Rock area of volcanic lakes and craters is located in Alvie, a small rural community of 20 dwellings, a primary school and recreation reserve. Beeac, situated centrally in the Rural North Area is located on the edge of Lake Beeac. With just over 70 dwellings and a permanent population of approximately 200, this community is serviced by a primary school, rural service centre, recreation reserve and a few other key services. Cressy is a community that has experienced population decline over recent years with closure of RAAF and commercial activities, and is well serviced by a recreation reserve, park, church, hall and other key services. The Rural North Area also has numerous localities with small numbers of dwellings and limited services – access to the larger settlements and the central area of Colac provides a range of opportunities for residents across this area. (Source: Draft Colac Otway Rural Living Strategy, 2011)

Table 8.5 Open Space Sites in the Rural North Area

| Name                                               | Town      | Hierarchy | Category       | Zoning | Ownership Management | Area (ha) |
|----------------------------------------------------|-----------|-----------|----------------|--------|----------------------|-----------|
| Balintore Foreshore Reserve                        | Balintore | N'hood    | Foreshore      | PCRZ   | Council Council      | 0.4       |
| Beeac Crown Land                                   | Beeac     | N'hood    | Foreshore      | PPRZ   | Crown Licencee       | 0.8       |
| Corunnun Foreshore Reserve                         | Corunnun  | Township  | Foreshore      | PPRZ   | Council Council      | 4.2       |
| Beeac Park                                         | Beeac     | N'hood    | Parkland       | PPRZ   | Council Council      | 1.0       |
| Windmill Park                                      | Beeac     | N'hood    | Parkland       | PPRZ   | Council Council      | 0.15      |
| Cressy Park                                        | Cressy    | N'hood    | Parkland       | TZ     | Council Council      | 0.04      |
| Meredith Park                                      | Irrewarra | Township  | Foreshore      | PCRZ   | Crown Council        | 6.0       |
| Alvie Recreation Reserve                           | Alvie     | Township  | Sports Reserve | PPRZ   | Council CoM          | 2.8       |
| Beeac Recreation Reserve                           | Beeac     | Township  | Sports Reserve | PCRZ   | Crown DSE CoM        | 3.0       |
| Cressy Recreation Reserve                          | Cressy    | Township  | Sports Reserve | PPRZ   | Crown DSE CoM        | 6.7       |
| Irrewarra Recreation Reserve                       | Irrewarra | Township  | Sports Reserve | PPRZ   | Council CoM          | 3.2       |
| Warrion Recreation Reserve                         | Warrion   | Township  | Sports Reserve | PPRZ   | Council CoM          | 2.5       |
| Beeac Tennis Courts                                | Beeac     | Township  | Sports Reserve | PPRZ   | Council Club         | 0.25      |
| Cororooke Tennis Courts                            | Cororooke | Township  | Sports Reserve | PPRZ   | Council Club         | 0.2       |
| Eurack Tennis Courts                               | Eurack    | Township  | Sports Reserve | FZ     | Council Club         | 0.2       |
| Warrion Tennis Courts                              | Warrion   | Township  | Sports Reserve | PPRZ   | Council              | 0.2       |
| Sub-Total (not counting stand-alone tennis courts) |           |           |                |        |                      | 30.79     |



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| Name                          | Town           | Hierarchy | Category             | Zoning | Ownership Management | Area (ha) |
|-------------------------------|----------------|-----------|----------------------|--------|----------------------|-----------|
| <b>Other Open Space</b>       |                |           |                      |        |                      |           |
| Red Rock Lookout and BBQ Area | Alvie          | State     | Natural              | PCRZ   | Crown Council        | 4.0       |
| Pirron Yallock Creek Reserve  | Pirron Yallock | n/a       | Waterbody / wetlands | PCRZ   | Crown Council        | 2.0       |

| <b>Schools:</b>                    |           |                                                       |
|------------------------------------|-----------|-------------------------------------------------------|
| Name of School                     | Town      | Comment about level of community access to open space |
| Alvie Consolidation Primary School | Alvie     | Oval used for cricket                                 |
| Beeac Primary School               | Beeac     | Used for tennis                                       |
| St Brendans Primary School         | Coragulac |                                                       |

Table 8.6 Current and Projected Population in the Rural North Area

| <b>Population</b>                                                                                                                                                                                                                                                                             |                                       | =     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------|
| 2006 population:                                                                                                                                                                                                                                                                              |                                       | 3,456 |
| 2009 forecast population:                                                                                                                                                                                                                                                                     |                                       | 3,473 |
| 2011 forecast population:                                                                                                                                                                                                                                                                     |                                       | 3,480 |
| Projected 2031 population:                                                                                                                                                                                                                                                                    |                                       | 3,605 |
| Change between 2006 and 2031:                                                                                                                                                                                                                                                                 |                                       | +149  |
| SEIFA Index:                                                                                                                                                                                                                                                                                  |                                       | 983.1 |
| Age Groups: 0-17 years                                                                                                                                                                                                                                                                        | 930 in 2006 decreasing to 855 by 2031 | -75   |
| Age Groups: 70 years+                                                                                                                                                                                                                                                                         | 288 in 2006 increasing to 494 by 2031 | +206  |
| <b>Comment:</b>                                                                                                                                                                                                                                                                               |                                       |       |
| The population in the Rural North Area is expected to remain relatively stable with a slight increase, mainly reflected in an ageing population. Factors influencing open space provision include the 'isolation' of many residential communities and the need for well connected open space. |                                       |       |

Source of population data: Population Forecasts for Colac Otway Shire, forecast id, id consulting p/l, updated Jan 2011

| <b>Access</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Distribution of Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ✓✓✓ |
| Location and connections to open space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ✓   |
| <b>Comment:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |
| The Rural North Area has well distributed open space in the key townships that are spread well throughout the area and pick up the main population centres in this rural settlement area. The challenge is that the small townships and localities are not well connected, making cycling and walking access for residents difficult. In many cases it is accepted by residents that they will drive to towns where open space is located, but if opportunities for off-road connections were explored, this could encourage more physical activity options, as expressed during the community consultation. |     |

| <b>Amount</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| # of ha of types of open space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ✓✓ |
| Sizes of open space compared to hierarchy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ✓✓ |
| <b>Comment:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |    |
| There is a good diversity of open space representing the various types, except for linear open space and corridors. The parks throughout the rural areas are small especially for the catchment they are required to service. However, given that the population of this area is projected to remain relatively stable, if connections to key open space sites were improved and these small communities continue to use more significant open space in Urban Colac, then the provision (amount) is probably adequate for the foreseeable future. |    |

| <b>Quality</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Useability – “Fit for purpose”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ✓✓ |
| Quality and Presentation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ✓✓ |
| Consistency with Standards for Open Space Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | ✓✓ |
| <b>Comment:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |    |
| Enhancements are recommended to improve the quality of open space and the range of activities available for the communities of the Rural North Area. The detailed audit of each open space site still requires completion to be able to clearly define where existing open space falls short of the standards for open space development, however improvements will assist with the useability of open space throughout this area. Opportunities should also be explored to upgrade existing undeveloped open space – for example, open space alongside public halls, where other community infrastructure would complement open space development. |    |

**Area Analysis of Open Space: Rural South Area**

The Rural South area extends from the southern boundary of Urban Colac / Elliminyt into the rural area between the Princes Highway and the Great Ocean Road. To the east and west of Colac, the rural north area meets the rural south area at the Princes Highway. Birregurra is situated east of Colac, has a population of 463 people and is well serviced by a range of amenities and open space sites. This town has potential to grow in population through both infill development and residential expansion. Forrest is an established township comprising 142 properties and well serviced by a range of community facilities, recreation reserve and park. This town is in a transition phase as the timber industry ceases in the area and the town provides a greater focus for tourism and the natural beauty of the Otways. Gellibrand is also an established town in this area with 60 properties and access to some services and a recreation reserve. The Old Beechy Rail Trail runs through the township which is located on the Gellibrand River and surrounded on three sides by the Great Otway National Park. The Rural South Area also has numerous localities with small numbers of dwellings and limited services – access to the larger settlements, the central area of Colac and coastal area of Apollo Bay provides a range of opportunities for residents across this area. (Source: Draft Colac Otway Rural Living Strategy, 2011)

Table 8.7 Open Space Sites in the Rural South Area

| Name                              | Town           | Hierarchy | Category             | Zoning    | Ownership Management | Area (ha) |
|-----------------------------------|----------------|-----------|----------------------|-----------|----------------------|-----------|
| West Barwon Reservoir             | Forrest        | Regional  | Parkland             | FZ / PCRZ | Crown / Barwon Water | 15        |
| Old Beechy Rail Trail (part)      | Gellibrand     | Regional  | Linear OS / Corridor | TZ        | Council Council      | 2.6       |
| Barwon Downs Town Park            | Barwon Downs   | Township  | Parkland             | PUZ7      | Council Council      | 0.8       |
| Birregurra Park                   | Birregurra     | Township  | Parkland             | TZ        | Council Council      | 1.0       |
| Skateboard Park                   | Birregurra     | Township  | Parkland             | TZ        | Council Council      | 0.8       |
| Forrest Park                      | Forrest        | Township  | Parkland             | TZ        | Council Council      | 1.5       |
| Rex Norman Reserve                | Gellibrand     | Township  | Parkland             | FZ        | Council Council      | 0.6       |
| Birregurra Golf Course            | Birregurra     | Township  | Sports Reserve       | PPRZ      | Crown Council        | 16        |
| Birregurra Recreation Reserve     | Birregurra     | Township  | Sports Reserve       | PPRZ      | Crown DSE CoM        | 3.1       |
| Carlisle River Recreation Reserve | Carlisle River | Township  | Sports Reserve       | FZ        | Council CoM          | 3.7       |
| Forrest Recreation Reserve        | Forrest        | Township  | Sports Reserve       | FZ        | Crown DSE CoM        | 4.8       |
| Gellibrand Recreation Reserve     | Gellibrand     | Township  | Sports Reserve       | PPRZ      | Crown DSE CoM        | 3.2       |
| Irrewillipe Recreation Reserve    | Irrewillipe    | Township  | Sports reserve       | PCRZ      | Council CoM          | 4.0       |

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| Name                                               | Town             | Hierarchy | Category             | Zoning      | Ownership Management | Area (ha)           |
|----------------------------------------------------|------------------|-----------|----------------------|-------------|----------------------|---------------------|
| Pirron Yallock Recreation Reserve                  | Swan Marsh       | Township  | Sports Reserve       | FZ          | Council CoM          | 2.7                 |
| Barongarook Tennis Courts                          | Barongarook      | Township  | Sports Reserve       | FZ          | Council Club         | 0.2                 |
| Gerangamete Tennis Courts                          | Gerangamete      | Township  | Sports Reserve       | FZ          | DSE CoM              | 0.25                |
| Kawarren Tennis Courts                             | Kawarren         | Township  | Sports Reserve       | PCRZ        | DSE CoM              | 1.1                 |
| Larpent Tennis Courts                              | Larpent          | Township  | Sports Reserve       | FZ          | Council CoM          | 0.3                 |
| Pennyroyal Tennis Courts                           | Pennyroyal       | Township  | Sports Reserve       | FZ          | Private Council/Club | Part of larger site |
| Swan Marsh Tennis Courts                           | Swan Marsh       | Township  | Sports Reserve       | PPRZ / PUZ1 | Council CoM          | 0.1                 |
| Warncoort Tennis Courts                            | Warncoort        | Township  | Sports Reserve       | FZ          | Council Club         | 0.9                 |
| Yeo Tennis Courts                                  | Yeo              | Township  | Sports Reserve       | PPRZ        | Council Club         | 0.3                 |
| Yeodene Tennis Courts                              | Yeodene          | Township  | Sports Reserve       | PCRZ        | DSE DSE              | 0.2                 |
| Sub-Total (not counting stand-alone tennis courts) |                  |           |                      |             |                      | 59.8                |
| <b>Other Open Space</b>                            |                  |           |                      |             |                      |                     |
| Six Mile Dam                                       | Barongarook West | n/a       | Drainage             | PCRZ        | Crown Council        | 5.4                 |
| Great Otway National Park                          |                  |           |                      |             |                      |                     |
| Otway Forest Park                                  |                  |           |                      |             |                      |                     |
| Loves Creek Reserve                                | Kawarren         | Township  | Natural              | PCRZ        | Crown DSE CoM        | 7.0                 |
| Murroon Wetland                                    | Murroon          | n/a       | Waterbody / Wetlands | FZ          | Council Council      | 3.3                 |

| <b>Schools:</b>               |                |                                                       |
|-------------------------------|----------------|-------------------------------------------------------|
| Name of School                | Town           | Comment about level of community access to open space |
| Birregurra Primary School     | Birregurra     |                                                       |
| Carlisle River Primary School | Carlisle River |                                                       |
| Forrest Primary School        | Forrest        |                                                       |

Table 8.8 Current and Projected Population in the Rural South Area

| <b>Population</b>             |                                       | <b>=</b> |
|-------------------------------|---------------------------------------|----------|
| 2006 population:              |                                       | 3,087    |
| 2009 forecast population:     |                                       | 3,123    |
| 2011 forecast population:     |                                       | 3,189    |
| Projected 2031 population:    |                                       | 3,646    |
| Change between 2006 and 2031: |                                       | +559     |
| SEIFA Index:                  |                                       | 1002.9   |
| Age Groups: 0-17 years        | 826 in 2006 increasing to 900 by 2031 | +74      |
| Age Groups: 70 years+         | 200 in 2006 increasing to 417 by 2031 | +217     |

**Comment:**  
 The population in the Rural South Area is projected to remain generally stable with small increases in the numbers of children and young people, and older adults. Open space provision needs to respond to many small and relatively isolated communities. The population of Birregurra township may increase more rapidly than the rest of the Rural South Area with expected increases in residential development.

Source of population data: Population Forecasts for Colac Otway Shire, forecast id, id consulting p/l, updated Jan 2011

| <b>Access</b>                          |     |
|----------------------------------------|-----|
| Distribution of Open Space             | ✓✓✓ |
| Location and connections to open space | ✓✓  |

**Comment:**  
 The Rural South Area has well distributed open space in the key townships that are spread well throughout the area and pick up the main population centres. There is a need for improved connections where this is possible to link localities and outlying areas with the key open space sites. This area also benefits from the visitor facilities in the national park and forest park and there is good road access to these destinations.

| <b>Amount</b>                             |     |
|-------------------------------------------|-----|
| # of ha of types of open space            | ✓✓✓ |
| Sizes of open space compared to hierarchy | ✓✓  |

**Comment:**  
 There is a good variety of the different types of open space that meet a range of community needs across this area. As stated above, the national park and forest park also play a role in providing open space opportunities for local residents that meet a range of needs. Even though some of the sites fall short of benchmark sizes, many sites are large and overall the network of open space performs well to offer diverse opportunities.

| <b>Quality</b>                                        |    |
|-------------------------------------------------------|----|
| Useability – “Fit for purpose”                        | ✓✓ |
| Quality and Presentation                              | ✓✓ |
| Consistency with Standards for Open Space Development | ✓✓ |

**Comment:**  
 When the open space sites are generally compared to the standards for open space development, some opportunities for enhancements of open space emerge. While this needs to be verified through a detailed audit of open space, improvements to open space would increase amenity and the useability of open space.

**Area Analysis of Open Space: Great Ocean Road / Otways Area**

The Great Ocean Road / Otways area, situated in the southern portion of the Colac Otway Shire, consists of the main coastal towns of Apollo Bay, Kennett River and Wye River/Separation Creek and the main inland townships of Beech Forest and Lavers Hill. There are numerous other small settlements and localities throughout this area that access services and open space from Apollo Bay to the south, Colac to the north and key destinations such as national park and forest park throughout the Otways. Apollo Bay is a major coastal town along the Great Ocean Road and is identified as one of the district towns in the Victorian Coastal Strategy (2008). It is the second largest town in the Shire and provides a range of regional services and community facilities, including recreation infrastructure. Future limited residential growth is being planned for as infill development in existing areas and urban expansion within existing zoned land. Wye River / Separation Creek and Kennett River have stable small populations with no additional growth expected. All these coastal settlements experience significant visitation during the summer holiday seasons with key attractors being the foreshore areas. (Source: Draft Colac Otway Rural Living Strategy, 2011)

Table 8.9 Open Space Sites in the Great Ocean Road/Otways Area

| Name                            | Town          | Hierarchy | Category             | Zoning | Ownership Management                | Area (ha) |
|---------------------------------|---------------|-----------|----------------------|--------|-------------------------------------|-----------|
| Kennett River Foreshore Reserve | Kennett River | Regional  | Foreshore            | PCRZ   | Crown OCC <sup>(1)</sup>            | 2.0       |
| Wye River Foreshore             | Wye River     | Regional  | Foreshore            | PCRZ   | Crown OCC <sup>(1)</sup>            | 4.0       |
| Marriners Lookout               | Apollo Bay    | Regional  | Linear OS / Corridor | RCZ    | Private Private                     |           |
| Milford Creek                   | Apollo Bay    | N'hood    | Linear OS / Corridor | R1Z    | Council Council                     | 1.1       |
| Park Avenue                     | Apollo Bay    | N'hood    | Parkland             | PPRZ   | Council Council                     | 1.0       |
| Cliff Young Reserve             | Beech Forest  | N'hood    | Parkland             | PPRZ   | Council Council                     | 0.1       |
| John Gardner Park               | Beech Forest  | N'hood    | Parkland             | TZ     | Council Council                     | 0.9       |
| Rail Trail                      | Beech Forest  | N'hood    | Parkland             | TZ     | Council Council                     | 1.1       |
| Heathfield Estate               | Marengo       | N'hood    | Parkland             | RCZ    | Council Council                     | 1.6       |
| Harrington Memorial Park        | Wye River     | N'hood    | Parkland             | RCZ    | Council Council                     | 0.9       |
| Beech Forest Recreation Reserve | Beech Forest  | Township  | Sports Reserve       | FZ     | Council CoM                         | 2.4       |
| Apollo Bay Recreation Reserve   | Apollo Bay    | Township  | Sports Reserve       | PPRZ   | Crown OCC <sup>(1)</sup>            | 9.3       |
| Apollo Bay Foreshore            | Apollo Bay    | Regional  | Foreshore            | PCRZ   | Crown OCC <sup>(1)</sup>            | 10.3      |
| Apollo Bay Foreshore Golf Club  | Apollo Bay    | Regional  | Sports Reserve       | PCRZ   | Crown / OCC <sup>(1)</sup> Licencee | 10.3      |
| Ferguson Tennis Courts          | Ferguson      | Township  | Sports Reserve       | FZ     | Council CoM                         | 0.5       |

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| Name                                              | Town             | Hierarchy | Category             | Zoning   | Ownership Management     | Area (ha)           |
|---------------------------------------------------|------------------|-----------|----------------------|----------|--------------------------|---------------------|
| Johanna Tennis Courts                             | Johanna          | Township  | Sports Reserve       | PCRZ     | DSE CoM                  | Part of larger site |
| Kennett River Tennis Courts                       | Kennett River    | Township  | Sports Reserve       | TZ       | Council Council          | 0.1                 |
| Lavers Hill Tennis Courts                         | Lavers Hill      | Township  | Sports Reserve       | PUZ6     | Council CoM              | 0.3                 |
| Wyelangta Tennis Courts                           | Wyelangta        | Township  | Sports Reserve       | FZ       | DSE DSE                  | 0.5                 |
| Sub-Total(not counting stand-alone tennis courts) |                  |           |                      |          |                          | 45.0                |
| <b>Other Open Space</b>                           |                  |           |                      |          |                          |                     |
| Heathfield Estate                                 | Marengo          | n/a       | Drainage             | PPRZ     | Council Council          | 11.5                |
| Seaview Dve 1                                     | Apollo Bay       | n/a       | Drainage             | R1Z      | Council Council          | 0.4                 |
| Seaview Dve 2                                     | Apollo Bay       | n/a       | Drainage             | R1Z      | Council Council          | 0.2                 |
| Great Otway National Park                         |                  |           |                      |          |                          |                     |
| Otway Forest Park                                 |                  |           |                      |          |                          |                     |
| Apollo Bay Foreshore                              | Apollo Bay       | Regional  | Natural              | Numerous | Crown OCC <sup>(1)</sup> | 61.1                |
| Anderson Creek                                    | Apollo Bay       | N'hood    | Natural              | PCRZ     | Council Council          | 0.8                 |
| Paradise Reserve                                  | Apollo Bay       | Regional  | Natural              | PCRZ     | Crown Council            | 70                  |
| Council land                                      | Beech Forest     | N'hood    | Natural              | TZ       | Council Council          | 3.6                 |
| Kennett River Reserve 2                           | Kennett River    | N'hood    | Natural              | TZ       | Council Council          | 0.5                 |
| Separation Creek Reserve 1                        | Separation Creek | N'hood    | Natural              | TZ       | Council Council          | 0.4                 |
| Separation Creek Reserve 2                        | Separation Creek | N'hood    | Natural              | TZ       | Council Council          | 0.2                 |
| Separation Creek Reserve 3                        | Separation Creek | N'hood    | Natural              | TZ       |                          | 0.1                 |
| Wye River reserves 2,3,4,5,6                      | Wye River        | N'hood    | Natural              | TZ       | Council Council          | 0.5                 |
| Marengo Flora Reserve                             | Marengo          | Township  | Natural              | PCRZ     |                          | 16.4                |
| Kennett River Reserve 1                           | Kennett River    | n/a       | Water Body / Wetland | TZ       | Council Council          | 0.5                 |
| Lavers Hill Water Hole                            | Lavers Hill      | n/a       | Water Body / Wetland | FZ       | Crown Council            | 0.5                 |

| <b>Schools:</b>          |             |                                                       |
|--------------------------|-------------|-------------------------------------------------------|
| Name of School           | Town        | Comment about level of community access to open space |
| Apollo Bay P-12 School   | Apollo Bay  |                                                       |
| Lavers Hill P-12 College | Lavers Hill |                                                       |

(1) = Otway Coastal Committee (appointed by DSE to manage Otway Coastal Areas)

Table 8.10 Current and Projected Population in the Great Ocean Road/Otways Area

|                               |                                       |        |
|-------------------------------|---------------------------------------|--------|
| <b>Population</b>             |                                       | ↑!!    |
| 2006 population:              |                                       | 2,693  |
| 2009 forecast population:     |                                       | 2,837  |
| 2011 forecast population:     |                                       | 2,916  |
| Projected 2031 population:    |                                       | 3,765  |
| Change between 2006 and 2031: |                                       | +1,072 |
| SEIFA Index:                  |                                       | 1007.2 |
| Age Groups: 0-17 years        | 542 in 2006 increasing to 676 by 2031 | +134   |
| Age Groups: 70 years+         | 305 in 2006 increasing to 607 by 2031 | +302   |

**Comment:**  
 The population of this area is projected to increase by 28% by 2031 and the numbers of children / young people and older people account for nearly half of the total increase. Implications for provision of open space include safe access to neighbourhood open space for families and good provision of linear open space to encourage walking and physical activity for an ageing population.  
 (!!)- It is also noted that the population of this area substantially increases during holiday periods and the peak summer season. The impact on open space for this area is that the coastal foreshore areas maintained by the Otway Coastal Committee on behalf of DSE are heavily utilised by visitors and transient residents. There will be an increasing reliance on other open space for residents as the population continues to rise and the Otway region continues to be a popular tourist and seasonal destination.

Source of population data: Population Forecasts for Colac Otway Shire, forecast id, id consulting p/l, updated Jan 2011

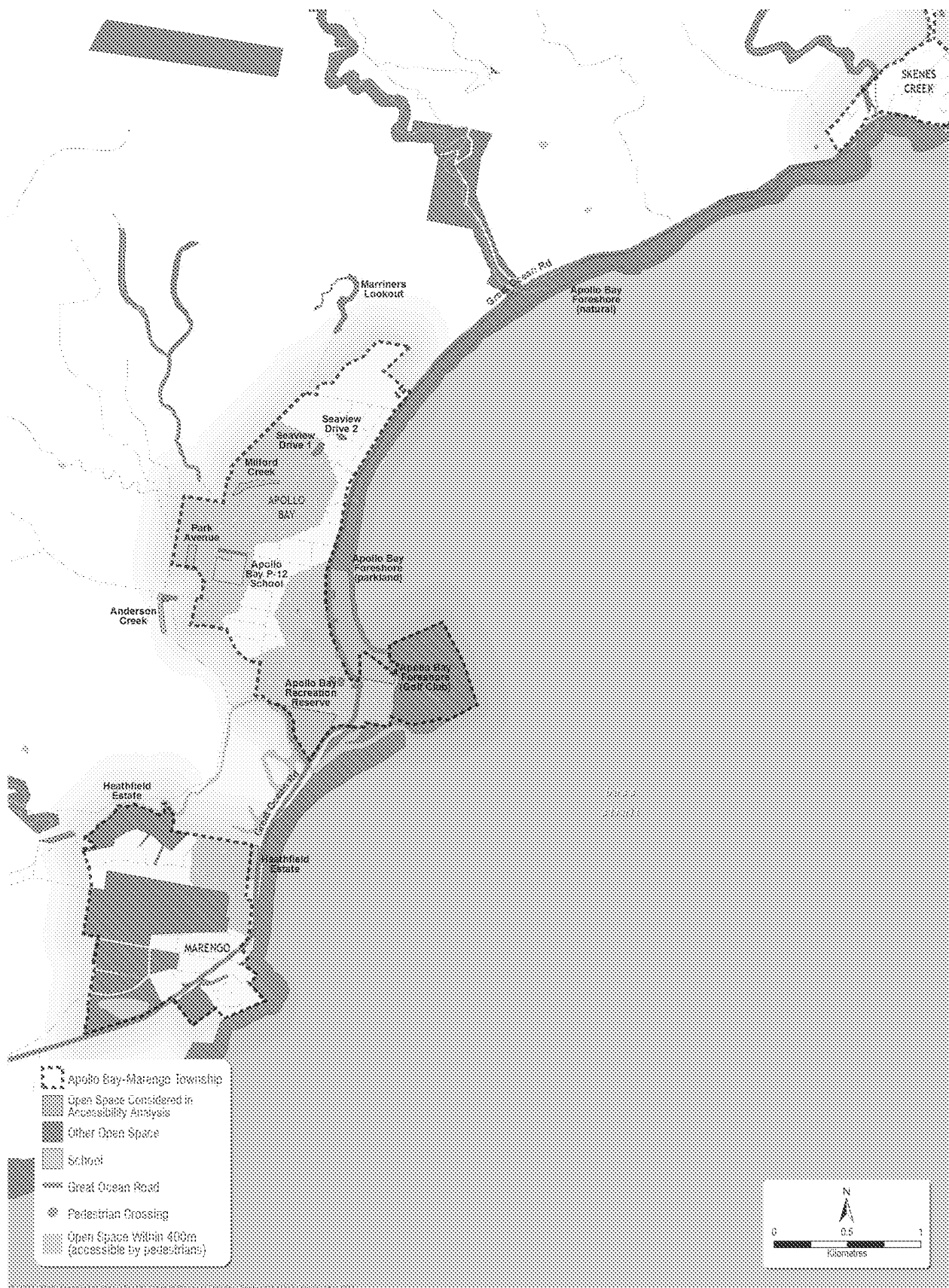
|                                        |   |
|----------------------------------------|---|
| <b>Access</b>                          |   |
| Distribution of Open Space             | ✓ |
| Location and connections to open space | ✓ |

**Comment:**  
 The distribution of open space falls short of being adequate across the coastal towns, as there has been a past reliance on the crown land along the foreshore areas (managed by the Otway Coastal Committee – OCC). As a result, open space development has not been a priority in the residential streets of the coastal areas. For example, in Apollo Bay land is either partially 'land locked' and undeveloped or a drainage basin with no parkland infrastructure. In Wye River, Kennett River and Separation Creek any open space is often bushland blocks that are steep or have not been developed as parkland. As a consequence, the list of open space for this area has many sites categorised as 'other' open space – of value, but not generally useable as recreation sites and with other primary purposes. Like the Rural South Area, residents in this area have good road access to the visitor facilities provided by the national park and forest park. In addition, the foreshore area does offer a valuable recreation benefit for residents even though it may at times be difficult to access across the Great Ocean Road and when peak visitor times create congestion.



| <b>Amount</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| # of ha of types of open space:<br>Considering Apollo Bay residential area:<br>Open space in the Apollo Bay area (not counting foreshore but including rec reserve) is 12.2 ha. Population of Apollo Bay in 2006 census was 1,164. Total provision based on these figures = 10.5 ha of open space per 1000 people.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ✓✓ |
| Sizes of open space compared to hierarchy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ✓✓ |
| <b>Comment:</b><br>Additional open space is required in this area even though the quantity may appear to be adequate for the Apollo Bay township. And while the national park and forest park provide good access to natural areas and associated visitor facilities, there is still a requirement for good quality neighbourhood parkland that is accessible within the townships of this area. This is evident in Apollo Bay, Kennett River and Wye River, with Separation Creek being well serviced for open space if a good linear open space connection to Wye River was established. Some sizes of open space sites fall short of benchmarks so any future open space acquisition should seek to provide more appropriate dimensioned open space to enhance community benefit. |    |

| <b>Quality</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Useability – “Fit for purpose”                                                                                                                                                                                                                                                                                                                                                                                                         | ✓✓ |
| Quality and Presentation                                                                                                                                                                                                                                                                                                                                                                                                               | ✓  |
| Consistency with Standards for Open Space Development                                                                                                                                                                                                                                                                                                                                                                                  | ✓  |
| <b>Comment:</b><br>The infrastructure and presentation of open space falls short of meeting community needs with many sites undeveloped and some unable to be developed because their primary purpose is not compatible with recreation use and activity. While the detailed audit will identify specific issues that need to be rectified, the open space in this area will benefit from investment in the enhancement of open space. |    |



## 9. Recommendations and Actions

This section outlines recommendations and actions proposed to achieve the implementation of the Strategy. These recommendations and actions follow on from the strategic directions outlined in Section 7 – Key Strategic Directions and the analysis of current open space network indicated in Section 8. The recommendations are presented in two parts, firstly those that are key strategic or apply municipality wide and secondly those that apply to specific areas.

### 9.1 Key Strategic Recommendations and Actions

The following key recommendations and actions apply generally or municipality wide. This Section should be read in conjunction with the more specific area based recommendations and actions which are outlined in Section 9.2 - Area Specific Recommendations and Actions.

#### Planning the Open Space Network

The proposed recommendations and actions to enhance the overall open space network in the Colac Otway Shire are that:

- Priority will be given to addressing the gaps identified in the analysis of the current provision of open space network (see Section 8) to ensure that all residents have access to neighbourhood recreation opportunities and sports facilities within a reasonable distance from where they live. However approaches to providing these opportunities may vary in different areas of the Shire depending on local circumstances.
- A comprehensive audit of all existing open space will underpin determination of priorities for enhancements to open space sites.

#### Planning Scheme

The proposed recommendations and actions to enhance the Planning Scheme in relation to open space provision include the following:

- Review and amend the Local Provisions of the Colac Otway Planning Scheme (Clause 21 Municipal Strategic Statement) to ensure that they provide effective policy guidance for the provision of open space in all areas of the Shire, i.e. Colac urban area, Apollo Bay, other coastal towns, rural settlements and the rural area of the Shire. This review will include the following clauses:
  - Clause 21.03-2 (Colac) refers to the 2007 Colac Structure Plan and includes the following relevant strategy: "Support an increase in the amount of useable public open space (both linear and non-linear) to support recreation land uses and linkages between activities". The Colac Framework Plan contained in the clause includes two new linear open space linkages.
  - Clause 21.03-3 (Apollo Bay and Marengo) refers to the 2007 Apollo Bay Structure Plan, and includes the following relevant strategies:
    - *Encourage future recreation facilities to be located together with other community facilities in a central and accessible location.*
    - *Ensure that...recreation facilities are provided to meet the needs of current and projected future residents and visitors to the area.*

- Clause 21.06 (General Implementation) includes the following relevant actions:
  - *Undertake enhanced recreation and pathway connections particularly around Lake Colac and in relation to the proposed Education, Recreation and Community Precinct.*

Further details of the nature of the amendments recommended to the planning scheme are discussed in Section 9.3, which outlines the statutory implementation of the Public Open Space Strategy.

### Planning Open Space in New Urban Neighbourhoods

The proposed recommendations and actions to provide for the needs of new residential areas for open space provision are to:

- Plan new open space land in all new residential areas in the Shire separately from the land required for drainage or other environmental purposes (although in some cases there may be overlap between the two purposes).
- Plan new open spaces so that their location and layout provides for public safety i.e. maximises passive surveillance by ensuring street frontages on as many sides of the open space as possible.
- Require developers involved in the creation to ensure that the new open space is “fit for purpose”, i.e. not constrained by other objectives such as drainage functions. Council will not accept hand over until short, medium and long term actions indicated in a site management plan are completed. Any ongoing management arrangements will be documented formally in writing.
- Ensure that the ongoing additional resources required to manage these new open space areas are built into Council's budget processes.
- Consider the preparation of a schedule to Clause 52.01 – Public Open Space Contribution and Subdivision of the Colac Otway Planning Scheme for specific proposed new urban areas in order to reflect the requirements for open space contributions.
- Negotiate with developers to achieve new open space areas in line with Standard C13 of Clause 56.05-2 – Public Open Space Provision Objectives of the Planning Scheme.<sup>2</sup>These provide for a network of well-distributed neighbourhood public open space which includes:
  - Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.
  - Active open space of at least 8 hectares in area within 1 kilometre of all 95 percent of dwellings<sup>3</sup>.
  - Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.
  - The open space should be:
    - Provided along streams and permanent water bodies.
    - Linked to existing or proposed future public open spaces where appropriate.

<sup>2</sup> It should be noted that there may be difficulties in applying this approach to some of the smaller subdivision proposal in the Colac Otway Shire

<sup>3</sup> This objective may not be achievable in all new subdivisions

- Integrated with floodways and encumbered land that is accessible for public recreation.
- Suitable for the intended use.
- Of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreation preferences.
- Located and designed to maximise passive surveillance.
- Integrated with urban water management systems, waterways and other water bodies.
- Incorporate natural and cultural features where appropriate.

### Partnerships

The proposed recommendations and actions to enhance partnership in relation to open space management are to:

- Enhance partnerships with Parks Victoria, DSE and other agencies to ensure that the recreation opportunities provided on the land managed by these agencies are complementary to those provided by Council.
- Work closely with the Otway Coast Committee of Management especially in developing management proposals for the coastal reserve serving the needs of the local communities at Separation Creek, Wye River, Kennett River, Skenes Creek, Apollo Bay and Marengo (see Section 9.2.4 Specific Actions Great Ocean Road/Otway Area for details).
- Maintain cooperative working arrangements with agencies with expertise that could assist with management expertise i.e. DSE for natural area management (Bird Reserve and Lake Colac, etc), CFA for fire management and Corangamite Catchment Management Authority in relation to land and catchment protection.
- Encourage partnerships with service organisations such as the Lions and Rotary clubs, community groups, township committees and sporting clubs to assist with the management of selected open spaces. Arrangements such as 'Stewardship Agreements' will be negotiated to ensure that:
  - The responsibility for developing and maintaining the land and facilities is clearly defined and documented.
  - The risks arising from the agreed arrangements are defined and documented.
  - All facilities and structures provided are fit for purpose and are maintained to a high standard.
  - Signage is provided indicating the role of Council and the role of the local organisation.
  - Periodic inspections are undertaken of the specified open spaces to ensure that the commitments of all parties are being met.

## **Environment**

The proposed recommendations and actions to enhance environmental planning and respond to the challenges arising from climate change are to:

- Use drought tolerant species (especially trees) in planting programs wherever possible.
- Explore sources of recycled water for open space usage and document clear strategies and costs for achieving this in management plans for open space.
- Reduce the use of water on sports grounds by increasing the use of drought tolerant grasses on playing field and consider the use of synthetic surfaces for sports facilities where appropriate.
- Plan open space to take into account the projected increase in the frequency of major storm / fire / flood / weather events.
- Use indigenous plants for all open space planting programs except where exotic species are required for specific cultural or heritage reasons, to encourage native animals especially birdlife.
- Protect and enhance existing habitat areas on open space and corridors and re-establish areas where they have been lost.
- Apply water sensitive urban design objectives in the design of open space to improve the quality of stormwater runoff.
- Explore sites for possible water habitat areas to treat, store and harvest stormwater.
- Design parks and gardens to reduce energy and chemical inputs required for their maintenance.
- Consider the environmental impact of the life cycle of the materials proposed for use, including their origin and ultimate disposal in the design of facilities to be located in open space.
- In the acquisition of any future Natural Areas, consider the selection criteria set out in the Environment Strategy before agreeing to accept suggested land.

## **Links and Corridors**

The proposed recommendations and actions to enhance open space links and corridors are to:

- Plan and develop open space corridors along waterways wherever opportunities arise to protect the natural values of the waterways and to provide locations for well-connected shared pathways (see Section 9.2 Specific Actions for specific proposals).
- Develop off road shared pathways to link key destinations wherever possible to encourage walking and cycling. These activities are a viable alternative to car transport for all age groups in the community and especially young people.
- Off road pathways will be linked to footpaths and bike lanes along roadways to ensure a seamless network which includes routes both along roadways and off roads.
- Develop links both at the local level for the local community as well as at the regional level to encourage tourism such as the Old Beechy Rail Trail (see Section 9.2.3 Specific Actions Rural South Area for details).
- Develop cycling routes both on road and off road to give access to district sports open spaces and to link to other open space sites.

- Manage all shared pathways to a high standard with high standard path surface, directional and informational signage and other supporting facilities such as seating and drinking fountains.
- Prepare maps of walking and cycling routes to promote the benefits of walking and cycling as a key way of increasing the level of physical activity of all age groups and improve the overall health of the community.
- Work with schools and parents to develop strategies to increase children's physical activity and reduce child obesity by increasing the numbers of school children who walk or cycle to school.

#### **Planning of Existing Spaces**

The proposed recommendations and actions to enhance the planning of open spaces are to:

- Prepare strategic or master plans to outline long term development proposals for all regional open spaces.
- Prepare concept design plans (or where plans exist, review) for all district sports open spaces and all neighbourhood open spaces where key issues need to be addressed and/or significant upgrading is proposed.
- Ensure that the range of facilities planned for each open space area be in accordance with the standard for facilities provision (see Section 7.8 Developing and Managing Open Space).
- Ensure that all open spaces are planned to maximise user safety through good design of facilities and planting programs and the protection of sight lines.
- Involve the community in the preparation of all plans developed for open spaces, particularly taking into account that the needs of the coastal and more remote rural communities may differ from the needs of urban communities.
- Explore the creation of formal dog off leash areas in selected open space sites appropriate for this activity.

#### **Developing and Managing Spaces**

The proposed recommendations and actions to enhance the development and management of open space are to:

- Use the Standards for Open Space Development as outlined in Table 7.1 to guide the provision of infrastructure in open space.
- Develop an ongoing program and funding bid based on these Standards to achieve the systematically upgrading of the open space network in the Shire. The priorities for actions in this program should be based on a matrix which considers the current provision of facilities compared with the level indicated in the development standards, the current condition of the facilities provided, the level of usage, both current and projected following the upgrading and the accessibility to facilities at an alternative site.
- Develop a funding strategy that utilises open space contributions for specific projects where the 'nexus' between developer cash open space contribution and expenditure (to enhance or acquire open space) is clearly demonstrated.
- Develop in consultation with the community and implement management/maintenance service level standards applicable to the nature of each space i.e. in line with its position in the hierarchy and the type (category) of space.
- Review the 2006 Playground Maintenance Schedule and Improvement Program and develop a new playground/play space strategy with the aim of achieving an

equitable distribution of play spaces to cater for a wide range of age groups across the open space network.

- Ensure that the resources required to maintain open space to appropriate standards will be made available taking into account Council's recent Best Value review of parks.
- Ensure that a long term commitment of both resources and expertise is made available for the management of natural areas which require specialist expertise and ongoing commitment to long term programs and provide excellent natural areas after weed control and revegetation works have been undertaken.
- Implement effective programs to manage the control of weeds, vermin and fire.
- Develop programs to manage risks such as those arising from dangerous trees and unsafe playgrounds.
- Develop and implement signage guidelines to achieve well designed and high standard signs at all open space sites.

## 9.2 Area Specific Recommendations and Actions

The following recommendations and actions relate to each of the areas adopted for the Strategy and used in the analysis of the current distribution and provision of open space. These areas are Urban Colac Area, Rural North, Rural South and Great Ocean Road/Otways Area. The recommendations and actions take into account the analysis of the open space network of each area as outlined in Section 8.2. Also many comments made by the community in the feedback on the Opportunities and Issues Paper related to specific sites and these were considered in developing the recommendations and actions.

### 9.2.1 Urban Colac Area (Colac, Colac West and Elliminyt)

The Public Open Space analysis outcomes for Urban Colac are:

| Population | Access | Amount | Quality |
|------------|--------|--------|---------|
| ↑          | ✓      | ✓✓     | ✓       |

Population: ↑: Population is expected to increase by more than 15% by 2031  
 Assessment: ✓: Basic Provision (opportunity for significant improvement)  
 ✓✓: Satisfactory Provision (some opportunity for improvement)

As the principal urban centre in the Shire, the existing and developing area centred on Colac presents many challenges and opportunities for enhancing its open space network. As indicated in the analysis in Section 8.2, there are some gaps in the distribution of neighbourhood open spaces in the areas zoned R1 and Rural Living if the 400 metre walking distance benchmark is applied. Generally neighbourhood spaces are not well developed or well maintained. Playground facilities are limited both in distribution and provision for a range of age groups. There is a reasonable distribution of sports reserves but they generally have a limited range of facilities and often no facilities for sports that require a rectangular playing field such as soccer and rugby. The sports reserves also lack facilities for non-organised active or passive recreation. There is a lack of good connected walking and cycling linkages throughout the urban area.



### Open Space Contributions for Urban Colac

An increase in demand for open space is likely to come from:

- Increasing population and changing demographic profile.
- Increasing residential growth with an expansion of the urban area (R1 zone).
- Changing trends in preference for recreation activities, with emerging popularity of casual walking, cycling, running and rectangular sports (e.g. soccer, touch football, etc.).

Actions for addressing open space requirements are likely to include:

- Acquisition of land for new open space in new residential subdivisions.
- Changing the use of some (public) land to an open space use.
- Improving existing open space infrastructure and facilities in accordance with the Standards for Open Space Development.

Recommendation:

Apply a 1% open space contribution (cash or land – to be determined by Council after an assessment of the area) per lot up to a maximum of 10%.

### New Urban Neighbourhoods

The development of proposed subdivisions in the Colac / Elliminyt area presents an opportunity to plan and negotiate with developers for new open spaces to meet the needs of the new residents. The recommendations in relation to creating open space in new subdivisions are to:

- Proposed Wyuna estate
  - Provide complementary neighbourhood parks of approximately one hectare, distributed to create walkable access within the proposed housing area of open space within 400m of all residents. This parkland should be fronted by streets on three sides and developed in accordance with the standards for open space development. It is noted that play spaces and planting of indigenous shade trees should be provided in this estate.
  - Consolidate existing (vacant) open space with adjoining land acquisition as part of next subdivision to create and develop an appropriate size and dimensioned neighbourhood park. This park should be developed to complement other open space in the Wyuna estate.
  - Provide a linear park on the east side of the subdivision along the route of the former Old Beechy rail line and fronting the creek. This park would provide a key missing link in the trail and would provide an off road connection for the residents of the new housing area for part of the way to central Colac.
- Other proposed subdivisions
  - Seek opportunities to provide complementary neighbourhood parks and linear corridors that connect open space within new subdivisions where there is an identified gap in open space provision. If subdivisions are small but a land contribution is required (as indicated by the analysis) then consider a land contribution on the edge of the subdivision that can be added to in future developments. This should be planned for in a broader planning document (e.g. structure / precinct plan / development overlay, etc.).

### Existing Urban Area (Zoned R1)

Most of the developed urban land north and south of the Princes Highway, both east and west of the Colac Lavers Hill Road and in the Elliminyt area is zoned Residential (R1). The recommendations and actions to provide new open space opportunities in this area where they are currently deficient and enhance the existing open spaces are to:

- Neighbourhood spaces
  - Investigate whether new neighbourhood spaces could be created during the planning of sites proposed for redevelopment in areas where the analysis indicates that they are currently lacking including:
    - In the western area of Colac north and south of the Princes Highway, between Colac and Elliminyt – old high school site.
    - Between Colac and Elliminyt east and west of the Colac Lavers Hill Road.
  - Explore the potential for locating neighbourhood open space facilities on the Irrewillipe Road Basin Reserve.
  - Investigate the provision of a good quality neighbourhood park including the provision of a high standard play facility for a wide range of age groups to service the Elliminyt area, e.g. at Joiner Reserve.
  - Provide play experiences for a wider range of age groups, more informal recreation opportunities such as relaxation and picnicking and kick around areas in the existing neighbourhood spaces.
  - Develop or enhance neighbourhood park facilities such as picnic and play facilities on sports reserves including Western Oval, Central Reserve, Western Bay Park and Eastern Reserve.
  - Increase tree planting (especially indigenous species) to improve the appearance of the existing spaces and to provide shade.
  - Improve the maintenance and management practices of the spaces (see management/ maintenance service level standards - Section 7.8 Developing and Managing Spaces).
  - All new open space sites will be required to have an agreed master plan prepared (by the developer) that indicates clear actions, outcomes, roles and responsibilities.
- Sports reserves i.e. Western Oval, Colac Cricket Ground, Eastern Reserve and South Colac Oval/Elliminyt Memorial Park (excluding Central Reserve)
  - Explore opportunities to provide rectangular playing fields on the existing ovals to cater for sports such as soccer that are increasing in popularity according to participation trends.
  - Upgrade the existing pavilions and other facilities.
  - Explore opportunities for use of alternative water sources and drought tolerant grasses where applicable.
  - Landscape around the ovals.
  - Improve the car parking arrangements.
  - Provide informal recreation opportunities, for example: seating, picnic areas, play spaces, pathways, landscape features, etc. (see also neighbourhood spaces above).
  - Provide for non-organised active recreation such as kick around areas around the ovals.

- Central Reserve
  - Revisit the future objectives and revise the master plan for this Reserve.
  - Explore the coordinated use of this reserve with the nearby secondary college oval.
  - Consider the resourcing of the management/maintenance in the development of the management/ maintenance service level standards (see also Section 7.8 Developing and Managing Spaces).
  - Investigate bike paths to give safer access to the skate park in Central Reserve.
- Memorial Square
  - This central and well developed parkland in Colac is very well used by both visitors and residents. The CBD Master Plan, currently being prepared, acknowledged its value and popularity to the local community. Memorial Square should be retained and improved as a destination parkland for both casual use and organised events.
  - Explore the viability of a small well designed café/kiosk near the public toilets to cater for outdoor eating.
  - Improve the infrastructure such as power outlets to support the use of the Square for community events.
  - Review the disused water feature with the objective either to rehabilitate or remove it.
- Colac Golf Club and Turf Club and Show Grounds
  - Explore which would provide the best opportunity to establish a complex of playing fields and associated pavilion to respond to organised sports that are not currently well catered for and may emerge in the future such as soccer, hockey and/or rugby.
- Colac Secondary College redevelopment
  - In partnership with the Colac Secondary College explore avenues of funding to develop active sports fields for general community use through Stage 3 of the Colac Secondary College redevelopment.
- Linear corridors and linkages
  - Improve the overall connectivity of the network in the urban area to better connect residential areas to places of employment, education or recreation.
  - Develop a plan based on detailed site investigations to extend the corridors and trails upstream along Barongarook Creek and other waterways (in some cases this may require consideration of the purchase of land).
  - Improve the condition of the existing pathways and other infrastructure (especially pathways and signage) along the downstream section of Barongarook Creek.
  - Investigate off road trail options to connect the Old Beechy Rail Trail from the railway station to the Wyuna Estate.
  - Better link the trails to desirable destinations such as the Lake Colac foreshore and the central business area.
- Botanic Gardens/Lake Foreshore area
  - Improve the walking and cycling linkages to this area from the centre of Colac.
  - Consider the removal of cars from the Botanic Gardens to address the current conflict with pedestrian use of the Gardens in the proposed new master planning process for the Gardens.

- Improve pedestrian movement between the Botanic Gardens and Foreshore Reserve.
- Explore additional picnic facilities to cater for the high level of demand.
- Former Bruce Street landfill site
  - Investigate the potential and suitability of this site for tree planting and passive recreation (as a former landfill site, it is unsuitable for any form of structure).
  - Rezone the land from PPRZ to PCRZ to better reflect viable usage of the site.
- Sculpture Park
  - Review the management objectives for the sculpture park and consider whether they are being met. Subject to this review consider whether works of art with more interpretive material may be more effective.
- Former high school site
  - Explore options for new open space at this site (see also neighbourhood spaces above).

### Rural Living Area (Zoned RLZ)

Substantial areas of land south west and south east of the Colac urban area are zoned Rural Living (RLZ) and are developed as low density residential areas. As the analysis indicates these areas have virtually no open space opportunities. However because the allotments are so large and the population density is low it is considered unrealistic to apply the 400 metre walkable distance bench mark to these areas. However it is important that residents of these areas should have good linkages to open space sites. It is also important that should these areas be rezoned and developed with higher density populations, then high standard open space networks be provided.

The recommendations and actions proposed in relation to open space in relation to the rural living area are to:

- Explore on and off road safe linkages providing access to open space areas with neighbourhood park facilities (playgrounds, etc. and sports reserves).
- Explore the creation of open space sites if and when these areas are rezoned for higher density development (e.g. low density residential).
- Explore the suitability of the Irrewillipe Road Basin Reserve for recreation use (see also neighbourhood spaces above).

### Lake Colac

Although Lake Colac is largely located in the Rural North Area, it is included in the Urban Colac Area as the foreshore portion that has the highest usage and most opportunities for enhancement lies within this Area. Most of the Lake and foreshore is managed by Parks Victoria except the southern foreshore between Deans Creek in the west and the Treatment Works Road in the east, and Meredith Park in the north both latter areas being managed by Colac Otway Shire as the committee of management.

The recommendations and actions proposed to enhance the environmental and recreation values of Lake Colac are to:

- Ensure coordinated management arrangements between Council and Parks Victoria.

- Explore with Parks Victoria, the Environment Protection Authority and the Corangamite Regional Catchment Authority, ways to improve the quality of water flowing into the lake.
- Investigate with Park Victoria and the DSE, ways that foreshore habitats could be re-established and enhanced.
- Explore improving the walking, jogging and cycling connections between the town and the Lake (including along Barongarook Creek).
- Investigate with Parks Victoria long term options for developing both walking and cycling routes right around the Lake.
- Investigate with Parks Victoria the revegetation around the perimeter of the Lake.
- Review the recommendations of the 2004 Lake Colac Foreshore Master Plan especially in relation to achieving improvement of visitor facilities such as well-designed car parks, picnic areas, barbeques, toilets and lighting on the foreshore near Colac.
- Plant large indigenous trees and install seats on the foreshore between the Rowing Club and the Yacht Club to provide shade and seating along this highly utilised area.
- Provide in conjunction with Parks Victoria, interpretation information relating to natural environment, heritage and history of the Lake and in particular its significance to the Indigenous community.
- Explore opportunities for promoting Meredith Park at the northern end of the Lake as an attractive informal camping area.
- Investigate recreation activities that might be appropriate for Lake Colac in the event that the lake is dry (as per Lake Colac Management Statement).

**9.2.2. Rural North Area**

The Public Open Space analysis outcomes for Rural North are:

| Population | Access | Amount | Quality |
|------------|--------|--------|---------|
| =          | ✓✓     | ✓✓     | ✓✓      |

Population: = : Population is expected to remain within 15% of the 2009 figure by 2031  
 Assessment: ✓✓ : Satisfactory Provision (some opportunity for improvement)

**Open Space Contributions for Rural North**

An increase in demand for open space may emerge from:

- Changing recreation activity patterns of residents.
- Small increase in population and potential.
- Potential increase in tourist and visitor numbers.

Actions for addressing open space requirements are likely to include:

- Improve linkages and connections between communities and key open space sites.
- Improvements to existing open spaces in accordance with Standards for Open Space Development.

Recommendation:

Apply a 1% open space contribution (cash or land – to be determined by Council after an assessment of the area) per lot up to a maximum of 5%.

**Smaller Settlements**

The open space network in the rural north area comprises a number of sports reserves located at the smaller settlements particularly in the south of the area, other local spaces and some natural areas including the state significant Red Rock Reserve. In most cases the settlements have a single recreation reserve with fairly basic facilities which services both the settlements themselves as well as the surrounding community. Although some residents of the settlements can walk to the open spaces, car travel is required by most people living in the Area.

The need for good connectivity between the community and open space was highlighted in the community feedback on the Issues and Opportunities Paper, and therefore is very important.

Recommendations and actions proposed to improve the open space available in the settlements in the rural north area are to:

- All settlements
  - Improve the linkages between the residential areas and the key open space area, typically the sports reserve.
  - Explore opportunities for the central sports reserves to be developed to provide for more structured activities and better cater for informal recreation.

- Alvie
  - Consider the improvement of the facilities on the recreation reserve to increase its role in providing significant open space for the surrounding townships.
- Beeac
  - Develop the Lake Beeac foreshore reserve with facilities including a car park, picnic tables, paths, and interpretive signage.
  - Renovate and upgrade the public toilets incorporating disabled access.
  - Refer to draft tennis strategy and recent Beeac Progress Association meeting outcomes and engage further with community to determine future of tennis courts and adjacent land.
- Cressy
  - Enhance the recreation reserve by works including repairing the memorial gates, upgrading of the facilities for the sheep dog trial and tree planting.
  - Explore opportunities to utilise open space on Duverney Street.
- Irrewarra
  - Improve the pavilion on the recreation reserve.
- Warrion
  - Improve pavilion and remove disused tennis courts on the recreation reserve.
- Cororooke/Coragulac
  - Play space, neighbourhood park, off-road pathway – consult with the local township communities to identify the best site and most appropriate development.

#### **Red Rock Volcanic Reserve**

The Red Rock Reserves of State Significance lies within the Red Rock volcanic complex which has significant scenic, geological, geomorphic, faunal, social and tourist values, and is part of the newly formed Kanawinka Geopark. Improvements to the Reserve could enhance its tourist and other visitor potential.

Recommendations and actions proposed to improve this Reserve are to:

- Investigate the expansion of the Reserve by land purchase to enable better protection of the volcanic features and allow reinstatement of the natural flora and fauna habitat.
- Enhance the Reserve and the directional signage to the Reserve to enable it to become a major tourist feature as a component of the Kanawinka Geopark.
- Work with the managers of other components of the Kanawinka Geopark to develop overall interpretative material (including maps) for the whole Park.
- Prepare an overall plan for the different components of the Reserve i.e. the picnic area component, the upper car park and the lookout, to provide coordinated facilities for visitors. This plan could include the upgrading of the interpretive displays and the rationalising and upgrading of key visitor facilities.
- Upgrade the pathway to the lookout and the lookout itself.
- Work in partnership with local groups and other organisations to achieve better presentation and management of the site.

**9.2.3 Rural South Area**

The Public Open Space analysis outcomes for Rural South are:

| Population | Access | Amount | Quality |
|------------|--------|--------|---------|
| =          | ✓✓     | ✓✓     | ✓✓      |

Population: = : Population is expected to remain within 15% of the 2009 figure by 2031  
 Assessment: ✓✓ : Satisfactory Provision (some opportunity for improvement)

**Open Space Contributions for Rural South**

An increase in demand for open space may come from:

- Changing recreation patterns of residents with increasing popularity of walking, cycling and running.
- Potential increase in tourist and visitor numbers.
- Residential increase in Birregurra.

Actions for addressing open space requirements are likely to include:

- Improve linkages and connections between communities and key open space sites.
- Improvements to existing open space infrastructure and facilities in accordance with Standards for Open Space Development.
- Possible acquisition of land for new open space in new residential subdivisions, subject to assessment.

Recommendation:

Apply a 1% open space contribution (cash or land – to be determined by Council after an assessment of the area) per lot up to a maximum of 10% within the Birregurra township and up to a maximum of 5% elsewhere.

**Smaller Settlements**

The rural south area contains extensive natural areas of open space comprising the Great Otway National Park and the Otway Forest Park managed by Parks Victoria and DSE respectively. These areas contain many sites with visitor facilities for activities such as enjoying the natural environment, picnicking, walking and in some cases, camping. These sites are used by local residents as well as visitors from across Victoria. A state significant mountain bike facility is located in the forest park near Forrest.

The open space network in the area also includes a number of sports reserves located at the smaller settlements and some other local spaces. In many cases the settlements have a single recreation reserve with fairly basic facilities which services both the settlements themselves as well as the surrounding community. Although some residents of the settlements can walk to the open spaces, car travel is required by most people living in the Area.

The need for good connectivity between the community and open space was highlighted in the community feedback on the Issues and Opportunities Paper, and therefore is very important.



Recommendations and actions proposed to improve the open space available in the settlements in the rural south area are to:

- All settlements
  - Improve the linkages between the residential areas and the key open space area, typically the sports reserve.
  - Explore opportunities for the central sports reserves to be developed to provide for a wider range of structured activities and better cater for informal recreation.
- Barwon Downs
  - Develop the Barwon Downs Flora and Fauna Reserve to facilitate increased community use including access tracks and interpretive signage.
  - Develop the Barwon Downs Town Park with new public toilets, additional picnic facilities, play equipment and plant with additional indigenous plants for shade and landscape amenity.
  - Improve the tennis club facilities with a new lockable building and resurfacing of existing tennis courts.
- Birregurra
  - Plan to meet the requirements for open space that will arise when Birregurra expands. This would include negotiating with developers on a site specific basis taking into account the existing provision of open space. If the existing provision fulfils the needs required by the new residents, then Council will require 1% per lot up to a maximum of 10% of the land value to be contributed as cash to be used to upgrade the existing open space.
  - Improve the playing and other facilities on the recreation reserve to better meet the requirements of sports users and other visitors.
  - Improve the linkages between the town, main street, school and open space.
  - Investigate further development of the Tiger Rail Trail from Birregurra to Barwon Downs and Forrest.
- Carlisle River
  - Approach VicRoads regarding the development of visitor facilities along the Carlisle River including a small car park, picnic table and seating.
  - Liaise with the Corangamite Regional Catchment Management Authority to achieve the restoration of the habitat and management of the Carlisle River.
  - Upgrade the tennis courts and incorporate line marking for other sports, such as netball and basketball.
  - Improve facilities for horse riding groups.
- Forrest
  - Improve the Forrest walking track network, including provision of seats and shelters.
  - Work with the DSE to develop an integrated strategy for development and investment in the Forrest mountain bike riding area, e.g. change/toilet facilities.
  - Develop the community park with a range of high standard user facilities.
  - Investigate further development of the Tiger Rail Trail from Birregurra to Barwon Downs and Forrest.
- Gellibrand

- Develop picnic facilities including a small car park, picnic table seating and interpretive signage.
  - Explore a pedestrian underpass under the Colac to Lavers Hill Road.
- Irrewillipe
  - Improve the pavilion, club rooms and water supply and netball facilities on the recreation reserve.
- Pirron Yallock
  - Continue to upgrade the recreation reserve in accordance with the master plan.
- Swan Marsh
  - Explore improvements to the tennis court and public hall areas which could include providing picnic facilities, tree planting and better children's play opportunities.
  - Explore the potential of the current CFA site for open space uses should it become surplus to CFA requirements.

### **Old Beechy Rail Trail**

The Old Beechy Rail Trail extending from Colac to Beech Forest is one of Victoria's key rail trails and is managed by a Section 86 Committee of Management assisted by Council, and with the involvement of a friends group.

Recommendations and actions proposed to improve the Old Beechy Rail Trail are:

- Complete the Dinmont to Beech Forest section and extend the trail to Ferguson – it is noted that works are now underway.
- Create more off road links and improved integration of the rail trail with walking/cycling routes in Colac.
- Upgrade the trail surface, signage and vegetation management to a consistent high standard along the full length of the trail.
- Explore additional off road alignments for the trail north of Beech Forest.
- Improve the environmental management i.e. weeds control, of the trail surrounds.
- Investigate the extension of the trail including linkages to other trails and destinations such as the Otway Fly, and possibly eventually to Crowes near Lavers Hill and Apollo Bay. Many of these linkages may need to be on road reserves.

**9.2.4 Great Ocean Road/Otways Area**

The Public Open Space analysis outcomes for Great Ocean Road/Otways are:

| Population | Access | Amount | Quality |
|------------|--------|--------|---------|
| ↑!!        | ✓      | ✓✓     | ✓       |

Assessment: ✓ : Basic Provision (opportunity for significant improvement)  
 ✓✓ : Satisfactory Provision (some opportunity for improvement)  
 Population: ↑ : Population is expected to increase by more than 15% by 2031  
 !! : Note that the population fluctuates with transient and visitor population at peak holiday seasons

The Great Ocean Road/Otways area includes the significant urban area of Apollo Bay, a number of smaller coastal settlements along the Great Ocean Road as well as a number of small settlements located inland from the coast. The coastal settlements have relatively small permanent residential populations which increase significantly with the influx of summer visitors and tourists travelling along the Great Ocean Road.

The area contains extensive natural areas of open space comprising the large Great Otway National Park, but also smaller areas of Otway Forest Park and the very significant Otway Coast Reserve. These areas are managed by Parks Victoria, DSE and the Otway Coast Committee respectively. The national park and forest park contain many significant natural features including coastal landforms and waterfalls and many sites with visitor facilities for activities such as enjoying the natural environment, picnicking, walking and in some cases, camping. The state significant Great Ocean Walk extends along the coast west from Apollo Bay. These sites are used by local residents as well as visitors from across Victoria.

The open space network in the area also includes a number of reserves located at the smaller settlements. At Apollo Bay and the other coastal settlements all or most of the open space opportunities lie on the coastal reserve. The need for good connectivity between the community and open space was highlighted in the community feedback on the Issues and Opportunities Paper and therefore is very important.

**Open Space Contributions for Great Ocean Road/Otways Area**

An increase in demand for open space may come from:

- Increasing residential population in Apollo Bay and Marengo and changing demographic patterns, particularly with a mix of permanent and transient residents.
- Increasing popularity of the coastal area and increase in tourists and visitors, particularly during peak holiday seasons.
- Changing trends in recreation activity preference with walking, cycling and running becoming more popular.

Actions for addressing open space requirements are likely to include:

- Improve linkages and connections between communities and key open space sites.
- Acquisition of land for new open space in new residential subdivisions particularly in Apollo Bay and Marengo.
- Improving existing open space infrastructure and facilities in accordance with the Standards for Open Space Development.

- Ensuring an open space system along coastal settlements where foreshore open space is complemented by parkland and linear connections in residential communities.

Recommendation:

Apply a 1% open space contribution (cash or land – to be determined by Council after an assessment of the area) per lot up to a maximum of 10% within the Apollo Bay and Marengo townships and up to a maximum of 5% elsewhere.

#### **Apollo Bay Residential Area**

Although the foreshore reserve and the Apollo Bay Recreation Reserve managed by the Otway Coastal Committee provide very good recreation opportunities for both visitors and the residents of Apollo Bay, there are few useable open spaces within the Apollo Bay residential area. The Committee considers that it is Council's, rather than the Committee's role to provide open space for the Apollo Bay community and to provide active recreation facilities. The Apollo Bay harbour is a working harbour that provides valuable recreation opportunities for visitors and residents. There are a number of linear open spaces in the Apollo Bay residential area but they are poorly designed and are of limited recreation use due to a range of site constraints.

Given the size of Apollo Bay it is considered appropriate to apply the 400 metre walkable accessibility benchmark to open space in the residential area. Given the current limited usable available areas, achieving this will require a multi pronged approach as outlined below.

Recommended actions proposed to enhance the open space opportunities in Apollo Bay are to:

- **New Residential Areas**
  - Negotiate with developers to obtain open space areas in new urban areas on a site specific basis, taking into account the provision (or lack) of open space in the existing urban area.
  - Consider incorporating provisions in the Planning Scheme to increase the open space contribution to overcome the lack of usable public open space in non-foreshore locations (refer to section 9.3 – Strategic Implementation).
  - Ensure good connectivity for pedestrian and cycling access into and through new residential subdivisions.
- **Existing Urban Area**
  - Plan open space provision for Apollo Bay that takes into account the fluctuating population from 1000 up to 10,000 during peak times.
  - Review all the land owned by Council to determine whether some area may be appropriate to reassign as open space.
  - Consider opportunities in future planning to locate new recreation facilities including a playground, and other community facilities at a central location in the residential area.
  - Investigate the need for community parks away from the foreshore which can be windy and cold out of the summer season.
  - Investigate opportunities for recreation facilities to meet the needs of the permanent youth population.
  - Investigate the potential for walking tracks such as along the Barham River and along the rear of the township (as indicated in the Apollo Bay Structure Plan and investigated in the Apollo Bay Trails Feasibility Study).

- Develop the Park Avenue land as neighbourhood open space by resolving access issues, discontinuing the current grazing agreement on the site and developing the park with a range of recreation facilities. As an alternative, if a suitable land swap proposal is available as indicated in the draft Apollo Bay Settlement Boundary & Urban Design Review (2011), this should be considered.
- Explore whether the Milford Creek land could be redesigned to provide a broad range of open space opportunities.
- Explore whether the bowls club on the corner of Moore and Pascoe Streets could be relocated to another site to allow the redevelopment of this site as centrally located neighbourhood open space.
- Explore whether Moore and/or Pascoe Streets where they intersect could be narrowed to allow conversion of some asphalt area to green open space.
- Explore whether the recreation facilities at the Apollo Bay P-12 College could be made more available for wider community use.
- Apollo Bay Recreation Reserve

Although this is the only significant area of open space inland from the foreshore, the only sports reserve in Apollo Bay and is not physically part of the foreshore, it is managed by the Otway Coast Committee not Council. It has been developed with significant tourist facilities such as camping sites and cabins, and contains an oval and netball courts. Overall it has not been developed to provide open space with a range of recreation opportunities designed to service the local community.

The proposed actions in relation to this reserve are to:

  - Advocate that the Committee minimise any impacts to the recreation reserve and open space in its master planning process and explore the provision of more sporting and other recreation opportunities for the local community.
  - Investigate with the Committee and in consultation with the community whether the part of the Reserve adjacent to Gambier Street could be developed to provide neighbourhood open space facilities.
- Heathfield Estate Reserve

The Heathfield Estate Reserve on the Barham River has no direct street frontage and is largely located behind existing residential allotments in the Heathfield Estate. It is separated from the Barham River Road by the Barham River. The land is low lying, forms part of the floodplain (99% LSIO) and has no improvements on it. Pedestrian access can be gained from two access points between residential allotments on Barton Place and Costerman Terrace. No future use for the land has been determined other than it was proposed for inclusion in the Great Ocean Green development proposal which is now not proceeding. It is understood that there is wide support for the Pony Club to relocate to this site from the present site on the foreshore reserve.

The proposed actions for this Reserve are to:

  - Designate the Reserve for environmental protection and exploring its potential value for recreation use through a community consultation process.
  - Support the Pony Club moving from its current site on Foreshore Reserve to this site subject to site issues being resolved.

### **Apollo Bay Foreshore**

The Apollo Bay Foreshore is a key coastal reserve well used by tourists as well as providing recreation opportunities for local residents. A wide range of facilities, not all dependent on the coast for their location and many which are visually intrusive, are situated on the foreshore. The golf course occupies a large area and acts as a barrier to walking access along the coastline. As management of the foreshore is the responsibility of the Otway Coast Committee (OCC), recommendations for this area will be referred to the Coastal Management Plan, currently being prepared. It is understood that this plan will be prepared taking into account the coastal planning hierarchy in Victoria. To achieve well coordinated planning and management of open space in Apollo Bay it is essential that close liaison is maintained between Council and the Committee on the planning and management of the Foreshore.

Recommendations for improving open space opportunities on the Apollo Bay Foreshore are to advocate to the OCC to:

- Permit the golf club to continue its lease subject to a condition for locating a walking track around the perimeter of the course given the benefits and importance of the golf club to the community.
- Ensure that the foreshore reserve is used primarily for coastal recreation related uses and any commercial uses of this area only be considered if they are dependent on a coastal location.
- Explore opportunities for new buildings and structures that would be designed and sited more appropriately to replace the existing structures that are highly visible and detract from the naturalness of the setting.
- Plant additional indigenous vegetation to provide shade to help to screen prominent structures and would add to the naturalness of the reserve.
- Improve walking and cycling routes by providing a more consistent and coordinated pedestrian connections along the foreshore to link the harbour in the south to the town centre.
- Continue to investigate alternative sites (e.g. Heathfield Estate Reserve) for the relocation of the pony club and ensure the continued availability of this foreshore land for public open space purposes.
- Enhance surfers' needs by improving beach and parking access at Mothers Beach and Barham Beach.
- Ensure that no new camping areas are developed on the foreshore.

### **Apollo Bay Harbour**

The Apollo Bay Harbour which is managed by Council, occupies an area of the foreshore east of the golf course. It is a working harbour with significant environmental, community and economic values and provides tourist and recreation benefits.

Recommendations for improving open space opportunities and recreation benefits at the Apollo Bay Harbour as noted in the 2008 Master Plan are to:

- Enhance the range of non-boating recreation facilities available for informal recreation such as fishing, walking over water, ocean views.
- Upgrade the public toilets and provide changing facilities.
- Provide interpretative facilities on Indigenous culture, history of the area, natural environment and the fishing/maritime industry.
- Explore a walkway on the eastern breakwater.
- Improve the traffic management and parking arrangements.

- Protect the Aboriginal middens near the harbour (which are disturbed) and at Point Bunbury.
- Develop new sailing club facilities.

#### **Smaller Coastal Settlements**

Wye River/Separation Creek, Kennett River, Skenes Creek and Marengo all lie on the Great Ocean Road, are popular summer recreation settlements and attract large numbers of tourists using the Great Ocean Road. Future major expansion of any of these settlements is unlikely due to topographical and environmental constraints. All have good access to the adjacent foreshore reserves managed by the Otway Coast Committee and the nearby Great Otway National Park. None of the settlements could justify a sports recreation reserve and this need would generally be satisfied by travelling to Apollo Bay or Lorne (in the Surf Coast Shire).

As the open space in these coastal communities is generally the responsibility of the Otway Coast Committee of Management, recommendations for these areas will be referred to the Coastal Management Plan, currently being prepared. To achieve well coordinated planning and management of the open space in these settlements it is essential that close liaison is maintained between Council and the Committee on the planning and management of the foreshore reserve.

Recommendations for improving open space opportunities of the foreshore reserves adjacent to the smaller coastal settlements are to:

- All Settlements
  - Ensure that the foreshore reserves adjacent to the settlements continue to be the principal community open spaces in the settlements.
  - Ensure that the activities on the foreshore are generally limited to those provided by the ocean and rivers, and passive activities such as walking.
  - Ensure that development works are limited to upgrading appropriate existing structures, improving the amenity / access to the foreshores.
  - Manage all the foreshore reserves in as near natural a condition as possible. Indigenous species should generally be used for tree planting with a possible exception being the replanting of trees with heritage significance.
  - Generally avoid the construction of any more cabins in any of the camping grounds on the foreshore reserves.
  - Avoid the construction of any new car parks or expansion of existing car parks on the land between the Great Ocean Road and the coast.
  - Investigate options for dedicated pedestrian / bicycle pathways along the route of the Great Ocean Road or routes inland from the road. Specifically improving the pedestrian and cycling links between Marengo, Apollo Bay and Skenes Creek.
- Wye River/Separation Creek
  - Address the water quality issues in Wye River while providing for ongoing access to the river by commercial / private properties and the development of walking tracks for the community.
  - Explore with VicRoads the construction of zebra crossings with pedestrian refuges on the Great Ocean Road opposite the general store (In accordance with Structure Plan recommendations).
  - Retain and maintain the small, centrally located Harrington Memorial Park bushland area in Wye River.
  - Extend the pedestrian path upstream along the Wye River reserve as far as practicable.

- Commence discussions with owners of land containing the Separation Creek within the township zone with the long term aim of constructing a pedestrian /bicycle path along creek.
- Address the Telstra building on the coast at the southern end of Wye River (Port Sturt) which is visually intrusive and should be relocated or if this is not possible, investigate measures to lessen its visual impact.
- Upgrade Paddy's Path, a link between Wye River and Separation Creek, or other appropriate path.
- Further investigate a neighbourhood park located on existing open space in Wye River for the Wye River / Separation Creek communities and improve the linkage/connection between Wye River and Separation Creek.
- Kennett River
  - Address the water quality issues in Kennett River while providing for ongoing access to the river by commercial / private properties and the development of walking tracks for the community.
  - Explore with VicRoads the construction of zebra crossings with pedestrian refuges on the Great Ocean Road opposite the middle foreshore car park at Kennett River (In accordance with Structure Plan recommendations).
  - Create a path / boardwalk from the car park and picnic area near the Great Ocean Road upstream along the river reserve as far as practicable. Incorporate indigenous revegetation and rehabilitation of the creek corridor.
  - Replace the existing Kennett River Surf Life Saving Club with a better located and designed new facility.
  - Explore a new walking track with a new bridge across Kennett River to connect the picnic area to Cassidy Drive north of the river.
  - Formalise a neighbourhood park (including a playground) by redeveloping the existing open space inland of the Great Ocean Road and south of the River.
  - Maintain the existing wetland as an efficient stormwater treatment facility.

#### **Smaller Rural Settlements**

The two key smaller inland rural settlements in the Great Ocean Road/Otway area are Beech Forest and Lavers Hill. Recommendations and actions that could be undertaken to enhance the reserves at these settlements to service their residents and their surrounding communities are to:

- Lavers Hill
  - Establish a Council committee of management for Morris Track Reserve (a water hole reserve).
- Beech Forest
  - Develop the John H. Gardner Reserve with a new car park, playground, lookout, picnic shelters, additional indigenous planting and an expanded historical display.
  - Improve signage within the former Beechy rail line turning circle and develop a display of relevant railway relics.
  - Provide directional signage between the John Gardner reserve and the Old Beechy Rail Trail.
  - Explore opportunities to develop the recreation reserve with facilities to cater for informal recreation.



### 9.3 Statutory Implementation

The Public Open Space Strategy will be implemented as a statutory land use planning requirement via an amendment to the Colac Otway Planning Scheme. The existing planning provisions have been discussed in Section 3 of this report. The proposed scope of the planning scheme amendment(s) to implement the strategy is provided below.

#### Clause 21 – Municipal Strategic Statement

The provision of open space is already mentioned in Clause 21.03 – Settlement in relation to Colac (Clause 21.03-2) and Apollo Bay (Clause 21.03-3). Some minor wording changes may assist to ensure the Public Open Space Strategy recommendations have a strong policy basis in Clause 21.03-1 – General. It is anticipated that a planning scheme amendment will be undertaken to amend Clause 21.03-4 – Birregurra once the Birregurra Structure Plan is complete, and that this will include reference to public open space.

#### Clause 22 – Local Planning Policies

It is recommended that Council consider adopting the same policy approach as is found in the Whitehorse Planning Scheme, whereby a Public Open Space Contribution policy is included that summarises the Public Open Space Strategy. This should include the selection criteria for public open space to assist developers to understand Council's requirements.

As it is recommended that a differential approach be taken for each of the main urban areas and the rural area, brief descriptions of the boundaries of each precinct and the types of contributions taken for each (i.e. cash, land or both) should also be included. A sliding scale approach that is calculated according to the number of lots and is outlined in sections 7.2, 7.3 and throughout section 8 should be incorporated. This approach has been used recently by Surf Coast Shire in its Open Space Contributions Strategy.

The policy would include the Public Open Space Strategy as a reference document, ensuring that permit applicants must prove consistency with the same when preparing a development application. Including the strategy as a reference document would also provide for it to be updated without the need for further planning scheme amendments.

#### Zoning

As discussed in Section 7.2, the most commonly used zonings for areas of public open space are the Public Park and Recreation, Public Conservation and Resource and Urban Floodway zones. There are several existing areas of public open space in the municipality that have other zonings such as Township and Residential. It is recommended that Council consider rezoning these Public Park and Recreation as part of the planning scheme amendment process, as this will ensure that the planning provisions that relate to the sites are the most appropriate.

Going forward, as sites are developed, land set aside for public open space should be rezoned Public Park and Recreation once it is in Council ownership.

### **Overlays**

The Public Acquisition Overlay can be used for land that Council intends to acquire, and could be applied to any specific sites where parks or pedestrian/cycle paths are proposed. If no specific areas have been identified at the time the main planning scheme amendment is sought, this could instead occur progressively. However, utilising this overlay will require Council to identify a timeframe for acquisition and to pay compensation to affected landowners.

It is not recommended that Council utilise the Development Contributions Plan Overlay unless detailed financial modelling and additional research are undertaken.

### **Clause 52.01 – Public Open Space Contribution and Subdivision**

The Schedule to Clause 52.01 should be amended to insert a new schedule that includes the % contributions required for each of the four areas (i.e. Urban Colac, Rural North, Rural South and Great Ocean Road / Otways).

The Public Open Space Strategy will be an important document as it will provide the rationale for the percentage contribution being sought from each individual development, as it should be noted that individual development applications may be appealed to VCAT.

### **Framework and structure plans**

Council should continue to include sites where it is seeking public open space in its strategic planning documents, such as has occurred in the Colac Structure Plan. As these documents often form reference documents to the Planning Scheme, this will assist in negotiating open space contributions with permit applicants.

## 10. Strategic Implementation

The successful implementation of Council's Public Open Space Strategy will occur in a number of ways. The following table summarises key strategic actions and outlines priorities for consideration as they are implemented. Specific projects and actions relating to particular sites will be subject to further consideration and community engagement by Council.

| No. | Action                                                                                                                                                                                                                                                                                                                                                          | Priority                                                                                       |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 1.  | Amendment to Colac Otway Planning Scheme to specify Public Open Space Contribution requirements throughout the Shire (see 9.3 – Statutory Implementation).                                                                                                                                                                                                      | High Priority: planning scheme amendment to be prepared in next 1-2 years.                     |
| 2.  | Acquisition of new open space to ensure provision of a quality open space system in accordance with the Public Open Space Strategy.                                                                                                                                                                                                                             | High Priority: as new subdivisions are planned and applications are submitted for approval.    |
| 3.  | Complete the audit of open space infrastructure throughout the Shire and compare existing provision to the Standards for Open Space Development. Prepare a prioritised open space improvement plan in consultation with key stakeholders and residents. Allocate open space (cash) contributions to priority projects in accordance with statutory obligations. | High Priority: complete audit 2011/12. Preparation of open space improvement plans – ongoing.  |
| 4.  | Ensure service level standards for maintenance of open space are consistent with hierarchy and intensity of use, level of development of open space and community expectations.                                                                                                                                                                                 | High Priority.                                                                                 |
| 5.  | Develop and enhance linear open space and corridors throughout the Shire, through detailed site investigations and stakeholder engagement.                                                                                                                                                                                                                      | Medium – High Priority: subject to availability of sites for connections and linear corridors. |
| 6.  | Re-zoning of all open space that currently doesn't have the correct zoning – preparation of planning scheme amendments.                                                                                                                                                                                                                                         | Medium Priority: re-zoning amendments to be prepared over the next 2-3 years.                  |
| 7.  | Prepare and/or review Master Plans for high profile open space areas. Prepare concept plans to develop and/or improve neighbourhood and other district/township open spaces. (See 7.7 – Planning of Existing Spaces)                                                                                                                                            | Ongoing.                                                                                       |
| 8.  | Site specific recommendations involving agencies, community stakeholders and residents – engage with community to develop detailed actions to improve public open space facilities and infrastructure.                                                                                                                                                          | Ongoing.                                                                                       |

**OM112707-8 INVESTMENT POLICY**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Brett Exelby                   | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00392     |

**Purpose**

The purpose of the Investment Policy is to give a clear understanding of the process to be followed by officers when investing Council funds and to determine appropriate investments in line with Council's long term financial plan.

**Declaration of Interests**

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

**Background**

In developing continual improvement processes it has been identified that there is an acknowledged gap in policies concerning the management of Council's cash assets. Additionally, Best Practice Standards and Auditor Generals in most states recognise the need for an approved investment policy.

Given that Council has not previously had an investment policy, the approach to investment of Council has been extremely conservative. The prior approach has been to retain all funds in the most liquid form which has also forced Council to accept a lower return on investment. This lack of an approved "Investment Policy" has thus hindered officer's efforts to obtain the best possible value when managing Council funds.

The purpose then of an investment policy is to provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time. This must be tempered by due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met. While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment.

For Local Government the preservation of capital is the principal objective of the investment portfolio. Investments should be placed in a manner that seeks to ensure security and to safeguard the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

Balancing this is the expectation that investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

**Council Plan / Other Strategies / Policy Leadership and Governance**

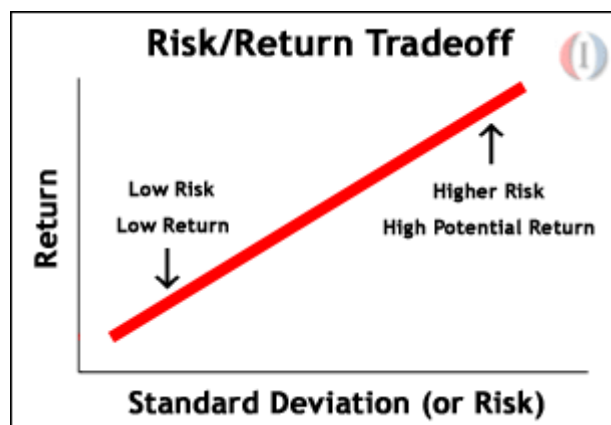
Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

The Council plan linkage with regard to the investment policy is in the delivery of financially responsible activities to maximise and protect Council's investments, which is an outcome of the Leadership and Governance component of the Council Plan.

### Issues / Options

In addressing the identified gap there are a number of issues to consider. For example, what is the risk appetite of Council? Balancing this risk is the level of return on investment that Council is seeking to achieve.

Simplistically, there is a correlation between the level of risk and the expected return (see illustration below).



In the development of the Investment Policy the risk/return trade off has been considered and a number of options then developed.

| Options Considered:                                                                                             | Risk | Return  |
|-----------------------------------------------------------------------------------------------------------------|------|---------|
| Cease to invest Council funds and retain funds within the existing transactional accounts.                      | Low  | Minimal |
| Invest only within the current banking provider and seek to maximise returns within this institution            | Low  | Low     |
| Open up investments to other approved deposit taking institutions within a restricted range of investment types | Low  | Medium  |
| Open up investment of Council funds to all investment types available under legislation                         | High | High    |

Of the options considered the third option offers the greatest flexibility whilst maintaining a conservative approach to risk. The Investment Policy (attached) has been developed around the approach taken in the third option.

The Investment Policy was provided to Council at the meeting conducted 29 June 2011. At this meeting Council decided to withdraw the policy to enable the policy to be discussed further at a Council workshop.

As a result of the workshop the Investment Policy has been altered to provide for a more conservative approach to the investment of Council's funds. The alterations include:

- Within the delegations of authority, ensuring that the approval to investment must be obtained from a minimum of two (2) authorised officers
- Limiting the approved investments to Australian owned banking institutions and Australian Bonds
- Strengthening the investment limits by excluding the option of being able to invest in Building Societies and Credit Unions.

**Proposal**

Council has developed an investment policy with the purpose of ensuring that:

- Council funds are preserved
- Council maximises the return on surplus funds, taking into consideration the level of risk
- Council funds are invested in accordance with its legislative and common law responsibilities.

The attached Investment Policy clearly sets out:

- Acceptable investments
- The limits of investments
- How investments are assessed
- The reporting requirements
- Performance benchmarks.

The Investment Policy provides a balanced approach to risk and return on investment. The policy is designed to be a conservative approach to managing Council funds, particularly given that we are ultimately custodians of the community's asset.

The policy additionally provides a clear requirement to report on the performance of Council's investments and the development of a "Register of Investments" which will enhance the transparency of Council's investment activities.

**Financial and Other Resource Implications**

Implementation of this policy will further improve the management of Council investments by making clear the management of risk and Council objectives. There are no additional financial or resource implications caused by the implementation of this policy.

**Risk Management & Compliance Issues**

Investment of Council funds is to be in accordance with Council's power of investment under *Local Government Act 1989* - section 143.

**143. Investments**

*A Council may invest any money—*

- (a) in Government securities of the Commonwealth;*
- (b) in securities guaranteed by the Government of Victoria;*
- (c) with an authorised deposit-taking institution;*
- (d) with any financial institution guaranteed by the Government of Victoria;*
- (e) on deposit with an eligible money market dealer within the meaning of the Corporations Act;*
- (f) in any other manner approved by the Minister after consultation with the Treasurer either generally or specifically, to be an authorised manner of investment for the purposes of this section.*

The management of risk has also been addressed in the Investment Policy by:

- Ensuring adequate separation of duties
- Limiting the range of investment options
- Utilising the Standard and Poors Credit Ratings
- Increased reporting requirements.

**Environmental and Climate Change Considerations**

There are no environmental or climate change considerations related to this report or any action from the report.

**Community Engagement**

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

The policy has been formed through discussions with Council, staff, other councils and research of policies of other councils in Victoria and other states.

As the policy is an internal policy it is not recommended to put the policy out for public consultation.

**Implementation**

The implementation of the Investment Policy, subject to Council approval, is scheduled to begin on 1 August 2011. With the policy in place, procedures can be formalised, data collection enabled and officers can commence utilising the provisions of this policy.

**Conclusion**

The proposed Investment Policy provides Council and officers with clear guidelines under which Council's funds can be managed and invested. The policy seeks to provide the maximum possible return, whilst limiting exposure to any possible losses. The policy additionally provides management and Council with a manner in which Council's investments can be monitored and benchmarked.

**Attachments**

1. Colac Otway Shire Investment Policy No. 16.3

**Recommendation(s)**

***That Council adopts the "Investment Policy No. 16.3".***

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INVESTMENT POLICY

Policy No: 16.3

Date Adopted:

File No:

Revised:

1. INTRODUCTION

1.1 Objectives

The purpose of this policy is to ensure that:

- Council funds are preserved;
- Council maximises the return on surplus funds, taking into consideration the level of risk; and
- Council funds are invested in accordance with its legislative and common law responsibilities.

1.2 Legislative Power

Investment of Council funds is to be in accordance with Council's power of investment under Local Government Act 1989 - Section 143.

1.3 Prudent Person of Business

All investments are to be made exercising care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons. When acting under the provisions of this policy Council staff should always maintain a professional balance of risk and return and act as a steward of Council funds.

1.4 Delegation of Authority

The Chief Executive Officer, the General Manager Corporate & Community Services, the Manager Finance and Customer Service and the Financial Operations Coordinator have the delegated authority to invest surplus funds.

Authority to undertake any investment must be obtained from a minimum of two (2) authorised officers.

2. POLICY

2.1 Approved Investments

Without approval from Council, investments are limited to:

- Interest bearing deposits with Australian owned banking institutions; and
- Government Bonds issued by the Commonwealth of Australia or an Australian State

Subject to the following exposure limits:

2.2 Investment Limits

Investments shall not be made in shares, Building Societies, Credit Unions, Managed Funds investing in equities, futures markets, property or shares.

| S&P Rating | | Maximum percentage of total funds held in a single institution [#] | Maximum term to maturity |
|------------|------------|---|--------------------------|
| Long Term | Short Term | | |
| AAA to AA- | A-1+ | 75% | 12 Months |
| A+ to A- | A-1 | 40% | 12 Months |

[#]With the exception of the council's primary transactional account holding institution (As per tender).

Higher rated institutions represent a lower risk level. As such, if at any point during an investment the institution's credit rating is downgraded below the acceptable level, funds should be divested as soon as practicable.

2.3 Calculation of Maximum Holding (Refer table above)

The Maximum Holding is the amount of the investment, plus any other investments of the same type, at the time of making the investment, as a percentage of the current total of council investments, or the anticipated total of investments in 5 working days time.

2.4 Long Term Investments

Investments fixed for a period greater than 12 months are to be approved by Council.

2.5 Long Service Leave Investments

Any Long Service Leave investment must be clearly identified by the financial institution as a separate investment titled "Long Service Leave".

2.6 Money to be Invested

The bank account balance of Council is to be kept at a level no greater than is required to meet Councils immediate working capital requirements, with any surplus funds being applied to either reduce debt or invest.

2.7 Quotations on Investments

No less than three quotations are to be obtained from authorised institutions whenever an investment is proposed. After taking into account all relevant factors, including the exposure limits set above, the quote which delivers the best value to Council shall be successful.

2.8 Valuation and Measurement

All reports are to account for investments in accordance with the provisions of Accounting Standard AAS33 Presentation and Disclosure of Financial Instruments.

Annual averages are to be calculated by using the weighted average of end of month balances.

2.9 Reports

A table will be included in the Quarterly Management Report for Council, which summarises the investment portfolio and compares year to date performance with budget and performance benchmark.

Each year a report will be prepared which summarises the performance of the investment portfolio.

2.10 Register of Investments

A register of investments will be maintained together with an investment file containing all letters of advice from financial institutions.

For audit purposes, certificates must be obtained from the banks/fund managers confirming the amounts of investment held on Council's behalf at 30th June each year.

2.12 Performance Benchmarks

| Investment | Performance Benchmark |
|--------------------------------|--|
| Overall Portfolio | Average Return will aim to equal or exceed the Reserve Bank cash rate plus 0.5% over the year. |
| Cash/Direct Investments | Average 90-day Bank Bill Index |

3. COMPLIANCE

The Financial Operations Coordinator is responsible for ensuring the requirements of this policy are met.

Any breaches of this policy will be reported to the audit committee.

4. RELATED LEGISLATION

- *Local Government Act 1989* – Section 143.

5. IMPLEMENTATION AND REVIEW

This policy will be implemented by Council and is subject to review every three years.

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM112707-9 REPLACEMENT OF DREDGING VESSEL AT PORT OF APOLLO BAY</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives this report for information.</i></p> | | |
| <p><u>OM112707-10 CRESSY SHELFORD ROAD UPDATE</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the actions completed to date in relation to the Memorandum of Understanding with the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC - formally the Department of Environment Water, Heritage and the Arts - DEWHA) and the DSE which secured Councils commitment to implementing the 'Cressy-Shelford Road Proposal, March 2009'.</i></p> | | |
| <p><u>OM112707-11 ADVERSE POSSESSION CLAIM - 2 CHAPEL STREET, COLAC</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolves to:</i></p> <ol style="list-style-type: none"> <i>1. Write to the proponent with respect to the adverse possession claim and advise that Council will not be supporting their claim.</i> <i>2. Provide written advice to the applicant indicating that it has no records indicating that the parcel has been proclaimed a public highway previously nor is it able confirm that the carriageway easement has or has not been used in the past thirty (30) years.</i> | | |

| | | |
|---|--|--|
| <p>3. Inform the applicant that there is an existing drainage easement in favour of Council over the subject land and that ongoing access to the drainage easement is required on a long term basis and would not support the removal of this easement subject to section 60 of the Transfer of Land Act 1958.</p> | | |
| <p><u>OM112707-12 RAE STREET PARKING PETITION</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p>That Council:</p> <p>1. Supports the petition by;</p> <p style="padding-left: 40px;">a. changing the eight (8) parking bays on the north side of Rae Street abutting the corner of Gellibrand Street and Rae Street from all day parking to three (3) hour parking.</p> <p style="padding-left: 40px;">b. changing the eight (8) parking bays on the south side of Rae Street abutting the corner of Gellibrand Street and Rae Street from three (3) hour to all day parking.</p> <p>2. Informs the coordinator of the petition of the Council resolution.</p> <p>3. Updates the Council's Parking Strategy to reflect changes to the parking conditions on Rae Street, Colac.</p> | | |

Recommendation

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

MOVED

SECONDED

OM112707-9**REPLACEMENT OF DREDGING VESSEL AT PORT OF APOLLO BAY**

| | | | |
|-------------|---------------------------|-----------|---------------------------------|
| AUTHOR: | Ranjani Jha | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN00233,
Quotation 2011/005 |

Purpose

The purpose of this report is to inform Council of the steps being undertaken for the replacement of the existing dredging vessel at the Port of Apollo Bay.

Declaration of Interests

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

Background

The Colac Otway Shire, acting in the capacity of the Committee of Management (COM) for the Port of Apollo Bay, has been working closely with the Department of Transport (DOT) for the replacement of the outdated dredging vessel "Gannet" and associated accessories for improving the dredging function at the harbour. Utilizing the Risk Mitigation Funds the COM appointed GHD in 2009 to undertake a "Sand Management and Dredging Options Study" for the harbour.

The following key aspects were taken into account in the "Sand Management and Dredging Options Study":

- Review of the sand studies previously undertaken for the Port of Apollo Bay.
- Consider the options of clearing the harbour groynes.
- Explore alternative dredging options suitable for the Port of Apollo Bay.
- Provide details of cost/benefits associated with alternative dredging options.
- Assessment of existing dredging vessel.
- Investigate the problem of sand migration through the breakwater cavities.
- Recommend a long term priority based capital works program.

An in depth investigation was carried out by GHD in consultation with Port staff and the dredge operators and a report was provided in October 2009 incorporating detailed analysis, study findings and recommendations.

Currently the dredging at the harbour relies on an old suction dredge "Gannet" which is positioned in the dredging area using four winches to stabilize its position in the wave/swell climate with a four point mooring system consisting of nylon ropes on a double set of anchors and a pile.

An inspection of Gannet's structure had revealed that its hull has been badly corroded to the extent that it was double plated around 1980. Several parts of the hull have been triple plated to an extent that the seaworthiness of the barge cannot be guaranteed and the use is very limited. GHD have indicated the following health & safety concerns with the continued operation of the current dredging vessel:

- The hull structure is badly corroded
- The railing works around the dredge is insufficient
- The suction inlet through the hull is not fitted with a suction valve
- Lack of adequate fire fighting system in the engine room
- The use of winches is labour intensive
- Lack of adequate lighting in the engine and pump room compartment.

It has also been determined that the auxiliary vessel currently being used is a 35 HP aluminium vessel which is not suitable to be pulling Gannet in all weather conditions.

In addition a number of alternative sand removal options were considered by the consultants as listed below:

1. Use of sand traps comprising re-establishing of the groynes
2. Use of fixed systems such as sand shifters and injection system
3. Use of mobile systems such as suction dredge, gutter suction dredge, trailer suction harbour dredge, backhoe dredge with barges, grab dredge, water injection system, submerged dredge unit, crawler dredge, mobile sand pumps etc.

Other options such as refurbishment of the existing dredge and sharing of dredging functions with other ports were also considered.

After the careful assessment of each option, GHD and Council concluded that the replacement of the existing dredge with a new suction dredge and associated accessories is the best option. The final GHD report dated October 2009 was forwarded to DOT for information and consideration for replacement. Due to this being a significant project it can only be undertaken with funding assistance from the State Government.

Further discussions were held between the Council officers and DOT on how to progress this project further. It was agreed that the project should be undertaken in two stages.

- Stage 1 - Concept design, specification and tender documents which can be used for inviting "Design and Construct" tenders for the procurement of a dredging vessel.
- Stage 2 - Tendering for construction on the new dredge.
- The final budget would be determined after tenders closed and indicative project estimates were referred to the long term Capital Works program in the harbour for funding.

Quotations were sought from competent marine engineers for the preparation of a concept design, specification and tender document. Five quotations were received and reviewed in conjunction with the Local Ports Division of DoT. The quotations were evaluated in accordance with Council's tenders and contracts evaluation policy and further interviews were held with the two lowest quotations to clarify certain aspects associated with the submission such as:

- Methodology for concept design and specification development including stakeholder consultation
- Timeframes for project completion
- Key personnel involved in the undertaking of the specified works
- Details of the project manager and supervisor
- OH&S and Risk Assessment criteria and standards
- Professional indemnity requirements up to \$5M
- Provision of cost estimates.

Clarifications were provided by the two shortlisted consultants and a contract was awarded to ASO Marine Consultants Pty Ltd for an amount of \$43,320 (excluding GST) as the lowest and the best submission. The company has undertaken similar works in the past and is capable of developing a good concept design, specification and tender document as required by Council and DoT.

On 14 July 2011, a joint official announcement was made by the Minister for Ports the Hon. Dr Denis Naphthine, MP and the Minister for Roads Mr Terry Mulder, MP that funding of \$1.4M would be provided to replace the dredge.

Council Plan / Other Strategies / Policy Physical Infrastructure and Assets

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

The Council Plan 2009/2013 indicates that Council has an ongoing commitment for the management and operations of the Port of Apollo Bay via:

- Strategy – Ensure infrastructure development, renewal and maintenance plans address current and forecast community needs
- Action – Plan and implement infrastructure projects that transform townships and promote economic development and community strengthening.

Issues / Options

Council has the following options available for the ongoing dredging at the Port of Apollo Bay:

1. Continue with current dredge "Gannet" – as has been highlighted in the GHD report, the Gannet is in poor condition, corroded and doesn't fulfil a number of OH&S criteria and therefore its continued use is not recommended.
2. Refurbishment of Gannet – As has been revealed from the detailed investigation the hull of Gannet is badly corroded and it has already been double plated, in some locations triple plated, and any further refurbishment is not considered a good solution. The cost benefit analysis reveals that the refurbishment of Gannet may be less cost effective when compared to its replacement with a new suction dredge.
3. Do not undertake any dredging– This option is not a practical solution as Council has signed a management agreement for continued operation of the Port of Apollo Bay in the best interest of the Community and Harbour users.
4. Alternative options of dredging – As has been highlighted in the background section of this report, a number of alternatives to dredging have been considered however after closely examining the practicality of each option it has been concluded that the replacement of Gannet with a new suction dredge is the best solution.
5. Use funding provided to replace the dredge.

Proposal

It is proposed that the dredge replacement continue and be formalised through a tender process now that the Minister has provided funding.

The replacement of dredge at the Port of Apollo Bay would involve the steps as listed below:

1. Stage 1- Preparation of concept design, specification and tender document.
2. Stage 2 - Inviting Design and Construct tenders.

Financial and Other Resource Implications

The preparation of specification and tender document will not impact on Council's budget as this will be paid under the Apollo Bay Harbour budget funded by DoT. It has been advised

that the surplus monies from the past financial years (saved as reserve funds) can be used for undertaking of this work supported with any additional Government funding.

The funding announced by the Minister for Ports will provide a commitment to the construction of the dredge. Any additional funding if required will be managed through Council and the Department of Transport as part of the longer term Capital Planning for the Port.

Risk Management & Compliance Issues

In preparing the Sand Management and Dredging Options study GHD have undertaken a detailed risk assessment focusing on hazard identification, risk assessment matrix, identification of low medium and high risk items and these outcomes were taken into account in the production of the final recommendation.

Environmental and Climate Change Considerations

Consideration has been given to environmental impacts such as sensitive biological communities, flora, fauna and water quality aspects in evaluating different options for the long term dredging alternatives. The Environmental Management Guidelines for dredging published by Victoria's Environmental Protection Authority (EPA 2001) has been taken into account in preparation of GHD October 2009 report. The construction of a dredge will need to conform to this standard.

Community Engagement

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

The engagement method used will be to consult. In all stages of development of the Concept Plan, Specification and Tender document the consultants will work closely with the Council officers, the DoT and the dredge operators in order to ensure that the new dredge will fulfil the requirements of the harbour in the best possible manner. It is anticipated that the community engagement will be limited in developing the engineering specifications of the dredge; however the users of the harbour and the general community will be advised of the initiatives of the dredge replacement by regular media articles and Apollo Bay newsheet.

Implementation

ASO Marine Pty Ltd have submitted a methodology with their submission indicating that Stage 1 of the project will be completed in approximately 2 months after commencement. Tenders can then be advertised for Stage 2 being the design and construct. The total project will most likely take in excess of 2 years to complete. ASO Marine Pty Ltd has been appointed and is in the process of developing Stage 1.

Conclusion

The suction dredge currently under operation, named Gannet, requires to be replaced on an urgent basis considering its old age, deterioration and deficiencies associated with the OH&S and Risk Management issues.

Currently Council is dealing with the development of Stage 1, the concept design and specification for the new dredge. Quotations were sought from competent consultants for undertaking this task. The actual procurement of a dredging vessel will not impact on Council's budget as the project will be fully funded by DoT or other government agencies under relevant funding programs.

The recent funding announcement by the Minister of Ports means that this project can continue and a dredge will be provided to the Port of Apollo Bay to replace the aging "Gannet".

Attachments

Nil

Recommendation(s)

That Council receives this report for information.

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**OM112707-10****CRESSY SHELFORD ROAD UPDATE**

|             |                           |           |                                      |
|-------------|---------------------------|-----------|--------------------------------------|
| AUTHOR:     | Travis Riches             | ENDORSED: | Neil Allen                           |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | CRESSY SHELFORD ROAD, CRESSY - ROADS |

**Purpose**

To provide Council with an update of the actions undertaken to date in relation to the Cressy-Shelford Road Agreements with the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC - formally the Department of Environment Water, Heritage and the Arts - DEWHA) and the Department of Sustainability and Environment (DSE).

**Declaration of Interests**

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

**Background**

Council engaged a road construction contractor to undertake roadworks along the Cressy-Shelford Road in April 2008.

The works method employed by Council's contractor, during the roadwork activity, resulted in the removal and damage of a significant amount of an endangered vegetation community.

An on-site meeting on 7 May 2008 revealed that the vegetation damaged or removed was significant and due to the presence of rare species known to be on-site that it constituted a possible breach of three pieces of legislation:

- *The Federal Environment Protection and Biodiversity Conservation Act (EPBC Act) (1999)*
- *The State Environment and Planning Act (1987)*
- *The State Flora and Fauna Guarantee Act (FFG Act) (1988).*

On 9 October 2009 Council signed a Memorandum of Understanding (MoU) with the DSE which secured Council's commitment to implementing the 'Cressy-Shelford Road Proposal March 2009'. On 13 October 2009 Council signed a similar document, an Enforceable Undertaking (EU), with DEWHA which listed the actions Council is required to undertake to facilitate the rehabilitation of the area and to implement systems and process improvements. These documents are referred to as the 'Agreements' in this report.

**Council Plan / Other Strategies / Policy****Environmental Management**

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

This report is consistent with the Council Plan under 'Environmental Management' with the strategy to protect and enhance the environment entrusted to us.

### **Issues / Options**

This report has adopted the actions headings identified in the Agreements. To oversee the implementation of these actions, Council formed the Cressy-Shelford Road Steering Committee (the committee). The committee is made up of representatives from Council, the DSE and the Corangamite Catchment Management Authority (CCMA).

#### Rehabilitation

This action relates to the rehabilitation of the affected areas along the Cressy-Shelford Road. The core action under this section is the development and implementation of a Rehabilitation and Management Plan.

Biosis Research was the successful environmental consultant engaged to develop the plan.

The purpose of the plan is to direct actions for the enhancement of the native grasslands located along the Cressy-Shelford Road reserve and the restoration of areas impacted by road works. The management plan addresses the roadside reserve as a whole and provides details of appropriate works methods for Council to employ when undertaking various activities (e.g. weed control, drainage maintenance etc).

To develop the plan, Council undertook a robust consultation process with identified key stakeholders via a professionally facilitated workshop. The key stakeholders included adjoining land owners, local Country Fire Authority, landcare groups and Council officers from both Colac Otway Shire and Golden Plains Shire. The feedback received through this process was invaluable and enabled the further development of a comprehensive management plan.

As requested from the workshop, key stakeholders received a copy of the draft plan for their final review. Written comments were received with some further improvements to the plan made.

The committee endorsed the third draft of the plan to be forwarded to Council's Executive Team for consideration. In line with the agreed development steps, the plan has received endorsement from the Executive Team and forwarded to the DSE for approval. Council is now waiting for a response from the DSE.

#### Internal Processes and Initiatives

This action refers to a range of programs and process developments to improve project management systems and Council staff awareness of biodiversity assets. In line with the Agreements, this section is discussed under the following headings:

- Internal Process Improvement
- Internal Training and Awareness Raising
- Roadside Mapping and Planning.

#### Internal Process Improvement

The key outcomes from this section include the implementation of the Environmental Assessment and Protection Policy and Procedure, as well as improved tools to access biodiversity information. Although this action is considered to be complete, in terms of the Agreements, Council is still continuing to review its processes and implement improvements where necessary.

### Internal Training and Awareness Raising

A series of biodiversity conservation training sessions have recently been completed. The aim of the sessions were to raise the awareness of biodiversity assets within the Shire, and provide details of how and why they are protected.

The three sessions completed included:

- A two hour session for the Councillors, CEO and General Managers
- A two hour session for Managers and Coordinators
- A full day session for key Infrastructure and Planning Staff.

Feedback from participants revealed that the sessions are more effective when an onsite visit component is incorporated. In line with the project task brief, Ecology Partners have compiled a report of the feedback received from the training, which showed participants considered the training to be informative and useful.

Similar biodiversity training is being planned for Council's CosWorks Unit and is expected to be completed by October 2011.

### Roadside Mapping and Planning

Mapping of biodiversity along Council managed roads has been completed and more detailed assessments of the threats such as invasive weeds are now being undertaken. The database used to store and analyse this information has also been enhanced to enable the information to be easily accessed as required.

The review and development of Council's Road Environmental Management Plan (CREMP) is being managed by the Environment and Community Safety Unit. The CREMP is being developed using the existing Roadside Vegetation Management Plan 2002 as a basis. It was hoped that the draft plan would be completed by May 2011, with the view of having a final draft to the Executive Team for approval in June 2011. More work was required than was anticipated to develop a first draft so these timelines have been extended. The draft will now be finalised by August 2011. The draft will be sent to key stakeholders within Council for comment before a final draft is sent to Executive for approval by the end of September 2011.

The inclusion of biodiversity mapping into Council's Planning Scheme is being managed by the Strategic Planning Section. The current timetable for the Biodiversity mapping project aims to have the completed documents ready for submission to the Department of Planning and Community Development before the end of 2011. Following authorisation, the next step will be to formally exhibit the amendment, assess submissions, report back to Council, request and appoint a panel and finally seek adoption by the Minister. It is anticipated that the completion date will be mid 2012.

### External Awareness Raising Initiatives

This action relates to initiatives that aim to provide increased protection for native grassland and associated threatened species, by raising community's awareness of their presence and legislative protections.

The Cressy-Shelford Road Presentation (the presentation) is one of the programs that has been undertaken to meet the aim of this action. The presentation, delivered by Council officers, covers the incident and associated impact of the works that took place along the Cressy-Shelford Road. Specific attention is drawn to the complex requirements of Victorian and Commonwealth environmental legislation and the vulnerabilities of local government. This presentation also details the recovery of the damaged sites and the robust project

management systems that have been developed by Council. At this point in time, Council has delivered this presentation to the following organisations:

- Municipal Workers Association
- Environment Institute of Australia and New Zealand
- Southern Grampians Shire Council
- City of Ballarat
- Shire of Hepburn
- Moorabool Shire Council
- Pyrenees Shire Council
- VicRoads.

Feedback from these sessions has been very positive, with the organisations expressing their appreciation of Council time. Many participants have requested a copy of Council's project management policies to assist them in the development of their own internal systems.

To engage with the broader community, Council is embarking upon a roadside signage program to raise the awareness of threatened species throughout the Shire. The completion of this project will see the installation of at least eight (8) signs which will display the image of a local threatened species, along with its name and conservation status. Council recently engaged a graphic design consultant to assist with the development of the signs. This project is expected to be completed in October 2011.

### **Proposal**

Council will continue to implement the actions as listed in the Agreements with SEWPaC and DSE.

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

Council has allocated funds to support the completion of the identified actions.

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

As highlighted, Council has entered into agreements with each of these Government Departments and is required to complete the actions listed.

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

The implementation of the agreed actions will work towards protecting and promoting the environmental assets of the Shire.

### **Community Engagement**

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

The method selected would be consult, for the action relating to the external awareness raising. Consultation will include discussion with the community regarding the location of signage, and different ways to raise the community's awareness of biodiversity.

### **Implementation**

Council's Infrastructure Environment officer will continue to implement the actions listed in the Agreements.

**Conclusion**

At this point in time Council has successfully implemented a range of actions required of the Agreements that will work towards protecting the environmental assets of the Shire, through improving people's understanding of biodiversity values and ensuring these are protected during the delivery of Council's works programs.

**Attachments**

Nil

**Recommendation(s)**

***That Council notes the actions completed to date in relation to the Memorandum of Understanding with the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC - formally the Department of Environment Water, Heritage and the Arts - DEWHA) and the DSE which secured Councils commitment to implementing the 'Cressy-Shelford Road Proposal, March 2009'.***

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**OM112707-11 ADVERSE POSSESSION CLAIM - 2 CHAPEL STREET,
COLAC**

| | | | |
|-------------|---------------------------|-----------|---------------------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | 2 Chapel Street,
Colac |

Purpose

The purpose of this report is to seek Council resolution with respect to a proposed adverse possession claim affecting a parcel of land abutting the property presently addressed as 2 Chapel Street, Colac (Lot 1 TP250412).

Declaration of Interests

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

Background

Council has been approached by solicitors acting on behalf of the owners of 2 Chapel Street seeking Council support for lodgement of an Application for Adverse Possession over a parcel of land which abuts the property at its eastern boundary (refer attached locality plan) and for the extinguishment of the carriageway easement over same. The land subject to adverse possession is described as Lot 1 TP930231F and is encumbered by a carriageway easement in favour of 2 Polwarth Street (Lot 1 TP235727) and a drainage easement in favour of Council.

The boundary between each of the parcels is unfenced and the owner of 2 Chapel Street was of the understanding that Lot 1 TP930231F was part of their property and was not a parcel under separate ownership.

In addition the solicitor, on behalf of the owner of 2 Chapel Street, is seeking confirmation that the land in question is not regarded as a public highway and that there is no evidence of use over the last 30 years.

Under section 62 of the *Transfer of Land Act 1958* (the 'Act'), the Registrar of Titles may grant an application and make an order vesting land under the operation of the Act in an applicant who makes application under section 60 of the Act, if satisfied that the applicant has acquired title by possession.

The following requirements which must be proven in an application for adverse possession claim to the Titles Office:

- The applicant is presently in exclusive possession; and
- The applicant, either alone or together with other persons through whom the applicant claims, has been in exclusive possession continuously for at least fifteen (15) years.

If the application is made for the grant of an unencumbered title, the applicant must also prove that any encumbrances existing over the interest of the dispossessed registered proprietor have been determined or extinguished by the applicant's possession.

Where the encumbrance is an easement (e.g. rights of carriageway, drainage, etc.) proof of non-use for at least thirty (30) years is required to constitute sufficient evidence of abandonment to allow removal of any encumbrances.

The term 'possession' means a visible and effectual control by a person who intends to act as owner. This can be demonstrated by an applicant who occupies or uses the land with the intention of acting as the owner.

The applicant may also demonstrate possession by exercising ownership rights in other ways, such as receiving rents and profits from tenants or licensees or by allowing others to occupy or use the land. 'Possession' does not mean, and should be distinguished from, 'occupation'.

Council Plan / Other Strategies / Policy

Physical Infrastructure and Assets

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

Issues / Options

This is a significant drainage easement for Council and as such, Council should have the ability to have ongoing unrestricted access to the drainage line.

The land covered by the right of carriageway has been rated as part of 2 Chapel Street on the basis that successive owners of the property have occupied the land in question. It is understood that the owner is preparing to subdivide the property addressed as 2 Chapel Street based on the assumption that the adverse possession claim will be successful with all encumbrances being removed from title.

A search of Council records to date indicates that a planning permit application was lodged on 14 June 2011 for a two (2) lot subdivision of the site. The Plan of Subdivision lodged does not indicate either the carriageway or drainage easements. It is imperative that Council's interests and rights to drain over this land are protected on a Plan of Subdivision.

There is no evidence to suggest that the land described as Lot 1 TP930231F has been proclaimed a public highway nor is it considered to be a public road pursuant to the provisions of the *Road Management Act 2004*. That being the case, Council is unable to dismiss the adverse possession claim.

If Council wishes to preserve access rights over the land it may be able to exercise its powers under the *Local Government Act 1989* (the 'Act'). In doing so, the following options could be considered to preserve this parcel of land as an access point to 2 Polwarth Street (Lot 1 TP235727):

1. Seek to declare the parcel (Lot 1 TP930231F) to be a public highway in accordance with section 204(1) of the Act which would have the effect of vesting the land in Council's name. The exercise of this power is subject to compliance with section 223 of the Act.
2. Pass a resolution of Council pursuant to section 204(2) of the Act that the parcel of land is a road reasonably required for public traffic which must be kept open for public use. The exercise of this power also requires compliance with section 223 and has the effect of vesting the road in Council.

The power to declare a road to be a public highway pursuant to section 204(1) of the Act is unable to be exercised solely for the purpose of defeating an adverse possession claim. Council must have a genuine reason for seeking to declare the parcel subject to adverse

possession a public highway related to ensuring continued public use and access. Given the limited community benefit this may be difficult to substantiate as the parcel only provides a secondary point of access to 2 Polwarth Street.

Similarly, in relation to the exercise of section 204(2) of the Act, again, the power to declare that a road reasonably required for public use must be kept open for public use, cannot be exercised for the sole purpose of vesting the road in Council and thereby seeking to defeat an adverse possession claim.

Compliance with section 223 of the Act requires Council to demonstrate procedural fairness, including allowing lodgement of submissions and properly considering all submissions made and taking such submissions into account in Council's decision making.

However, if the land is to be issued free from encumbrance, then evidence of thirty (30) years of non use needs to be supplied with the adverse possession claim. With respect to the carriageway easement, Council has no information to provide advice in relation to historical access patterns over the subject land, however, it would be reasonable to argue that Council has in the past thirty (30) years accessed this land for the purposes of maintaining its drainage assets.

The drainage easement over the parcel of land subject to adverse possession forms an important part of Council's overall underground drainage network. Underground stormwater assets exist within the easement which drains the localised catchment area demonstrating long term use of the easement. As this is the case, should the adverse possession claim be successful, then a new title for the land would be issued fully encumbered for drainage.

Proposal

Considering all of the options available it is proposed that Council:

- Provide no support to the adverse possession claim.
- Provide written advice to the applicant advising that it has no records indicating that the parcel has been proclaimed a public highway previously, and is not able to confirm or otherwise that the carriageway easement has or has not been used in the past thirty (30) years. The advice to include a statement to the effect that, it would be reasonable to argue that Council has in the past 30 years accessed and maintained this drain.
- Inform the applicant that there is an existing drainage easement in favour of Council over the subject land and the drainage easement is to be retained on the basis that ongoing access to the drainage easement is required on a long term basis.

Financial and Other Resource Implications

There are no direct financial costs to Council. Some officer time has been dedicated to investigating and reporting this matter without significant impact to other functional duties.

Risk Management & Compliance Issues

There are no risk or compliance issues associated with the proposed course of action.

Environmental and Climate Change Considerations

There are no environmental considerations relevant to this matter.

Community Engagement

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

The method selected would be *inform* and include the provision of written advice to the parties involved in the adverse possession claim of Council's position.

This issue has been reported to Council's Executive Management Team who resolved to refer this matter for Council for further resolution.

Implementation

Written advice to the applicant will be provided immediately following resolution by Council.

Conclusion

While it would be difficult for Council to give good reason for using its statutory powers to obstruct the adverse possession claim, it is in its best interests to preserve its own rights over the land, specifically for drainage. Although Council's primary position would be to retain the carriageway easement, in the event that the adverse possession claim was successful, it would offer no objection to the process for removal of the carriageway easement should the registered proprietor of the dominant property provide explicit agreement via a signed statutory declaration that they have no further interests in it.

Providing that, it is important that Council does not directly support the removal of the carriageway easement in favour of 2 Polwarth Street (Lot 1 TP235727) and that its own rights to drainage over the land are maintained.

Attachments

1. Land Dealing Report to Executive Management Team
2. Plan of Site (Locality Plan)

Recommendation(s)

That Council resolves to:

- 1. Write to the proponent with respect to the adverse possession claim and advise that Council will not be supporting their claim.***
- 2. Provide written advice to the applicant indicating that it has no records indicating that the parcel has been proclaimed a public highway previously nor is it able confirm that the carriageway easement has or has not been used in the past thirty (30) years.***
- 3. Inform the applicant that there is an existing drainage easement in favour of Council over the subject land and that ongoing access to the drainage easement is required on a long term basis and would not support the removal of this easement subject to section 60 of the Transfer of Land Act 1958.***

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# Memo

**To:** Rob Small – Chief Executive Officer, Colin Hayman – General Manager Corporate & Community Services, Jack Green - General Manager Sustainable Planning & Building, Neil Allen – General Manager Infrastructure & Services

**From:** Adam Lehmann – Manager Sustainable Assets

**CC:** Paul Carmichael – Property & Rates Coordinator

**Date:** 8 June, 2011

**Subject:** Adverse Possession Claim – 2 Chapel Street, Colac

**Our Ref:** 2 Chapel Street, Colac

Council has been approached by solicitors acting on behalf of the owners of 2 Chapel Street seeking Council support for lodgement of an Application for Adverse Possession over a parcel of land which abuts the property at its eastern boundary (refer attached locality plan).

In accordance with directions received from the Executive Management Team, this land matter is presented for further consideration.

The attached assessment of the application identifies this parcel of land having strategic importance for Council in the ongoing provision stormwater management for surrounding properties.

It is recommended that the Executive Management Team resolve to refer this matter to Council recommending that support not be given to the proponent's adverse possession claim on the basis that there is an ongoing strategic need identified with respect to stormwater drainage and possible future access to abutting properties.

A handwritten signature in black ink, appearing to read 'Adam Lehmann', is written over a horizontal line.

Adam Lehmann  
Manager Sustainable Assets

Colac Otway Shire Council

Property Disposal Assessment

|                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                     |                 |
|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------|
| <b>Property Description</b><br><i>(Building and/or property name, e.g. Beech Forest Works Depot)</i> | Parcel of land abutting east boundary of 2 Chapel Street, Colac                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                     |                 |
| <b>Property Address</b>                                                                              | Street Number:<br>Street Name:<br>Suburb:<br>Locality:<br>Property Description (Lot on Plan of Subdivision, etc):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Not Applicable<br>Chapel Street<br>Colac                                            | Lot 1 TP930231F |
| <b>Site Area (Approx. sqm)</b>                                                                       | 70                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Tenure</b><br><i>(e.g. Crown land, freehold, leasehold/licence arrangements)</i> | Freehold        |
| <b>Background</b>                                                                                    | Council has been approached by solicitors acting on behalf of the owners of 2 Chapel Street seeking Council support for lodgement of an Application for Adverse Possession over a parcel of land which abuts the property at its eastern boundary (refer attached locality plan). The land subject to adverse possession is described as Lot 1 TP930231F and is encumbered by a carriage way easement in favour of 2 Polwarth Street (Lot 1 TP235727) and a drainage easement in favour of Council. The boundary between each of the parcels is unfenced and the owner of 2 Chapel Street was of the understanding that Lot 1 TP930231F was part of their property and was not a parcel under separate ownership. In addition to Council support for the adverse possession claim, the solicitor, on behalf of the owner of 2 Chapel Street, is seeking confirmation that the land in question is not regarded as a public highway and that there is no evidence of use over the last 30 years. |                                                                                     |                 |
| <b>Current Use</b><br><i>(e.g. Road, open space, Council operations, etc)</i>                        | Parcel presently occupied by registered proprietor of 2 Chapel Street (Lot 1 TP250412. Parcel is encumbered by a carriage way and drainage easement. Council has underground drainage assets located within the drainage easement within its favour.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                     |                 |
| <b>Current Status</b><br><i>(e.g. Vacant/underutilised/surplus, expected vacation date)</i>          | Land (Lot 1 TP930231F) held as freehold title by N.H Carr                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                     |                 |
| <b>Land Title Details</b><br><i>(Volume and Folio Identifier)</i>                                    | Vol. 4198 Fol. 438                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                     |                 |
| <b>Zoning</b>                                                                                        | Residential 1 Zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                     |                 |
| <b>Applicable Planning Overlays</b>                                                                  | Nil Planning Overlays                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                     |                 |

**Colac Otway Shire Council**

**Property Disposal Assessment**

|                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Heritage Status</b><br/><i>(Include details of heritage orders/listings (known or proposed))</i></p>                                                                                                     | <p>Nil heritage issues to consider</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Ecological Status</b><br/><i>(Include details of threatened/protected species and/or protected environment/habitat (known or proposed))</i></p>                                                          | <p>No conservation values of note.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Contaminated Soils/Buildings</b><br/><i>(Specify one (or more) of the following: none, unknown, remediated (brief details), contaminated (brief details of known and/or suspected contaminants);</i></p> | <p>Given the nature of the site and use history, it is considered that there are no specific site contamination issues.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Future Use of Site</b><br/><i>(Include consideration of possible future community/Council use, potential future use to adjacent properties.)</i></p>                                                     | <p>The drainage easement over the parcel of land subject to adverse possession forms an important part of Council's overall underground drainage network. Underground stormwater assets exist within the easement which drains the localised catchment area. There is an ongoing need for the retention of the parcel of land subject to possible adverse possession and all its encumbrances. The land is also subject to a carriageway easement in favour of 2 Polwarth Street. Extinguishment of this easement may affect future use of this property.</p> |
| <p><b>Council Commitments</b><br/><i>(Include details of any known Council comments/position regarding land status/future use.)</i></p>                                                                        | <p>No previous Council commitments to the future of this parcel of land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



**Colac Otway Shire Council**

**Property Disposal Assessment**

|                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |             |                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------|
| <p><b>Whole of Council Issues</b><br/>(Such as community interest, open space potential, adjoining uses, location to amenities, e.g. schools/transport.)</p>                                                                                                                                                      | <p>It is understood that the owner is preparing to subdivide the property addressed as 2 Chapel Street based on the assumption that the adverse possession claim will be successful with all encumbrances being removed from title. A search of Council records to date indicates that there is yet to be a planning permit application lodged for subdivision of this property. The land covered by the right of carriageway has been rated as part of 2 Chapel Street on the that successive owners of the property have occupied the land in question.</p> |             |                     |
| <p><b>Strategic Assessment</b><br/>(Select from dropdown boxes)<br/>Annual cost of maintenance<br/>Relationship to service requirements and relevant strategic drivers<br/>Level of community ownership<br/>Current utilisation rate<br/>Cultural, historical, or ecological significance<br/>Strategic Value</p> | <p>Low operational/maintenance costs to maintain<br/>High strategic importance<br/>Some importance to localised community<br/>Moderate use by Council and/or community<br/>Little to no value<br/><b>Strategic Property - Retain</b></p>                                                                                                                                                                                                                                                                                                                      |             |                     |
| <p><b>General Comments</b><br/>(Any other information not previously detailed)</p>                                                                                                                                                                                                                                | <p>Nil</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |             |                     |
| <p><b>Recommendation</b></p>                                                                                                                                                                                                                                                                                      | <p>It is recommended that the Executive Management Team resolve to refer this matter to Council recommending that support not be given to the proponent's adverse possession claim on the basis that there is an ongoing strategic need identified with respect to stormwater drainage and possible future access to abutting properties.</p>                                                                                                                                                                                                                 |             |                     |
| <p>Assessment Completed By</p>                                                                                                                                                                                                                                                                                    | <p>Adam Lehmann</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Date</p> | <p>07-June-2011</p> |



**Lawyers**

Stuart Hölbery  
David Casey  
Jeff Thornton  
Meagan Compton  
Beth McNaught

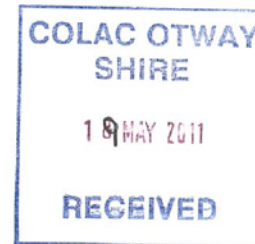


**Manager** 21  
Michael Mahony

Our Ref: SLH:BMG:257354-12

Your Ref:

**SLM Law**  
LAWYERS & ADVISORS



17 May 2011

Attn: Paul Carmichael  
Colac Otway Shire Council  
PO Box 283  
COLAC VIC 3250

**CANNED**

Dear Paul,

**Ppty: 2 Chapel Street, Colac  
Rate Assessment No. 816-7**

We refer to previous correspondence regarding this property and in particular a letter dated 2<sup>nd</sup> September 2010 regarding the extra three feet of land included as part of the rated property. We are now in the process of lodging an Application for Adverse Possession of that land by the new Purchaser and because of its status as an easement of way a letter is needed from the Shire confirming that the land is not regarded as a public highway and also your consent to the Application.

Rod Bright is proceeding with a Plan of Subdivision of the property based on the assumption that the roadway status will be removed and a copy of his letter to us dated 20<sup>th</sup> April 2011 less the enclosures is also enclosed.

Could you please on Council's letterhead confirm as to the two points that are mentioned, that there has been no evidence of use of the easement known to Council for thirty years and that you support a Section 60 Application which removes the carriageway status.

Yours faithfully,  
**SLM Law**  
per: Stuart Holbery

Enc.

SLH-257354-12-64-VI:BMG

SLM Lawyers Pty Ltd ABN 90 118 758 320  
Trading as SLM Law

**Colac-Head Office**

119 Murray Street,  
Colac, VIC 3250  
P 03 5231 9400  
F 03 5231 3616  
P.O. Box 3  
Colac 3250  
DX 25004

**Apollo Bay**

4/22 Pascoe Street,  
Apollo Bay, VIC 3233  
P 03 5237 6176  
F 03 5237 6176  
(by appointment)

**Camperdown**

134 Manifold Street,  
Camperdown, VIC 3260  
P 03 5593 1585  
F 03 5593 2405  
P.O. Box 209  
Camperdown 3260

**Cobden**

19B Curdie Street,  
Cobden, VIC 3266  
P 03 5595 1476  
F 03 5595 1957

[www.slmlaw.com.au](http://www.slmlaw.com.au) | [admin@slmlaw.com.au](mailto:admin@slmlaw.com.au)

Street, Colac - General Enquiry Response  
L257354-12  
Snaauw



2 September 2010

**URGENT**

SLM Law  
Att: Stuart Holbery  
PO Box 3  
COLAC VIC 3250

[admin@slmlaw.com.au](mailto:admin@slmlaw.com.au)

Dear Stuart,

**Address:** 2 Chapel Street, Colac  
**Planning Certificate:** 412  
**Rate Assessment No:** 816-7

I refer to your letter received by Council on 25 August 2010. Following consultation with Paul Carmichael, Property and Rates Co-ordinator, I can advise that:

- The property at 2 Chapel Street, Colac appears to have an area of approximately 993sqm if the right of carriageway (which has its own separate title) provided at the rear is included
- The area of the right of carriageway appears to be approximately 70sqm
- Rates records show the area rated for 2 Chapel Street as being 990sqm
- The land covered by the right of carriageway has been rated as part of 2 Chapel Street on the basis that the owners of the property have occupied the land in question
- The right of carriageway is referred to on the title for 2 Chapel Street, being Certificate of Title Volume 4278 folio 406
- It appears the land covered by the right of carriageway has been occupied by successive owners
- Council has been unaware that the land covered by the right of carriageway was on a separate title
- It may be the land covered by the right of carriageway is the balance of land left over from the original subdivision early in the last century.
- The current owners could try to acquire the land by adverse possession but would have to do so at their own cost. This is an action between the respective land owners that does not involve Council.
- Council's Rates Department would provide all information possible to support the adverse possession application

Colac Otway Shire  
PO Box 283  
Colac Victoria 3250  
[www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)  
[inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

Colac Service Centre  
2-6 Rae Street  
Colac Victoria 3250  
Ph: (03) 5232 9400  
Fax: (03) 5232 1046

Apollo Bay Service Centre  
69-71 Nelson Street  
Apollo Bay Victoria 3233  
Ph: (03) 5237 6504  
Fax: (03) 5237 6734



Page 2

Council makes no representation that property particulars it has recorded are absolutely correct and ultimately the onus is on the purchaser (or their representatives) to ensure all details related to the transaction are correct. Council therefore disputes the assertion the certificates are misleading and in fact the only recent certificate issued (a planning certificate) appears to have provided accurate zoning advice.

If the current or any future owner of the land at 2 Chapel Street was to seek removal of the carriageway easement, a planning application would need to be lodged with Council for consideration. Any such application would need to demonstrate that no other persons benefit from the easement (supported by title searches of all adjoining land and the easement) and that the easement has no other role in providing access.

If you have any queries in relation to this matter please contact me on (03) 5232 9447.

Yours faithfully

A handwritten signature in black ink, appearing to be "RS" or similar initials.

Roslyn Snaauw  
Statutory Planner

**ROD BRIGHT & ASSOCIATES PTY. LTD.**  
**LAND SURVEYORS & TOWN PLANNERS**  
A.C.N. 007 206 975 A.B.N. 50 007 206 975

26 Murray Street,  
Colac 3250  
P.O. Box 371

Tel. (03) 5231 4883  
Fax. (03) 5231 4883

20<sup>th</sup>. April 2011.  
REF: 10-57

Mr. S. L. Holbery,  
Sewells,  
Solicitors,  
119 Murray Street,  
**COLAC...VIC. 3250**

Dear Sir,

**RE: ADVERSE POSSESSION APPLICATION**  
**2 CHAPEL STREET, COLAC**  
**T.J. & L.E. HARRIS**

Herewith we hand you the following documents for lodging at the Land Titles Office in support of the above Application:

1. Three copies of our "Plan For Possessory Rights Application".
2. Three signed copies of our "Diagram For Section 60 Application T.L.A.".

Since the aerial photograph was not explicit as to boundary definition (fences), we have prepared the Diagram which shows on site measurements taken to define the position of fences in an "Identification Survey" manner. The age of fencing shown on the Diagram is really only our "Experienced Guess" and in particular, the age of the fencing on the east is difficult to gauge, especially being a galv. iron fence. It seems that at some stage in the past, this fence (on the east) may have been positioned further to the east by about 0.30 metres (note the overlap of the frontage fencing along Chapel Street).

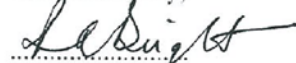
In regard to our facsimile to the Land Titles Office of the 8<sup>th</sup>. April 2011, Mr. Kevin Bond has advised that the Section 60 Application may be used to remove any easements, carriageway rights & road status affecting the "applied - for" land.

The two points he raised were:

1. Evidence of "easement/road non-usage of 30 years.
2. A letter from the Colac Otway Shire Council stating that the subject land is not regarded as a Public Highway.

We shall now proceed with the proposed subdivision of the property on the assumption that your Application will be successful and that Title will issue free from all encumbrances.

Yours faithfully,



R.A. Bright,  
ROD BRIGHT & ASSOCIATES

encl. copy: T.J. & L.E. Harris

**Incorporating the Colac Office of Meudell Gillespie & Co.**

24/08 2010 TUE 9:52 FAX

005/008

VIC LTO Property Certificate View

Page 1 of 2

## Legalco Online Information System

Information provided through Legalco Management Pty Ltd an approved LPI/MSW Information Broker.

### Register Search Statement

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 04278 FOLIO 406

Security no : 124034585070L  
Produced 28/07/2010 11:43 am

#### LAND DESCRIPTION

Lot 1 on Title Plan 250412R (formerly known as part of Portion 1 Township of  
Colac Parish of Colac).  
PARENT TITLE Volume 04198 Folio 438  
Created by instrument 916620 20/12/1919

#### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
DAVID CHARLES RAVAL  
AMANDA JANE RAVAL both of 5 BUCHANA ST BEECH FOREST 3237  
X075575E 04/10/2000

#### ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

#### DIAGRAM LOCATION

SEE TP250412R FOR FURTHER DETAILS AND BOUNDARIES

#### ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 2 CHAPEL STREET COLAC VIC 3250

DOCUMENT END  
[Register Search Statement] # 10727618 - 10727618114357 '1057'

SUPPLIED UNDER LICENCE BY ESPREON PROPERTY SERVICES PTY LTD.

<http://acsv.legalco.com.au/index.cgi?JDA9RT1odGxkaW1nZW5xJklEPWFjc3ZpYy...> 28/07/2010

24/08 2010 TUE 9:52 FAX

006/008

Land Victoria timestamp 28/07/2010 11:44 Page 1 of 1  
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| <b>TITLE PLAN</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>EDITION 1</b>                                                                                                | <b>TP 250412R</b>                                                                                                                                                                   |                             |  |                                                                                                                                                                             |  |                      |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------|--|
| <b>Location of Land</b><br>Parish: COLAC<br>Township: COLAC<br>Section:<br>Crown Allotment:<br>Crown Portion: 1 (PT)<br><br>Last Plan Reference:<br>Derived From: VOL 4278 FOL 406<br>Depth Limitation: NIL                                                                                                                                                                                                                                                         | <b>Notations</b><br><br><br><br><br>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN |                                                                                                                                                                                     |                             |  |                                                                                                                                                                             |  |                      |  |
| <b>Description of Land / Easement Information</b><br><p style="text-align: center;"><i>All that piece of Land, situated and bounded</i></p> <p style="text-align: center;"><i>and on the map in the margin being part of Crown Portion One Town and Parish of</i></p> <p style="text-align: center;"><i>Colac County of Colwarth together with a right of carriageway over the road</i></p> <p style="text-align: center;"><i>depicted thereon the said map</i></p> |                                                                                                                 | THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT<br>COMPILED: 23/11/2000<br>VERIFIED: SOC |                             |  |                                                                                                                                                                             |  |                      |  |
| <b>COLOUR CODE</b><br>R = RED<br>BR = BROWN                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                 |                                                                                                                                                                                     |                             |  |                                                                                                                                                                             |  |                      |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                 |                                                                                                                                                                                     |                             |  |                                                                                                                                                                             |  |                      |  |
| <table border="1" style="margin: auto;"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1952</td> </tr> <tr> <td colspan="2">PARCEL 1 = CP 1 (PT)</td> </tr> </table>                                                                                      |                                                                                                                 |                                                                                                                                                                                     | TABLE OF PARCEL IDENTIFIERS |  | WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1952 |  | PARCEL 1 = CP 1 (PT) |  |
| TABLE OF PARCEL IDENTIFIERS                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                 |                                                                                                                                                                                     |                             |  |                                                                                                                                                                             |  |                      |  |
| WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1952                                                                                                                                                                                                                                                                                         |                                                                                                                 |                                                                                                                                                                                     |                             |  |                                                                                                                                                                             |  |                      |  |
| PARCEL 1 = CP 1 (PT)                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                 |                                                                                                                                                                                     |                             |  |                                                                                                                                                                             |  |                      |  |
| LENGTHS ARE IN FEET & INCHES                                                                                                                                                                                                                                                                                                                                                                                                                                        | Metres = 0.3048 x Feet<br>Metres = 0.201168 x Links                                                             | Sheet 1 of 1 sheets                                                                                                                                                                 |                             |  |                                                                                                                                                                             |  |                      |  |



24/08 2010 TUE 9:52 FAX

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958**

VOLUME 04198 FOLIO 438

Security no : 124034619957Q

Produced 30/07/2010 02:42 pm

**LAND DESCRIPTION**

Lot 1 on Title Plan 930231F (formerly known as part of Portion 1 Township of Colac Parish of Colac).

PARENT TITLE Volume 04058 Folio 491

Created by instrument 0882256 28/03/1919.

**REGISTERED PROPRIETOR**

Estate Fee Simple

**TENANTS IN COMMON**

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

NORMAN HENRY CARR of COLAC

0882256 28/03/1919

As to 1 of a total of 2 equal undivided shares

Joint Proprietors

HELEN LAURA CARR

LEONARD CHARLES CARR both of APHRASIS STREET NEWTOWN GEELONG

NORMAN HENRY CARR of QUEEN STREET COLAC Legal Personal Representative(s) of

WILLIAM HENRY CARR deceased

3179249R 03/02/1931

**ENCUMBRANCES, CAVEATS AND NOTICES**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP930231F FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

DOCUMENT END

FEIGL & NEWELL  
Title Searchers  
GPO BOX 2343  
Melb 3001  
(DX 301)  
Ph. 9629 3011



Account: 13500 Order: 10738115

Title 4198438

Page 1 of 1

24/08 2010 TUE 9:52 FAX

008/008

| <b>TITLE PLAN</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                     | EDITION 1                                                                                                                                                                          | <b>TP 930231F</b> |                             |  |                                                                                                                                                                             |  |                   |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------|--|
| <b>LOCATION OF LAND</b><br>Parish: COLAC<br>Township: COLAC<br>Section: -<br>Crown Allotment: -<br>Crown Portion: 1 (PT)                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                     | Notations                                                                                                                                                                          |                   |                             |  |                                                                                                                                                                             |  |                   |  |
| Last Plan Reference:-<br>Derived From: VOL. 4198 FOL. 438<br>Depth Limitation: NIL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                     | ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN                                                                                                        |                   |                             |  |                                                                                                                                                                             |  |                   |  |
| Description of Land/Easement Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                     |                                                                                                                                                                                    |                   |                             |  |                                                                                                                                                                             |  |                   |  |
| <b>ENCUMBRANCES</b><br>AS TO THE WHOLE OF THE LAND<br>ANY EASEMENTS AFFECTING THE SAME                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                     | THIS PLAN HAS BEEN PREPARED BY<br>LAND REGISTRY, LAND VICTORIA FOR<br>TITLE DIAGRAM PURPOSES<br>COMPILED: Date: 21/11/2009<br>VERIFIED: A. DALLAS<br>Assistant Registrar of Titles |                   |                             |  |                                                                                                                                                                             |  |                   |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                     |                                                                                                                                                                                    |                   |                             |  |                                                                                                                                                                             |  |                   |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="text-align: center;">                     WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 6A of the Sale of Land Act 1992                 </td> </tr> <tr> <td colspan="2" style="text-align: center;">                     LOT 1 = CP 1 (PT)                 </td> </tr> </table> |                                                     |                                                                                                                                                                                    |                   | TABLE OF PARCEL IDENTIFIERS |  | WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 6A of the Sale of Land Act 1992 |  | LOT 1 = CP 1 (PT) |  |
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| LOT 1 = CP 1 (PT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                     |                                                                                                                                                                                    |                   |                             |  |                                                                                                                                                                             |  |                   |  |
| LENGTHS ARE IN METRES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Metres = 0.3048 x Feet<br>Metres = 0.201168 x Links | Sheet 1 of 1 Sheets                                                                                                                                                                |                   |                             |  |                                                                                                                                                                             |  |                   |  |

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868066

868066

THE COMMON SEAL of the President )  
Councillors and Ratepayers of the )  
Shire of Colac was hereunto )  
affixed in the presence of )



*John Hancock* President

*J.C. Dixon* Councillor

*Wanda Wilkinson* Secretary

ENCUMBRANCES REFERRED TO

The rights of persons claiming in accordance with an order of the Supreme Court dated the twenty fifth day of July One thousand nine hundred and two an office copy whereof is numbered 365646 in the Record Book at the Office of Titles Melbourne as amended by an order of the Supreme Court dated the thirtieth day of April One thousand nine hundred and seventeen and numbered 377839 in the said Record .



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868066

| NATURE OF INSTRUMENT          | TIME OF ITS PRODUCTION FOR REGISTRATION | TO WHOM GIVEN | NUMBER OR SERIES THEREON |
|-------------------------------|-----------------------------------------|---------------|--------------------------|
| Creation of October basement. | THE 16 <sup>th</sup> DAY OF 1918.       | 2<br>Colac.   | 868066                   |

MEMORIAL OF INSTRUMENT

WITNESSETH THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT THE OFFICE MENTIONED IN THE REGISTER BOOK VOL 4058 FOL 811491


Assistant Registrar of Titles

Date: 1918

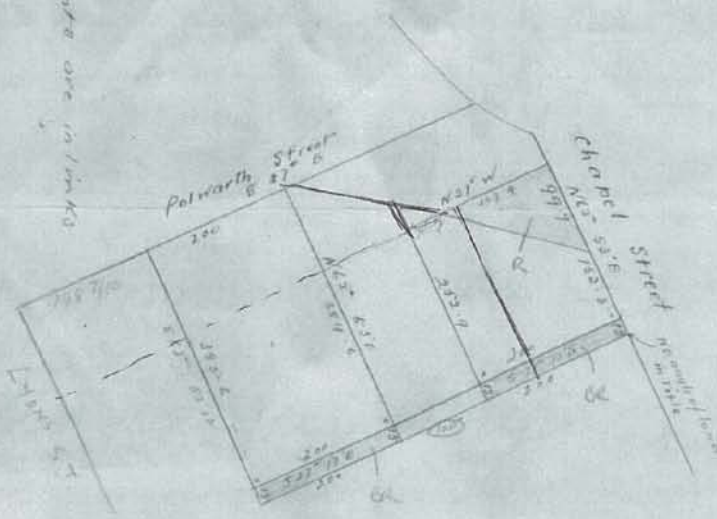
The Equity Trustees Executors and Agency Company Limited  
to  
The President Councillors and Ratepayers of the Shire of Colac

CREATION OF EASEMENT

T. W. Hancock  
Solicitor  
Colac

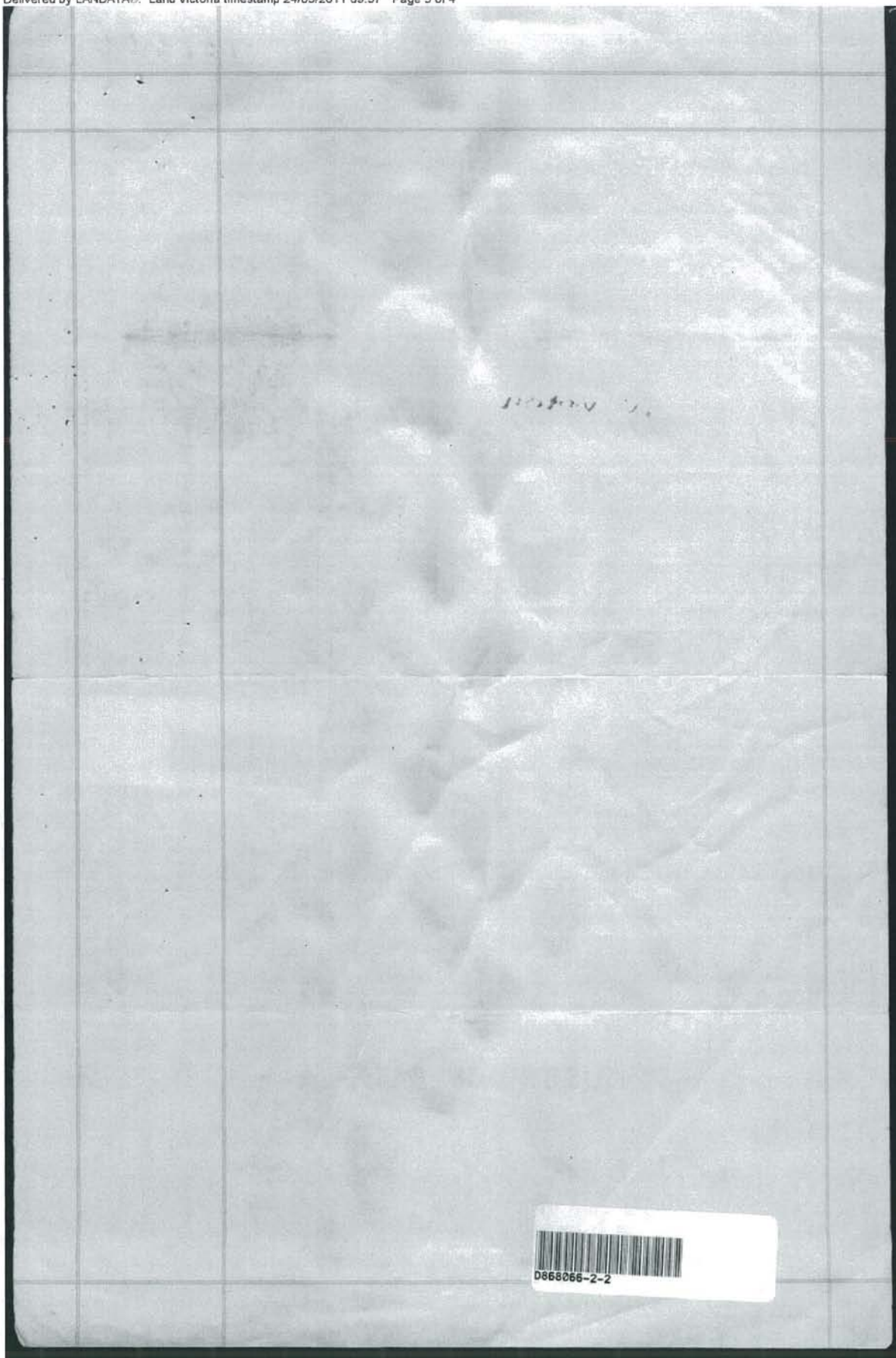


0868066-2-2



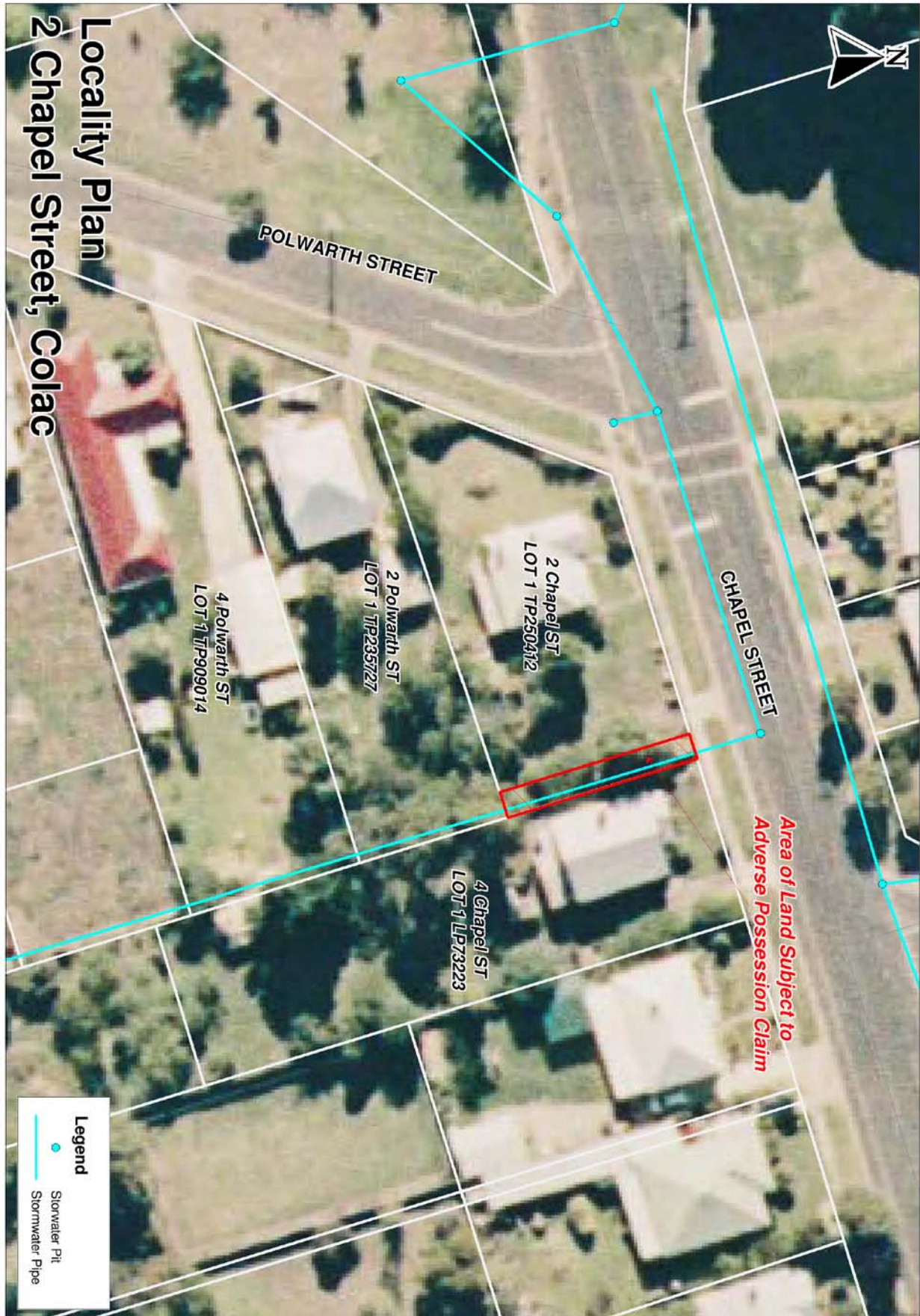
Measurements are in links

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Delivered by LANDATA®. Land Victoria timestamp 24/05/2011 09:34 Page 1 of 1  
© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

| TITLE PLAN                                                                                                                                                                                                                                                                                                                                                                                 |                                                     | EDITION 1                                                                                                                                                                                                                                                                                                                                                                                                                                                             | TP 235727A |                             |  |                                                                                                                                                                             |  |                      |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------|--|
| Location of Land<br>Parish: COLAC<br>Township: COLAC<br>Section:<br>Crown Allotment:<br>Crown Portion: 1 (PT)                                                                                                                                                                                                                                                                              |                                                     | Notations<br><br>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN                                                                                                                                                                                                                                                                                                                                                                          |            |                             |  |                                                                                                                                                                             |  |                      |  |
| Last Plan Reference<br>Derived From: VOL 4256 FOL 050<br>Depth Limitation: NIL                                                                                                                                                                                                                                                                                                             |                                                     | Description of Land / Easement Information<br><p><i>All that piece of Land, delineated and coloured red and blue on the map in the margin being part of Crown Portion One Town and Parish of Colac County of Colac Together with a right of carriage way over the road colored brown on the said map</i></p> <p>ENCUMBRANCES REFERRED TO.<br/>As to the land colored blue -----<br/>THE EASEMENT created by Instrument Numbered 868066 in the Register Book -----</p> |            |                             |  |                                                                                                                                                                             |  |                      |  |
| THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT<br>COMPILED: 03/12/1999<br>VERIFIED: ML                                                                                                                                                                                                          |                                                     | COLOUR CODE<br>BL = BLUE BR = BROWN R = RED                                                                                                                                                                                                                                                                                                                                                                                                                           |            |                             |  |                                                                                                                                                                             |  |                      |  |
|                                                                                                                                                                                                                                                                                                                                                                                            |                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                             |  |                                                                                                                                                                             |  |                      |  |
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| WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962                                                                                                                                                                                                                |                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                             |  |                                                                                                                                                                             |  |                      |  |
| PARCEL 1 = CP 1 (PT)                                                                                                                                                                                                                                                                                                                                                                       |                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                             |  |                                                                                                                                                                             |  |                      |  |
| LENGTHS ARE IN FEET & INCHES                                                                                                                                                                                                                                                                                                                                                               | Metres = 0.3048 x Feet<br>Metres = 0.201168 x Links | Sheet 1 of 1 sheets                                                                                                                                                                                                                                                                                                                                                                                                                                                   |            |                             |  |                                                                                                                                                                             |  |                      |  |







**OM112707-12      RAE STREET PARKING PETITION**

|             |                           |           |                                       |
|-------------|---------------------------|-----------|---------------------------------------|
| AUTHOR:     | Ronan Corcoran            | ENDORSED: | Neil Allen                            |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN 0154 TRAFFIC MANAGEMENT - PARKING |

**Purpose**

The purpose of this report is to outline the proposed parking changes along Rae Street between Gellibrand Street and Corangamite Street following a petition received from residents.

**Declaration of Interests**

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

**Background**

On 28 April 2011, Council received a petition requesting that the car parking times in front of Sharp Styles, 19 Rae Street, Colac, be changed from the current all day parking to 3 hour timed parking.

The business premise is one of three businesses that have entry points fronting Rae Street, between Corangamite Street and Gellibrand Street, with the other two including the Shire Office and an orthodontist. It is noted the orthodontist has primary customer access located off Gellibrand Street.

There are varying parking restrictions in place along Rae Street between Corangamite Street and Gellibrand Street, ranging from all day parking, restricted 1 hour timed parking and restricted 3 hour timed parking.

Occupancy of the on street parking is generally high, which is largely due to the high number of all day parking spaces, which are mainly used by employees to the nearby CBD and retail businesses. Other factors that influence the availability of parking in the area can be attributed to whether functions and events are being held at COPACC.

Following a Council meeting, Council resolved to seek the feedback of affected property owners and the wider community. Council directed Infrastructure and Services to coordinate the community consultation and review the location and appropriateness of existing parking restrictions.

**Council Plan / Other Strategies / Policy****Physical Infrastructure and Assets**

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

**Issues / Options**

There were two main options available for consideration, either leave the parking restriction type unchanged, or change the parking restriction type in Rae Street.

In considering the main options available the following issues needed to be considered:

- What are the “general user” needs of the premises located within Rae Street, between Corangamite Street and Gellibrand Street.
- Will the alteration to parking restrictions result in shifting parking issues to nearby streets. Generally this consideration relates to when all day parking is changed to timed parking, as the effect is all day parking needs are met by parking in other streets with no parking restrictions. It can cause flow on impacts that need to be considered.
- Is the proposed parking alteration generally supported by property owners in the vicinity.

After a review of the main points raised above, a determination can be made as to whether the parking restriction type should be altered.

Council advertised in the Colac Herald on 8 June 2011 inviting responses to the proposed parking changes. Council also corresponded with property owners directly affected by the proposed parking changes. Council received three responses from affected property owners and no responses from the wider community. The response period lapsed on Friday 24 June 2011. All responses were in favour of the proposed changes.

### **Proposal**

The proposal presented by the petition coordinator was to change the current three hour restriction parking located on the south side of Rae Street to all day parking and change the all day parking spaces out the front of 19 Rae Street to three hour restriction parking.

Overall this would result in no net loss of any parking type in Rae Street between Corangamite Street and Gellibrand Street.

It is proposed that Council implement the changes to parking restrictions in Rae Street, Colac outlined in the petition.

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

Costs associated with altering the parking restriction there will be minimal with the estimated cost related to any alteration to parking being approximately \$500, which would be associated with the supply and installation of signage.

Any alteration is not expected to require additional maintenance or ongoing operational budget allocations.

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

There is no identified risk management issues associated with any alterations to parking restrictions in the vicinity of the business premise.

Compliance issues would be minimal, as it would not require Local Laws to inspect any additional or new areas to ensure compliance to any new parking restriction area. Generally when new parking restriction areas are created, or existing parking restrictions change a grace period is provided to enable the public to adjust to the change in parking conditions.

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

Any outcomes from the alteration to parking restrictions will have no impact on either the environment or climate change.

### **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 is to inform the community through presentation of this report.

Prior to any changes being implemented, all property owners abutting Rae Street, between Corangamite Street and Gellibrand Street have been surveyed to seek their feedback and comments on the proposed parking restriction changes.

Following the survey, feedback has been assessed to determine if there is general support for the proposed alterations to parking restrictions in the vicinity of the business premises known as Sharp Styles. Property owners will then be notified of the outcome of the survey and if parking restrictions will be altered, property owners will also be given a general timeline for when changes will be implemented.

### **Implementation**

All works and actions required for this matter will be coordinated and implemented by Council.

### **Conclusion**

Officers have reviewed the responses and proposal and recommend that Council support the proposal.

### **Attachments**

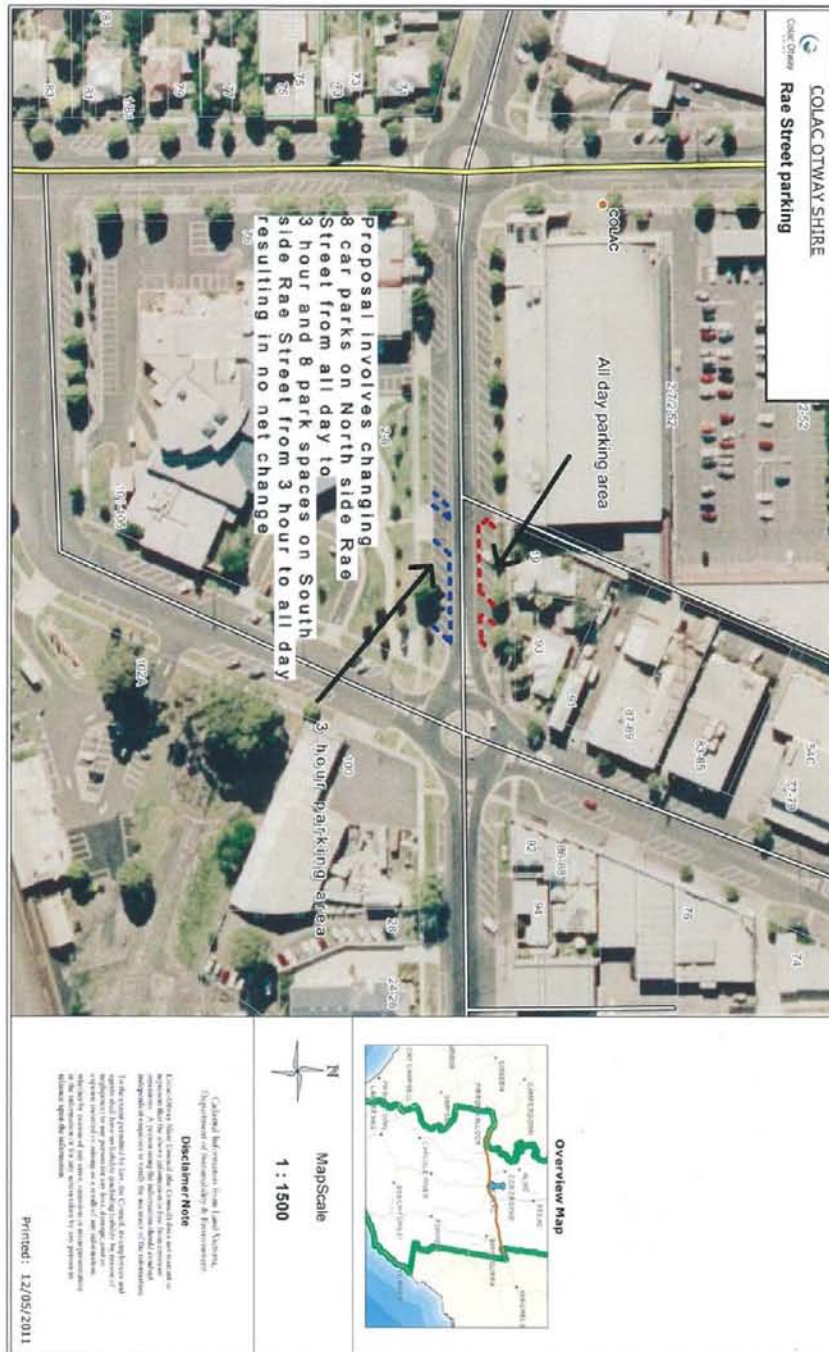
1. Proposed parking layout Rae Street

### **Recommendation(s)**

#### ***That Council:***

1. ***Supports the petition by;***
  - a. ***changing the eight (8) parking bays on the north side of Rae Street abutting the corner of Gellibrand Street and Rae Street from all day parking to three (3) hour parking.***
  - b. ***changing the eight (8) parking bays on the south side of Rae Street abutting the corner of Gellibrand Street and Rae Street from three (3) hour to all day parking.***
2. ***Informs the coordinator of the petition of the Council resolution.***
3. ***Updates the Council's Parking Strategy to reflect changes to the parking conditions on Rae Street, Colac.***

~~~~~\ ~~~~~



CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <u>GENERAL BUSINESS</u> | | |
| <u>OM112707-13 ASSEMBLY OF COUNCILLORS</u> | | |
| Department: General Business | | |
| <u>Recommendation(s)</u> | | |
| <i>That Council notes the Assembly of Councillors reports for:</i> | | |
| <ul style="list-style-type: none"> • <i>Friends of the Colac Botanic Gardens - 9 June 2011</i> • <i>Colac Saleyards Advisory Committee - 24 June 2011</i> • <i>Councillor Briefing Session - 29 June 2011</i> • <i>Apollo Bay Harbour Redevelopment - 6 July 2011</i> • <i>Aerodrome Committee of Management - 6 July 2011</i> • <i>Councillor Workshop -13 July 2011</i> | | |

Recommendation

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

MOVED

SECONDED

OM112707-13 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:

- Friends of the Colac Botanic Gardens - 9 June 2011
- Colac Saleyards Advisory Committee - 24 June 2011
- Councillor Briefing Session - 29 June 2011
- Apollo Bay Harbour Redevelopment - 6 July 2011
- Aerodrome Committee of Management - 6 July 2011
- Councillor Workshop - 13 July 2011.

Attachments

1. Friends of the Colac Botanic Gardens - 9 June 2011
2. Colac Saleyards Advisory Committee - 24 June 2011
3. Councillor Briefing Session - 29 June 2011
4. Apollo Bay Harbour Redevelopment - 6 July 2011
5. Aerodrome Committee of Management - 6 July 2011
6. Councillor Workshop - 13 July 2011

Recommendation(s)

That Council notes the Assembly of Councillors reports for:

- ***Friends of the Colac Botanic Gardens - 9 June 2011***
- ***Colac Saleyards Advisory Committee - 24 June 2011***
- ***Councillor Briefing Session - 29 June 2011***
- ***Apollo Bay Harbour Redevelopment - 6 July 2011***
- ***Aerodrome Committee of Management - 6 July 2011***
- ***Councillor Workshop - 13 July 2011***



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: 9.6.11
Time: 7.05 am/pm

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

In Attendance:

Councillors: Cr. E. Smith

Officer/s: L. Towers
J. Finchan

Matter/s Discussed: Friends of Colac Botanic Gardens Meeting

(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors: Nil

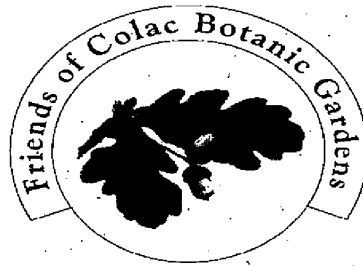
Officer/s:

Left meeting at: 7.10pm

Completed by: Leanne Booker, EO Infrastructure

Neil Allen, AM

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*Quercus Robur* (English Oak)

MINUTES OF MEETING HELD AT COLAC BOTANIC CAFÉ THURSDAY JUNE 9, 2011 at 5pm

Meeting opened at 7.05 pm with President Roslyn Scanlan in chair

Present:

H Paatsch (HP) Secretary
 Chris Bell (CB) Treasurer
 France Doak (FD) Anne Mercer (AM) Denise Green (DG) Jan McMahon (J McM) Mary Eaton (ME) Lyn Simpson (LS) Pauline Maunsell (PM)

In Attendance

C. Smith (Councillor) L. Towers (Certificated Gardener) Georgie Connell (Member FoCBG)
 Jodie Fincham (Rec. Officer/Events Officer, COS)

Apologies - Nil

MINUTES OF PREVIOUS MEETING: Minutes of May meeting confirmed CB 2nd AM

BUSINESS ARISING FROM MINUTES

The President suspended business to allow for free discussion between Friends and Jodie F. re. the celebration of the Sesquicentenary of the Colac Botanic Gardens in 2015. (The area for the gardens was gazetted in 1865) Issues raised included:

Community Funding program – we could apply for \$5,000. And supply \$5,000 in matching funding ourselves (in-kind contributions taken into account) Community grants are made in May for projects to be delivered in the following financial year.

There is also a Festivals and Events support fund.

Jodie will check on insurance requirements for celebrations.

Other funding options could include approaches to philanthropic bodies.

Ideally a history of the gardens would be a good option; need to involve groups, especially school and children's groups – Teddy Bears picnic a favoured activity. Small events as well as a major celebration. Maybe a building which could be used for meetings etc. for gardening related groups. Cr. Smith suggested that if we are interested in pursuing the idea of a building we should think about lobbying candidates in forthcoming elections. LS suggested that we could engage the services of an architectural student interested in making their mark.

Jodie gave some examples of activities at Geelong College 150th. celebrations – lawn marking, named bricks, pictorial record on Website, Power Point presentation of archival footage, photographic competition.

RS moved, LS 2nd. That we have a fairly firm proposal in place by June 2012.

Jodie suggested that we meet with Michael Swanson (COS) to discuss the availability of grants.

President RS moved a vote of thanks to Jodie for her advice and assistance. Carried with acclamation

Business resumed

CORRESPONDENCE

In: Campsis No. 36

Sophie Barnsley seeking info. about park and street treest

- GPAA – propagation w'shop October 9th.
- Annie McGeachie re AFBG Web page; new contact details
- Phone call taken by RS – request to use gardens July 4th. for NAIDOC flag-rising
- Phone call to RS – permission requested for secondary school run through gardens June 24. Gates will be closed.

BUSINESS ARISING FROM CORRESPONDENCE

- CB moved that we acquire our own domain name. He will follow up on this to see what is involved.
- HP to see Ann Duryea at COSworks re inputting photos etc. onto AFBG website.
- The matter of the use of the Secretary's personal mailing address being used for Friends' correspondence was discussed. Friends felt that this was not a desirable situation. Moved DG, 2nd. AM that we obtain our own PO Box for correspondence.
- Requests for Gardens use – no problems

TREASURER'S REPORT

| | |
|--|------------|
| Balance : | \$6,240.64 |
| Accounts for payment: | |
| Potting mix (JMCM) | \$15. |
| M'ship AFBG | \$45. |
| Reg'n BGANZ collections W'shop plus travel | \$214. |

GARDENERS REPORT

Signs for sensory garden have been installed. Lawrence expressed thanks to Jan McMahon for her wonderful work.

Heritage Victoria has approved Laurence's proposal for plantings in Bed 23 adjacent to the bunya bunya

Questions to Laurence: FD asked how long a bunya seed takes to propagate – Laurence felt that after 12 months, one should have a "decent sized" plant.

AM asked about plant collection BGANZ recommendations – are these set in stone? – answer : No, it is up to each BG to make selections/recommendations.

POTTING REPORT

Jan reported that the potters have endured cold, wet and awkward conditions, but many different varieties have been potted up, including camellia "Colac Rose" (the Marriner camellia) Expression of interest from potential new member Julie Wallace. J McM had attended a meeting at Colac Community Hub – topic of discussion was the area around the Day Activity Centre at CAH.

GENERAL BUSINESS

- Masterplan: Council has engaged Richard Barley to develop the masterplan. Friends expressed delight at this development. There will be consultation during the development of the plan.
- Rose Pruning : 2pm July 18. Some other plants will be made available for sale on the day.
- BGANZ workshop report. AM, CB and RS attended the workshop re collections policy at Melbourne University. Group visited the gardens around the botany building. Discussion of possibilities re collections. Planning doc't was circulated; groups working through evaluation process. Geelong/Camperdown/Colac worked as a group. Discussed documentation/management plan – possibility for Friends to assist with this. Mark Robinson (COS manager parka and Gardens) suggested regular meetings between Friends, Laurence and himself. We need to document what we have now, with the idea of registering this as our collection
- CB reported on a fungi day that he attended at Apollo Bay (Barham River Landcare Group) Suggestion that we could be involved in a similar activity.
- DG reported that she had spoken to a PROBUS group: query re the lack of connection between the Rotary archway and the playground. Laurence will check on this. Question re no fish in pond – they are hiding!
- Guilfoyle descendants- there are descendants living in Colac – AM will check on this and report back.

- AGM will be held in August – 6.30pm meeting and dinner at 7pm. Plans will be finalized at next meeting.

Raffle: France Doak

Meeting closed 7.10pm

**NEXT MEETING THURSDAY JULY 14, 2011 AT 5. PM
AT BOTANIC CAFÉ**



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: 24, 6, 11

Time: 8:30 am/pm

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

In Attendance:

Councillors: C. Higgins

Officer/s: Neil Allen, Greg Anderton, Graeme Liches

Matter/s Discussed: Saleyard Advisory Subcommittee Meeting

(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors: Nil

Officer/s:

Left meeting at: 9:35pm

Completed by: Neil Allen, CM Infrastructure & Services

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SALEYARDS ADVISORY SUB-COMMITTEE MINUTES

Meeting - Friday 24th June 2011
at the Colac Livestock Selling Centre
Starting time – 8.30am

Members present Mr. Greg Anderton - Cosworks Manager
Mr. Graeme Riches - Saleyards Superintendent
Mr Neil Allen - Colac Otway Shire
Mr. Pat Whelan - Stock Agent
Mr. Jeff Johnson - Buyers Rep.
Mr. Geoff Higgins - Colac Otway Shire
Mr. Jamie McConachy - Stock Agent
Mr. Phil Douglas - Stock Agent
Mr Terry Dove - Stock Agent

1. Apologies – No apologies

General Business

Roofing of the Selling Centre

Neil Allen Manager of Infrastructure and Services reported to the members that Council supported the roofing of the Selling Centre but currently was unable to financially assist with the project.

Other avenues of financial assistance are being investigated.

All members agreed to a fee increase to be used in the construction of a roof over the Selling Centre.

Other Business

Canteen operators to cease operating on August 12
New tenants are being sort

Fencing to holding paddocks to be upgraded

Meeting Closed 9:35am

SALEYARDS ADVISORY SUB-COMMITTEE

Meeting - Friday 24th June 2011 at the Colac Livestock Selling Centre commencing at 8.30am.

Members :

| | |
|------------------------|-----------------------------|
| Cr. Geoff Higgins | - Colac Otway Shire Council |
| Mr. Greg Anderton | - Cosworks Manager |
| Mr. Graeme Riches | - Saleyards Superintendent |
| Mr Neil Allen | - Colac Otway Shire |
| Mr. William Richardson | - Stock Agent |
| Mr. Jamie Dennis | - VFF Rep. |
| Mr. Rodney Angus | - UDV Rep. |
| Mr. Rodney Boyle | - Livestock Transport Rep |
| Mr. Jeff Johnson | - Buyers Rep. |
| Mr. Jamie McConachy | - Stock Agent |
| Mr. Phil Douglas | - Stock Agent |
| Mr Terry Dove | - Stock Agent |


AGENDA

1. Apologies
2. Confirmation of Minutes of Previous Meeting 4th February 2011
3. Business Arising from Minutes
4. General Business
 - (a) Roofing of the Selling Centre
5. Other Business

Council Meeting Running Order

Wednesday, 29 June 2011

| | |
|--|---|
| <u>Venue – Birregurra Community Health Centre</u> | |
| Present: Cr Brian Crook (Mayor), Cr Stephen Hart, Cr Frank Buchanan, Cr Lyn Russell, Cr Stuart Hart (until 12.40pm), Cr Chris Smith (from 3.00pm) | |
| Staff: Rob Small (CEO), Jack Green, Neil Allen, Colin Hayman, Brett Exelby, Rhonda Deigan | |
| 12.00 pm | Lunch |
| 12.30 pm | Councillor Briefing Session
<u>Declaration of Interest:</u>
Cr Stephen Hart left the meeting at 1.13pm and returned at 1.14pm |
| 3.00 pm | Council Meeting |
| 5.00 pm | In Committee Meeting |

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|  <p>Agenda</p> | <h1 style="text-align: right;">Apollo Bay Harbour
Redevelopment</h1> <p style="text-align: right;">Wednesday 6 July 2011
CEO's Office
5.00pm to 5.40 pm</p> | |
| | <p>ATTENDEES:
Cr Brian Crook (Mayor), Cr Stephen Hart, Cr Frank Buchanan, Cr Stuart Hart

Rob Small (Chief Executive Officer)
Jack Green (General Manager Sustainable Planning & Development)</p> | |
| | <h2 style="text-align: center;">Agenda Topics</h2> | |
| <p>5.00 pm</p> | <p>Declaration of Interest
Nil</p> | |
| <p>5.00 pm – 5.40 pm</p> | <p>Apollo Bay Harbour Redevelopment
Questionnaire</p> | |



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: 06 / 07 / 2011

Time: 2 pm am/pm

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

In Attendance:

Councillors: Geoff Higgins

Officer/s: Neil Allen
RANJAN JAA

Matter/s Discussed: Aerodrome Management Issues - Committee of management meeting
(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors: Nil

Officer/s: Nil

Left meeting at: 3 pm

Completed by: RANJAN JAA

[Signature]
13/7/11

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Agenda

Councillor Workshop

Wednesday, 13 July 2011
COPACC Meeting Room
9.00 am to 12.10pm

ATTENDEES:

Cr Crook (Mayor), Cr Buchanan (until 12.00pm), Cr Stephen Hart, Cr Stuart Hart (from 9.15am), Cr Higgins, Rob Small (Chief Executive Officer) – left at 11.00am
Brett Exelby (A/GM, Corporate & Community Services)
Neil Allen (GM, Infrastructure & Services)

Part:

Damian Drum, Parliamentary Secretary for Regional Development
Rob Burns, Regional Development Australia
Ian Seuren & Vicki Jeffrey
Mike Barrow & Michael Swanson

Apologies:

Cr Russell
Jack Green
Colin Hayman

Agenda Topics

| | | |
|---------------------|---|----------------------------|
| 9.00 am | Declaration of Interest
Nil | |
| 9.00 am – 9.30 am | District 6 State Championships | Ian Seuren & Vicki Jeffrey |
| 9.30am – 10.30am | Damian Drum – Regional Growth Fund Presentation | |
| 10.30 am – 11.30am | Investment Policy | Brett Exelby |
| 11.30 am – 12.05 pm | Bioenergy Investigation | Neil Allen |
| 12.05 pm – 12.10 pm | Fire Service Levy | Mayor |

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 the confirmation of minutes arising from the In-Committee meeting of 29 June 2011.

