



Colac Otway
SHIRE

AGENDA

ORDINARY COUNCIL MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

27 FEBRUARY 2013

at 5:00 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 FEBRUARY 2013

TABLE OF CONTENTS

OFFICERS' REPORTS

CHIEF EXECUTIVE OFFICER

OM132702-1	CEO'S PROGRESS REPORT TO COUNCIL.....	11
OM132702-2	COUNCILLOR CODE OF CONDUCT	33
OM132702-3	STAFF ESTABLISHMENT LEVELS	37
OM132702-4	DEFINED BENEFIT SUPERANNUATION FUNDING	43

CORPORATE AND COMMUNITY SERVICES

OM132702-5	FINANCIAL REPORTING - BENCHMARKING/PERFORMANCE INDICATORS AND FINANCIAL SUSTAINABILITY INDICATORS ...	51
OM132702-6	FESTIVAL AND EVENTS SUPPORT SCHEME 2013/14.....	55
OM132702-7	2013-2014 COMMUNITY FUNDING PROGRAM.....	61
OM132702-8	COUNCILLOR AND MAYORAL ALLOWANCES MEETING DATE ..	67

INFRASTRUCTURE AND SERVICES

OM132702-9	DECLARATION OF ROAD AS UNUSED - ROAD ABUTTING 190 SPRINGS ROAD, YEO	71
OM132702-10	LICENCE FOR APOLLO BAY SAILING CLUB TEMPORARY CLUB HOUSE/MULTIPURPOSE FACILITY	77
OM132702-11	PROPOSED LEASE AGREEMENT - 5 BEECH FOREST LAVERS HILL ROAD, BEECH FOREST	81
OM132702-12	ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE, COLAC	83
OM132702-13	SPECIAL CHARGE SCHEME FINALISATION - SINCLAIR STREET SOUTH, ELLIMINYT	87

SUSTAINABLE PLANNING AND DEVELOPMENT

OM132702-14	REVIEW OF BIRREGURRA STRUCTURE PLAN - DRAFT REPORT	93
OM132702-15	APOLLO BAY FORESHORE RESERVE NEIGHBOURHOOD SAFER PLACE DESIGNATION.....	97

GENERAL BUSINESS

OM132702-16	ASSEMBLY OF COUNCILLORS	105
OM132702-17	MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE.....	107
OM132702-18	ITEM FOR SIGNING & SEALING - CREATION OF SEWERAGE EASEMENT - 28 -36 MAIN STREET, BIRREGURRA; 42-44 MAIN STREET, BIRREGURRA; AND 30-34 JENNER STREET, BIRREGURRA	109

NOTICES OF MOTION

OM132702-19	DEFINED BENEFITS SUPERANNUATION SCHEME (CR STEPHEN HART)	115
OM132702-20	TAXATION AND COUNCILLOR ALLOWANCES (CR STEPHEN HART)	117
OM132702-21	NOTICE OF MOTION (CR CHRIS SMITH)	119

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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 February 2013 at 5.00 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 community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

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Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask 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 23/01/13
- Special Council Meeting held on the 13/02/13

Recommendation

That Council confirm the above minutes.

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Chief Executive Officer

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OM132702-4	DEFINED BENEFIT SUPERANNUATION FUNDING

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- OM132702-19 DEFINED BENEFITS SUPERANNUATION SCHEME
- OM132702-20 TAXATION AND COUNCILLOR ALLOWANCES
- OM132702-21 NOTICE OF MOTION

Rob Small
Chief Executive Officer

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CHIEF EXECUTIVE OFFICER

ITEM	
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OM132702-1**CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

EXECUTIVE**Councillor Induction Tours**

Colac Otway Shire Councillors have enjoyed two tours of our Shire this month. The first tour held on 6 February 2013 included the districts of Stoneyford, Pirron Yallock, Cororooke, Alvie, Beeac and Irrewarra and included briefings on the issues relevant to those areas. The second tour looked at issues in Gellibrand, Lavers Hill, Apollo Bay, Wye River and Separation Creek. Council thanks community members in these areas for their wonderful hospitality. The third tour, to be conducted on 1 May 2013, will include Forrest, Birregurra and Colac.

Council Plan Community Consultation Sessions

In conjunction with the many community consultation sessions held in each of our towns, the CEO has been attending meetings of Otway Business Inc., the Apollo Bay Chamber of Commerce and Tourism, community action groups and progress associations to gain public input into what they would like Council to achieve through its Council Plan.

Colac Area Health Steering Committee

The Mayor has been invited to represent the Colac Otway Shire Council on a steering committee which has been established to investigate possible alternative solutions to address Colac Area Health's current funding shortage. Other members of the steering committee include representatives from the community, Barwon Medicare Local, Colac Area Health, general practitioners and Ambulance Victoria. The first meeting of this steering committee was held on 4 February 2013.

Senator Dr Richard Di Natale, Greens Senator for Victoria has moved for a Senate inquiry into hospital financing, to examine the implementation of the National Health Reform Agreement with regard to recently announced reductions in funding for state hospital services.

The inquiry will address matters such as:

- the impact on patient care and services of the funding shortfalls
- the timing of the changes as they relate to hospital budgets and planning
- the responsibility of each level of government
- the fairness and appropriateness of the agreed funding model with the Commonwealth and the way it was applied
- other matters pertaining to the National Health Reform Agreement in light of the current conflict.

Council supports Senator Di Natale in his efforts to resolve the funding crisis facing our hospitals.

2013 National General Assembly of Local Government

The 2013 National General Assembly of Local Government (NGA) will be held at the National Convention Centre in Canberra between 16 - 19 June 2013. As the major event on the annual local government events calendar, the NGA typically attracts more than 700 mayors, councillors and senior officers from Councils across Australia. The NGA provides Councils with an opportunity to contribute to the development of national local government policy and to receive updates on the top policy issues facing local government nationally. The Australian Local Government Association (ALGA) Board is calling for motions for the 2013 NGA under this year's theme 'Foundations for the Future - Twenty 13'. This reflects the important opportunities an election year offers.

G21 Regional Alliance**G21 Board**

The Mayor and CEO attended a meeting of the G21 Board in Geelong on 25 January 2013. Agenda items included:

- Headquarters for the National Disability Insurance Agency – Adoption as a Priority Project
- G21 Audit and Risk Committee 2011/2012 Annual Report
- G21 Office Relocation
- Draft G21 Investment Policy / Term Deposit
- 2013 G21 Strategic Risk Mitigation
- G21 Board Committee and Pillar Representatives
- Priority Projects for Board consideration for Federal Election
- Great Ocean Road Presentation.

G21 Sport & Recreation Pillar Meeting

As Chair of this Pillar, the CEO attended the G21 Sport and Recreation Pillar meeting in Bannockburn on 8 February 2013. Items discussed included:

- Beechy Precinct Project Update
- Regional Trails Project Update
- Regional Tennis Strategy Update
- Regional Soccer Strategy Update
- Physical Activity Strategy
- ClubHealth Update
- Sports Development Plan.

Regional Management Forum (RMF)

The CEO attended a meeting of the Regional Management Forum in Camperdown on 31 January 2013. Agenda items included:

- Secretary's Update
 - Mid Year budget update
 - Securing Victoria's Future
 - Landscape Assessment Study of South West Victoria
 - Victorian Freight and Logistics Plan
 - RMF Review
- South West Transport Plan
- G21 Public Transport Strategy
- Geelong Central Transport Links (freight)

- Barwon South West Regional Strategic Transport Review
- Barwon South West Regional Strategic Fire Management Plan (RSFMP) - Discussion
- Refocusing Vocational Education and Training Reforms, including a demonstration of the Victorian Skills Gateway
- Barwon South West Health and Wellbeing Workforce Strategy and Action Plans project
- Integrated Workforce and Resource Planning
- Crime Prevention initiative update
- Management of Emergencies in the South West.

South West Sustainability Partnership Committee

The CEO is Chair of this committee which met in Warrnambool on 14 February 2013. The meeting was provided with an update on the Street Smart Lighting Project.

The meeting agreed on the timing of stages on the project and recommended a briefing of all member Councils by the project managers' Ironbark Pty Ltd.

Great South Coast Group

The Mayor and CEO attended a meeting of the Great South Coast Board in Port Fairy on 1 February 2013. Discussion included:

- A New Regional Engagement and Development Model presentation
- 'Filling The Glass' – An Impact Study Of Growth In The Western Victorian Dairy Industry presentation
- Regional Development Australia Funding Priorities presentation
- South West TAFE Funding Options presentation
- Great Ocean Road Advocacy
- Education as a Priority
- Telstra Regional Marketing Campaign
- Stakeholder Mapping
- Pillar Updates

CORPORATE & COMMUNITY SERVICES**HEALTH & COMMUNITY SERVICES****Maternal & Child Health (M&CH)**

January 2013 saw the M&CH service on the road with 34 home visits to cover the 27 new babies born and this included 14 first time mothers. This month we have also facilitated an additional New Parents' Group to accommodate the numbers of first time mothers who have delivered babies over the last couple of months.

An evaluation was conducted of the New Parents Groups for 2012, the outcome of which highlights the importance and value new parents put on these groups, which are facilitated by a Maternal & Child Health nurse with a number of guest speakers. The findings of the evaluation were as follows:

"It is clear from the 2012 evaluation of the First Time Parent's Group (FTPG) that several key outcomes are being achieved. The most significant of these is that parents are connecting and forming strong friendships through the group. Health and wellbeing agencies know that if people have friends, feel a part of and participate in community groups and programs that their own and their families physical and emotional wellbeing is enhanced. The FTPG is clearly an important forum for parents to meet and establish friendships in a supported and safe setting.

The introduction and connection of parents to local agencies for health education and linking to services available to families is a further outcome of the FTPG. Parents indicated that they valued the information provided and the discussions with guest speakers. Holding a session at Colac Area Health (CAH) enabled the parents to hear about the services CAH offer to promote health and wellbeing, challenging the view that CAH is a place for 'sick people'. This was particularly relevant for sessions with the Physiotherapist, Speech Therapist and Dietician. Parents were also able to link into programs targeting young families with babies such as the 'Healthy Mums' exercise program at Bluewater Fitness Centre and the 'Rhyme Time' and 'Baby Bounce' programs at Colac Community Library and Learning Centre.

The Colac Otway MCH service is meeting service agreement targets for the provision of FTPG programs. Feedback from parents demonstrates that there is a very high level of satisfaction with the program and parents continue to meet in ongoing parent/playgroups once the program concludes."

A new session which explores infant brain development and the importance of interaction between parent and baby is being introduced in partnership with Glastonbury Children's Services for the 2013 FTPG program and links to the community strengthening initiatives of Maternal and Child Health.

Statistics – January 2013

- 27 infants enrolled from birth notifications.
- 14 First Time mothers.

Key Ages and Stages Consultations

Home visits 34

2wks	24	4mths	9	18mths	16
4wks	26	8mths	17	2yrs	11
8wks	29	12mths	10	3.5yrs	13

Other services provided include:

- 91 Additional Consultations
- 54 Phone Consultations
- 5 Opportunistic immunisations
- 30 Child and Family Referrals
- 93 Child and Family Counselling sessions provided
- New Parents Groups - 5 sessions in Colac
- 44 Families currently enrolled under Enhanced Home Visiting service (Vulnerable and at risk families) with 7 new families enrolled this month and 14 cases closed.

The majority of referrals and counselling sessions were for altered nutrition and maternal emotional and physical health.

Children & Family Services

Council's Children & Family Services Coordinator has returned from maternity leave and is presently working with the public relations unit to update the Children & Family Services pages on Council's website together with updates to the information contained in the Colac Otway Early Year's Directory which is available to the public on the website. Updates to these should be completed in March 2013.

Kids Early Years Services (KEYS)

Colac Otway Shire has become the facilitator of the KEYS meetings and Council's Children & Family Services Coordinator has stepped into the position as Chairperson replacing Kay Widdicombe from Glastonbury Community Services.

The Kids Early Years Service – Colac District 0-8 Network, is a group of local professionals working with children from 0 to 8 years of age. The Network is open to those working with children and their families as an early year's educator or service provider. The Network will meet to strengthen the interaction and communication between local early year's services and increase shared learning and support, to ensure all children with the best possible start to life.

Older Persons & Ability Support Services (OPASS)

The Older Persons and Ability Support Service has managed a good level of flexibility and responsiveness with Community Based and In Home Respite provision for people with a disability over the holiday period. This was achieved with the reallocation of hours not required by some families to others with support needs during this time.

Key Points for December 2012 – January 2013 Service Provision

- Disability support respite services are currently being provided to 27 local families with individual ages ranging from 4 to 61 years of age. (*Multiple service users in some families*)
- Support is provided to 7 children/young people and 23 adults
- 6 families who meet the Aged Carer criteria received services in this period
- 663 hours of Respite Support was provided to families of people with a disability over the holiday period (1st December – 31st January)
- 98 hours of regular support was 'suspended' during this period by families making alternate arrangements over the holidays. These hours have recommenced through January
- 51 hours of this respite support was reallocated over the holiday period on an 'occasional' basis to meet individual family needs during the holiday time
- Respite support hours to families of people with a disability have doubled for the month of December, with 160 hours in 2011 increasing to 325 hours for December 2012
- 18 staff within the OPASS unit provided this support to families (3 part time Respite Support Workers and an additional 15 part time Community Care Workers).

The Older Persons & Ability Support Services will continue to collaborate with local service providers and community facilities to provide people with a range of options to meet their individual needs. This also provides information for families to make informed decisions about the services they access, including transport, leisure, fitness, art, theatre and social opportunities within the Colac Otway Shire.

Transport Connections

Access, Connect, Belong Innovations Fund Initiative

The Access, Connect, Belong Initiative is funded through the Victorian Government's Transport Connections Innovations Fund. The Access, Connect, Belong Initiative will develop an on line community hub and media strategy to include the development of community and transport maps, carpooling, green travel information and a travel buddies database. Access, Connect, Belong aims to be a conduit for information and consultations to and from the community.

Information on opportunities for individuals and communities to participate in programs and services offered by local organisations will be a key feature of the on line community hub. The media strategy will enable individuals, organisations and communities to confidently use current and emerging technologies to effectively communicate and connect with each other.

Active transport programs including walking and cycling activity days will be established to support this project.

Information from the on line community network will be available via printed and other media forms to ensure accessibility for all community members. Media workshops will be held via the Neighbourhood House Network.

Community Hub Inc. is the lead agency for this project and will be supported by key local partners including Colac Otway Shire.

Improved Livability for Older People (ILOP)

In June 2012 Colac Otway Shire placed advertisements in the Colac Herald asking for volunteers to become Positive Ageing Ambassadors for the ILOP program. 12 local people were recruited to represent the Colac Otway Shire.

The aim of the project is to maximise the involvement of older people in generating projects that will make a positive difference to the quality of life, participation, health and well-being of older people.

The role of a Positive Ageing Ambassador is to conduct consultation processes with individuals or groups and to develop partnerships in their community. From the responses they receive they will develop a project or projects which will increase the 'age friendliness' of the local community.

The role of a Positive Ageing Ambassador is also about advocating on behalf of local communities and provides an opportunity to provide information into local and state government actions.

Throughout Seniors Week the Ambassadors conducted consultation processes asking two questions via the Ambassador's Postcard Project:

“What makes your community a great place to live in?”

and

“What would make life even better?”

Participants were asked to consider some of the following themes from the Colac Otway Shires Positive Ageing Strategy:

- The Age to be Valued
- The Age to be Productive
- The Age to be Involved
- The Age to be Active
- The Age to be Consumer wise
- The Age to be Cared for.

The results of this and individual Ambassador consultations are currently being compiled they will be presented to Council and used to inform the next Positive Ageing Strategy.

Each Ambassador has been allocated \$3,000 to implement a project which meets the projects aims and will work with a local organisation to develop their project. These funds will be provided through the State Government.

RECREATION ARTS AND CULTURE

Events

Expression of Interest to Host 2014 Australia Day Celebrations

The Expression of Interest (Eoi) to host the 2014 Colac Otway Shire Australia Day Celebrations opened on the 13 February 2013. The Eoi process encourages small towns across the Shire to apply to host the 2014 Colac Otway Shire Australia Day celebrations. It provides an opportunity to showcase our local towns and develop and strengthen connections within the local and broader community. Application forms and guidelines outlining the Eoi process have been sent to community groups and service clubs, and have been made available on the Colac Otway Shire website. Eoi are due Friday 12 April 2013. It is anticipated that the Australia Day Advisory Committee will make a recommendation to Council as to the successful host township at the May 2013 Council meeting. The successful host township will work with the Colac Otway Shire Events team to develop the 2014 Australia Day celebrations.

The Heritage Festival (Colac Showgrounds) – 2 & 3 February 2013

An estimated 2,500 people attended this year's Colac Heritage Festival. Over 400 exhibitors displayed historic machinery and artifacts, wood turning, wool spinning, logging equipment, farm machinery, motorcycles, cars and working donkeys. This year's event featured a "Meccano" exhibition. The event attracted visitors from across the state and beyond.

Hoot 'n' Nanny (Irrewillipe Recreation Reserve) – 9 February 2013

Over 700 Bachelor and Spinsters enjoyed another entertaining, fun and frolicking Hoot 'n' Nanny at this year's annual event with several bands and country food. The event is a fundraiser for the Western Eagles Football Netball Club.

Run Colac for Charity (Lake Foreshore and Botanic Gardens) – 15 February 2013

Now in its third year, the Fun Run held at the Botanic Gardens and the Lake Foreshore attracted approximately 400 competitors.

Kona Otway Odyssey (Forrest) – 16 February 2013

This year's event started in Forrest with the 100km mountain bike marathon, passing through the Forrest trails and ending at the recreation reserve. The event also included a 50km race and a 15km beginner's race through the Forrest trails. The event attracted over 1,800 competitors and together with family and friends, this event brought approximately 5,000 people to the region delivering an economic benefit in excess of \$1,000,000.

Seafood Festival (Apollo Bay) – 23 February 2013

Apollo Bay's Seafood Festival showcased ocean fish and crustaceans along with Otway wines, beers, berries, shiitake mushrooms, truffles and other district produce. The Apollo Bay Chamber of Commerce and Tourism developed the concept of hosting a seafood festival for the community and the region and they are responsible for running the event.

Colac West Rotary Club – Bulla Fun Run (Colac) – 24 February 2013

This event is now in its second year and included a 9.7km run and 5.2km walk which is suitable for families and individuals. The event is designed to promote health and enjoyment.

Relay for Life (Western Reserve) – 23 & 24 February 2013

Relay for Life was celebrated in Colac overnight with teams of 10 or more challenging themselves to keep their baton moving in a relay-style walk or run in a festive atmosphere to raise funds for The Cancer Council Victoria.

Ford Otway Classic Rainforest Ride (Apollo Bay region) – 24 February 2013

The Rainforest Ride took place in the Apollo Bay region starting on the Main Street of Forrest. The event includes three routes of 140km, 70km and 23km. The event is a non competitive participation of road cycling. The event attracted approximately 2,000 competitors plus supporting family and friends, bringing at least 4,000 visitors to the area. The main objectives of the event were to showcase the spectacular natural features of the region and to educate the general public (particularly youth) on the benefits of being fit and healthy and to assist local communities to grow and develop.

Upcoming Events

Events which will be held throughout the Colac Otway Shire in March include the Gellibrand Blues and Blueberry Festival (Gellibrand) 2 March 2013, Apollo Bay & Otway District show (Apollo Bay) 16 March 2013, Kana Festival (Colac) 16 March 2013, and the Old Beechy Rail Trail Run & Walk (Gellibrand) 17 March 2013.

Recreation**Central Reserve Oval Redevelopment**

The Central Reserve Oval Redevelopment is progressing to schedule with the contractor well into the maintenance period. The oval will be over sown with a rye grass in early March 2013 which will assist with the establishment of the couch for the first season. The ground continues to be rolled, fertilised and watered to ensure the oval is ready for its first match on 4 May 2013. Discussions have been held with regular user groups including the Colac Football Netball Club and Colac Auskick to determine a schedule of use for the coming season.

Active Transport Strategy and Plan

Work continues with GHD Consultants on developing the draft Active Transport Strategy and Plan. An initial set of strategic actions has been developed and a strategic action review workshop was held 13 February 2013 with Council officers. Following the review and based on comments provided by officers, the draft Strategy will be presented to Council for consideration in March.

Elliminyt Playspace

Colac Otway Shire families turned out en masse to celebrate the official opening of Elliminyt's first ever playspace on 10 February 2013. The new facility represents a \$150,000 joint funding commitment from the State Government and Council. Funding for this facility recognises the importance of being able to provide a place where children can play, run and choose their own adventures, which is integral to encouraging healthy lifestyles and early childhood development.

The playspace has been designed with a multi-platform play structure which importantly allows for wheelchair access. It also features; slides, swings, spring rockers, a sandpit with accessible sand play elevator, a tornado basket swing and a climbing wall.

The ship-themed play unit features a climbing frame, scramble net, tunnels and monkey bars which will cater for the growing numbers of families moving to Elliminyt looking to get their kids away from the television and other electronic gadgets and into physical activity.

The Elliminyt playspace was officially declared open by Victorian Minister for Public Transport and Roads, Mr Terry Mulder. Children and their families were treated to free face painting, a sausage sizzle and the day was successfully capped off with a treasure hunt.

COPACC**Programme**

The COPACC Theatre Season launch was held on Saturday 9 February 2013 to an audience of over 300 patrons. This evening saw preview performances from upcoming shows including Porcelain Punch, Boxman & Spyndrift along with short acts from local theatre groups Red Door Theatre Company and The Colac Players. The Theatre Season will kick off in March with the first show on 16 March 2013.

February 2013 saw COPACC host the first major local production of the year from the Red Door Theatre Company who presented a 5-show run of 'The Producers'.

'Saturdays @ COPACC' programmes for Term 1 commenced on 16 February 2013 with Art, Drama, Creative Dance, Singing and Ukulele classes again on offer to the community.

Business Events

Bookings for Business Events are looking stronger in February 2013, having picked up after a quiet period in January.

Bluewater Fitness Centre**Redevelopment Project**

The Design Development stage of the design process has been completed. Suters Architects have commenced the detailed design and tender documentation stage in order for Council to be in a position to tender for construction works in May 2013.

It is anticipated that works will commence in September/October 2013. The construction period is yet to be determined however it is likely to be at least 12 months. Therefore, the facility, including the current swimming pool, will be closed to the public for much of this time. Council officers are investigating facilities to relocate our gymnasium and dry programming for this period which will enable Bluewater Fitness Centre to continue to offer these services to the community. The closure will have a major impact on users of the stadium and the pool including lap swimmers, recreation swimmers and Learn to Swim participants. Fortunately, there are a number of private swimming pools that can cater for Learn to Swim and other aquatic based programs.

Council and the community will continue to be informed of the project timelines as they come to light.

Patronage

There were 4951 membership visits and 2451 casual visits to the centre during the month of January 2013 with almost half of those visits occurring Wednesdays and Thursdays. January is our peak visitation period for the aquatic facilities.

Programs

Term 1 has now begun and there are 316 enrolments in the Learn to Swim program which is the highest number of enrolments since Term 1 2010. A 3:30pm time slot has been trialed with great success for term one in our after school entry level program with two classes on Tuesdays, two classes on Thursdays and one class on Fridays.

Our reduced group fitness timetable during January's holiday period produced high average numbers per class with 10.71 per class. This is far better than the previous year's Christmas holiday group fitness timetable. 'Water Moves' continues to be the most popular class with an average of 18 people attending each class.

After the success of Bluewater's first Boot Camp which 40 people completed, Mission 2 of Bluewater's Boot Camp began in February 2013 with 71 people enrolled in the program.

Membership

The average daily membership number for January was 1034 which is the highest average since November 2011. Normally during December and January there is a slight drop in numbers. The membership numbers have increased this year largely due to the *Bulla 6 week "Get Active Health Challenge"* which has 63 participants signed up for the program. The program is run by Bluewater and participants are able to earn points by attending group fitness classes and undertaking workouts in their own time. Prizes will be awarded to the highest point scorers at the end of the program.

There are currently 592 people who hold a multi-pass for the centre. This is the highest number of current multi-pass holders that we have had. A promotion will be run shortly to encourage our multi-pass holders to use up their visits prior to the redevelopment.

Apollo Bay Pool

Apollo Bay pool had 70 visits during December 2012 which is up from 45 in 2011. There were 435 visits during the month of January 2013 which is well down on last year's total of 822.

Other items

The Centre's Facebook page has been very popular and now has 156 followers and is growing daily.

Bluewater has three school based apprentices who have commenced their work placement at the centre. The trainees are employed through Pathways Education and Training and undertake 7 to 10 hours practical training at Bluewater each week. At the completion of the program the students will have gained their Certificate III Community Recreation which encompasses a fitness component, pool lifeguard award and Austswim teacher of water safety certificate. In previous years some of the trainees have gone on and obtained ongoing employment at the centre.

Youth Council

Positions for Youth Council 2013 have been advertised. Interviews were held mid-February 2013 with the induction process for new Youth Councillors to be conducted in early March 2013.

INFRASTRUCTURE & SERVICES**G21 Regional Public Transport Strategy**

The General Manager Infrastructure & Services is on the Working Group for the development of the G21 Regional Public Transport Strategy which looks at the strategic need for public transport in each of the member Councils. The Regional Public Transport Strategy will be a key document to support funding applications for key G21 Transport projects into the future.

Consultant "AECOM" has been engaged to undertake this work. As part of the strategy development, community engagement will occur with each of the Councils during April 2013. The consultant is currently preparing a Community Engagement Plan for Colac and will be seeking community input from the public, businesses and key stakeholders into public transport issues in Colac and the connectivity to Geelong and Melbourne. Further information will be provided to the community when the Engagement Plan is developed.

Wye River and Separation Creek Waste Water Education

Consulting firm "Gilbert Consulting Pty Ltd" has been engaged through a fully funded grant from DSE to provide waste water management education to property owners and visitors to Wye River and Separation Creek. An education and awareness program to provide information on how to maintain and improve performance of different waste water systems will be held on the Labour Day weekend and involve an information marquee at Wye River. Other activities proposed over the following weeks include door knocking of all properties within the two (2) townships to discuss issues, provision of information kits to all householders and commercial properties, posters and signage at key locations.

The project is being managed by Infrastructure & Services with assistance from Council's Health Department. The project commenced in mid January 2013 and will run for the next three (3) months.

Capital Works Unit**Cressy Shelford Road**

A site inspection was conducted along the Cressy Shelford Road by the CFA and Council in January 2013 to ascertain the grassland's current accumulation of biomass and the necessity/possibility of conducting a strategic burn in late summer. It was agreed that a strategic burn could be conducted in line with Cressy Shelford Road Grassland Rehabilitation Management Plan due to the current biomass levels and high community expectation surrounding the use of the road as a strategic fire break. The CFA expects that this burn will take place between the middle of February and late March 2013.

Major Drainage Program

The Capital Works Major Drainage Program (MDP) has been assessed and approved for works to commence by the Infrastructure Environment Officer and Environment Department. Assessment included a large number of environmental considerations particularly on roads with identified high conservational significance.

Bridge Renewal Program

Environmental assessments are currently being undertaken for this year's bridge renewal program. Several bridges are included in the program for upgrades and replacement. Works commenced on the Carlisle Valley Road Bridge in mid February 2013. The works program requires a number of environmental considerations to minimise the impacts around waterways with high conservation values.

Old Beechy Rail Trail*Beech Forest to Ferguson section*

Meetings have been held with land owners/land managers to discuss the confirmed alignment of the Old Beechy Rail Trail between Beech Forest and Ferguson. Now a firm alignment has been established, VicRoads has given verbal approval, however, formal written approval from VicRoads is currently being sought for the project. Tender documentation has been prepared and is expected to be advertised by the end of February 2013.

Project Development and Design*Reconstruction program*

The Road reconstruction program is continuing for a number of projects. Reconstruction works on Weering School Road, including substantial drainage improvements, pavement overlay, and sealing, now completed.

Reconstruction of Seymour Crescent in Apollo Bay has begun, following pre-construction toolbox meetings and design set out in early February 2013.

Forward Design Program

Investigations of forward engineering programs and emerging engineering issues are currently being completed including the review of the stormwater flow in the vicinity of the Pound Road – Forest Street intersection to determine an appropriate solution to drainage concerns in the area.

A concept plan for 140m of footpath on Sylvester Street has been developed for quotation purposes, as part of a small amount of upgrade works for the Great Ocean Walk being managed by Council and supported by Parks Victoria.

CCTV Cameras

The CCTV Cameras detailed design and specification development were finalised and tenders called for the installation of a CCTV camera network within the Colac Central Business District. The locations that were identified included monitoring cameras at Memorial Square, Colac Skate Park and intersections along Murray Street including Grant Street, Corangamite Street and Gellibrand Street and the taxi rank. Following the close of tenders at the end of March 2013, it is anticipated installation and testing will occur over an 8 week period.

Sustainable Assets**Routine Asset Inspections**

The following is a summary of the routine road and footpath network inspections completed for the month of January 2013.

<i>Footpath Inspections – Colac, Level 1</i>	This inspection zone includes parts of the footpath network in the central business district of Colac. The general condition of footpaths in this area is good, however, isolated areas of movement were noted. This is largely due to seasonal ground movement. Overgrown vegetation has also been a common issue mainly due to increased growth over recent months. All defects that do not meet Council's maintenance criteria have been recorded and have been referred to the relevant works department for maintenance programming.
<i>Urban Collector Roads</i>	<p>Inspections of those local roads which are classified as Collector Roads within the townships of Apollo Bay, Colac and Elliminyt have been completed.</p> <p>Pavement conditions are generally good. Damage to drainage structures was identified as being a prominent issue. Such areas will continue to be monitored. All defects that do not meet Council's maintenance criteria have been recorded and have been referred to Cosworks for maintenance programming.</p>
<i>Rural Collector Roads</i>	<p>Inspections of those local roads which are classified as Rural Collector Roads have been completed.</p> <p>Damaged or missing guideposts were identified as a common issue on the roads inspected as part of this zone. All defects requiring action have been reported to Cosworks.</p>
<i>Rural Access Roads</i>	<p>Inspections of those local roads which are classified as Rural Access Roads within the Warrion Area have been completed. This area incorporates the localities of Balintore, Ondit, Nalangil, Cororooke and Pirron Yallock.</p> <p>Road conditions are generally good, however, some damage to delineators and other road signage was identified and will be addressed in accordance with the maintenance standards defined in Council's Road Management Plan.</p>

Footpath Replacement Programme

The 2012/13 Footpath Replacement Programme continues to proceed well with programmed works in Birregurra completed in January 2013. This work included replacing the footpath on the east side of Strachan Street from Main Street to the footbridge at Jenner Street. A connection from the footpath to the new public toilets was also constructed. The next stage of the program will commence in Apollo Bay within the coming months.

Building Maintenance and Capital Works

<i>Carlisle River toilets</i>	Interior/exterior painting of the Carlisle River toilets has been completed.
<i>Carlisle River BBQ shelter</i>	Interior/exterior painting of the BBQ shelter at the Carlisle River Recreation Reserve has been completed.

<i>Hesse Street Comfort Station</i>	Interior /exterior painting of the Hesse Street Comfort Station has been completed.
<i>Gellibrand Street Bus Shelter</i>	The bus shelter on the corner of Murray and Gellibrand Streets has had some repairs and been painted.
<i>Rae Street Office Redevelopment</i>	Stage 2 of the program has progressed with a handover occurring in February 2013. Stage 1 has been completed apart from some minor defects. Stage 3 works started on the 18 February 2013. This stage includes the staff lunch room, alterations to the toilets and the east section of the ground floor. The feedback from staff members that have moved into the newly refurbished stages has been positive, remarking on the use of space and amount of natural light that the work spaces are receiving now.
<i>Apollo Bay Library</i>	Works continue at Apollo Bay Library, with the building nearing lockup stage. The windows and doors were installed mid February 2013. At this stage this project is on track for a handover in mid-March 2013.

COSWORKS

Works undertaken by Cosworks during the past month are as follows:

Minor Patching

Minor patching works is ongoing on sealed roads to keep up with potholes and edge breaks.

Storm Damage

Over the past month there have been a number of fallen, hanging and dangerous trees due to strong winds damage. This has been widespread throughout the Otways and Coastal areas.

Road Regrading

Road regrading has been reduced due to extremely dry conditions to prevent the unravelling of the gravel road network.

Routine Drainage Works

Routine drainage works were completed in the last month in Wye River, Kennett River, Separation Creek, Apollo Bay and Marengo townships. Also works have been undertaken in the areas of Barramunga, Glenaire, Gellibrand, Hordern Vale, Kawarren and Forrest areas.

Sport Ovals

Mowing of the ovals continues as per the program.

Tree Maintenance

Tree maintenance works were completed at Wallaces Road, Main Road Gellibrand and Main Road in Carlisle River.

Township Mowing

Township mowing continues in accordance with the mowing program around Apollo Bay, Marengo, Apollo Bay Airfield, Gellibrand, Lavers Hill, Kawarren, Carlisle River, Beech Forest, Forrest, Barwon Downs, Loves Creek, Colac, Beeac, Birregurra and Cressy.

Reach Arm Mowing

Reach Arm mowing was undertaken on Denherts Track, Wait a While Road, Amiets Track, Upper Gellibrand Road, Station Street, Hennigan Crescent and Kents Road.

Old Beechy Rail Trail

Mowing of the section between Maggios Road to Burnam Station and around the Kawarren area has occurred. Fallen trees at various locations were removed. Drainage maintenance works were undertaken at various locations and tree pruning also occurred at the 13km point.

Landslip Repairs

The Hordern Vale landslip has required a reduction to one (1) way traffic only past the affected area with appropriate signage and linemarking. The area will continue to be monitored for any further movement.

Major Drainage Works

Major drainage works were completed on Sunnyside Road, Henrys Track, Benwerrin Mt Sabine Road, Killala Road, Tuckers Orchard Road, Lardeners Track, Christies Road, Forest Street South, Sextons Road and Tomahawk Creek Road. Works were also undertaken on Birregurra streets including Beal Street, Prime Street, Skene Street and Edmundson Street in preparation for gravel resheeting.

Roadside Slashing

Roadside slashing was completed in Apollo Bay, Marengo, Johanna, Beech Forest and Hordern Vale areas. Second cuts were also undertaken in Larpent, Nalingal, Cororooke, Beeac, Cressy, Eurack and Irrewarra areas.

Linemarking

Rural centre linemarking was completed for approximately 300km. Bike lanes in Colac and Apollo Bay were completed for approximately 40km. Repainting of faded Statcon marking was also undertaken at the exits to Safeway in Colac. This was in response to a complaint of traffic turning right on exit from the supermarket.

Playgrounds

Repairs to playgrounds were conducted at Beech Forest and Gellibrand as per inspection reports.

Bridge Maintenance

Colac Lorne Road repairs were undertaken to concrete spalling. At the Hugh Murray Reserve, new ramps and railings and anti-slip treatments were applied to decking to improve safety. Damaged guardrail was replaced at Christies Road and Barham River Road.

Capital Works

Weering School Road rehabilitation/overlay works have commenced.

Major Contracts/Waste Unit**Apollo Bay Harbour – Safety & Environment Management Plan (SEMP)**

An audit of the Apollo Bay Harbour Safety & Environment Management Plan (SEMP) was undertaken on Monday 11 February 2013 by Landserv Environment, the external auditor appointed through the Department of Transport (DoT). An audit is also held for all other Local Ports as a part of compliance with Safety & Environment requirements.

In preparation for this audit, the SEMP document was reviewed by the Port staff focusing on the following components:

- A review of all significant safety issues
- A review of all significant environment issues
- Recommendation of control measures for reducing the identified issues
- Inclusion of Key Performance Indicators (KPI) for measuring the success rate in fulfilling the SEMP objectives.

The audit process for all Local Ports will be completed in the next fortnight followed with preparation and submission of the Audit Report and key recommendations. Council will be advised of the outcome when the detailed Audit Report is received from the Auditor.

Kerbside Collections

Recycling collections returned to once a fortnight in the last week of January 2013. The additional collections were well used especially in the coastal regions of the Shire. Despite the summer period the Organics collection continues to have increased quantities over previous years.

Commingled Recycling Increases

Commingled material transported for recycling from kerbside collections and Council operated transfer stations has increased by 10%. Between 1 July 2012 to 31 January 2013 Council sent 1,483 tonnes of commingled recycling to be processed compared to 1,346 tonnes for the same period the previous year.

Wye River and Separation Creek Waste Collection Safety Improvement Works

Collection services to properties in Sturt Court and Slashers By-pass have ceased and residents in these streets are now using the new corrals installed in McCrae Road and Morley Avenue. Residents in McCrae Road have been requested to use the hard stand bin area so that the truck is no longer backing down this section of road. A further report will be presented to Council when an investigation of these areas has been completed.

Tenders

Tenders opened since the last reporting period:

- 1250 – Stationery Printing Services
- 1254 – Beeac Tennis Courts Construction
- 1257 – Mechanical Services Maintenance

No tenders have been awarded since the last reporting period.

Tenders advertised since the last reporting period:

- 1250 – Stationery Printing Services, closing 13 February 2013
- 1254 – Beeac Tennis Courts Construction, closing 13 February 2013
- 1257 – Mechanical Services Maintenance, closing 13 February 2013

- 1301 – Cleaning of Buildings, Public Conveniences & BBQs, closing 13 March 2013
- 1306 – Consultancy Services – Climate Resilient Communities of the Barwon South West, closing 13 March 2013

Major Quotations advertised since the last reporting period:

- Q2012/13-25 – Cross Council Relief & Recovery Project, closing 27 February 2013

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 (19 Lots)	A certificate of compliance has been issued and outstanding works guaranteed with a security bond. Fill to lots is continuing with surface drainage, landscaping and some ancillary works remaining.
202A Pound Road Stage 2 (13 Lots)	Work is expected to commence in early 2013.
Wyuna Estate Stage 12 (18 Lots)	Roadworks have commenced on stage 12 of the Wyuna subdivision. Currently road base, drainage and installation of services are being done.

Bridge Design & Construction

Work commenced on site in February 2013 to replace the bridge at Carlisle Valley Road. Bridge replacement at Ganes Access will start approximately three (3) weeks later followed by Upper Gellibrand Road and Barham River Road. All four (4) bridge replacements are due to be finished by June 2013.

Elliminyt Playspace Design & Construction

Contractors completed the playground works at Elliminyt on 8 February 2013. Planting of vegetation will be completed around April 2013 to take advantage of better growing conditions for plants.



Gellibrand Netball Court Construction

Council's Contractor has excavated and prepared the base for two (2) new netball courts at the Gellibrand Reserve. The new asphalt courts will replace old unserviceable netball courts and are programmed to be completed in early March 2013.

SUSTAINABLE PLANNING and DEVELOPMENT**Planning & Building****Development of Bushfire Local Planning Policy**

A meeting was held with the consultant firm Tract on 11 February 2013 to discuss arrangements for community consultation, which is scheduled for 22 and 23 February 2013. Open houses are being held in Wye River, Kennett River, Skenes Creek, Forrest, Gellibrand, Lavers Hill and Beech Forest on these dates. The next Steering Committee meeting will be held on 27 February 2013, in conjunction with a site tour of the different towns within the study area for council officers, agencies and consultants.

Amendment C67 Salinity Management Overlay

Council resolved at its meeting on 23 January 2013 to request the Minister to appoint an independent Panel to assess the twelve submissions received during exhibition of the amendment. Council officers are currently formally requesting the appointment of a Panel with a Directions Hearing expected to be held in March 2013.

Amendment C69 Rural Living Strategy

This Amendment has now been finalised and sent to the State Planning Minister for approval, following its adoption at the January Council meeting.

Amendment C72 (Implementation of Car Parking Strategy and Colac CBD & Entrances Project)

The Planning Scheme Amendment to implement the outcomes of the adopted Colac and Apollo Bay Car Parking Strategy and Colac CBD and Entrances Project is close to being finalised and authorisation sought from the Planning Minister to exhibit the amendment. Public exhibition is expected to occur over March/April 2013.

Heritage Assessment of the former Beechy Rail Line (between Colac and Crowes)

The consultant firm Context P/L has submitted a report making recommendations about which sections of the former rail line should be included in the Heritage Overlay to ensure future works are sympathetic to its heritage values. This report is currently being reviewed and will be the subject of a Council report in the coming months.

Apollo Bay Harbour Master Plan Planning Scheme Amendment

The consultant firm Meinhardt is preparing a final Master Plan document for the harbour precinct which reflects the adopted outcome from the Enquiry by Design process in 2008, without the hotel and health and wellbeing centre. This document will provide the basis for planning scheme documentation to be developed which guides decision making at the harbour. A briefing of Council was held in January 2013 to inform them of the project. The final Master Plan and amendment documents will be placed on public exhibition following consideration by Council in the latter part of 2013.

Heritage Strategy

Officers are currently finalising a draft Heritage Strategy, taking into account public feedback received late in 2012. It is likely the draft will be considered by Council in March/April 2013 prior to public exhibition.

G21 Regional Growth Plan – Implementation Plan

Work has begun on the development of an Implementation Plan to support the Regional Growth Plan adopted in 2012. Public input to the Plan will be occurring over the coming months. Council officers have had input into the project through the Project Steering Committee and Technical Reference Group, and have provided updated information on land supply and demand within the Shire.

Development Contributions Policy Review

In May 2012, the Minister for Planning announced the Government had chosen a preferred framework for development contribution plans. This preferred framework would give Councils a set of standard development contribution levies for different development settings based around five infrastructure categories: community facilities; open space facilities; transport infrastructure; drainage infrastructure; and public land. The new system would provide capacity to set a different levy for different development settings such as greenfield development, and regional and rural development, as well as a levy for residential and non-residential development.

On 17 December 2012, the Advisory Committee submitted its *Report 1: Setting the Framework* to the Minister for Planning. The Minister has now released this report for public comment. Submissions must be submitted by Tuesday 12 March 2013. This document is currently being reviewed by officers.

Environment & Community Safety**Fire Danger Period Inspections**

Council is continuing to inspect people's properties to ensure they are being adequately maintained during the Fire Danger Period. So far Fire Prevention Notices have been issued to 594 properties. This is a good result considering the prolific grass growth this year. Of the 594 properties issued a notice, there have only been 25 properties that have failed to comply and a contractor has been issued with a direction to cut these properties. Further inspections are being undertaken and new notices are being sent where required. Property owners who fail to comply are liable for a fine of \$1,408 and the cost of the contractor. Council understands that every site presents a different set of challenges and is keen to work with the landowners to help achieve compliance. Anyone with questions is encouraged to contact Council to discuss their fire prevention measures.

Community Alert Sirens

New Community Alert Sirens (CAS) have been installed at the instigation of the Country Fire Authority (CFA) fire stations in Wye River and Lavers Hill. If a CAS is activated for 90 seconds the brigade has been alerted to an emergency and if it is activated for 5 minutes it means an emergency is occurring that may have an impact on the local area. In either event, the message of a CAS sound will always be **"seek more information"** from other reliable sources.

It is important to note that the operation of CAS is not a trigger to evacuate. It is simply a trigger to seek more information from a reliable source. The CFA has sent out information to the residents of Wye River and Lavers Hill, held community meetings and placed information brochures in various locations to help raise awareness of the CAS. The installation of these two sirens is part of a broader pilot program that may lead to the installation of more CAS in the future. This process is being managed by the CFA.

Sustainability Grant Applications

Council has recently made application for two grants to help reduce its carbon footprint. An application has been lodged under the Community Energy Efficiency Program (CEEP) Round 2 for an energy efficient gas-fired VRF (variable refrigerant flow) Heating, Cooling and Ventilation (HVAC) system for Bluewater Fitness Centre that would fit well with the broader redevelopment project. The application was for \$487,000 from CEEP (total project cost \$812,000), with Council matching the funds with state funding for the Bluewater redevelopment. Gas powered air-conditioners are 50% more energy efficient than the equivalent electric condenser.

Council has also applied for funds through the Local Government Energy Efficiency Program (LGEEP). The LGEEP is a non-competitive grant program that supports local governing authorities to install energy efficient solar or heat pump hot water systems in their buildings and community facilities. As a small rural council the Shire can receive a one-off maximum allocation of approximately \$25,000 which Council will match with \$5,000 of its own funding. If approved this grant would allow Council to retrofit 4-5 facilities with more efficient hot water systems.

Economic Development**Colac Marketing Strategy**

'Brand Bureau' has been appointed to develop a 'Colac – Life, your way' Marketing Booklet to be handed out at the Regional Living Expo. Copies will also be available at local real estate agents and the Colac Visitor Information Centre. Progress has been made with WIN TV for the filming of advertisements that will be broadcast but also used at the Visitor Information Centres and on Council social media pages. The Colac promotional website has been rebranded and the designs matched to the new 'Colac, Life your way' brand.

Colac High School Master Plan

The CEO met with a representative of the Department of Education and Early Childhood Development in February 2013 to gain confirmation of the willingness of the State Government to 'gift' part or all of the site to Council and the community.

The consultant company 'Community by Design' will proceed to finalise a list of options for presentation to Council. There will be a report to the March 2013 meeting of Council that will include a close examination of all these options for inclusion in the final Master Plan. The recommendation would be that this report be released for 6 weeks of community engagement to ensure that all possible input has been received and to determine the clear preferences within the community for the options presented.

Tourism

Visitation in Colac last month was 3,848, an increase of 4.79% on the same period last year. Counter and phone enquiries have been seeking low budget holiday options especially free camping sites in the Otways.

Over December/January there was an increase in international visitation especially from the UK, Canada and Germany. There are also more international backpackers seeking short term employment in the area.

Interstate trends show higher visitation from Queensland and Western Australia and there has been an increase in new residents seeking local information and new resident kits for the Colac Otway Shire.

The new 'Colac, Life, your way' brand has been included on all Colac visitor handouts and will soon be available on souvenir retail items such as hat pins, hats and bumper stickers.

At Apollo Bay there were 23,511 visitors last month, 2% less than the same time last year. There has been a considerable increase in local attraction ticket sales over the past year particularly for the Otway Fly and Cape Otway Lightstation. There has been a good mix of both international and domestic visitors primarily from the UK, Germany, USA, NSW, Queensland and South Australia.

The Centre is in the process of setting up a Facebook page which will connect tourism services to a wider audience via social media channels.

Small Towns Improvement Program (STIP)

The following projects are underway utilising funds from Council's Small Town Improvement Fund:

- Beeac – A new BBQ has been purchased and installed.
- Swan Marsh/Pirron Yallock - a master plan for the Pirron Yallock Recreation Reserve is being developed following further consultation. A Draft Plan will be prepared and presented to Council.
- Cressy - improvements are proposed in the Duverney Street precinct. New tables and chairs are to be installed and new plants will be planted as soon as the weather is suitable.
- Forrest – installation of a drinking fountain is to be undertaken as a part of the overall Forrest Main Street streetscape upgrade project, which is due to commence.
- Beech Forest – an onsite meeting with Council Planning, Environment and Infrastructure units to progress a planning permit application took place on 20 February 2013.
- Barwon Downs – a meeting was held on 14 February 2013 to finalise project management, extended agreements and finalise designs with both regional and state levels of CFA, for the construction of a new shared community/CFA facility.

Business Development

Economic Development partnered with WHK to hold a business event focused on 'Establishing, Buying and Adding Value to your Business' on 12 February 2013 at COPACC. 60 people came to hear about hints and tips to setting up a business and manage a business for success. A panel of local business owners also presented.

Business events planned for the upcoming months are focused on succession planning and marketing. The Succession Planning event will give business people information on how to transition a business to a new owner and tips on how local business people are preparing for business succession. The Marketing event will focus on new technology and tools to help market businesses and tips and hints on how to identify target markets.

The Victorian Government's Mobile Business Van was in Apollo Bay on 18 February 2013 and Colac on 27 February 2013. The Mobile Business Van has a small business mentor travelling with it offering free mentoring sessions to small businesses.

Trade Training Centre

Both the Colac Secondary College (CSC) and the Trinity College Trade Training Centre sites are on schedule for opening in 2013. Negotiations are continuing with Registered Training Organisations (RTO's) to have access to the Centre. South West TAFE will be the primary RTO at the Trinity College campus, and the Gordon TAFE at the Colac Secondary School Campus.

Attachments

Nil

Recommendation(s)

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

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**OM132702-2****COUNCILLOR CODE OF CONDUCT**

|             |              |           |           |
|-------------|--------------|-----------|-----------|
| AUTHOR:     | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive    | FILE REF: | 11/96037  |

**Purpose**

The purpose of this report is to present the revised draft Councillor Code of Conduct to Council for consideration.

**Declaration of Interests**

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

**Background**

As a requirement under section 76C of the *Local Government Act 1989* (Act), all Councils in Victoria must have a Code of Conduct for Councillors.

Council must review the Councillor Code of Conduct for the Council within the period of 12 months after a general election.

Colac Otway Shire adopted the current Code of Conduct on 23 September 2009.

At the Council meeting on 19 December 2012 where a draft Councillor Code of Conduct was presented to Council for consideration, the following resolution was adopted.

*"That the Colac Otway Shire Councillor Code of Conduct be deferred to a Council Workshop with a view to considering the matter at the 27 February 2013 Council Meeting."*

**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.

Council also has a Pre-Election Caretaker Policy and a Councillor Support Policy which refer to the Code of Conduct.

**Issues / Options**Review of Code of Conduct

The Councillors Code of Conduct has been reviewed.

The current Code of Conduct has been revised following consideration of clauses under the *Local Government Act 1989*.

Under section 76C(3) of the *Local Government Act 1989* a Councillor Code of Conduct:

- *"must include the Councillor Conduct Principles.*
- *may set out processes for the purpose of resolving an internal dispute between Councillors.*

- *must include provisions in respect of any matter prescribed for the purposes of this section.*
- *may include any other matters relating to the conduct of Councillors which the Council considers appropriate.”*

The changes made to the Code of Conduct include:

- Section 2 – Councillor Conduct Principles in line with *the Local Government Act 1989*.
- Adjustment to clause 10.2 with respect to the process if a Councillor has a conflict of interest.
- Adjustment to clause 10.5.
- Other minor wording and format changes.

#### Contents of the Code of Conduct

The revised Code includes:

- Councillor Conduct Principles
- Council Decision Making
- Communication and Information Requests
- Councillor and Staff relationships
- Use of Council Resources
- Communication with the Media
- Conflict of Interest Procedures
- Dispute Resolution Procedures

#### Workshop Changes

As a result of the discussions at the Councillor Workshop on 16 January 2013 a number of further changes have been made:

- a change to point 4.2; and
- a change to clause 10 – social media with the points 10.1 to 10.5 being deleted and replaced by additional wording in the details

Since the workshop further changes have been made to the format and adjustments regarding punctuation.

#### **Proposal**

The attached revised Code of Conduct includes amendments to reflect legislative requirements, other revised clauses and further changes following the Councillor Workshop.

The Code of Conduct has also been further reviewed to improve the readability and flow of the document. Other minor corrections have also been made. It is recommended that Council endorse the ‘Councillors Code of Conduct’.

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

There are no financial implications associated with the adoption of the revised Councillors Code of Conduct.

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

Section 76C of the Act requires that all Councils in Victoria must have a Code of Conduct for Councillors.

The Councillors Code of Conduct has been reviewed and updated in line with the requirements set out in Sections 76B and 76BA of the Act.

**Environmental and Climate Change Considerations**

Not applicable.

**Community Engagement**

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

The method selected has been to inform. The Councillor Code of Conduct was an agenda item at the Councillor's induction held on Tuesday 30 October 2012. The draft Code of Conduct was also discussed at the Councillor Workshop on 16 January 2013.

Under s76C(6) of the Act a copy of the Code of Conduct must be given to each Councillor and available for inspection by the public at the Council office and any district offices.

**Implementation**

The document once adopted will become the Councillors Code of Conduct until a further review is undertaken.

A copy of the Code of Conduct will be given to each Councillor and made available for inspection by the public at the Council offices in Colac and Apollo Bay.

**Conclusion**

Council is required to review its Councillor Code of Conduct within 12 months after a general election.

A review of the Code will fulfil Council's statutory requirements and provide a guiding framework for the good governance of the Colac Otway Shire until a further review is undertaken.

The Councillor Code of Conduct provides for an agreed framework through which:

- Expected standards of conduct and behaviour
- Councillor responsibilities
- Accountability
- Public Confidence in Council

are articulated and maintained.

There are a number of obligations on Councillors to perform their duties and responsibilities with a high level of probity, integrity and respect. Community expectation is that Council undertakes its business with efficiency and impartiality, that ethical and professional standards are maintained and that duties are undertaken with due diligence and care.

Councillors are expected to act in accordance with the Code when:

- Conducting Council business at any formal meeting of Council;
- Representing Council at any function or event to which they have been invited as a Councillor;
- Acting as a Council representative at any committee to which they have been appointed; and
- Dealing with any member of the community in their role as a Councillor.

**Attachments**

1. Councillor Code of Conduct 11 Pages

**Recommendation(s)**

1. *That Council adopts the Colac Otway Shire Councillor Code of Conduct.*
2. *That all Councillors sign the Councillor Code of Conduct at the Council Meeting on 27 February 2013.*

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OM132702-3**STAFF ESTABLISHMENT LEVELS**

| | | | |
|-------------|-----------|-----------|-----------|
| AUTHOR: | Rob Small | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | CLF11/42 |

Purpose

To seek Council's support for the approach taken by Council officers to address Councillors' concerns with respect to the management of staffing levels.

Declaration of Interests

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

Background

Councillors, at the Council meeting held on 19 December 2012, voted as follows with respect to the salary capping of Council's staff numbers.

"That Council:

- 1. Notes with concern the significant increase in employee numbers and associated costs in recent years.***
- 2. As an initial measure, instructs the Chief Executive Officer to immediately institute a cap on Equivalent Full Time (EFT) staff numbers so there is no further increase unless there is an explicit Council resolution approving the increase before it occurs.***
- 3. In calculating the EFT staff number, the Chief Executive Officer is to ensure that staff hired via an employment agency on a contractual basis or similar arrangement are included in the calculation.***
- 4. Will further consider the matter in the lead up to the next Council budget."***

and

"That Council:

- 1. Notes with concern that employee costs have significantly exceeded the approved budget over a number of years.***
- 2. Calls on Council to table a report at the January 2013 Ordinary meeting detailing the actual employee costs for the six months ending 31/12/12 compared to the 2012-2013 budget.***
- 3. Calls for the report to detail what steps Council will take to ensure that employee costs for the current financial year will be kept within the budget, if the report shows that they are currently running over budget."***

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

In order to give practical effect to Council's wishes there are several matters in terms of practical implementation that need to be considered. In the absence of such consideration there may be unintended consequences of Council's resolution. The aim of the Executive is to work with Council to give practical effect to Councillors' resolutions.

The legal position is clear that operational responsibilities are the sole domain of the CEO where Council's role is to set service levels.

The following points are relative to this discussion:

1. The levels reported to the December 2012 Council meeting reflect actual EFT equivalents employed during the financial period, as opposed to a staff establishment level. The EFT level often reflects overtime which may not mean more staff but simply a demand that needs to be met through service spikes. As I understand it, Council is talking about staff establishment numbers being controlled.
2. Staff establishment levels are invariably not filled except in times of low staff turnover and productive working environments (those that presently exist with Colac Otway Shire). Typically the service gap, caused by vacancies, is taken up by employing consultants for specific projects where staff are not available.
3. The last four years have seen an unprecedented period of staff stability in the Shire's history.
4. Positions such as planners, which have been difficult to attract, have been fully subscribed for the first time since the Shire came into existence. Our main concern has been in filling the Municipal Building Surveyor's role. This problem is shared by all neighbouring Councils.
5. Some positions which have been vacant for years had their functions delivered by more expensive and often less efficient contract services, ie; planners and some engineering positions. Comparing staff costs without taking these discrepancies into account is not a direct comparison and misrepresents the cost of services.
6. Some positions were left vacant in the 2006-2007 to 2009-2010 periods because there was a scarcity of suitable applicants, and in any event, staff eased the positions in over several years to spread the impact on rates. Anecdotally, Council was not seen as an employer of choice at that time.
7. Some positions such as Home and Community Care Services need to be responsive to demand and go up and down depending on the need. They are reflected in the numbers but they are substantially self-funded through grants and fees. Setting a ceiling on this will have a negative effect on one of our most popular and vital services.
8. Opportunities arise from time to time to carry out work programs with full subsidy of staff costs. These figures are reflected in actuals. Examples presently include the Rural Access and Transport Connection programs, Advancing Country Towns and some emergency service positions.
9. While the figures appear to show an increase from 2009-2010 onwards, this reflects the actual EFT not the staff establishment. This staff establishment, when tracked across the period, shows a different picture and began to rise from the 2007-2008 financial year. Indeed some positions had been vacant for over eight years. Currently we are unable to attract a Municipal Building Surveyor so the position is largely vacant with a part time contractor filling the most essential roles.

10. Note that the EFT figure also includes people who are backfilling positions while permanent staff are on maternity leave. This creates the situation where an actual head count would be misleading. This can, however, be adjusted to give a clear picture.
11. Some services generate revenue which is only possible if additional staff are hired. In these instances, care is taken to ensure that the revenue raised covers the cost of any additional labour cost.
12. It is understood that Councillors wish to control labour costs that are funded from rates and charges. It is this staff establishment number that needs to be controlled to give effect to Councillors' wishes.

The consolidated position with respect to staff is reported in detail in the attachments. In summary, Council has an approved staff establishment of:

| | |
|------------|--------------------------|
| 208.6 | permanent EFT |
| 8.8 | casual employees |
| 1.0 | apprentice contractor |
| <u>5.0</u> | additional HACC Services |
| 223.4 | EFT |

In reporting actual hours, there will be additional hours for overtime as necessary. These levels are difficult to estimate accurately and vary from year to year, depending on service demands.

Controlling numbers within staff establishments for recognised permanent roles funded by rates and charges is a simple matter and has been exercised for many years.

Increases in service levels for these services are reported to Council during the budget submission times and staff levels only increase in these instances where specific budget approval is provided.

Some areas of Council have a mandatory requirement to respond to changing service levels and these decisions need often to be made on a day to day basis, eg; heavy increase in pool users of the Bluewater Fitness Centre or extended hours due to Code Red Days as recently suggested. As another example, staff responding to emergencies need to be able to be authorised without delay.

These decisions need to rest within the delegations that the CEO accords to various senior roles within the organisation.

Council has a clear responsibility to set service levels for Council's various operations and the budget is the model for doing this. As the CEO, I have clear responsibility for operations and must be able to manage a flexible and responsive organisation. It is clear from the provisions of the *Local Government Act 1989* that these responsibilities rest with the CEO. The issue is how Councillors and its Executive work together to achieve a common goal.

As I understand the debate that has been conducted on this matter, the objective is to see control over budgetary elements that are putting pressure on Council's rates and charges income. As a responsible fiscal manager, I share those concerns.

The mode of operation adopted by me during my period of employment has been to limit increases in staff levels to those elements approved by Council in the budget.

There are those items where staff can be engaged that have no impact on the budget and these have generally been fiscally neutral, such as through State or other agency subsidies or where Council is acting on behalf of another body as an auspicing agency as we did with the Western District Employment Access Program. In this latter case, the money had to go through our books but was reimbursed. Council gained significant benefits as a result of this program.

To provide a meaningful report on the ideal and approved staff establishment and in particular, the relationship of either EFT or staff establishment with demand on rates and other Council income, we need to do the following:

1. Separate out the fully subsidised elements from the balance and accept that these may fluctuate but at little or no cost to Council.
2. Separate out, but report on, the casual positions which are called on for service level peaks as in Bluewater Fitness Centre poolside supervision and heavier workloads at COPACC.
3. Separate out overtime components compared to actual staff numbers in reporting costs.

Proposal

In order to give better effect to what I perceive to be Council's ambitions with respect to this resolution, I would seek consideration of the following matters.

That Council:

1. Authorises the CEO to approve placement of new staff positions, whether temporary or permanent, that have a negligible impact on rates and charges (where the income funds the operation, as in grants or acting as an auspicing agency only).
2. Notes that the allocation of hours for certain service delivery items are a mandatory requirement on Council and in these instances the existing delegations continue in operation.
3. Requests that any changes to staff establishment figures, where there is a direct impact on rates or charges income, shall require prior approval of Council, preferably through the budget process (existing situation) and also consistent with Council's December resolution.
4. Recognises the division of responsibilities mandated in the *Local Government Act 1989*.

Financial and Other Resource Implications

There would be no financial and other resource implications to Council arising directly from this report, as any increase in staff numbers with a direct impact on rates and charges would require Council approval.

Risk Management & Compliance Issues

The *Local Government Act 1989* under Section 94A, sets out the functions of the Chief Executive Officer. Parts of this section are included below.

"94A Functions of the Chief Executive Officer

- (1) *A Council's Chief Executive Officer is responsible for—
(a) establishing and maintaining an appropriate organisational structure for the Council; and.....*
- (2) *The Chief Executive Officer may appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be carried out and to enable the Chief Executive Officer to carry out her or his functions.*

(3) The Chief Executive Officer is responsible for appointing, directing, managing and dismissing Council staff and for all other issues that relate to Council staff."

Council staffing levels must be, and will continue to be, managed within funding constraints. However Council has a responsibility to respond to the changing needs of its community and to any legislative changes. Council also has a duty of care to ensure that adequate staff resources are employed to meet its occupational, health and safety obligations both internally and externally.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

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

The method selected has been to inform through the presentation of this report.

Implementation

If Council adopts the recommendation, the Chief Executive Officer would continue to manage staffing levels in accordance with approved budget levels and in line with those circumstances outlined previously in this report. Its impact would be to give practical effect to Council's resolutions of 19 December 2012.

Conclusion

Under the *Local Government Act 1989*, Councillors are charged with the role of maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner. The process followed by the Chief Executive Officer of referring changes in staffing levels, which will have an impact on rates and charges, to the budget process provides Councillors with an opportunity to have control over service levels and a capacity to limit or provide resources to fund them. Fluctuations in staffing levels outside of this process are generally in response to changes in service demand or as a direct result of external funding and should continue to be at the discretion of the Chief Executive Officer or existing delegations.

Attachments

1. Staff Establishment Levels 1 Page

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

- 1. Authorises the CEO to approve placement of new staff positions, whether temporary or permanent, that have a negligible impact on rates and charges (where the income funds the operation, as in grants or acting as an auspicing agency only).***
- 2. Notes that the allocation of hours for certain service delivery items are a mandatory requirement on Council and in these instances the existing delegations continue in operation.***
- 3. Requests that any changes to staff establishment figures, where there is a direct impact on rates or charges income, shall require prior approval of Council, preferably through the budget process (existing situation) and also consistent with Council's December resolution.***
- 4. Recognises the division of responsibilities mandated in the Local Government Act 1989.***

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**OM132702-4****DEFINED BENEFIT SUPERANNUATION FUNDING**

|             |              |           |           |
|-------------|--------------|-----------|-----------|
| AUTHOR:     | Brett Exelby | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive    | FILE REF: | CLF11/42  |

**Purpose**

To confirm Council's position regarding funding the Defined Benefit Superannuation call and the repayment of the Long Service Leave Reserve.

**Declaration of Interests**

An officer within the Council Executive has declared an interest in this item under the *Local Government Act 1989* as a beneficiary of the Defined Benefit Superannuation Scheme.

Neither the author nor the endorser of this report have an interest, direct or indirect, in this matter.

**Background**

Council has notice of a "call" on Vision Super's Defined Benefit Scheme. That call of \$3,181,869.09 is payable on 1 July 2013. Since the issue of that notice, Council has already paid:

- \$100,000 in September 2012
- \$700,000 identified savings from the plant replacement fund on 30 November 2012.

The early payment of \$800,000, and associated discounts, leave a balance payable of \$2,345,864 that was the subject of a report at the January 2013 Council meeting. The resolution of that meeting was:

***"That Council:***

- 1. Receives the second quarter financial performance report for 2012-2013.***
- 2. Commits to paying the balance of the Defined Benefits Superannuation call by the end of February 2013 (earlier if practicable).***
- 3. Reduces the 2012-2013 Capital Works and Major Projects budget by \$693,983 to partially fund the Superannuation call made up as follows:***

| <b><i>PROJECTS/PROGRAM</i></b>                      | <b><i>Funds Available<br/>\$</i></b> |
|-----------------------------------------------------|--------------------------------------|
| <b><i>Asphalt Programme</i></b>                     | <b><i>28,000</i></b>                 |
| <b><i>Reseals Program</i></b>                       | <b><i>7,834</i></b>                  |
| <b><i>Sealed Road Reconstruction Programme</i></b>  | <b><i>117,372</i></b>                |
| <b><i>Guardrail Installation Programme</i></b>      | <b><i>80,000</i></b>                 |
| <b><i>Streetlight Replacement Programme</i></b>     | <b><i>39,000</i></b>                 |
| <b><i>Drainage Pipe and Pit Network Renewal</i></b> | <b><i>50,000</i></b>                 |
| <b><i>Drainage Upgrade Programme</i></b>            | <b><i>96,916</i></b>                 |

|                                                 |                       |
|-------------------------------------------------|-----------------------|
| <b><i>Open Space Renewal Programme</i></b>      | <b><i>50,000</i></b>  |
| <b><i>Events Equipment Renewal</i></b>          | <b><i>17,000</i></b>  |
| <b><i>Rehabilitation - Landfills</i></b>        | <b><i>190,000</i></b> |
| <b><i>Carpark Improvements</i></b>              | <b><i>3,381</i></b>   |
| <b><i>Building Improvements</i></b>             | <b><i>5,421</i></b>   |
| <b><i>Parks, Environ &amp; Reserves New</i></b> | <b><i>23,699</i></b>  |
| <b><i>Other Miscellaneous Projects</i></b>      | <b><i>1,543</i></b>   |
| <b><i>SUB TOTAL</i></b>                         | <b><i>710,166</i></b> |
| <b><i>Less Over Expenditure</i></b>             |                       |
| <b><i>Heavy Vehicle Truck Study</i></b>         | <b><i>-16,183</i></b> |
| <b><i>TOTAL</i></b>                             | <b><i>693,983</i></b> |

- 4. Funds the remaining balance of the Call by utilising funds from the Employee Long Service Leave Reserve.***
- 5. Commits to paying back the funds to the Long Service Leave Reserve. The manner for repayment to be determined following further discussions at a Council workshop.***
- 6. Commits to further discussion of the impacts of the payment of the Defined Benefits Superannuation as part of the workshop."***

As a result of that resolution the matter of funding the remaining \$2,345,864 as part of the budget considerations was the subject of a briefing session on Wednesday 30 January 2013.

#### **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**

The holding back of approximately \$694,000 of works has been put into effect and the balance of the debt, amounting to approximately \$1,596,000 has been funded in the interim from the Employee Long Service Leave Reserve.

This allowed early payment of the balance of the obligation, which saved Council an additional \$56,026 in interest payments. Council will have saved \$92,032 in total as a result of the early payments made against the defined benefits superannuation obligation with a total payment of \$3,089,837.

The considerations of alternatives for paying the amount through the budget process is best summarised in the following chart.



| Option    | Option Description                                                                                                                            | Loan            | Reduction in Capital Programmes | Sourced from LSL | Balance from rates | Rate rise required to fund option | Long term Increase to Renewal Gap | Future DB Super Call Reserve allocation | Rate rise required to fund Super Reserve | Total Rate Rise to fund option |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------|------------------|--------------------|-----------------------------------|-----------------------------------|-----------------------------------------|------------------------------------------|--------------------------------|
| Option 1  | Loans only                                                                                                                                    | \$ 2,289,837.40 | \$ -                            | \$ -             | \$ -               | 1.45%                             | \$ -                              | \$ 50,000.00                            | 0.24%                                    | 1.69%                          |
| Option 2  | Reduced 2012-2013 Capital Works + Loan as balance                                                                                             | \$ 1,595,854.40 | \$ 693,983.00                   | \$ -             | \$ -               | 1.03%                             | \$ 693,983.00                     | \$ 50,000.00                            | 0.24%                                    | 1.26%                          |
| Option 3  | Reduced 2013-2014 Capital Works + Loan as balance                                                                                             | \$ 898,837.40   | \$ 1,391,000.00                 | \$ -             | \$ -               | 0.59%                             | \$ 1,391,000.00                   | \$ 50,000.00                            | 0.24%                                    | 0.83%                          |
| Option 4  | Reduce 2012-2013 & 2013-2014 Capital Works + Rate rise as balance                                                                             |                 | \$ 2,084,983.00                 |                  | \$ 204,854.40      | 0.97%                             | \$ 2,084,983.00                   | \$ 50,000.00                            | 0.24%                                    | 1.21%                          |
| Option 5  | Rate rise only for 2013-14                                                                                                                    |                 |                                 |                  | \$ 2,289,837.40    | 11.13%                            | \$ -                              | \$ 50,000.00                            | 0.24%                                    | 11.37%                         |
| Option 6  | Reduced 2012-2013 Capital Works + Rate Rise as balance                                                                                        |                 | \$ 693,983.00                   | \$ 1,595,854.40  | \$ -               | 7.57%                             | \$ 693,983.00                     | \$ 50,000.00                            | 0.24%                                    | 7.81%                          |
| Option 7  | Reduced 2013-2014 Capital Works + Rate Rise as balance                                                                                        |                 | \$ 1,391,000.00                 | \$ 898,837.40    | \$ -               | 4.26%                             | \$ 1,391,000.00                   | \$ 50,000.00                            | 0.24%                                    | 4.50%                          |
| Option 8  | Reduced 2012-2013 Capital Works + Long Service Leave as balance with 4yr payback from Capital Works programme                                 |                 | \$ 693,983.00                   | \$ 1,595,854.40  | \$ -               | 0.00%                             | \$ 2,289,837.40                   | \$ 50,000.00                            | 0.24%                                    | 0.24%                          |
| Option 9  | Reduced 2013-2014 Capital Works + Long Service Leave as balance with 4yr payback from Capital Works programme (starting repayment in 2013-14) |                 | \$ 1,391,000.00                 | \$ 898,837.40    | \$ -               | 0.00%                             | \$ 2,289,837.40                   | \$ 50,000.00                            | 0.24%                                    | 0.24%                          |
| Option 10 | Reduce 2012-2013 & 2013-2014 + Long Service Leave as balance with 4yr payback from Capital Works programme (starting repayment in 2013-14)    |                 | \$ 2,084,983.00                 | \$ 204,854.40    | \$ -               | 0.00%                             | \$ 2,289,837.40                   | \$ 50,000.00                            | 0.24%                                    | 0.24%                          |
| Option 11 | Long Service Leave + Loan as balance. 4yr payback for LSL from Capital Works programme (starting repayment in 2013-2014)                      | \$ 46,837.40    |                                 | \$ 2,243,000.00  | \$ -               | 0.06%                             | \$ -                              | \$ 50,000.00                            | 0.24%                                    | 0.30%                          |
| Option 12 | Long Service Leave + Rates as balance (repayed over 4 years)                                                                                  |                 |                                 | \$ 2,243,000.00  | \$ 46,837.40       | 2.88%                             | \$ -                              | \$ 50,000.00                            | 0.24%                                    | 3.12%                          |
| Option 13 | Reduced 2013-2014 Capital Works + Long Service Leave as balance (repayed from rates)                                                          |                 | \$ 1,391,000.00                 | \$ 898,837.40    | \$ -               | 1.07%                             | \$ 1,391,000.00                   | \$ 50,000.00                            | 0.24%                                    | 1.30%                          |
| Option 14 | Reduced 2012-2013 Capital Works + Long Service Leave (repayed via rates)                                                                      |                 | \$ 693,983.00                   | \$ 1,595,854.40  | \$ -               | 1.89%                             | \$ 693,983.00                     | \$ 50,000.00                            | 0.24%                                    | 2.13%                          |
| Option 15 | Reduce 2012-2013 & 2013-2014 + Long Service Leave as balance                                                                                  |                 | \$ 2,084,983.00                 | \$ 204,854.40    | \$ -               | 0.24%                             | \$ 2,084,983.00                   | \$ 50,000.00                            | 0.24%                                    | 0.48%                          |
| Option 16 | Long Service Leave + Loan as balance. Once off rate rise in 2013-2014 for repayment of LSL.                                                   | \$ 46,837.40    |                                 | \$ 2,243,000.00  | \$ -               | 2.72%                             | \$ -                              | \$ 50,000.00                            | 0.24%                                    | 2.96%                          |

In essence the Councillors present at the briefing session confirmed the actions already taken but suggested as part of the budget process that the repayment of the funds back to the employee long service leave reserve be made over 4 or 5 years to minimise the impact initially on ratepayers. They further generally agreed that the funds allocated annually to the Defined Benefit Superannuation reserve in future, be limited to \$50,000 per year. Option 14 (shaded grey) is the option that aligns with Councillor's discussions.

There are a number of considerations that must be taken into account when funding this liability:

1. Repayment of the Employee Long Service Leave Reserve monies, or any loan monies over a 3-5 year period to ensure that the debt was cleared before a further call should occur within the term of this Council.
2. The impacts of maintaining our position regarding the funding of the Asset Renewal gap should be recognised as far as possible.
3. That some level of funding to a reserve for future calls should be made.
4. That there must be sufficient liquidity in the Council cash reserves to fund its commitments without recourse to overdraft or other funding mechanisms. In the interim our Employee Long Service Leave Reserve is one means of providing this.

### Proposal

The lowest cost loan funds can be achieved is by using our own cash reserves from the Employee Long Service Leave Reserve. This cost is the opportunity cost of unearned interest income on the reserve that would otherwise exist.

The agreed position at the Council briefing was:

1. The deferment of the capital works as listed in the January 2013 agenda be confirmed.
2. Fund the remaining liability to the Defined Benefit Superannuation Fund (Vision Super) through these savings and the balance of \$1,635,864 from the Employee Long Service Leave Reserve.

3. The repayment of funds to the Employee Long Service Leave Reserve be funded over four to five years with the final agreement on this level to be determined in the 2013/2014 budget consideration.
4. That the allocation of funds to the Defined Benefit Superannuation Future Liability Reserve to be limited to \$50,000 per annum with the final figure to be determined in the 2013/2014 budget considerations.

**Financial and Other Resource Implications**

The impact of these decisions directly affects the 2013/2014 budget considerations.

**Risk Management & Compliance Issues**

The Defined Benefit Superannuation Call by Vision Super is a legal obligation on Council.

**Environmental and Climate Change Considerations**

Not applicable.

**Community Engagement**

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

The method selected has been to inform through the presentation of this report.

**Implementation**

Council has already paid for the Defined Benefit Superannuation Call. The confirmation of this resolution will confirm the deferment of approximately \$694,000 in Capital Works and confirm that part of the Employee Long Service Leave Reserve funds should be used to provide internal loan funds to discharge this obligation.

**Conclusion**

The adoption of this resolution appears to have the least impact on the combined elements of costs to ratepayers, Council's prudential financial position and a strong position with respect to Asset Renewal capability.

**Attachments**

Nil

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

1. ***Confirms the deferment of the following capital works as listed in the January 2013 Ordinary Council Meeting minutes as follows:***

| <b>PROJECTS/PROGRAM</b>                             | <b>Funds Available<br/>\$</b> |
|-----------------------------------------------------|-------------------------------|
| <b><i>Asphalt Programme</i></b>                     | <b><i>28,000</i></b>          |
| <b><i>Reseals Program</i></b>                       | <b><i>7,834</i></b>           |
| <b><i>Sealed Road Reconstruction Programme</i></b>  | <b><i>117,372</i></b>         |
| <b><i>Guardrail Installation Programme</i></b>      | <b><i>80,000</i></b>          |
| <b><i>Streetlight Replacement Programme</i></b>     | <b><i>39,000</i></b>          |
| <b><i>Drainage Pipe and Pit Network Renewal</i></b> | <b><i>50,000</i></b>          |
| <b><i>Drainage Upgrade Programme</i></b>            | <b><i>96,916</i></b>          |
| <b><i>Open Space Renewal Programme</i></b>          | <b><i>50,000</i></b>          |
| <b><i>Events Equipment Renewal</i></b>              | <b><i>17,000</i></b>          |
| <b><i>Rehabilitation - Landfills</i></b>            | <b><i>190,000</i></b>         |
| <b><i>Carpark Improvements</i></b>                  | <b><i>3,381</i></b>           |
| <b><i>Building Improvements</i></b>                 | <b><i>5,421</i></b>           |
| <b><i>Parks, Environ &amp; Reserves New</i></b>     | <b><i>23,699</i></b>          |
| <b><i>Other Miscellaneous Projects</i></b>          | <b><i>1,543</i></b>           |
| <b><i>SUB TOTAL</i></b>                             | <b><i>710,166</i></b>         |
| <b><i>Less Over Expenditure</i></b>                 |                               |
| <b><i>Heavy Vehicle Truck Study</i></b>             | <b><i>-16,183</i></b>         |
| <b><i>TOTAL</i></b>                                 | <b><i>693,983</i></b>         |

2. ***Notes the remaining liability to the Defined Benefit Superannuation Fund (Vision Super) has been funded through these savings and a further \$1,595,854 from the Employee Long Service Leave Reserve.***
3. ***Repays the funds to the Employee Long Service Leave Reserve which is to be funded over four to five years with the final agreement on this level to be determined in the 2013/2014 budget consideration.***
4. ***Allocates funds to the Defined Benefit Superannuation Future Liability Reserve to be limited to \$50,000 per annum with the final figure to be determined in the 2013/2014 budget considerations.***

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CORPORATE AND COMMUNITY SERVICES

| ITEM | |
|-------------------|--|
| OM132702-5 | FINANCIAL REPORTING - BENCHMARKING/PERFORMANCE INDICATORS AND FINANCIAL SUSTAINABILITY INDICATORS |
| OM132702-6 | FESTIVAL AND EVENTS SUPPORT SCHEME 2013/14 |
| OM132702-7 | 2013-2014 COMMUNITY FUNDING PROGRAM |
| OM132702-8 | COUNCILLOR AND MAYORAL ALLOWANCES MEETING DATE |

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OM132702-5

**FINANCIAL REPORTING -
BENCHMARKING/PERFORMANCE INDICATORS AND
FINANCIAL SUSTAINABILITY INDICATORS**

| | | | |
|-------------|--------------------------------|-----------|-----------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | 11/95595 |

Purpose

The purpose of the report is to provide Council with further information on financial “Benchmarking/Performance Indicators” for the financial year 2011/2012.

The information has been taken from data supplied by Strategy Plus.

Declaration of Interests

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

BackgroundFinancial Information 2011/2012

A report was provided to the 28 November 2012 Council meeting which included financial information on the Colac Otway Shire as well as comparisons with those Councils in the Large Shire Grouping.

Strategy Plus

Strategy Plus collects data from the published Annual Reports of all 79 Victorian Councils.

The ratios are based on an interpretation of data provided in the annual reports based on definitions as detailed by Strategy Plus.

The data is merely provided as a source of information to enable Councils to benchmark items of interest from data in publicly available documents.

Victorian Auditor-General (VAG)

The VAG has been preparing data on the results of financial audits and financial sustainability over a number of years.

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 / OptionsStrategy Plus

The attached paper “Benchmarking/Performance Indicators” provides data on how Colac Otway compares with other Councils in the Large Rural Shire grouping as well as the state average.

Strategy Plus includes 19 Councils in the grouping:

- Baw Baw
- Campaspe
- Colac Otway
- Corangamite
- East Gippsland
- Glenelg
- Horsham
- Macedon Ranges
- Mitchell
- Moira
- Moorabool
- Moyne
- Murrindindi
- South Gippsland
- Southern Grampians
- Surf Coast
- Swan Hill
- Wangaratta
- Wellington.

It should be noted that the list of Councils in the Large Shire category varies based on the criteria used to determine the classification of a municipality. The Victorian Auditor-General includes 16 Councils in the category.

The attached paper has grouped various indicators under the following headings:

- 1 – Assets
- 2 – Capital
- 3 – Cash
- 4 – Indebtedness/Liabilities
- 5 – Operating
- 6 – Rating
- 7 – Capacity to Pay.

The purpose of utilising financial key performance data analysis is to gain knowledge on how Council performs comparative to like Councils and those across the state and to therefore understand areas where Council performs well and where there are opportunities for Council to seek improvement.

Financial key performance indicators by themselves do not provide definitive answers. Frequently there may be very good and valid reasons for Councils varying from the 'norm'. What they do however is generate the questions that need to be answered and ensure that variances are planned with knowledge rather than by accident.

Given the basis of data collection, it should be noted that the financial statistics contained in this report do not attempt to contain any measures of what services are provided and to what level within Colac Otway, in comparison to other municipalities. This information is not typically available in comparable forms in annual reports.

Summary

The data that is available indicates that Colac Otway compares well with the average of Large Rural Councils in most categories/key performance indicators.

The main areas for ongoing review are:

- The underlying operating deficit;
- Liquidity levels;
- The level of capital expenditure; and
- The level of depreciation

The continued emphasis on these aspects will ensure that Colac Otway improves its financial position.

The payment of the Defined Superannuation Liability will have an impact on all 79 Councils in terms of:

- Liquidity levels;
- Level of capital expenditure;
- Level of reserves;
- Level of debt

Proposal

The Benchmarking/Performance Indicators report provides extensive information on various aspects of Council's finances.

It is proposed that Council notes the information in the report.

Financial and Other Resource Implications

The paper provides further information on financial indicators. Council has previously considered a report on Financial Information 2011/2012 at the 28 November 2012 Council meeting.

As noted the payment of the Defined Superannuation Liability will have an impact on the financial position of each of the 79 Councils in different ways. It will depend on how each Council pays their liability.

There will be impacts depending on the approach on:

- Liquidity Levels
- Level of Capital Expenditure
- Level of Reserves
- Level of Debt

Risk Management & Compliance Issues

Not applicable

Environmental and Climate Change Considerations

Not applicable

Community Engagement

The community engagement strategy follows 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. A copy of the paper has previously been provided to Councillors and a copy will be included in the next Audit Committee agenda.

Implementation

The report and attached paper are for information only.

Conclusion

The previous financial information paper and the Benchmarking/Performance Indicators Report provide a lot of financial data and indicators.

The data that is available indicates that Colac Otway compares well with the Average of Large Rural Councils in most categories/key performance indicators.

The main areas for ongoing review that are being addressed are:

- The underlying operating deficit;
- Liquidity levels;
- The level of depreciation; and
- The level of capital expenditure.

The continued emphasis on these aspects will continue to ensure that Colac Otway improves its financial position.

The information available also indicates that Colac Otway Shire is addressing a number of the challenges that face Council. Over the last 5 years there has been an emphasis on improving Council's financial position.

There has been an increased emphasis on key challenges to ensure that Colac Otway achieves certain targets as soon as possible:

- Increased asset renewal and maintenance spending;
- Moving from operating deficits to operating surpluses.

It is also critical that levels of liquidity and debt are continually reviewed and managed responsibly.

Attachments

1. Benchmarking/Performance Indicators 26 Pages

Recommendation(s)

That Council notes the report on Benchmarking/Performance Indicators 2012/2013.

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**OM132702-6****FESTIVAL AND EVENTS SUPPORT SCHEME 2013/14**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Vicki Jeffrey                  | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/3291     |

**Purpose**

The purpose of this report is to seek Council endorsement of the revised guidelines, application form and budget allocation proposed for the 2013/2014 Festival and Events Support Scheme.

**Declaration of Interests**

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

**Background**

The Festival and Events Support Scheme commenced in 2007/2008 due to the increasing growth and demand for events and the need to develop a transparent and fair program to support the allocation of funding for events within the Shire. An Advisory Committee comprising representation from Council (3 Councillors and 1 Officer), and Regional Development Victoria were appointed to review the submitted applications and participate in assessing those applications. Since its introduction in 2007, the scheme has been well supported by both commercial and community based event organisers.

Events and festivals of varying kinds have been funded under this scheme, which include:

- Sporting Events – GOR Marathon, Amy Gran Fondo, Rainforest Ride, Mountain Bike Events, Fun Runs and the Great Victorian Bike Ride.
- Community Festivals – Apollo Bay Music Festival, Birregurra Weekend Festival, Colac Kana, Carols by Candlelight and the Gellibrand Blues and Blueberry Festival.
- Other events – Otway Soup Festival, Colac Orchid Show, Warrion Flower Show and the Heritage Festival.

**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.

Dedicated program funding for this scheme has been identified through the implementation of the 2007-2011 Colac Otway Festivals and Event Strategy.

**Issues / Options**

Over the past year, the following trends have been identified regarding the Colac Otway Festival and Events Support Scheme:

**Events**

- Continuing evidence of community interest and scope for more community events across the Shire. (e.g. Carols by Candlelight, Gellibrand River Blues and Blueberry Festival).

- An increase in the number of overall requests received for festival and events funding for either the first time through this scheme or for continued funding (eg. Colac Orchid Show, Warrion Flower Show, Colac Garden & Lifestyle Expo).
- A growing number of major event organisers applying for funding (eg. Amy Gran Fondo, Ford Otway Classic Ride, Great Victorian Bike Ride).
- An increasing number of 'sporting' events will continue in 2013. It is anticipated that these events will again seek funding now and into the future (eg. Old Beechy Rail Trail Fun Run, Run Colac Fun Run, Bulla Fun Run and Two Day Mountain bike Festival in Forrest).

#### General

Applicants are requested to provide evidence of any funding support received from the Colac Otway Shire in the past three years and to supply detailed financial statements or a Treasurer's report for the past two years. This is consistent with changes that were made to the Council's Policy "Funding Advances to Community Organisations."

A review of the program has been undertaken involving input from the Festival and Events Support Scheme Advisory Committee. At the Festival and Events Support Scheme Advisory Committee meeting held 30 May 2012 the following comments were made.

1. There is a finite amount of funding available; however there is an increasing number of events seeking funding and consequently the program is oversubscribed.
2. An increase in the funding amount for the 2013/14 scheme should be requested.

At last year's Advisory Committee, Council's new Tourism Development Officer was present as a result of Otways Tourism ceasing to operate. In previous years, Otway Tourism also had a funding stream that is now no longer available. This is another reason for the request to increase the Festival and Events Support Scheme funding amount.

An in-house review was conducted to obtain feedback from staff involved in administering this funding program and comments were also contributed by some event organisers. The following minor changes to the 2013/2014 Festival and Events Support Scheme Guidelines were suggested and have been reflected in the attached guidelines.

- Survey Monkey or equivalent details to be provided by event organisers, i.e. total number of visitors to the event, type of visitors (day, overnight, international), origin of visitors, length of stay and economic impact.
- Public Liability and Insurance to increase to a minimum of twenty million dollars (\$20 million) for major events only, which brings the Colac Otway Shire into line with other G21 councils.
- Sponsorship Categories. There has been some concern from event organisers in regard to distinguishing between the two categories of Commercial and Community events. These categories have now been combined with no distinction between them. However funding categories remain the same, i.e. Platinum, Silver etc. An Event will be assessed on its merits i.e. economic benefits, community, social and cultural contributions.
- Seed funding has now been incorporated into the Bronze sponsorship category, as the criteria is the same.
- Flexibility has been introduced in regard to signage requirements, expectation for a key representative to speak and display of flags and banners to be agreed with the event organisers. In addition, the sponsored event is encouraged to promote the Colac Otway Shire via social media if available.

It is recommended that the funding for the Festival and Events Support Scheme be increased from the 2012/2013 allocation to reflect price increases in materials, permits and costs associated with running events, e.g. advertising, stage and sound, traffic management and first aid. The funding allocation will be considered as part of the 2013/2014 budget process.

Proposed funding allocations for the 2013/2014 Festival and Events Support Scheme:

2012/13 Events - \$60,000 to 2013/14 Events - \$75,000

The proposed timelines for the Festival and Events Support Scheme for 2013/14 are as follows:

- Applications open Friday 22 March 2013
- Applications close Friday 3 May 2013
- Submissions evaluated May – June 2013
- Notification of funding at Civic Reception July 2013
- Project completion, evaluation forms returned 3 months after each event

There are three options for Council's consideration:

1. Commence implementation of the 2013/2014 Festival and Events Support Scheme in accordance with:
  - a. The revised guidelines and application forms including the proposed processes and timeline, and
  - b. The current funding levels.
2. Further review the 2013/2014 Festival and Events Support Scheme and propose alternative program options to Council for further consideration.
3. Wait for outcomes of the 2013/2014 Council budget and commence funding programs in August 2013 in accordance with:
  - a. The revised guidelines and application forms including the proposed processes and timelines, and
  - b. Adopted funding levels.
4. Not support or continue the program at all.

### **Proposal**

This report proposes that Council Supports Option 1: Commence implementation of the 2013/2014 Festival and Events Support Scheme in accordance with:

- The revised guidelines and application forms including the proposed processes and timelines, and
- The current funding levels.

Furthermore, it seeks acknowledgement that an increased funding request for the Festival and Events Support Scheme for 2013/2014 will be considered through Council's annual budgetary process.

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

Proposed funding allocations for 2013/2014 Festival and Events Support Scheme:

2012/13 Events - \$60,000 to 2013/14 Events - \$75,000

The program contributes significantly to many events across the Shire. Specifically in 2012/2013, it is estimated that the \$60,000 allocated to the Festival and Events Support Scheme assisted in the delivery of 28 events with a total project value of \$2,498,000. (In 2011/2012 the fund assisted 20 events with a total project value of \$1,587,000).

The Festival and Events Support Scheme ensures that local community event organisers can apply for funding to support their events. It is important to offer this Scheme as limited funding opportunities exist at a State or Federal Government level.

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

Specific risk management and compliance issues embedded within each event application are assessed on their individual merit. The proposed guidelines and applications forms ensure potential risk and compliance issues are identified.

There are increased risks associated with the implementation of Option 3. Waiting for outcomes of the 2013/2014 Council budget and commencing the scheme in August 2013 will reduce the amount of time community groups have to commence and complete their funded events. It is anticipated this option would therefore result in events being carried over into the next financial year. The later the scheme commences and funding allocated in the financial year, the less time organisations have to undertake their projects.

Furthermore, if Option 3 is implemented there is the likelihood that events held within the first three months of the financial year will not be able to access funding. This will have impacts on event planning due to uncertainty associated with available funding.

The risk of Option 4 is the increased burden placed on volunteer organisations throughout the Shire as a result of no available funding.

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

The Colac Otway Festival and Events Support Scheme 2013/2014 guidelines specify that it is a condition of all successfully funded applicants that their event meets set criteria regarding event waste management. Other environmental considerations are identified throughout the approval process and are dealt with accordingly.

### **Community Engagement**

The community engagement strategy follows 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. Should Council endorse this report, application forms and guidelines will be advertised across the Shire in early March 2013 for Colac Otway Shire's 2013/2014 Festival and Events Support Scheme. Application forms will be made available from Council's Customer Service Centres in Colac and Apollo Bay, via the website and through direct database mail. The program will also be promoted via social media. Email application lodgement will again be offered to make the process easier for applicants to submit applications electronically. Council officers will meet with individual applicants as required providing further assistance to progress applications.

### **Implementation**

It is proposed that the implementation of the 2013/2014 scheme would commence in March 2013, following Council endorsement of this report.

Applications are assessed at Officer level and presented to an Advisory Committee of Council for ratification. It was resolved at the Statutory Meeting held 7 November 2012 that the following Councillors would comprise the Festival and Events Support Scheme: Councillors Lyn Russell, Terry Woodcroft, Chris Smith and Mick McCrickard.

Applicants will be notified immediately of the outcome of their submission, subject to Council endorsement of the recommendations made by the Advisory Committee for applications received under the Colac Otway Festival and Events Support Scheme 2013/2014. Funding will be released to successful applicants upon the receipt of a tax invoice.

### **Conclusion**

The dedicated funding of events and festivals has resulted in a broad range of community managed events that otherwise would not be staged within the Shire. Since 2005 the number of events funded by Council annually has increased from four to a maximum of 28. In 2012/2013 the 28 events seeking funding under their particular categories resulted in the program being significantly oversubscribed. Funding requests to the value of \$113,865 were sought from a total available funding pool of \$60,000. Over more recent years the number of private event organisers bringing major interstate events to the Shire has also increased.

### **Attachments**

- |                                                                                       |       |
|---------------------------------------------------------------------------------------|-------|
| 1. Festivals and Events Support Scheme Guidelines & Application 2013/14               | 8     |
|                                                                                       | Pages |
| 2. Festival and Event Support Scheme Application for the period July 2013 - June 2014 | 8     |
|                                                                                       | Pages |

### **Recommendation(s)**

#### ***That Council:***

1. ***Endorses the revised Festival and Events Support Scheme guidelines and application forms as attached.***
2. ***Commences implementation of the 2013/2014 Festival and Events Support Scheme in accordance with:***
  - a. ***The revised guidelines and application forms including the proposed process and timelines, and***
  - b. ***The current funding levels of \$60,000.***
3. ***Refers the increased funding request to the 2013/2014 budgetary process as follows:***

***Festival and Events Support Scheme Events     \$60,000 to \$75,000***

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OM132702-7**2013-2014 COMMUNITY FUNDING PROGRAM**

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Jodie Fincham | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/3291 |

Purpose

The purpose of this report is to seek Council endorsement of the proposed funding available to community clubs and organisations through the 2013/2014 Council Community Funding Program. It is also seeking Council endorsement of the revised guidelines and implementation process for the Community Funding Program.

The proposed 2013/2014 Colac Otway Shire Community Funding Program will include four categories:

1. Recreation Facilities up to \$10,000
2. Community Projects up to \$10,000
3. COPACC Hire Assistance
4. Community/Recreation Projects – up to \$2000 (small equipment and training).

This report also includes the program guidelines and application forms for these programs.

Declaration of Interests

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

Background

Council has provided financial assistance to a broad range of community organisations and clubs through specific funding programs for the past fifteen years. Over this time the program has typically provided funding assistance to improve community facilities, purchase essential equipment items, conduct community projects and to hire COPACC for community activities. Through emerging trends and changes in community needs, the requests for funding have altered but the criteria for the funding program have remained consistent throughout this time.

Due to the increasing growth and demand for events there was a need to develop a transparent and fair program to support the allocation of funding for events within the Shire. This resulted in the Festival and Event Support Scheme which commenced in 2007/2008. Endorsement of the Festival and Event Support Scheme guidelines and implementation process is presented for consideration in a separate report to Council.

A total program review was undertaken prior to the 2012/13 financial year for the Council Community Funding Program resulting in the development of a new funding category entitled "Community/Recreation Projects – up to \$2,000 (small equipment and training).

The program now currently comprises four categories: Recreation Facilities, Community Projects, COPACC Hire Assistance Fund and Community Projects (small equipment and training). Implementation of this program typically results in the allocation of \$40,000 to various community projects, \$80,000 towards recreation facility works and \$10,000 towards functions held at COPACC.

Over the past year of the Colac Otway Community Funding Program the following trends have been identified within the specific program categories:

Community Projects

- Delivery of a diverse range of projects demonstrating community interest and support for increased participation, or new initiatives e.g. Polwarth and District Tennis Association (production of history booklet of tennis in Colac and district), Apollo Bay Tuesday Art Group (sharing, mentoring and broadening the arts program).
- An increasing number of community service organisations seeking contribution to a range of projects e.g. The Rotary Club of Colac West (purchase picnic furniture for Joseph Paatsch Reserve), SES Colac Unit (purchase of training equipment).

Recreation Facilities

- Evidence of significant works to be undertaken on Council owned and other facilities e.g. Colac Aero Club (upgrade of concrete paths), Forrest Public hall (extend roof on Forrest hall deck).
- Evidence of projects outsourced (works quotations and risk management requirements) rather than being completed with substantial in-kind input from clubs, therefore increasing the cost of projects e.g. Elliminyt Hall (renovating kitchen).

COPACC

- Schools continue to seek funding assistance to stage performances at COPACC.
- Community groups continue to seek funding assistance to stage events or exhibitions at COPACC e.g. Polwarth District tennis association (Celebrating and displaying 75 year history of tennis in Colac and district).
- Some applicants have partnered funding programs both from within Colac Otway Shire funding streams and external funding programs to increase the amount of funding in support of projects.

Small Equipment and training

- Following its successful introduction in 2012/13, this category has proved extremely popular, resulting in the purchases of small equipment and training for 18 projects e.g. Larpent Hall Committee (purchase new stove), Lions Club of Forrest & District (purchase catering equipment).

General

Applicants are requested to provide evidence of any funding support received from the Colac Otway Shire in the past three years and to supply detailed financial statements or a treasurer's report for the past two years. This is consistent with changes that were made to Council's Policy "Funding Advances to Community Organisations."

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.

The Council Community Funding Program is supported by the 2006-2010 Colac Otway Recreation Strategy, the 2007-2011 Colac Otway Arts and Culture Strategy and the 2007-2011 Colac Otway Festivals and Events Strategy.

Issues / Options

The Council Community Funding Program was reviewed internally in 2012/2013 in order to better respond to current community trends particularly within the sport, recreation, arts and event sectors within the Shire. Minor changes were made to assist with program administration.

Review Process – Council Community Funding Program 2012/2013

Feedback from staff who participated in an in-house review of the program resulted in the following recommendations:

- Continue implementation of new and vibrant funding program advertisements and revision of advertisement content to broaden its appeal to a wider community audience.
- Council owned and managed facilities will require that all compliance requirements are to be met.
- Depending on the project, compliance requirements may be required to be completed for projects across all categories, the exception being for small equipment purchases.

The funding allocation will be considered as part of the 2013/2014 Budget process.

Proposed funding allocations for 2013/2014 Council Community Funding Program:

| | (12/13) | (13/14) |
|-----------------------------|----------|----------|
| • Community Projects | \$40,000 | \$40,000 |
| • Recreation facility works | \$80,000 | \$80,000 |
| • COPACC assistance | \$10,000 | \$10,000 |

Small equipment/training funding is to be taken from the above allocations, excluding the COPACC assistance category.

The proposed timelines for the Council Community Funding Program for 2013/2014 are as follows:

- | | |
|---|----------------------|
| • Applications open | Friday 22 March 2013 |
| • Applications close | Friday 3 May 2013 |
| • Submissions evaluated | May - June 2013 |
| • Notification of funding at Civic Reception | July 2013 |
| • Project completion, evaluation forms returned | By May 2014. |

The attached guidelines for the 2013/2014 Community Funding Program have been amended to reflect the above changes.

There are four options for Council's consideration:

1. Commence implementation of the Council Community Funding Program in accordance with:
 - a. The revised guidelines and application forms including the proposed processes and timelines, and
 - b. The current funding levels.
2. Further review the 2013/2014 Council Community Funding Program and propose alternative program options to Council for further consideration.

3. Wait for outcomes of 2013/2014 Council budget and commence funding programs in August 2013 in accordance with:
 - a. The revised guidelines and application forms including the proposed processes and timelines, and
 - b. The current funding levels.
4. Not support/continue the program at all. This would be detrimental to the broader community as it will prevent the delivery of numerous projects which would otherwise not be made possible without funding assistance.

Proposal

This report proposes that Council supports Option 1: Commence implementation of Council's 2013/2014 Community Funding Program in accordance with:

- The revised guidelines and application forms including the proposed processes and timelines, and
- The current funding levels.

Financial and Other Resource Implications

The program contributes significantly to many community projects across the Shire. Specifically, of the \$40,000 available for Community Projects, \$25,280 was allocated to support 9 projects which resulted in \$55,400 of estimated project value. The small equipment and training category received a funding amount of \$13,935 resulting in the delivery of 18 projects worth \$22,770 of estimated project value. The COPACC hire assistance funding allocation of \$10,000 resulted in 8 performances and exhibitions with an estimated total value of \$81,660. The remaining balance of \$80,605 was allocated to Recreation Facilities and resulted in 23 project improvement works to the estimated value of \$196,990

Following recommendations made by Council at the February 2012 Council Meeting, a Business Case was developed seeking an increase to program funding:

| | |
|-----------------------|-----------------------|
| Recreation Facilities | \$80,000 to \$100,000 |
| Community Projects | \$40,000 to \$ 60,000 |
| COPACC Assistance | \$10,000 |

This request was unsuccessful in the 2012/13 budget and the request is currently being considered as part of the 2013/14 budget process.

Risk Management & Compliance Issues

Specific risk management and compliance issues embedded within each project application are assessed on their individual merit. The proposed guidelines and application forms ensure potential risk and compliance issues are identified.

There are increased risks associated with the implementation of Option 3. Waiting for outcomes of the 2013/2014 Council budget and commencing the program in August 2013 will reduce the amount of time community groups have to commence and complete their funded projects. It is anticipated this option would therefore result in project carry over into the next financial year. The later the program commences and funding allocated in the financial year, the less time organisations have to undertake their projects.

The risk of Option 4 is the increased burden placed on several volunteer organisations throughout the Shire as a result of no funding.

Environmental and Climate Change Considerations

Specific environmental issues embedded within projects are assessed throughout the application assessment. Council's Environment Unit is engaged in project assessment or implementation where environmental issues are identified or possible.

Community Engagement

The community engagement strategy follows 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 includes significant communication from Council to the community released via local media, electronic newsletters, social media and direct correspondence informing the community of the grants program and its associated timelines. Information sessions will be held in Colac and Apollo Bay.

Applications are initially assessed at officer level. The applications are then presented to an Advisory Committee, comprising Councillor representation, for further assessment and the final recommendations which are presented to Council for consideration.

Implementation

It is proposed that implementation of the 2013/2014 program would commence March 2013 following Council endorsement of this report. Applications are assessed at officer level and presented to an Advisory Committee of Council for ratification. It was resolved at the Statutory Meeting held on 7 November 2012 that the following Councillors would comprise the Community Funding Advisory Committee: Cr Smith, Cr Hart, Cr McCrickard and Cr Woodcroft.

It is proposed to advise all applicants in writing following Council's adoption of the recommendations for funding. A civic reception will be held at COPACC on 19 July 2013 to present the grant cheques to successful applicants. Festival and Events Support Scheme grant recipients will once again 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 their projects and meet project acquittal requirements.

Conclusion

Council's Community Funding Program allocation in 2012/2013 resulted in community projects, events, facility improvements, exhibitions and performances with a total estimated value in excess of \$350,000.

Furthermore, strong community partnerships were formed and/or consolidated with arts and cultural groups, committees of management of recreation facilities, schools and performing arts groups. The annual Community Funding Program is a much valued scheme which achieves significant results for local communities.

Attachments

| | |
|--|-------------|
| 1. Colac Otway Shire Community Funding Program 2013/14 Guidelines & Application - Recreation Facilities | 13
Pages |
| 2. Colac Otway Shire Community Funding Program 2013 /14 Guidelines & Application Community Projects (Up to \$10,000) | 12
Pages |
| 3. Colac Otway Shire Community Funding Program 2013/14 COPACC Hire Assistance | 12
Pages |
| 4. Colac Otway Shire Community Funding Program 2013/14 Community/Recreation Small Equipment & Training (Up to \$2,000) | 8
Pages |

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

1. ***Endorses the revised 2013/2014 Council Community Funding Program guidelines and application forms.***
2. ***Commences implementation of Council's Community Funding Program in accordance with:***
 - a. ***The revised guidelines and application forms including the proposed processes and timelines, and***
 - b. ***The current funding levels.***

| | |
|-------------------------------------|------------------------|
| <i>Recreation Facilities</i> | <i>\$80,000</i> |
| <i>Community Projects</i> | <i>\$40,000</i> |
| <i>COPACC Assistance</i> | <i>\$10,000</i> |
3. ***Refers the increased funding request to the 2013/2014 budgetary process as follows:***

| | |
|-------------------------------------|-------------------------------------|
| <i>Recreation Facilities</i> | <i>\$80,000 to \$100,000</i> |
| <i>Community Projects</i> | <i>\$40,000 to \$ 60,000</i> |
| <i>COPACC Assistance</i> | <i>\$10,000</i> |

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OM132702-8

**COUNCILLOR AND MAYORAL ALLOWANCES MEETING  
DATE**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Rick Morrow                    | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/2221     |

**Purpose**

The purpose of this report is to correct a date error relating to the resolution passed at the 19 December 2012 Council Meeting on the Council report OM121912-4 Councillor and Mayoral Allowances.

**Declaration of Interests**

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

**Background**

The resolutions passed at the 19 December 2012 meeting referred to a Council Meeting set for 28 March 2013. The scheduled March Council meeting is set for 27 March 2013. Note below the resolutions which were adopted.

***That Council:***

- 1. Gives public notice of its intention to determine at the 28 March 2013 Council meeting the following Mayoral and Councillor allowances from 1 May 2013 in accordance with section 74 and section 223 of the Local Government Act 1989:***

***a) Mayoral Allowance - \$65,000***

- 2. Considers any submissions that are received at a Special Council Meeting to be held on Wednesday 13 March 2013 at COPACC at 1.00 pm.***

***That Council:***

- 1. Gives public notice of its intention to determine at the 28 March 2013 Council meeting the following Mayoral and Councillor allowances from 1 May 2013 in accordance with section 74 and section 223 of the Local Government Act 1989:***

***a) Councillor Allowance - \$21,480***

- 2. Considers any submissions that are received at a Special Council Meeting to be held on Wednesday 13 March 2013 at COPACC at 1.00 pm.***

**Conclusion**

This Council report is seeking support to change the incorrect date to the date of the scheduled March 2013 Council meeting.

**Attachments**

Nil

**Recommendation(s)**

***That Council notes the resolutions relating to Councillor and Mayoral allowances passed on 19 December 2012 indicating the intention to determine the allowances at the 28 March 2013 Council Meeting and that the date be changed to 27 March 2013.***

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INFRASTRUCTURE AND SERVICES

| ITEM | |
|--------------------|---|
| OM132702-9 | DECLARATION OF ROAD AS UNUSED - ROAD ABUTTING 190 SPRINGS ROAD, YEO |
| OM132702-10 | LICENCE FOR APOLLO BAY SAILING CLUB TEMPORARY CLUB HOUSE/MULTIPURPOSE FACILITY |
| OM132702-11 | PROPOSED LEASE AGREEMENT - 5 BEECH FOREST LAVERS HILL ROAD, BEECH FOREST |
| OM132702-12 | ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE, COLAC |
| OM132702-13 | SPECIAL CHARGE SCHEME FINALISATION - SINCLAIR STREET SOUTH, ELLIMINYT |

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OM132702-9

**DECLARATION OF ROAD AS UNUSED - ROAD ABUTTING
190 SPRINGS ROAD, YEO**

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Clive Brooker | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/3291 |

Purpose

The purpose of this report is to consider the proposal to declare that section of Springs Road, Yeo fully described as the unused road east of Crown allotment 81, Parish of Yeo and east of the southern part of lot 2, PS333357, parish of Yeo as unused in accordance with section 400 of the *Land Act 1958*.

Declaration of Interests

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

Background

Council at its meeting of 28 November 2012 resolved:

That Council:

1. In accordance with section 223 of the Local Government Act 1989 and subject to an eight week notification period undertakes the following:

- a) Gives public notice of its intention to declare the section of road described as the unused road east of Crown Allotment 81, Parish of Yeo and east of the southern part of Lot 2, PS333357, Parish of Yeo as unused.***
- b) If no objections are received and subject to Council complying with its statutory requirements instructs the Chief Executive Officer to advise the Department of Sustainability and Environment of Council's formal consent.***
- c) If objections are received, hold a Special Council Meeting on 13 February at 1:00pm in COPACC to consider the objections. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their objections and will be advertised in the local media.***
- d) If required, a final decision shall be made by Council following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Special Council Meeting to the following Council meeting.***

Two submissions were received by Council during the public consultation period. Prior to the Special Council Meeting held on 13 February 2013 one of the parties who had submitted an objection had expressed a desire to be heard in support of their submission. On the appointed day and time of the meeting neither of the parties who made submissions, nor their representatives, were in attendance. No further consideration of the submissions or the proposal was undertaken and the meeting was closed.

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. This proposal has been considered in accordance with Council's Closure of Unused Government Roads, Licensing of an Unused Road or Water Frontage Policy.

Issues / Options

A summary of the issues raised and the responses to them are as follows;

- An application was made to the Department of Environment & Sustainability (DSE) for a grazing licence over the subject section of road. DSE have referred the application to Council to determine if the road should be declared as unused, which is a prerequisite to the granting of the licence.
- The section of Springs Road as described in the application is currently unmade and runs in a north south alignment and connects to Yeo Yeodene Road at its southern limit.
- Part of the section of road to be declared as unused is listed on Council's Municipal Public Road Register and is classified as a 'Minor' road. The road register will need to be amended to reflect the change in status should this section of Springs Road be declared an unused road.
- The section of Springs Road, subject to the application, is bounded on both sides by property owned by the applicant.
- This section of Springs Road is a "Government Road", i.e. it is Crown Land with the status of "Road".
- It has been established under common law (*King v Bass Coast, Supreme Court, 1999*) that all Government Roads are Public Highways. The public at large may use any Public Highway, even if it is declared unused. In *Fenelon v Dove, County Court, 2008* it was found that the granting of a grazing licence, over an unused road, by DSE cannot take away the rights of the public to "pass and repass" over the licensed land.
- Once declared as unused the road will no longer be subject to the requirements of the *Road Management Act 2004*, and care and management of the unused road will pass to DSE.

Summary of issues raised in the submissions

| Issue | Response |
|--|---|
| Access is required to allow an alternative means of egress for people and stock in the case of fire. | <ul style="list-style-type: none"> • Council may request special conditions be attached to the licence ensuring any gates erected are free swinging and unlocked at all times. • As indicated above the public's right to "pass and repass" over the land is not affected by the change of status to unused or by the subsequent granting of a grazing licence by DSE. However anyone travelling along the licenced section of road may not interfere with the licensee's livestock or interrupt the licensee's use of the land for the purposes allowed by the |

| Issue | Response |
|---|--|
| | <p>licence.</p> <ul style="list-style-type: none"> It should be noted that Council does not currently maintain a trafficable surface over the section of road subject to the application and under the license conditions the licensee will not be required to ensure the road is passable by vehicular traffic. |
| <p>Concerns were raised about the potential for rubbish to accumulate in the area and that existing vegetation may be destroyed or removed.</p> | <p>Under DSE's standard license conditions the licensee:</p> <ul style="list-style-type: none"> Is not permitted to allow rubbish to accumulate in or around the licensed land. The licensee may not fell, ringbark, injure, destroy or remove any living or dead vegetation (except weeds) or fallen timber on the licensed land. Upon the granting of the grazing license DSE becomes responsible for ensuring the licensee's compliance with the license conditions. |

Proposal

In accordance with section 223 of the *Local Government Act 1989* the submissions received during the public consultation period should be considered when making a determination on the proposal to declare the road as unused in accordance with section 400 of the *Land Act 1958*. It is recommended that the subject section of Springs Road be declared as unused on the basis that the public's right to access the road is not compromised and other amenity issues can be controlled through enforcement of the conditions of the license by DSE.

Section 130 of the *Land Act 1958* gives the Department of Sustainability and Environment the power to issue licences for agricultural purposes, including grazing. The maximum statutory term for an agricultural licence is 99 years which is the general period for such licences issued for unused roads. A licence may be cancelled at any time if conditions are not met or a council requires the road to be reopened for traffic purposes.

This declaration does not give approval for sale of the land. Council's current Policy is that it does not sell land unless the land is of strategic significance, and if a further request to purchase the land was received at a later stage, it would be very unlikely for a sale to occur as the strategic significant test to sell the land could not be justified on the current information.

Financial and Other Resource Implications

There are no direct costs to Council in performing its legislative functions under the *Land Act 1958*. Council officer time will be required for the preparation of correspondence. It is considered that this will have minimal impact on the performance of core duties.

Risk Management & Compliance Issues

At present, part of the section of road to be declared as unused is listed on Council's Municipal Public Road Register and is classified as a 'Minor' road. The road register will need to be amended to reflect the change in status should this section of Springs Road be declared an unused road. This will mean that Council has no obligations to inspect, maintain or repair this section of road while its status of unused remains.

Environmental and Climate Change Considerations

The advice received from Council's Environment and Community Safety Unit is that the environmental values of the site will not be compromised by the proposed use of the site.

Community Engagement

The community engagement strategy follows 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 was inform and consult. All persons providing a submission were given an opportunity to be heard by Council and will be advised in writing of Council's resolution in relation to the proposed declaration.

Implementation

Council to notify the Department of Sustainability and Environment of its declaration of the section of Springs Road, Yeo described in the proposal as unused, including a special condition that any gates installed across the licensed area be free swinging and unlocked at all times. Council's Municipal Road Register to be amended to remove that section of Springs Road, subject to the declaration, which is currently classified as a 'Minor' road from the register and the outcomes of the consideration of submissions and the proposal to be communicated in writing to the proponent of the proposal and to all parties who have made submissions.

Conclusion

Council has received two submissions in relation to the proposal to declare part of Springs Road Yeo as unused. The issues raised in those submissions and the responses provided should be considered when making a determination on the proposal. It is recommended that the subject section of Springs Road be declared as unused on the basis that the public's right to access the road is not compromised and other amenity issues can be controlled through enforcement of the conditions of the license by DSE.

Attachments

- | | |
|------------------------|---------|
| 1. Locality Plan | 1 Page |
| 2. Schedule 4 | 1 Page |
| 3. License Application | 4 Pages |
| 4. License conditions | 6 Pages |

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

- 1. Declares as unused that section of Springs Road Yeo, fully described as the unused road east of Crown allotment 81, Parish of Yeo and east of the southern part of lot 2, PS333357 Parish of Yeo.***
- 2. Instructs the Chief Executive Officer to give notice to the Department of Sustainability and Environment of Council's determination to declare the road as unused, by signing the attached document, being Schedule 4 of the Land Regulations 2006 No. 118.***
- 3. Requests that DSE include a special condition on any grazing licence granted over the unused road which requires that any gates erected by the licensee be free swinging and unlocked at all times.***

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**OM132702-10****LICENCE FOR APOLLO BAY SAILING CLUB TEMPORARY CLUB HOUSE/MULTIPURPOSE FACILITY**

|             |                           |           |            |
|-------------|---------------------------|-----------|------------|
| AUTHOR:     | Ranjani Jha               | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/3291   |

**Purpose**

The purpose of this report is to grant a licence for a temporary Club House/Multipurpose Facility currently located within the boundary of the Apollo Bay Harbour for the Apollo Bay Sailing Club.

**Declaration of Interests**

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

**Background**

The Apollo Bay Sailing Club is an active group operating from the premises of the Apollo Bay Harbour boundary and has a small clubhouse/multipurpose facility located adjoining to the Apollo Bay Harbour boat ramp. The facility is of a temporary nature and can be moved to a different location without much difficulty. The Apollo Bay Harbour land belongs to the Department of Sustainability and Environment (DSE) and the Apollo Bay Harbour is the asset of the Department of Transport (DoT) with the Colac Otway Shire (COS) acting as the Committee of Management (COM).

The records indicate that a licence agreement was signed in August 2007 for a period of three (3) years. The details were as follows:

- Licensee - Apollo Bay Sailing Club Inc.
- Commencement date of licence - 18 August 2007
- Term - Three (3) years
- Licence Fee - \$145.88 (excl. GST) / per annum payable on the commencement date
- Reservation Description Portion of land preserved for public purposes
- Licensed Premises Part of allotment 23A, Section 2, Township of Apollo Bay
- Area Original area 77.8 square metres
- Act licence granted Section 17B *Crown Land (Reserves) Act 1978*
- Specified purpose To operate a Club House
- Amount of Public Liability Insurance \$10,000,000

In September 2012 the Club members contacted the management of Apollo Bay Harbour seeking approval for attaching a small structure to their existing club rooms in the form of a pergola comprising of a deck and a retractable weather shade for providing shade to their members in adverse weather conditions. A site plan was drawn indicating the minor extension works. The request was forwarded to the DSE and approval has been granted via a letter from DSE dated 9 January 2013 providing consent to the installation of a deck and retractable weather shade.

Subsequently the DSE has been contacted regarding the extension of a licence for another three year term and in principal support has been obtained.

**Council Plan / Other Strategies / Policy**

The Council Plan and policy which relates to this report is as follows:

- **Physical Infrastructure and Assets**  
Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future, and manage Council's buildings and facilities in a responsible, safe and sustainable manner.
- **Economic Development**  
Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.

**Issues / Options**

The Apollo Bay Sailing Club is an active group providing valuable feedback to the future harbour developmental proposals and has contributed actively to the development of the Harbour Master Plan. The club would like an upgrade of the clubroom facility in a period where Council is seeking external funding to implement the Apollo Bay Harbour Master Plan, which proposes to relocate the Sailing Club facility to an alternate site on the east side of the boat ramp.

Whilst it would often be inappropriate to support further extensions and alternations to a building which is proposed to be replaced and relocated, the works proposed in the instance are minor. The approval of the works and the signing of a new three year licence agreement should not compromise the implementation of the Master Plan. It is likely to take some time for the funds to be obtained for the works to reconstruct the building in its new location, and if these funds were to be received sooner than expected, arrangements can be made with the Club to terminate the licence for the current site earlier than the three year period.

The Club is aware of the proposed relocation of the clubroom, although this should be confirmed with the Club in correspondence associated with the new licence. It is proposed that the annual fee be increased based on a CPI factor, being approximately 3% per annum.

**Proposal**

It is proposed that Council approves signing of a new licence agreement for a period of three (3) years with similar licence conditions that were incorporated in the previous agreement (copy attached) and the licence fee reviewed based on annual CPI increases.

Considering 3% CPI increase over the past six (6) years, the new licence fee is calculated at \$174.18 per year for 2013. This should be rounded off to \$175.00 in 2013/2014, plus CPI increases in future years.

**Financial and Other Resource Implications**

As indicated above the new fee would be \$175.00 per annum for the year 2013 based on the original fee of \$145.88 in the year 2007 and CPI increases. This is a nominal fee and will not impact Council's budget in any significant manner.

**Risk Management & Compliance Issues**

In the previous licence agreement the Public Liability insurance was for an amount of \$10,000,000, however, Council's Risk Management Unit now supports and recommends Public Liability insurance to the value of \$20,000,000.

The other condition that would apply is compliance with the Apollo Bay Harbour Safety & Environment Management Plan (SEMP) which requires that all the activities of the tenants within the Harbour are compliant with the Harbour SEMP. The SEMP is subject to regular audits and in the past the Auditors have asked that this condition be incorporated into all new Licence/Lease Agreements.

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

Consultation has taken place with DSE and consent obtained for installation of temporary deck and retractable weather shade. The environmental conditions that the club will have to comply with are clearly indicated in the SEMP document. A copy of the SEMP document is provided to the club making them aware of the conditions. Some of the requirements are effective waste management, use of wash down facilities, marine pest control measures and protecting quality of waterways. So far no untoward incidence has been faced due to club operations.

### **Community Engagement**

The community engagement strategy follows 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 was consult and included liaison with the club, relevant government agencies such as DSE, Apollo Bay Harbour Management and DoT. Discussion also took place with the Harbour staff in order to ensure that there is no conflict with harbour operational requirements.

After the completion of consultation process it was ascertained that Council is in a situation to support a new three (3) Licence Agreement for the Club.

### **Implementation**

Once the report is discussed at the Council meeting and if the recommendations of the officer are supported, the Licence Agreements for a period of three (3) years will be updated and forwarded to the Apollo Bay Sailing Club for signing. Upon signing by the Club it would be signed by Council's representative (the Chief Executive Officer) and subsequently forwarded to DSE for signing by the DSE delegate.

### **Conclusion**

The Apollo Bay Sailing Club is an enthusiastic group operating from the boundary of the Apollo Bay Harbour. The Club has aspirations for the clubroom to be upgraded as part of the Apollo Bay Harbour Masterplan. The Club requests a new Licence Agreement which includes the addition of a small deck and retractable weather. The matter was discussed onsite with the harbour staff and no problems were foreseen. Written approval has been obtained from DSE for the installation of the new temporary structure. Verbal consultation has taken place with the DSE Ballarat office regarding the new Licence Agreement and in principle support obtained. Following the described consultation, it is recommended that a three (3) year Licence Agreement be signed with nominal increase to the fee payable on a yearly basis based on an average CPI increase of approximately 3% per year.

### **Attachments**

- |                       |          |
|-----------------------|----------|
| 1. Licence            | 10 Pages |
| 2. Letter DSE Consent | 2 Pages  |
| 3. Plans              | 2 Pages  |
| 4. Locality Plan      | 1 Page   |

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

- 1. Supports a three (3) year Licence Agreement to be signed between Council and Apollo Bay Sailing Club for the temporary clubhouse/multipurpose facility at the Apollo Bay Harbour premises.***
- 2. Delegates to the Chief Executive Officer authority to sign the Licence Agreement subject to the following conditions:***
  - The new Licence Agreement fee being \$175.00 from the year 2013 - 2014 onwards based on a 3% average CPI increase per year from the previous licence.***
  - The Public Liability Insurance be increased from \$10M to a value of \$20M.***
  - All Apollo Bay Sailing Club operations comply with the Apollo Bay Harbour Safety & Environment Management Plan (SEMP).***
  - That the licence be for 3 years from the date of this approval.***

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OM132702-11**PROPOSED LEASE AGREEMENT - 5 BEECH FOREST
LAVERS HILL ROAD, BEECH FOREST**

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | 11/95690 |

Purpose

The purpose of this report is for Council to consider a proposal to enter into a formal lease agreement with Flow FM.

Declaration of Interests

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

Background

At its meeting of 28 November 2012 Council resolved to advertise its intention to enter into a lease agreement with Flow FM for Council premises at 5 Beech Forest Lavers Hill Road, Beech Forest.

Flow FM's proposal is to utilise Council's existing mast and communications hut for the purpose of installing equipment to enable radio broadcast into the Otways.

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

In accordance with Council's Property Leasing Policy, Flow FM is considered to be a commercial tenant and rental will be based on an agreed fair market value.

As Council's two-way transmission equipment is presently installed on the tower, suitable provision in the conditions of the lease have been made to ensure that Council continues to enjoy unrestricted access to its equipment for the purposes of maintenance and works.

Proposal

It is proposed that Council enter into a lease agreement with Flow FM subject to the terms and conditions of the attached ground lease.

Financial and Other Resource Implications

Financial benefits will accrue to Council from leasing of this facility.

Council will receive a rental of \$1,000 per annum plus annual CPI increases during the term of the lease. The applicant will also be required to reimburse Council \$1,500 per annum for electricity consumption, subject to ongoing review.

Risk Management & Compliance Issues

The applicant has been requested to determine the extent of any planning and building approvals which may be required for their proposal to proceed. Execution of the lease would be subject to such statutory approvals being obtained where necessary.

Environmental and Climate Change Considerations

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

Community Engagement

At its meeting of 28 November 2012 Council resolved to advertise its intention to enter into a lease agreement with Flow FM. Public notices were published in both the Colac Herald and Otway Light.

The period for submissions closed on 11 January 2013. No submissions were received.

Implementation

As no submissions have been received with respect to the proposed lease agreement, it is now in order for Council to sign and seal the documents which will be forwarded to Flow FM.

Conclusion

Flow FM's proposal to utilise Council infrastructure for the purposes of installing radio broadcasting equipment is supported and will ultimately provide an additional media service for residents and visitors to Apollo Bay and its surrounds.

It is recommended that Council execute the agreement by signing and sealing the documents subsequent to Flow FM determining, and where required, obtaining statutory planning and/or building approvals for the installation of their equipment.

Attachments

1. Ground Lease - 5 Beech Forest Lavers Hill Road, Beech Forest 20 Pages

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

Subject to Flow FM receiving statutory planning and/or building approvals where applicable, enter into a lease agreement between the Colac Otway Shire Council and Flow FM for the installation of radio broadcast equipment on Council premises at 5 Beech Forest Lavers Hill Road, Beech Forest, as follows:

- 1) The term of the lease is for a period of 5 years up to 27 February 2018, with a further 5 year option at Council's discretion;***
- 2) The rental charge is \$1,000 per annum indexed annually at the start of each year based on the Consumer Price Index; and***
- 3) Reimbursement of Electricity costs based on a fee of \$1,500 per year indexed annually at the start of each year based on the Consumer Price Index.***

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**OM132702-12 ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE, COLAC**

|             |                           |           |            |
|-------------|---------------------------|-----------|------------|
| AUTHOR:     | Adam Lehmann              | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | 11/96582   |

**Purpose**

The purpose of this report is in order for Council to consider the possible discontinuance and sale of a section of disused lane which abuts 1 Bryan Avenue, Colac.

**Declaration of Interests**

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

**Background**

Council has recently been approached by the present owner of 1 Bryan Avenue, Colac with a view to possibly purchasing a section of road, described as Lot 1 TP944155R, which abuts the property along its northern boundary (refer attached locality plan).

The Council of the former City of Colac resolved on the 25 September 1985 to discontinue and sell by private treaty the road shown cross hatched on LP 52816. Sections of the eastern and western extremities of this road have previously been sold to the abutting property owners, leaving the remainder of the road isolated and land locked.

The road under consideration for discontinuance and sale is encumbered by easements in favour of Barwon Water (sewer and water) and the adjoining lots shown on LP52816 (drainage). Sewerage infrastructure is constructed part way along the former road. Council has no direct interest in this land given that it does not provide any connectivity to the broader road network and contains no underground drainage assets.

Background investigations of this matter have yielded that the title to this road is still in the name of the original subdivider of this land. In order for Council to be in a position to sell this road to the abutting property owner it must first complete a road discontinuance in accordance with the provisions of the *Local Government Act 1989*. This process transfers the ownership of the land to Council to allow it to be discontinued and sold.

Clause 3 of Schedule 10 of the *Local Government Act 1989* provides the power to discontinue roads:

*“A Council may, in addition to any power given to it by section 43 and 44 of the Planning and Environment Act 1987 –*

- a. Discontinue a road, or part of a road, by a notice published in the Government Gazette; and*
- b. Sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.”*

**Council Plan / Other Strategies / Policy****Physical Infrastructure and Assets**

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

**Issues / Options**

Council must consider the treatment of this application in two distinct steps.

Council must decide whether to discontinue the portion of road in question. This is done after public consultation and consideration of an officer's report. If Council resolves that the land is not reasonably required for road purposes, then it can discontinue the road via a notice published in the Victoria Government Gazette.

If Council chooses to discontinue the road, then consideration can be given to the sale of the resultant land as per the notice of interest from the present owners of 1 Bryan Avenue, Colac. Any land sale would need to follow Council's *Sale and Exchange of Council Land Policy*. Section 189 of the *Local Government Act 1989* requires that before Council sells or exchanges land, it must obtain a valuation of the land which is not made more than six (6) months prior to the sale or exchange of that land. If it is determined to proceed with the sale of this road, the land will be independently valued by a registered valuer on the basis of highest and best use of the land. The costs of sale (excluding valuation costs) are to be factored into the purchase price of the property.

It has been assessed that this road serves no broader strategic purpose for Council both currently or into the future. This is by virtue that it is disconnected from the local road network and serves no purpose in terms of property access. Issues that will need to be further considered are:

- Lot 1 TP944155R is encumbered by easements in favour of Barwon Water (sewer and water) and the adjoining lots (drainage). These easements will need to remain in place should the sale process be realised.
- Should the land sale proceed, Council will require that the Title to Lot 1 TP944155R be consolidated with the purchasers existing Title.

**Proposal**

It is recommended that Council seek further community feedback in relation to this matter and advertise its intention to discontinue the portion of road under consideration.

**Financial and Other Resource Implications**

It is intended that the proposed discontinuance and sale process be undertaken so that Council remains in a cost neutral position. Prior to the consideration of sale of the section of road Council will have the land independently valued by a registered valuer. This valuation will form the sale price and will be non-negotiable. Any funds received will be paid to Council.

**Risk Management & Compliance Issues**

Council must ensure that it complies with its legislative requirements when exercising its powers to discontinue the subject length of road.

**Environmental and Climate Change Considerations**

There are no specific environmental or climate change issues which need to be considered as part of this proposal.



**Community Engagement**

The community engagement strategy follows 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 and include Council giving six (6) weeks public notice of its intention to discontinue the identified section of road. In addition to this all abutting property owners will be written to advising them of Council's intention and their right to make a submission.

All submissions received will be considered following section 223 of the *Local Government Act 1989*.

Applicable utility companies will also be advised of Council's intentions to ensure consideration is given to the potential impacts on the management of services which may exist in the vicinity of this road.

**Implementation**

In order for the land to be sold, Council needs to complete the transfer of title of the road to itself before it can be sold. Advertising of Council's intention will be prepared upon resolution. This will also include the forwarding of required correspondence to all abutting property owners and utility agencies.

**Conclusion**

From Council's perspective, the road is not reasonably required, is land locked and currently serves no broader public amenity. As such Council should advertise its intention to discontinue the road and commence the process to determine if it should be sold or not.

**Attachments**

- |                                |        |
|--------------------------------|--------|
| 1. Locality Plan               | 1 Page |
| 2. Plan of Subdivision LP52816 | 1 Page |
| 3. Title Plan TP944155R        | 1 Page |

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

- 1. Gives public notice of its intention to discontinue the section of road described as Lot 1 on TP 944155R and abutting 1 Bryan Avenue, Colac.***
- 2. Subject to complying with all relevant legislation including section 223 of the Local Government Act 1989 and a six week notification period, and if no submissions are received, instruct the Chief Executive Officer to execute the discontinuance via a notice published in the Victoria Government Gazette.***
- 3. If objections are received, advertises in the local media and holds a Special Council Meeting on a date to be determined in COPACC to consider the objections. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their objections.***
- 4. If required, makes a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Special Council Meeting to the following Council meeting.***

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OM132702-13**SPECIAL CHARGE SCHEME FINALISATION - SINCLAIR STREET SOUTH, ELLIMINYT**

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Paula Gardiner | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/3291 |

Purpose

This report outlines the final costs associated with the Special Charge Scheme project that related to the construction of the unsealed section of Sinclair Street South, Elliminyt, between Irrewillipe Road and Pound Road and seeks Council authorisation to levy costs against properties included in the scheme.

Declaration of Interests

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

Background

At the 27 January 2010 Council Meeting, Council resolved to declare a Special Charge Scheme for the construction of the unsealed section of Sinclair Street South, Elliminyt.

Sinclair Street South is approximately 830m in length running between Pound Road and Irrewillipe Road, Elliminyt, and currently consists of a 20m road reserve with a previous unsealed two way road of approximately 7m wide.

The Special Charge Scheme construction work involved the construction of the unsealed pavement of Sinclair Street South, from Pound Rd to Irrewillipe Road, which included;

- Overlay existing gravel pavement with 150mm Class 2, 20mm FCR;
- Two coat bitumen wearing course road seal; and
- Minor drainage and other associated works.

The project was tendered and awarded in March 2012. The contract was awarded to Deja Eight Pty Ltd.

Overall, the project consisted of two separate components with the works carried out within the one contract. The two components consisted of;

1. Construction of the unsealed road;
 - Funded by the Special Charge Scheme.
2. Construction of the intersection of Sinclair Street South and Irrewillipe Road;
 - Funded by Council as a separate project in the 2011/12 Capital Works Program.

All works were completed by Deja Eight Pty Ltd. Council bundled the projects together as a separable portions contract to allow better co-ordination and minimise the overall costs associated with the construction of each project.

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.

The Special Charge Scheme was undertaken in accordance with Council's Special Charge Scheme Policy and the relevant requirements of the *Local Government Act 1989*.

Issues / Options

The works associated with the Special Charge Scheme were completed with a cost saving of 2.48%, or \$7,027.05, below the project estimate. It is encouraging that a project budget saving has been made, with minimal issues encountered during the construction of the road and intersection upgrade.

Proposal

The proposal is to apportion the actual project cost among the properties included in the Special Charge Scheme, which will be lower than the original estimated cost (2.48%) provided to property owners at the start of the scheme.

Financial and Other Resource Implications

As there is a community benefit calculated as part of the proposal for the construction of the unsealed pavement of Sinclair Street South, there are financial implications to Council.

The community benefit was calculated using traffic count data to represent the traffic generated by non residents. The community benefit was calculated to be 36% of the project.

The project has reached practical completion with the final construction costs as follows;

| Description | \$ Cost |
|---|---------------------|
| Contract Price | \$310,516.95 |
| Provisional Items (not spent) | -\$10,000.00 |
| Variations | \$30,112.93 |
| Final Contract Price | \$330,629.88 |
| Final Seal Cost | \$23,157.00 |
| | |
| Total Construction costs (all projects) | \$353,786.88 |
| | |
| Less Intersection Upgrade excluded from Scheme costs | \$114,849.26 |
| Project Cost to Scheme Participants | \$238,937.62 |
| Design Costs to Scheme Participants | \$23,893.76 |
| Contract Administration (2.5%) to Scheme Participants | \$5,973.44 |
| Scheme Administration (3%) to Scheme Participants | \$7,168.13 |
| Total Scheme Costs | \$275,972.95 |
| | |
| Actual Cost apportioned to Property Owners (64%) | \$176,390.57 |
| Actual Cost apportioned to Council (36%) | \$99,582.38 |
| | |
| Estimated Scheme Cost | \$283,000.00 |
| Estimated Cost apportioned to Property Owners (64%) | \$180,881.51 |
| Estimated Cost to Council (36%) | \$102,118.49 |
| | |
| Variation | -\$7,027.05 |
| (as a %) | -2.48% |
| | |
| Total No Benefit Units | 20.9 |

| Description | \$ Cost |
|-------------------------------------|-------------------|
| Actual Cost per benefit unit | \$8,439.74 |
| Estimated Cost per benefit unit | \$8,656.47 |
| | |
| Net Benefit Unit Decrease | -\$216.73 |

The works excluded from the Special Charge Scheme project included the costs associated with the construction of the intersection of Irrewillipe Road and Sinclair Street South. These costs were funded as part of Council's Capital Works Program. The costs were not included in the Special Charge Scheme, as it was considered the benefits associated with the upgrade to the intersection provide improved safety to the wider community as opposed to the residents abutting the unsealed section.

The cost of the works associated with the Special Charge Scheme was 2.48% less than the estimated costs of construction. The overall Benefit Unit cost should be decreased by \$216.73. The benefit unit cost has decreased from an estimated \$8,656.47 to an actual cost of \$8,439.74.

Therefore the actual cost to Council for the construction of the unsealed road along Sinclair Street South, between Irrewillipe Road and Pound Road, Elliminyt is \$99,582.38. This represents a budget saving of \$2,536.11.

Risk Management & Compliance Issues

The proposal was implemented in accordance with Council's Special Charge Scheme Policy and the relevant requirements of the *Local Government Act 1989*.

Environmental and Climate Change Considerations

No environmental issues arose during the course of construction. Work practices by the contractor were implemented to minimise any environmental impacts associated with the construction works.

Community Engagement

The community engagement strategy follows 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 forwarding correspondence to scheme participants advising of the final costs associated with the Special Charge Scheme.

Implementation

The Second Notice (scheme finalisation notice) will be sent to all property owners which will detail the amount payable, due date for payment and payment options.

Conclusion

The construction of Sinclair Street South, including the additional works undertaken to construct the intersection of Sinclair Street South and Irrewillipe Road, have improved the access, amenity and safety of residents and general road users.

The construction of the unsealed section of Sinclair Street South, constructed via a Special Charge Scheme has been delivered under budget while still achieving the required outcomes of both the effected property owners and Council.

Attachments

1. Apportionment Schedule - Final Costings 1 Page

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

1. ***Adopts the final Special Charge Scheme costs for the construction of the formally unsealed section of Sinclair Street South, between Irrewillipe Road and Pound Road, Elliminyt, as follows;***

| | |
|----------------------------------|--------------|
| a. The final scheme cost being | \$275,972.95 |
| b. Council apportionment | \$99,582.38 |
| c. Property owners apportionment | \$176,390.57 |

2. ***Authorises officers to commence collection of money owed through the Special Charge Scheme by notifying effected property owners of the final costs levied against the properties within the scheme boundary based on the Property Owners apportionment costs of \$176,390.57 distributed as follows:***

| <i>Property Address</i> | <i>Property Description</i> | <i>Cost</i> |
|--------------------------------|------------------------------------|--------------------|
| 194 Sinclair Street South | CA 24 Section A | \$8,439.74 |
| 200 Sinclair Street South | CA 23 Section A | \$8,439.74 |
| 204 Sinclair Street South | Lot 1 LP71879 CA Pt.22 Section A | \$5,485.83 |
| 208 Sinclair Street South | Lot 2 LP71879 CA Pt.22 Section A | \$8,439.74 |
| 212 Sinclair Street South | CA 21 Section A | \$8,439.74 |
| 218 Sinclair Street South | CA 20 Section A | \$0 |
| 222 Sinclair Street South | Lot 1 TP587211W | \$8,439.74 |
| 226 Sinclair Street South | CP160454 | \$8,439.74 |
| 232 Sinclair Street South | CA 1 Section H | \$8,439.74 |
| 238 Sinclair Street South | Lot 1 TP779415 | \$8,439.74 |
| 246 Sinclair Street South | Lot 1 PS 513219K (CA 6 Section H) | \$8,439.74 |
| 275 Sinclair Street South | Lot 2 PS510563K | \$8,439.74 |
| 285 Sinclair Street South | Lot 2 LP308326D | \$8,439.74 |
| 295 Sinclair Street South | Lot 2 PS523188 | \$8,439.74 |
| 303 Sinclair Street South | CA 12 Section K | \$8,439.74 |
| 313 Sinclair Street South | CA 13 Section K | \$8,439.74 |
| 323 Sinclair Street South | CA 14 & 15 Section K | \$8,439.74 |
| 232 Pound Road | CA Pt.26 Section A | \$6,329.81 |
| 248 Pound Road | Lot 3 PS517162R | \$6,329.81 |
| 200 Cants Road | PC366956 | \$25,319.22 |
| | | \$6,329.81 |
| 120 Irrewillipe Road | CA 10 Section H | |

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**SUSTAINABLE PLANNING AND DEVELOPMENT**

| ITEM        |                                                                    |
|-------------|--------------------------------------------------------------------|
| OM132702-14 | REVIEW OF BIRREGURRA STRUCTURE PLAN - DRAFT REPORT                 |
| OM132702-15 | APOLLO BAY FORESHORE RESERVE NEIGHBOURHOOD SAFER PLACE DESIGNATION |

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**OM132702-14****REVIEW OF BIRREGURRA STRUCTURE PLAN - DRAFT REPORT**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Don Lewis                          | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/7761   |

**Purpose**

To seek Council's endorsement of the revised draft Birregurra Structure Plan and release the study for public consultation.

**Declaration of Interests**

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

**Background**

Consultants, Hansen Partnership, were appointed in 2012 to review the previous draft Birregurra Structure Plan prepared by consultants CPG Australia P/L, which was placed on hold in late 2010 following concerns raised by the community in relation to certain aspects of the report. These concerns included identification of a potential development area to the north-west of the township, impact on neighbourhood character from increased development and limited community consultation. In response to these concerns Council established a Community Reference Group (CRG), committed to review the draft Structure Plan and agreed to commence a Neighbourhood Character Study (which was finalised and adopted in June 2012). The CRG has been successful and provided an important link between Council and the community in reviewing draft proposals and suggesting ideas for consultation.

The review of the draft Structure Plan commenced mid 2012 through initial meetings with the CRG. A further meeting in October 2012 was opened to the public where the consultant and Council officers explained what aspects of the document would be rewritten and how methodologies would be applied to better explain and update previous data. The consultant presented the revised draft Structure Plan to the CRG and Steering Committee in January 2013. This resulted in only minor changes being required. The CRG broadly supported the revised document.

Since the 2010 draft Structure Plan was released, a number of Council and regional projects have been completed which directly affect Birregurra. These projects have been incorporated in the review where appropriate and include:

- Rural Living Strategy
- G21 Regional Growth Plan
- Birregurra Neighbourhood Character Study
- Colac Otway Shire Open Space Strategy
- Birregurra Community Infrastructure Plan

**Council Plan / Other Strategies / Policy****Land Use and Development**

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

The Council Plan includes a key action to finalise and implement the Birregurra Structure Plan.

### **Issues / Options**

Whilst a significant amount of content from the 2010 report has been retained in the current draft report, the following elements required updating and in some cases rewriting:

- Review the housing supply and demand analysis
- Review the extent of investigation areas identified in the previous draft Structure Plan for future possible expansion of the town
- Review both the Context/Background and draft Structure Plan documents to include the findings of the Neighbourhood Character Study and other relevant projects/documents
- Re-write and reformat the Context/Background and Structure Plan documents where appropriate.

### Findings/Key recommendations:

#### Supply and demand

The housing supply and demand analysis was revised to include the latest ABS data and Council land sale and building approval data. The land supply assessment concluded that Birregurra has the potential to provide between 401-678 new dwellings from existing vacant lots and lots which are occupied by a dwelling that could be further subdivided. Based on the intended minimum lot sizes from the Neighbourhood Character Study, there are presently 107 vacant lots that are immediately available for development, although many of these lots may never come on to the market. It is estimated that current dwelling demand is at 4-5 per year which equates to 80-100 new dwellings over 20 years. Should the current growth rates double, there is an existing potential dwelling supply range from 22-35 years.

#### Investigation Areas

The previous draft Birregurra Structure Plan had identified investigation areas that could potentially accommodate long term growth for the town. Following careful consideration and a comprehensive update of the housing supply and demand analysis, the review has recommended no urban expansion on to greenfield land be contemplated as part of any future review of the Structure Plan, unless a review identifies that infill development is not occurring at a sufficient rate to accommodate the demand for new housing.

The infill potential is significant and it is important that this be realised over the short to medium term before any consideration be given to expand the existing Township Zone.

#### Zoning

Consideration was given to applying additional urban zones now that the sewer has been finalised, such as a Residential Zone to replace the existing Township Zone, but this was not recommended as the Township Zone provides a level of flexibility for small scale business uses commonly found in Birregurra. It was however recommended that the Business 1 Zone be introduced to the main commercial strip.

The following rezonings are recommended:

- Rezone the commercial core of the town on Main Street to Business 1. This will more clearly define the town centre and provide additional control over residential uses to ensure longer term options for retail and commercial uses fronting Main Street are retained within the town centre. This includes extending the Business Zone south to Jenner Street between Austin and Strachan Streets.

- Rezoning of the skate park land from Township Zone to Public Use Zone to reflect the actual use of the land.
- Rezoning of non railway land contained in the Public Use Zone to the Farming Zone, to reflect the use and private ownership of the land.
- Rezoning of non-railway land at 452 Birregurra Road contained in the Public Use Zone to the Industrial 1 Zone to reflect the existing use of the land as well as a logical extension of the existing industrial zoning to the north.
- Correcting a zoning anomaly of land in the northern Industrial 1 Zone boundary to match property boundaries.
- Rezone public land at the intersection of Scouller Street and Barwon Street, east of Skene Street, which contains endangered vegetation to a Public Conservation and Resource Zone.

### Overlays

It is proposed to apply the Design and Development Overlay to land in the Industrial 1 Zone on the north side of the railway line to ensure that future development of the area considers the rural and industrial heritage of the area and the northern approach into Birregurra. The DDO is designed to ensure any new buildings respect the current interface with the railway station and are sympathetic in their scale and use of materials.

### Monitoring and review

Continued monitoring of the Structure Plan is to be undertaken by Council to ensure it remains relevant to future planning policies and meets the needs of community expectations. Given it is difficult to accurately predict the rate of infill demand post sewer, it is recommended that a review be undertaken in 3-5 years time.

### **Proposal**

It is proposed that Council receives the review of the draft Birregurra Structure Plan and allows public consultation on the draft document.

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

The Birregurra Structure Plan is being prepared in accordance with the allocated budget for the project.

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

As with other strategic planning projects, there is always a risk that some people's expectations will not be met in the final document. However, Council has committed to significant community consultation during the project while continuing to point out that recommendations must be aligned with broader State Government policies.

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

Environmental considerations are not specifically relevant to the outcomes of the Birregurra Structure Plan although some aspects of the study do relate to the contribution trees and public open space make to the overall land use of Birregurra.

### **Community Engagement**

The community engagement strategy follows 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 was to inform, consult and involve which has been demonstrated through the use of the Community Reference Group (CRG). The CRG was established at the beginning of the Neighbour Character Study that preceded the current review of the draft Structure Plan and continues to play an important role in providing feedback on behalf of the community.

The next round of consultation is scheduled for six weeks during March/April and will include a mail out with an updated project bulletin and cover letter inviting submissions and attendance at a drop in session on a Saturday morning in March in front of the Birregurra General Store.

The drop in session will be important in terms of testing the key recommendations with the Birregurra community and helping to refine any changes that may be required before the final report is considered by Council later this year.

### **Implementation**

If Council resolves to endorse the recommendations of the report, officers will commence public consultation on the draft document.

### **Conclusion**

Council has extensively consulted with the community during the preparation of the revised draft Birregurra Structure Plan and there have been several meetings held with the Community Reference Group prior to the document being completed for this report.

The central recommendation of the revised draft plan identifies infill land supply as being sufficient to cater for future population growth. As such, no expansion of Township zoned land is required over the short to medium term, but it is recommended that a review of land supply and demand should occur within the next five years.

It is considered that the revised draft document has effectively responded to community feedback on the 2010 draft plan within the parameters of State planning guidelines. The next round of community consultation will assist in shaping the final document for Council to consider during this year.

### **Attachments**

1. Birregurra Structure Plan Draft Background Report (Final) 68 Pages
2. Birregurra Structure Plan Draft Report (Final) 53 Pages

### **Recommendation(s)**

***That Council receives the revised draft Birregurra Structure Plan and endorses the document for public consultation for a period of 6 weeks.***

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OM132702-15

**APOLLO BAY FORESHORE RESERVE NEIGHBOURHOOD
SAFER PLACE DESIGNATION**

| | | | |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR: | Wendie Fox | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning
& Development | FILE REF: | F11/3291 |

Purpose

The purpose of this report is to seek Council's endorsement of the proposed Neighbourhood Safer Place (Place of Last Resort) on the Apollo Bay Foreshore, Apollo Bay.

Declaration of Interests

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

Background

As a result of changes to the *Country Fire Authority Act 1958* and the *Emergency Management Act 1986* in 2009, Councils within Victoria are now required to identify, designate, establish, maintain and decommission Neighbourhood Safer Places (NSPs) in their municipal districts.

Neighbourhood Safer Places are not community fire refuges or emergency relief centres. NSPs are **places of last resort** for people to go to during a bushfire when their primary bushfire plans have failed. NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there. Furthermore, there may be serious risks to safety encountered in travelling and seeking access to NSPs during bushfire events.

The Apollo Bay Foreshore was identified as a potential NSP site by Council in collaboration with the Municipal Fire Management Planning Committee (MFMP) as per the process outlined in Council's Neighbourhood Safer Places Plan (NSPP).

The Apollo Bay Foreshore Reserve is Department of Sustainability and Environment (DSE) owned Crown Land under a Committee of Management arrangement with the Otway Coast Committee. A map showing the proposed NSP site can be viewed in Attachment 1.

Following the identification of the potential site Council staff led an onsite assessment against the criteria in Council's NSPP. This assessment was conducted with members of the MFMP, including representatives from Council, Victoria Police, CFA, Parks Victoria, DSE, and VicRoads. This assessment confirmed that the potential site generally met Council's NSPP criteria and as a result was referred to the CFA for Assessment.

The CFA conducted an assessment of the potential NSP site against the Bushfire Neighbourhood Safer Places CFA Assessment Guideline and determined that the site was compliant.

In 2012 a process was developed by the Municipal Association Victoria (MAV) and DSE to assist Councils to designate NSPs on Crown Land managed by a Committee of Management. A diagram providing an overview of this process can be seen in Attachment 2.

Through a series of inspections and meetings with DSE, the Otway Coast Committee, the MFMPC and the MEMPC, the site has progressed to a stage where it can be considered by Council for formal designation.

Council staff have prepared a Site Assessment Report for the site which discusses in detail the NSP approval process, compliance standards, the assessment approach undertaken, specific site details, findings and discussion and recommendations. This report can be seen in Attachment 3.

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 proposal is consistent with priorities set out in the Council Plan including the Council Plan Strategy: *"Meet our statutory obligations for community safety and emergency situations"*. This Council Plan Strategy is being partly addressed through the implementation of the NSPP which was endorsed by Council in June 2010.

Issues / Options

Council has engaged with a number of different agencies and organisations to develop the attached Site Assessment Report for the Apollo Bay Foreshore Reserve NSP site. A summary of the key areas contained in the Site Assessment Report is provided below:

CFA Assessment

The key criteria considered by the CFA under the current CFA NSP assessment for this site were for an open space and therefore the site needed to meet one of the following criteria:

- The appropriate separation distance between the outer edge of the potential NSP and the nearest fire hazard ('Buffer Zone') should be at least 310 metres; or
- An alternative Buffer Zone distance may be prescribed by the CFA, which will ensure that the maximum potential radiant heat impacting on the site is no more than 2kw/m².

The CFA informed the Council on 4 February 2013 in writing that the Apollo Bay Foreshore, Apollo Bay site was compliant with the CFA assessment guidelines and prescribed an area that the maximum potential radiant heat impacting on the site would be no more than 2kw/m².

Survey of Concerns

The Council sought additional input from relevant agencies and personnel on the suitability of this site as a NSP, including in relation to:

- The suitability of access and entry to the location.
- The suitability of using the site for the congregation of people during an emergency.
- Any other reason for which the site may not be suitable as a NSP.

The request was made of Police, CFA, Council Departments, Otway Coast Committee and other government departments.

Site Assessment against NSP Plan Criteria

An initial onsite inspection took place on 21 June 2010 with representatives from Council, DSE, CFA, Parks Victoria, Victoria Police and VicRoads to discuss the site's potential to be used as a NSP.

The NSPP Criteria Auditing Tool was used to assist in the discussion and ultimate assessment.

Consents and Rights of Access

The potential NSP site – Apollo Bay Foreshore, Apollo Bay, is DSE Crown Land managed by a Committee of Management; Otway Coast Committee. The DSE representative present at the site inspection provided advice that it was highly likely that consents and rights of access would be able to be obtained.

Access and Egress

In considering whether access and egress routes are adequate, consideration was given to the following issues:

- Whether there is sufficient access to the potential NSP which will allow for:
 - anticipated potential numbers of people to move to and from the place; and
 - the CFA and other emergency services to attend the place for asset and personal protection activities.
- The condition of the road surface.
- The proximity of the NSP to major roadways and population centres.
- The type and amount of vegetation along any access routes, and whether that vegetation could be affected by fire and pose a risk of harm to those seeking access to the potential NSP, or otherwise block access to the NSP.
- Whether appropriate vegetation management activities can be undertaken and maintained through works that are both possible and practicable having regard to the resources of the road owner/manager.
- The capacity of access routes to accommodate potentially large numbers of vehicles, and to accommodate potential breakdowns.
- Parking at the place, taking into account that a separate area or adequate space may need to be available to ensure pedestrians can move away from the areas where vehicles may enter or park.
- Any hazards that may exist for persons accessing the place by foot.
- Any relevant matter contained in Council's Road Management Plan prepared pursuant to the Road Management Act 2004 (Vic).

It was the consensus of the group that existing access and egress routes were sufficient to allow anticipated potential numbers of people to move to and from the site and for CFA and other emergency services to attend the site for asset and personal protection activities. Roads within the immediate area are sealed dual access roads, maintained to a good standard with minimal modified roadside vegetation that would not pose a risk of harm to those seeking access to the potential NSP.

Apollo Bay hosts a Music Festival on the Foreshore in April each year that attracts a large number of people to the town and it was agreed by the group that this was a good indicator that access and egress routes have the capacity to accommodate large numbers of vehicles and potential vehicle breakdowns.

The group also agreed that existing parking adjacent to the site and in nearby streets was adequate and suitably separate from the site to ensure pedestrian safety. No hazards were identified for people accessing the site on foot.

Opening of the NSP

As the potential site is an Open Space NSP, this is not deemed to be relevant.

Defendable Space

The site is deemed to have sufficient defendable space.

Signage

There is sufficient space to erect general NSP signage. A signage locations map is provided in Appendix C of the Site Assessment Report.

Maintenance and Maintainability

Some costs would be incurred by Council in establishing and maintain the site.

Disabled Access

Disabled parking is currently available adjacent to the site.

Separation and Demarcation of Area

Much of the potential NSP site has clear boundaries. The western side is clearly defined by the Great Ocean Road and designated car parking, the eastern side by a low fence and it was agreed by the group that the northern and southern boundaries could be clearly defined by signage at the site.

Other Conflicting Uses

There are no known current uses of the site that would conflict with the site being used as a NSP.

Communication with the Community

The group agreed that it would be possible through a range of media to communicate the location of the NSP to the community and that this communication should include the risks that relate to the use of the NSP and the risks associated with travelling to the NSP in the event of a bushfire.

A media release specifically related to the information in the Council Report will be released immediately following Council resolving on this matter advising if appropriate that an NSP has been designated and will over coming weeks be established at Apollo Bay on the Foreshore Reserve.

Proposal

That Council supports the recommendations in the attached Site Assessment Report for the Apollo Bay Foreshore Reserve to be designated as a NSP site.

Financial and Other Resource Implications

There are currently no known significant financial implications associated with implementing the NSP at the Apollo Bay Foreshore Reserve in Apollo Bay.

There will be some establishment and maintenance costs associated with signage and regular inspections to ensure the site remains compliant with the CFA assessment criteria and Council's NSPP criteria. These costs are able to be met through the existing operational budget.

Risk Management & Compliance Issues

The Colac Otway region has a beautiful natural environment that attracts many people to the area. The same natural environment that attracts people also has a very high propensity for bushfire to occur, that endangers both life and property. Council has statutory responsibilities that it carries out in relation to fire prevention and emergency management that are aimed at helping the community manage the risk of bushfire in our municipality.

Council has worked hard to further strengthen relationships with the CFA and DSE in order to enable the recommendations from the Bushfire Royal Commission to be carried out as soon as possible.

Council is committed to its responsibilities in relation to fire prevention and emergency management within the Shire, but at the end of the day each member of the community is responsible for the safety and preservation of the lives of themselves and their families.

Council has introduced and implemented an extensive fire prevention program throughout the municipality, has worked closely with all agencies and increased its funding allocation and management capability in relation to emergency management and is working hard to meet responsibilities with regard to the recommendations of the Bushfire Royal Commission.

The major risk that Council cannot control is the response by members of the community to their responsibility to prepare a personal fire plan for themselves and their families. Council has undertaken an extensive and consistent media program to ensure that the community is well aware of the dangers of fire and has been consistent in its messages in relation to the need for preparation of personal fire plans and that in high risk areas, particularly on Code Red days, residents should leave early.

Council will continue to work with the community and all relevant responsible agencies in accordance with the processes set out by MAV and in accordance with Council's NSP Plan to ensure that all elements of Council's Risk and Compliance responsibilities continue to be fully addressed. By following these steps Council is indemnified with respect to the death or injury of persons in areas where no NSP is designated and conversely also in areas where a NSP may be designated.

Environmental and Climate Change Considerations

There are no significant environmental impacts associated with implementing the proposal.

Community Engagement

The community engagement strategy follows 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 was to inform the general public and to empower stakeholders in the decision making process.

The members of the Municipal Fire Management Planning Committee and the Municipal Emergency Management Planning Committee were empowered to make decisions as part of the process.

A media release specifically related to the information in this report will be released immediately following Council resolving on this matter, advising if appropriate that a NSP at Apollo Bay has been designated by Council and will be established over coming weeks.

Implementation

If Council supports the recommendations in this report the NSP at Apollo Bay will be established.

On passing the recommendation Council is required to carry out the following:

- The Council provides signage at the NSP site in line with the guidelines published from time to time on the internet site of the Office of the Emergency Services Commissioner.

- The Municipal Fire Prevention Officer provides to the CFA information on the NSP designation of the site within the Apollo Bay Foreshore, Apollo Bay.
- The MFMPC and the MEMPC include this site within a list of NSPs within their respective plans.
- The Council informs the public of the designation of the site as a NSP and provides information to the public on the purpose and function of the NSP as a Place of Last Resort and the fact that there is no guarantee of survival if used during an emergency event.
- The Council asks the CFA to assist in an annual assessment and review of the NSP site by 31 August each year against the NSP Plan and the CFA assessment guidelines.
- The NSP site is maintained to suitable standards and that the Municipal Fire Prevention Officers undertake routine inspections of the NSP site prior to and during the fire danger period.

Conclusion

The Site Assessment Report concludes that the potential NSP site at the Apollo Bay Foreshore Reserve should be designated by Council.

It is worth highlighting that NSPs are not community fire refuges or emergency relief centres. NSPs are places of last resort during the passage of a bushfire, and are intended to be used by persons whose primary bushfire plans have failed. NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there. Furthermore, there may be serious risks to safety encountered in travelling and seeking access to NSPs during bushfire events. Depending on the direction of a particular fire, it may not be 'a safer place' to assemble than other places within the municipal district.

As per the Emergency Service Legislation Bill 2009, municipal councils must identify and designate places as neighbourhood safer places within their municipal district. In regards to this designation the Council must only designate sites that have passed the CFA Assessment Guidelines.

Having successfully passed all current NSP criteria established by the State Government, CFA, MAV and the Colac Otway Shire, it is recommended that this site be designated by Council.

Attachments

| | |
|---|----------|
| 1. Map - Apollo Bay NSP | 1 Page |
| 2. DSE - MAV Process - Designation of NSP (Crown Land managed by a Committee of Management) | 1 Page |
| 3. Neighbourhood Safer Place Site Assessment Report - Apollo Bay Foreshore Reserve Apollo Bay | 36 Pages |

Recommendation(s)

That Council endorses the area as described and detailed within the Neighbourhood Safer Place Site Assessment Report which is located within the Apollo Bay Foreshore Reserve, Apollo Bay as a designated Neighbourhood Safer Place.

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**GENERAL BUSINESS**

| <b>ITEM</b>        |                                                                                                                                                                            |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>OM132702-16</b> | <b>ASSEMBLY OF COUNCILLORS</b>                                                                                                                                             |
| <b>OM132702-17</b> | <b>MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</b>                                                                                                                      |
| <b>OM132702-18</b> | <b>ITEM FOR SIGNING &amp; SEALING - CREATION OF SEWERAGE EASEMENT - 28 -36 MAIN STREET, BIRREGURRA; 42-44 MAIN STREET, BIRREGURRA; AND 30-34 JENNER STREET, BIRREGURRA</b> |

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**OM132702-16****ASSEMBLY OF COUNCILLORS**

|             |               |           |           |
|-------------|---------------|-----------|-----------|
| AUTHOR:     | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive     | FILE REF: | CLF11/6   |

**Assembly of Councillors**

A record must be kept of an assembly of Councillors which lists the Councillors attending, the matters discussed, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.

**Definition**

An “assembly of Councillors” is a defined term under section 76AA of the *Local Government Act 1989* (the Act). It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

If a meeting fits either of these types, the procedures applying to an assembly of Councillors must be complied with, irrespective of any name or description given to the committee or meeting.

**Advisory Committees**

Section 3(1) of the Act defines an advisory committee to be any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**Councillor briefings**

One type of meeting that is clearly an assembly of Councillors is the type of regular meeting, commonly referred to as a “Councillor Briefing” or similar name where Councillors and staff meet to discuss issues that are likely to come before Council for decision. While these meetings have no authority to make Council decisions, they are generally assemblies of Councillors and subject to conflict of interest disclosures.

**What records are to be kept.**

Section 80A of the Act requires that a record must be kept of an Assembly of Councillors which lists:

- the Councillors and members of Council staff attending;
- the matters discussed;
- disclosures of interest (if any are made); and
- whether a Councillor left the meeting after making a disclosure.

It is 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 Colac Botanic Gardens            | 13 December 2012 |
| • Councillor Workshop                         | 16 January 2013  |
| • Livestock Selling Centre Advisory Committee | 18 January 2013  |
| • Councillor Briefing Session                 | 23 January 2013  |
| • Councillor Induction Tour of the Shire      | 6 February 2013  |
| • Councillor Workshop                         | 13 February 2013 |

### **Attachments**

- |                                                                  |         |
|------------------------------------------------------------------|---------|
| 1. Friends of Colac Botanic Gardens - 13 December 2012           | 3 Pages |
| 2. Councillor Workshop - 16 January 2013                         | 2 Pages |
| 3. Livestock Selling Centre Advisory Committee - 18 January 2013 | 6 Pages |
| 4. Councillor Briefing Session - 23 January 2013                 | 1 Page  |
| 5. Councillor Induction Tour of the Shire 6 February 2013        | 1 Page  |
| 6. Councillor Workshop - 13 February 2013                        | 2 Pages |

### **Recommendation(s)**

***That Council notes the Assembly of Councillors reports for:***

- |                                                             |                                |
|-------------------------------------------------------------|--------------------------------|
| • <b><i>Friends of Colac Botanic Gardens</i></b>            | <b><i>13 December 2012</i></b> |
| • <b><i>Councillor Workshop</i></b>                         | <b><i>16 January 2013</i></b>  |
| • <b><i>Livestock Selling Centre Advisory Committee</i></b> | <b><i>17 January 2013</i></b>  |
| • <b><i>Councillor Briefing Session</i></b>                 | <b><i>23 January 2013</i></b>  |
| • <b><i>Councillor Induction Tour of the Shire</i></b>      | <b><i>6 February 2013</i></b>  |
| • <b><i>Councillor Workshop</i></b>                         | <b><i>13 February 2013</i></b> |

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OM132702-17**MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE**

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Jodie Fincham | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/3291 |

It has been previously agreed to by Council that the minutes of the Old Beechy Rail Trail Committee should be included in the Council agenda once any confidential items have been identified and the minutes have been confirmed by the Committee.

Attached are the Minutes and Executive Officer Report from the meeting held 3 December 2012.

Meetings are held every two months, commencing in February of each year.

Attachments

1. Meeting Minutes Old Beechy Rail Trail 3 December 2012 6 Pages
2. Executive Officer Report 3 December 2012 1 Page

Recommendation(s)

That Council notes the Minutes and Executive Officer Report of the Old Beechy Rail Trail Committee for 3 December 2012.

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**OM132702-18**

**ITEM FOR SIGNING & SEALING - CREATION OF SEWERAGE EASEMENT - 28 -36 MAIN STREET, BIRREGURRA; 42-44 MAIN STREET, BIRREGURRA; AND 30-34 JENNER STREET, BIRREGURRA**

|             |                           |           |            |
|-------------|---------------------------|-----------|------------|
| AUTHOR:     | Adam Lehmann              | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/3291   |

### **Purpose**

The purpose of this report is to request Council's authorisation to sign under common seal the Form 13 Creation of Easement in Gross for the following Council owned properties; 28-36 Main Street (C/T Vol 6701 Fol 028); 42-44 Main Street (C/T Vol 8652 Fol 259); and 30-34 Jenner Street (C/T Vol 7106 Fol 186), township of Birregurra to permit Barwon Water Region Corporation to install sewerage easements on the said properties.

### **Declaration of Interests**

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

### **Background**

Council has recently been approached by solicitors acting on behalf of Barwon Water seeking its consent to register easements in favour of their client over various Council properties. This is in connection with the Birregurra Sewerage Scheme.

The land owned by Council that will be affected is:

- 28-36 Main Street, Birregurra (C/T Vol 6701 Fol 028). This easement is to service the toilets and Birregurra Hall. The area of land has 3 separate titles all under Council ownership and the easement will allow the future connection of all titles. Only Council properties will benefit from the creation of this easement.
- 42-44 Main Street, Birregurra (C/T Vol 8652 Fol 259). This land (adjacent to the Birregurra Skate Park) is currently vacant and the easement caters for a minor branch sewer main (servicing an additional 3 properties) to pass through Council owned land and also allows Council to connect to the sewer if it decides to develop the property at a future stage.
- 30-34 Jenner Street, Birregurra (C/T Vol 7106 Fol 186). This easement services part of the Birregurra Park and allows a branch sewer main (serving 6 properties) to pass through the park and connect to a pumping station in Jenner Street.

Each of the easements to be created is 2.0 metres in width and is for the purposes of sewerage. Granting of the easements will allow Barwon Water, or their contractors, full and free access to the servient land for the management of their existing assets. Barwon Water has agreed that in return for allowing the easements to be placed over the subject properties, it will waive the cost of connecting to the Birregurra Sewerage Scheme.

The creation of these easements will benefit Council by allowing the properties to have an easement for connection of a sewer if required. This will increase the value of those properties at no cost to Council.

**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**

Council may or may not elect to consent to the creation of the sewerage easements as detailed by Barwon Water. Should Council choose not to have the easements created over the affected parcels it will incur future connection fees and our properties cannot be sewered until the easements are created.

It is not uncommon for Council owned land to be encumbered by easements to benefit Council and the broader community. Normally these easements would be created on the basis of peppercorn (\$1 nominal) compensation as proposed in this agreement which covers all three properties.

**Proposal**

That Council sign under common seal the Form 13 Creation of Easement in Gross for; 28-36 Main Street (C/T Vol 6701 Fol 028); 42-44 Main Street (C/T Vol 8652 Fol 259); and 30-34 Jenner Street (C/T Vol 7106 Fol 186), in order to permit Barwon Water Region Corporation to create sewerage easements on the said properties.

The benefit to Barwon Water is that it will allow implementation of sewer plans to be developed in one submission, without the need to go back and make amendments at a later stage.

**Financial and Other Resource Implications**

In allowing easements to be created over the aforementioned properties, Barwon Water has agreed to waive the costs of connecting Council properties to the Birregurra Sewerage Scheme. This connection fee is \$800 per connection in one upfront payment or \$1,600 if payment is via instalments. By approving the creation of the sewerage easements Council will avoid any future costs of connecting to Birregurra's reticulated sewerage system.

**Risk Management & Compliance Issues**

There are no significant risk management issues aligned with this proposal.

**Environmental and Climate Change Considerations**

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

**Community Engagement**

The community engagement strategy follows 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 was inform and consult. The creation of the required easements relates to the strategic management of Council owned land. Community engagement is not required as there are no broader impacts to the public.

**Implementation**

The Form 13 Creation of Easement in Gross for; 28-36 Main Street (C/T Vol 6701 Fol 028); 42-44 Main Street (C/T Vol 8652 Fol 259); and 30-34 Jenner Street (C/T Vol 7106 Fol 186) will be signed and sealed following resolution by Council.

**Conclusion**

There will be no detrimental impacts as a result of Council agreeing to the creation of the easements as described for Peppercorn compensation. The creation of easement over council land is a common practice for councils acting in the interests of the general community. The creation of an easement at this point in time is beneficial to Barwon Water, the community and Council, and should proceed.

**Attachments**

1. Creation of Easement 2 Pages
2. Locality Plan 1 Page
3. Plan of Easements 3 Pages

**Recommendation(s)**

***That Council resolves to approve the signing and sealing of the attached Creation of Easement document consenting to the creation of sewerage easements in favour of Barwon Water over:***

- a. 28-36 Main Street, Birregurra (C/T Vol 6701 Fol 028)***
- b. 42-44 Main Street, Birregurra (C/T 8652 Fol 259)***
- c. 30-34 Jenner Street, Birregurra (C/T Vol 7106 Fol 186)***

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NOTICES OF MOTION

| ITEM | |
|-------------|--|
| OM132702-19 | DEFINED BENEFITS SUPERANNUATION SCHEME |
| OM132702-20 | TAXATION AND COUNCILLOR ALLOWANCES |
| OM132702-21 | NOTICE OF MOTION |

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**OM132702-19 DEFINED BENEFITS SUPERANNUATION SCHEME (CR
STEPHEN HART)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 27 February 2013:

That Council:

1. Notes with concern the significant cost of “calls” to top up the Local Government defined benefits superannuation scheme with the latest call costing Colac Otway Shire approximately \$3.2 million including associated tax and charges.
2. Notes that the defined benefits scheme has been closed to new members for approximately twenty years.
3. Resolves that it is Council’s position that the defined benefits scheme should be ended, as soon as possible, for those employees who continue to accumulate benefits under that scheme.
4. Resolves that in ending the scheme it is Council’s position that no member loses any of their existing benefit.
5. Resolves that this position should be taken to the Municipal Association of Victoria (MAV) State Council with a view to the MAV adopting a similar position.
6. Instructs Council’s Chief Executive Officer to take all reasonable steps to give effect to this resolution including:
 - a) Assisting with the necessary preparations to take an appropriate resolution to the MAV as outlined in point 5.
 - b) Writing to the State and Federal Governments to inform them of this position and to ask them to take any necessary legislative steps to give effect to it.
 - c) Raising Council’s position at other forums, such as G21 and/or Great South Coast, where appropriate.

Recommendation

That Council consider the contents of this Notice of Motion.

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**OM132702-20****TAXATION AND COUNCILLOR ALLOWANCES (CR  
STEPHEN HART)****Need for Councillors to supply tax file number and/or have tax instalments deducted from Councillor Allowance**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 27 February 2013:

That Council:

1. Notes that most recipients of periodical income payments are required to either quote their tax file number or exemption to the organisation making the payment and/or have tax instalments deducted and forwarded to the Tax Department.
2. Notes that these rules do not apply to the Allowance paid to Councillors unless a Council resolution is passed unanimously to, in effect, instruct that this should occur.
3. Notes that the necessary resolution was supported by the majority of Council at meetings on 25/2/2009 and 23/1/2013 but couldn't be implemented as the resolutions failed to gain unanimous support.
4. Resolves that it is this Council's position that Councillors should be required to provide their tax file number or exemption to Council and/or have tax instalments deducted from Councillor Allowances and that the Council should be required to provide group certificates for each financial year without requiring a unanimous or any resolution of Council.
5. Resolves that this position should be taken to the Municipal Association of Victoria (MAV) State Council with a view to the MAV adopting a similar position.
6. Instructs Council's Chief Executive Officer to take all reasonable steps to give effect to this resolution including:
  - a) Assisting with the necessary preparations to take an appropriate resolution to the MAV as outlined in point 5.
  - b) Writing to the State and Federal Governments to inform them of this position and to ask them to take any necessary legislative steps to give effect to it.
  - c) Raising Council's position at other forums, such as G21 and/or Great South Coast, where appropriate.

**Extract from the minutes arising from the Colac Otway Shire Ordinary Council Meeting held on 25 February 2009.**

**OM092502-5 TAXATION AND COUNCILLOR ALLOWANCES**

***MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council is treated as an eligible local governing body under Section 221B of the Income Tax Assessment Act 1936.***

***CARRIED 5 : 2***

***DIVISION called by Cr Smith***

***For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart, Cr Crook, Cr Higgins***

***Against the Motion: Cr Smith, Cr Buchanan***

***As this Resolution was NOT CARRIED UNANIMOUSLY by Council as required by Section 221B of the Income Tax Assessment Act 1936 it LAPSES.***

**Extract from the unconfirmed minutes arising from the Colac Otway Shire Ordinary Council Meeting held on 23 January 2013.**

**OM132301-2 TAXATION AND COUNCILLOR ALLOWANCES**

***MOTION - MOVED Cr Stephen Hart seconded Cr Mick McCrickard:***

***That Council is treated as an eligible local governing body under section 221B of the Income Tax Assessment Act 1936.***

***CARRIED 4 : 3***

***DIVISION called by Cr Stephen Hart***

***For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard***

***Against the Motion: Cr Chris Smith, Cr Terry Woodcroft, Cr Michael Delahunty***

***As this Resolution was NOT CARRIED UNANIMOUSLY by Council as required by Section 221B of the Income Tax Assessment Act 1936 it LAPSES.***

**Recommendation**

***That Council consider the contents of this Notice of Motion.***

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OM132702-21 NOTICE OF MOTION (CR CHRIS SMITH)

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 27 February 2013:

That the CEO be instructed to produce a 2013/2014 budget with the following:

1. A maximum property rate rise of 3%
2. A maximum annual employee cost of \$14 million.

Recommendation

That Council consider the contents of this Notice of Motion.

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## IN COMMITTEE

### **Recommendation**

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

| <b><i>SUBJECT</i></b>                                                                                                            | <b><i>REASON</i></b>                                | <b><i>SECTION OF ACT</i></b> |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------|
| Confidential Items for Consideration - Memo to Councillors - Declaration of Road as Unused - Road Abutting 190 Springs Road, Yeo | This matter may prejudice the Council or any person | Section 89 (2) (h)           |
| Contract 1216 - Design and Construction of the Colac Livestock Selling Centre Roof                                               | This matter deals with contractual matters.         | Section 89 (2) (d)           |
| Contract 1212 - Apollo Bay Harbour Design and Construction of a Dredge and Workboat                                              | This matter deals with contractual matters.         | Section 89 (2) (d)           |



# ORDINARY COUNCIL MEETING

## WEDNESDAY, 27 FEBRUARY 2013

### ATTACHMENTS

PAGE NO.

#### CHIEF EXECUTIVE OFFICER

##### **OM132702-2 Councillor Code of Conduct**

Attachment 1: Councillor Code of Conduct.....5

##### **OM132702-3 Staff Establishment Levels**

Attachment 1: Staff Establishment Levels.....17

#### CORPORATE AND COMMUNITY SERVICES

##### **OM132702-5 Financial Reporting - Benchmarking/Performance Indicators and Financial Sustainability Indicators**

Attachment 1: Benchmarking/Performance Indicators .....19

##### **OM132702-6 Festival and Events Support Scheme 2013/14**

Attachment 1: Festivals and Events Support Scheme Guidelines & Application 2013/14.....45

Attachment 2: Festival and Event Support Scheme Application for the period July 2013 - June 2014.....53

##### **OM132702-7 2013-2014 Community Funding Program**

Attachment 1: Colac Otway Shire Community Funding Program 2013/14 Guidelines & Application - Recreation Facilities.....63

Attachment 2: Colac Otway Shire Community Funding Program 2013 /14 Guidelines & Application Community Projects (Up to \$10,000).....79

Attachment 3: Colac Otway Shire Community Funding Program 2013/14 COPACC Hire Assistance.....95

|               |                                                                                                                                |     |
|---------------|--------------------------------------------------------------------------------------------------------------------------------|-----|
| Attachment 4: | Colac Otway Shire Community Funding Program 2013/14<br>Community/Recreation Small Equipment & Training<br>(Up to \$2,000)..... | 111 |
|---------------|--------------------------------------------------------------------------------------------------------------------------------|-----|

## **INFRASTRUCTURE AND SERVICES**

### **OM132702-9 Declaration of Road as Unused - Road abutting 190 Springs Road, Yeo**

|               |                          |     |
|---------------|--------------------------|-----|
| Attachment 1: | Locality Plan .....      | 123 |
| Attachment 2: | Schedule 4 .....         | 124 |
| Attachment 3: | License Application..... | 125 |
| Attachment 4: | License conditions.....  | 129 |

### **OM132702-10 Licence for Apollo Bay Sailing Club Temporary Club House/Multipurpose Facility**

|               |                         |     |
|---------------|-------------------------|-----|
| Attachment 1: | Licence .....           | 135 |
| Attachment 2: | Letter DSE Consent..... | 145 |
| Attachment 3: | Plans .....             | 147 |
| Attachment 4: | Locality Plan.....      | 149 |

### **OM132702-11 Proposed lease agreement - 5 Beech Forest Lavers Hill road, Beech Forest**

|               |                                                                      |     |
|---------------|----------------------------------------------------------------------|-----|
| Attachment 1: | Ground Lease - 5 Beech Forest Lavers Hill Road,<br>Beech Forest..... | 151 |
|---------------|----------------------------------------------------------------------|-----|

### **OM132702-12 Road discontinuance - Lane Abutting 1 Bryan Avenue, Colac**

|               |                                   |     |
|---------------|-----------------------------------|-----|
| Attachment 1: | Locality Plan .....               | 171 |
| Attachment 2: | Plan of Subdivision LP52816 ..... | 172 |
| Attachment 3: | Title Plan TP944155R.....         | 173 |

### **OM132702-13 Special Charge Scheme Finalisation - Sinclair Street South, Elliminyt**

|               |                                               |     |
|---------------|-----------------------------------------------|-----|
| Attachment 1: | Apportionment Schedule - Final Costings ..... | 175 |
|---------------|-----------------------------------------------|-----|

## **SUSTAINABLE PLANNING AND DEVELOPMENT**

### **OM132702-14 Review of Birregurra Structure Plan - Draft Report**

|               |                                                                |     |
|---------------|----------------------------------------------------------------|-----|
| Attachment 1: | Birregurra Structure Plan Draft Background Report (Final)..... | 177 |
| Attachment 2: | Birregurra Structure Plan Draft Report (Final).....            | 245 |

### **OM132702-15 Apollo Bay Foreshore Reserve Neighbourhood Safer Place Designation**

|               |                                                                                                     |     |
|---------------|-----------------------------------------------------------------------------------------------------|-----|
| Attachment 1: | Map - Apollo Bay NSP .....                                                                          | 299 |
| Attachment 2: | DSE - MAV Process - Designation of NSP<br>(Crown Land managed by a Committee of Mangement) .....    | 300 |
| Attachment 3: | Neighbourhood Safer Place Site Assessment Report –<br>Apollo Bay Foreshore Reserve Apollo Bay ..... | 301 |

## **GENERAL BUSINESS**

### **OM132702-16 Assembly of Councillors**

|               |                                                                       |     |
|---------------|-----------------------------------------------------------------------|-----|
| Attachment 1: | Friends of Colac Botanic Gardens - 13 December 2012 .....             | 345 |
| Attachment 2: | Councillor Workshop - 16 January 2013 .....                           | 348 |
| Attachment 3: | Livestock Selling Centre Advisory Committee –<br>18 January 2013..... | 350 |
| Attachment 4: | Councillor Briefing Session - 23 January 2013.....                    | 356 |
| Attachment 5: | Councillor Induction Tour of the Shire 6 February 2013 .....          | 357 |
| Attachment 6: | Councillor Workshop - 13 February 2013.....                           | 358 |

### **OM132702-17 Minutes of the Old Beechy Rail Trail Committee**

|               |                                                            |     |
|---------------|------------------------------------------------------------|-----|
| Attachment 1: | Meeting Minutes Old Beechy Rail Trail 3 December 2012 .... | 361 |
| Attachment 2: | Executive Officer Report 3 December 2012.....              | 368 |

### **OM132702-18 Item for Signing & Sealing - Creation of Sewerage Easement - 28 -36 Main Street, Birregurra; 42-44 Main Street, Birregurra; and 30-34 Jenner Street, Birregurra**

|               |                            |     |
|---------------|----------------------------|-----|
| Attachment 1: | Creation of Easement ..... | 369 |
| Attachment 2: | Locality Plan .....        | 372 |
| Attachment 3: | Plan of Easements.....     | 373 |





# **COLAC OTWAY SHIRE COUNCILLOR CODE OF CONDUCT**



*This Code of Conduct was adopted by resolution of the Colac Otway Shire on .....*

Colac Otway Shire – Councillor Code of Conduct – .....

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## COUNCILLOR CODE OF CONDUCT

### 1. INTRODUCTION

As Councillors of the Colac Otway Shire we are committed to working together in the best interests of the people within our municipality and to discharging our responsibilities to the best of our skill and judgment.

Our commitment to working together constructively will enable us to achieve Council's vision "*Council will work together with our community to create a sustainable, vibrant future*" in a manner that is consistent with our values:

- *Respect*
- *Integrity*
- *Goodwill*
- *Honesty*
- *Trust*

The primary role of the Council is to provide leadership for the good governance of the Colac Otway Shire. The role of the Council also includes:

- 1.1 acting as a representative government by taking into account the diverse needs of the local community in decision making;
- 1.2 providing leadership by establishing strategic objectives and monitoring their achievement;
- 1.3 providing Maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
- 1.4 advocating the interests of the local community to other communities and governments;
- 1.5 acting as a responsible partner in government by taking into account the needs of other communities; and
- 1.6 fostering community cohesion and encouraging active participation in civic life.

### 2 COUNCILLOR CONDUCT PRINCIPLES

#### Primary principle of Councillor conduct

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must:

- act with integrity;
- impartially exercise their responsibilities in the interests of the local community; and
- not improperly seek to confer an advantage or disadvantage on any person.

#### General Councillor conduct principles

In addition to acting in accordance with the primary principle of Councillor conduct, in performing the role of a Councillor, a Councillor must:

- avoid conflicts between their public duties as Councillors and their personal interests and obligations;
- act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;

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*Colac Otway Shire – Councillor Code of Conduct – .....*

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- treat all persons with respect and will show due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons;
- exercise reasonable care and diligence and will submit to the lawful scrutiny that is appropriate to their office;
- endeavour to ensure that public resources are used prudently and solely in the public interest;
- act lawfully and in accordance with the trust placed in them as an elected representative;
- act in accordance with Local Law No 4; and
- support and promote these principles by leadership and example so act in a way that secures and preserves public confidence in the office of Councillor.

### 3 ADHERENCE TO CODE OF CONDUCT

All Councillors confirm that they will adhere to these principles in their general conduct as Councillors and specifically by:

- 3.1 Treating all people with **courtesy and respect**, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes:
  - 3.1.1 treating members of the community with dignity and ensuring that neither offence nor embarrassment are caused;
  - 3.1.2 treating fellow councillors with respect, even when disagreeing with their views or decisions;
  - 3.1.3 debating contentious issues without resorting to personal acrimony or insult;
  - 3.1.4 ensuring their punctual attendance at Council and committee meetings; and
  - 3.1.5 acting with courtesy towards Council staff and avoiding intimidating behaviour.
- 3.2 Councillors will always act with **integrity and honesty**:
  - 3.2.1 being honest in all dealings with the community, with other Councillors and with Council staff;
  - 3.2.2 always acting with impartiality and in the best interests of the community as a whole;
  - 3.2.3 not acting in ways that may damage the Council or its ability to exercise good government;
  - 3.2.4 exercising reasonable care and diligence in performing their functions as councillors; and
  - 3.2.5 complying with all relevant laws, be they Federal, State or Local Laws.
- 3.3 Councillors recognise that they hold a **position of trust** and will not misuse or derive undue benefit from their positions:
  - 3.3.1 Councillors will avoid conflicts of interest and comply with the relevant provisions of the Act and this Code relating to interests and conflicts of interest;

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*Colac Otway Shire – Councillor Code of Conduct – .....*

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- 3.3.2 Councillors will not exercise undue influence on other Councillors, members of Council staff or members of the public to gain or attempt to gain an advantage for themselves; and
- 3.3.3 Councillors will not accept gifts in their role as councillor, or where accepting gifts could be perceived to influence the councillor. To address this matter, Councillors will adhere to the Gifts, Benefits and Hospitality Policy.
- 3.4 Councillors will exercise appropriate prudence in the use of **Council resources**. This includes:
  - 3.4.1 maintaining appropriate separation between their personal property and Council property in the care of the Council;
  - 3.4.2 not using Council resources, including staff, equipment and intellectual property for electoral or other personal purposes;
  - 3.4.3 ensuring that Council resources are always used effectively and economically and for the purposes for which they are provided;
  - 3.4.4 ensuring that Council resources are not used in a way that creates an impression of Council endorsement; and
  - 3.4.5 ensuring that claims for out of pocket expenses are accurate and relate strictly to Council business.
- 3.5 Councillors will treat **Council information** appropriately, by:
  - 3.5.1 not using information gained by virtue of being a Councillor for any purpose than to exercise their role as a Councillor;
  - 3.5.2 respecting the Council's policies in relation to public comments and communications with the media (refer section 9);
  - 3.5.3 not releasing information deemed 'confidential information' in accordance with section 77 of the Act (refer section 5);
  - 3.5.4 recognising the requirements of the Information Privacy Act 2000 regarding the access, use and release of personal information; and
  - 3.5.5 not disclosing to a third party comments, questions or concerns raised or purportedly raised by another Councillor in a workshop, briefing or similar discussion that was not open to the general public.

#### 4 COUNCIL DECISION MAKING

Councillors recognise that as elected representatives of the Community, they have an obligation to understand the legal framework established under the provisions of the *Local Government Act* and in doing so:

- 4.1 Accept that decisions of Council can only be made at a formally constituted Council meeting and that individual Councillors do not have decision making power.
- 4.2 Commit to making decisions based on adopted Council policies unless Council has resolved that the policy be reviewed.
- 4.3 Accept and respect that the functions and role of the Chief Executive Officer are defined by the Local Government Act 1989 and that the CEO's accountability is solely to the Council as a whole.

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*Colac Otway Shire – Councillor Code of Conduct – .....*

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- 4.4 Accept the importance of a healthy working relationship between the Mayor and the Chief Executive Officer and will assist where appropriate in facilitating the relationship.
- 4.5 Acknowledge the value of workshops and briefing sessions for Councillors to suggest ideas, raise issues and provide input to policy and other decision making.
- 4.6 Accept that decisions of the Council are binding on the whole Council.
- Without compromising the rights of individual Councillors to maintain their opposition to a Council decision, all Councillors will accept and respect the decision made by the majority of Councillors through the democratic process.
- While it is acceptable for an individual Councillor to publicly state that they did or did not vote in favour of any Council decision, this shall be done in a manner which is respectful of the Council's decision and which does not undermine the authority or public perception and standing of the Council or any other Councillor.
- 4.7 Recognise and respect the role and precedence of the Mayor at all Council proceedings within the Shire as the representative of the Council, including Council sponsored functions, unless the Mayor has arranged for another Councillor to represent the Council or where the Council in the absence of the Mayor appoints an acting Mayor or Chairperson to preside at Council or Committee meetings and respect the position of Mayor. Where a Deputy Mayor has been appointed by Council the Deputy Mayor would preside.
- 4.8 Accept that when a Councillor is appointed by the Council as a member of an external committee the Councillor will:
- represent the views of the Council where they are known;
  - not forecast or pre-empt the views of Council;
  - report to Council on any major issues or decisions of the Committee; and
  - recognise that formal decisions made by the Committee are binding on the Committee as a whole.

## **5 CONFIDENTIAL INFORMATION**

Councillors acknowledge that they will comply with their obligations under s77 of the *Local Government Act* in relation to confidential briefings or information (as defined under the Act) and recognise that this obligation extends to ensuring the safekeeping of confidential information.

## **6 COMMUNICATION AND INFORMATION REQUESTS**

Councillors acknowledge that all requests made by Councillors for briefings from council officers or access to information on council files should be registered and reported. This obligation does not apply to requests for clarification/explanation of items on a forthcoming council agenda.

### **6.1 Communication between Councillors and the Organisation**

Councillors support a strong, open, professional and partnership relationship between the Council and the Council organisation to assist in achieving Council's objectives by using the following protocols for communication:

- 6.1.1 Recording and submitting requests for service to Customer Services for entry into the Council's customer request system.

## Colac Otway Shire – Councillor Code of Conduct – .....

- 6.1.2 Providing feedback and raising any issues of concern directly with the Chief Executive Officer and not with the staff members or via the media. Issues of concern include but are not restricted to:
- behaviour or actions of Council staff members;
  - reports and publications prepared by the Council organisation;
  - service delivery standards; and
  - strategy or direction of the Council organisation.
- 6.1.3 Acting with courtesy towards Council staff in all situations respecting the need for staff to have a quiet work area free of significant interruptions and/or inappropriate behaviours.

**6.2 Councillor Requests for Information**

Councillors require information in order to undertake their role as Councillors. The organisation must take into account a range of factors in considering the information request such as the Information Privacy Act (including the responsibility of the organisation to remove identifying details), resources and workload, whether the information relates to a new issue, an issue currently before Council or a matter already dealt with by Council, and whether the information should be provided to the requesting Councillor only or to all Councillors.

In general most requests for information will be made at Councillor Workshops, briefing sessions or committees where Councillors and officers as a group can properly understand the nature of the request any implications, resource issues and timelines. In responding to information requests outside these forums the following principles will apply:

- 6.2.1 Requests for information should be made to the Chief Executive Officer or the relevant General Manager.
- 6.2.2 Requests that are able to be carried out without impacting on existing priorities, workload or resources will be undertaken promptly.
- 6.2.3 Requests for information relating to an issue currently before Council should be treated with priority so that Councillors have the information they need to make informed decisions at Council meetings.
- 6.2.4 Where the information is very specific (such as a constituent specific issue) it will be provided only to the requesting Councillor.
- 6.2.5 Where the information is more general, such as relating to an issue currently before Council, the information will be provided to all Councillors.
- 6.2.6 If the information cannot be provided without significantly impacting on existing priorities, workload or resources or if the information request relates to information about an issue which has already been dealt with by Council, the information request can be put to Council for a decision. If the requesting Councillor wishes, an officer report would be put to Council outlining the request, the impact and context of the request to enable Council to make an informed decision as to whether the information request should be implemented by the organisation.
- 6.2.7 If the information cannot be provided within a few days or cannot be provided without agreement of Council, the requesting Councillor will be contacted and advised of the likely timeline and/or process for providing the information.

Colac Otway Shire – Councillor Code of Conduct – .....

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## **7 COUNCILLOR AND STAFF RELATIONSHIPS**

- 7.1 Effective Councillors and staff work together as part of the Council team.
- 7.2 The teamwork of Councillors and staff is based on mutual respect and cooperation to achieve the Council's strategic and corporate goals and implement its policies.
- 7.3 To achieve the teamwork approach, Councillors and staff need to:
  - 7.3.1 develop mature and constructive working relationships based on mutual trust;
  - 7.3.2 establish an effective means of communication and be clear about the distinction in the roles of Councillors and staff and how they work together for the benefit of the community;
  - 7.3.3 avoid imputing improper motives to any other Councillor or staff member or making improper personal reflections upon their character or integrity;
  - 7.3.4 not use their position to improperly influence an individual to gain an advantage for themselves or others; and
  - 7.3.5 agree to a principle of a 'no surprises' approach to Council issues and meeting agendas.
- 7.4 In addition to the above:
  - 7.4.1 Councillors must not direct Council officers or employees. This is solely the responsibility of the Chief Executive Officer;
  - 7.4.2 matters of concern that Councillors may have in relation to another Councillor should be raised with the Mayor. If the concern relates to the Mayor, it should be raised with the Chief Executive Officer;
  - 7.4.3 a Councillor's concern in relation to any officer or employee should be raised with the Chief Executive Officer who is entirely responsible for staff; and
  - 7.4.4 any matters of concern in relation to the Chief Executive Officer should be raised with the Mayor.

## **8 USE OF COUNCIL RESOURCES (INCLUDING FUNDS AND PROPERTY)**

- 8.1 Council resources are to be used effectively and economically:
  - 8.1.1 we will maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role;
  - 8.1.2 we will not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so; and
  - 8.1.3 we will not use public funds or resources in a manner that is improper or unauthorised.

## **9 COMMUNICATION WITH THE MEDIA**

Councillors will endeavour to ensure that the messages communicated through the media are clear and consistent, and positively portray the Council as a decisive and responsible governing body.

- 9.1 The Mayor will provide official comment to the media on behalf of Council where the matter is of a political, controversial or sensitive nature. This includes:

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**Colac Otway Shire – Councillor Code of Conduct – .....**

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- 9.1.1 State-wide political issues affecting Local Government;
  - 9.1.2 contentious local issues that impact the community that do not relate directly to the business of Council, but to the representation of the community;
  - 9.1.3 issues pertaining to policy and Council decisions; and
  - 9.1.4 issues relating to the strategic direction of the Council. The Mayor may nominate another Councillor to make official comment on behalf of the Council, where appropriate.
- 9.2 The Chief Executive Officer is the official spokesperson for all operational matters pertaining to the Colac Otway Shire as an organisation including:
- 9.2.1 staffing and structure of the organisation; and
  - 9.2.2 corporate issues relating to service provision or the day-to-day business of Council.
- 9.3 Councillors will work positively with the Media to enhance the reputation of the Council and the organisation by:
- 9.3.1 only reporting a Council position, if this position has been reached through a decision of the Council (in a Council meeting) and not pre-empt, debate or forecast the outcome of a pending Council decision with the media or other public forum;
  - 9.3.2 where warranted give recognition to Council staff and the organisation for achievements and positive results; and
  - 9.3.3 limiting criticism of Council staff to private meetings with the Chief Executive Officer or alternatively at a closed meeting of Council.
- 9.4 Individual Councillors are entitled to express independent views through the media, however Councillors will make it clear that any unofficial comment is a personal view, and does not represent the position of the Council as a whole. When a Councillor is expressing an independent view they are required to adhere to the other requirements of the Code of Conduct.

**10 SOCIAL MEDIA**

Social Media is a communication tool that should be approached with the same level of consideration that Colac Otway Shire gives to the mainstream media and the use of it is to be consistent with the requirements of the Code of Conduct.

**11 CONFLICT OF INTEREST PROCEDURES**

The Council is committed to making all decisions impartially and in the best interests of the whole community. It therefore recognises the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

For the purpose of this Code, "direct interest", "indirect interest" and "conflicts of interest", have the meanings specified in the Act.

Councillors will comply with all the provisions of the Act in regard to Conflicts of Interest:



*Colac Otway Shire – Councillor Code of Conduct – .....*

- 11.1 If the Councillor considers that they have a **direct or indirect interest** in a matter before the Council, a special committee of council or an assembly of councillors, they have a conflict of interest.
- 11.2 If a Councillor has a **conflict of interest** in a matter they will comply with the requirements of the Act and must:
- disclose the conflict of interest immediately before the matter is considered;
  - notify the Mayor/Chair that they are leaving the meeting; and
  - leave the room and any area where they can see or hear the meeting until the matter has been concluded.
- 11.3 If a Councillor considers that they have a personal interest in relation to a matter that is in conflict of interest with their public duty in relation to the matter, the Councillor may immediately before the matter is considered at the relevant meeting, apply to the Council or special committee to be exempted from voting on the matter.

In addition to the requirements of the Act:

- 11.4 Councillors will give early consideration to each matter to be considered by the Council, special committee of which the councillor is a member, or assembly of councillors, to ascertain if they have a conflict of interest.
- 11.5 Councillors recognise that the legal onus to determine whether a conflict of interest exists rests entirely with the individual councillor and that Council officers cannot offer any advice in relation to potential conflicts.
- Concerns about the result of a Council decision should not influence the Councillor's decision about whether to disclose a conflict of interest. The Councillor's responsibility to disclose a conflict of interest overrides any other obligation a Councillor as a decision maker.
- 11.6 If the Councillor considers that they may be unable to vote on a matter because of a conflict of interest, they will notify, as soon as possible, the Mayor or the Committee Chair, depending on whether the matter is to be considered by the Council, a special committee, or an assembly of councillors, as well as the Chief Executive Officer.

## 12 DISPUTE RESOLUTION PROCEDURES

- 12.1 Before commencing any formal dispute resolution process, the councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community. Councillors may seek assistance in resolving their differences.
- 12.2 In the event of any dispute occurring where councillors are unable to resolve interpersonal conflicts that adversely affect the operation of the Council, the parties to the dispute agree to work together to try to resolve the dispute and will agree to the appointment of a mediator nominated by the Chief Executive Officer and acceptable to both parties, or failing agreement, nominated by the President of the Municipal Association of Victoria and appointed by the Chief Executive Officer, if they are unable to resolve the dispute within seven (7) days.
- 12.3 If a mediator is appointed, all Councillors agree to cooperate with the dispute resolution process and use their best endeavours to assist the mediator when requested.
- 12.4 In the event that a dispute cannot be resolved through application of these

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**Colac Otway Shire – Councillor Code of Conduct – .....**

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processes, it may be referred to a Councillor Conduct Panel under Section 81B of the *Local Government Act 1989* in respect of a Councillor's conduct. An application can be made by a Councillor a group of Councillors, or Council by resolution.

- 12.5 The dispute resolution procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through debate and voting in Council and Committee meetings.

### **13 STATUTORY REQUIREMENTS**

In accordance with section 76C of the *Local Government Act 1989* Council is required to review the Councillor Code of Conduct within the period of 12 months after a general election.

It is acknowledged that in accordance with the legislation, this Code addresses the statutory requirements set out in section 76C of the Act, namely it:

- Includes Councillor Conduct principles.
- Sets out processes for resolving disputes between Councillors.
- Includes other matters relating to the conduct of Councillors which the Council considers appropriate.

Colac Otway Shire – Councillor Code of Conduct – .....

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## 14 COUNCILLOR'S SIGNATURES

### ENDORSEMENT

This Code of Conduct was adopted by the Council on ..... and is signed by the following councillors:

### SIGNATURES

Cr Brian Crook

.....

Cr Michael Delahunty

.....

Cr Stephen Hart

.....

Cr Mick McCrickard

.....

Cr Lyn Russell

.....

Cr Chris Smith

.....

Cr Terry Woodcroft

.....



| COS STAFF ESTABLISHMENT FTE -<br>AS AT 11/1/2013 | APPROVED<br>STAFF<br>ESTAB.<br>HOURS | APPROVED<br>STAFF ESTAB.<br>FTE | ACTUAL<br>STAFF<br>HOURS<br>WORKED | ACTUAL<br>WORKING<br>EFT | NOTES GRANTS (APPROVED STAFF ESTABLISHMENT)                                                                                                                  |
|--------------------------------------------------|--------------------------------------|---------------------------------|------------------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CEO / Exec / Public Relations                    | 160.00                               | 4.21                            | 160.00                             | 4.21                     |                                                                                                                                                              |
| GM Corp & Community Services                     | 76.00                                | 2.00                            | 74.25                              | 1.95                     |                                                                                                                                                              |
| GM Infrastructure                                | 76.00                                | 2.00                            | 78.00                              | 2.05                     |                                                                                                                                                              |
| GM Sp&D                                          | 76.00                                | 2.00                            | 78.00                              | 2.05                     |                                                                                                                                                              |
| Capital Works                                    | 228.00                               | 6.00                            | 228.00                             | 6.00                     |                                                                                                                                                              |
| COSWORKS                                         | 2090.00                              | 55.00                           | 2016.00                            | 53.05                    |                                                                                                                                                              |
| Economic Development                             | 447.00                               | 11.76                           | 439.50                             | 11.57                    |                                                                                                                                                              |
| Environment & Community Safety                   | 523.41                               | 13.77                           | 515.41                             | 13.56                    | Approx. 2 EFTs - School Crossing Supervisors are funded approx. 17% by grants                                                                                |
| Finance & Customer Service                       | 685.00                               | 18.03                           | 683.00                             | 17.97                    |                                                                                                                                                              |
| Health & Community Services                      | 1154.50                              | 30.38                           | 1350.72                            | 35.55                    | * 2 EFTs - Children & Family Services - partly funded by grants and fees<br>* Approx 2.6 EFTs - Maternal & Child Health partly funded by grants - approx 21% |
| Information Services                             | 344.00                               | 9.05                            | 308.00                             | 8.11                     | * Approx 18 EFTs - HACC staff - partly funded by grants - approx 88% and fees                                                                                |
| Major Contracts                                  | 304.00                               | 8.00                            | 306.00                             | 8.05                     | * 0.56% EFT - Rural Access - fully funded                                                                                                                    |
| OS&D                                             | 228.00                               | 6.00                            | 228.00                             | 6.00                     | * 0.94 EFT - ILOP & Transport Connections fully funded                                                                                                       |
| Planning & Building                              | 510.00                               | 13.42                           | 458.00                             | 12.05                    |                                                                                                                                                              |
| Rec Arts & Culture                               | 168.00                               | 4.42                            | 168.00                             | 4.42                     |                                                                                                                                                              |
| Rec Arts & Culture - BWFC                        | 447.00                               | 11.76                           | 422.00                             | 11.11                    |                                                                                                                                                              |
| Rec Arts & Culture - COPACC                      | 182.00                               | 4.79                            | 182.00                             | 4.79                     |                                                                                                                                                              |
| Sustainable Assets                               | 228.00                               | 6.00                            | 190.00                             | 5.00                     |                                                                                                                                                              |
| <b>COS TOTAL</b>                                 | <b>7926.91</b>                       | <b>208.60</b>                   | <b>7884.88</b>                     | <b>207.50</b>            |                                                                                                                                                              |
| Casuals                                          |                                      | 8.80                            |                                    |                          |                                                                                                                                                              |
| Contract (Apprentice)                            |                                      | 1.00                            |                                    |                          |                                                                                                                                                              |
| <b>Total</b>                                     |                                      | <b>217.40</b>                   |                                    |                          |                                                                                                                                                              |

Of the above :

\*7.63 EFT are temporary (eg maternity leave fill, funded temp.)

\*8.14 EFT are vacant positions





# **BENCHMARKING/ PERFORMANCE INDICATORS**

**JANUARY 2013**

## **INDEX**

### **Benchmarking/Performance Indicators**

|                                               |          |
|-----------------------------------------------|----------|
| <b>Introduction .....</b>                     | <b>3</b> |
| 1 Assets .....                                | 6        |
| 2 Capital .....                               | 10       |
| 3 Cash .....                                  | 12       |
| 4 Indebtedness/Liabilities .....              | 14       |
| 5 Operating .....                             | 17       |
| 6 Rating .....                                | 21       |
| 7 Capacity to Pay .....                       | 23       |
| <br><b>Appendix</b>                           |          |
| A - Financial Sustainability Indicators ..... | 24       |



## **BENCHMARKING/ PERFORMANCE INDICATORS**

### **INTRODUCTION**

Over the past few years there has been a lot of information on benchmarking and Key Performance Indicators within Local Government.

This includes:

- Department of Victorian Communities "Local Government in Victoria"
- Annual Report analysis of Large Rural Councils
- MAV – "Viability Index"
- MAV – Standard & Poors
- Strategy Plus
- Auditor General Victoria

The data in this paper is taken from information supplied by Strategy Plus for the financial year 2011/2012. Strategy Plus analyse the data from all 79 Councils.

This paper, groups the various indicators under the following headings:

- 1 - Assets
- 2 - Capital
- 3 - Cash
- 4 - Indebtedness/Liabilities
- 5 - Operating
- 6 - Rating

and provides further analysis, as well as more detailed information on each of the above.

## Comparisons

This report provides a picture of the financial situation of the Colac Otway Shire and how the Shire compares with other Councils of similar size ie. Large Rural Shire grouping.

Strategy Plus include the following Councils in the Large Rural Shire grouping:

- |                  |                      |             |
|------------------|----------------------|-------------|
| - Baw Baw        | - Moorabool          |             |
| - Campaspe       | - Moyne              |             |
| - Colac Otway    | - Murrindindi        |             |
| - Corangamite    | - South Gippsland    |             |
| - East Gippsland | - Southern Grampians |             |
| - Glenelg        | - Surfcoast          |             |
| - Horsham        | - Swan Hill          |             |
| - Macedon Ranges | - Wangaratta         |             |
| - Mitchell       | - Wellington         | 19 in total |
| - Moira          |                      |             |

Strategy Plus have used the following figures in the calculation of a number of the indicators.

| <i>Council</i>       | <i>Population per<br/>ABS</i> | <i>No of<br/>Assessments</i> | <i>Median Weekly<br/>Household Income *</i> |
|----------------------|-------------------------------|------------------------------|---------------------------------------------|
| Baw Baw              | 44,052                        | 22,753                       | \$1,025                                     |
| Campaspe             | 38,981                        | 20,029                       | \$886                                       |
| Colac Otway          | 22,108                        | 14,811                       | \$914                                       |
| Corangamite          | 17,469                        | 9,505                        | \$909                                       |
| East Gippsland       | 44,680                        | 29,822                       | \$798                                       |
| Glenelg              | 21,236                        | 13,964                       | \$899                                       |
| Horsham              | 20,375                        | 11,737                       | \$946                                       |
| Macedon Ranges       | 43,241                        | 20,538                       | \$1,395                                     |
| Mitchell             | 35,995                        | 17,086                       | \$1,170                                     |
| Moira                | 29,483                        | 16,851                       | \$828                                       |
| Moorabool            | 29,409                        | 14,647                       | \$1,183                                     |
| Moyne                | 16,906                        | 11,570                       | \$1,040                                     |
| Murrindindi          | 13,641                        | 9,470                        | \$917                                       |
| South Gippsland      | 28,452                        | 18,956                       | \$920                                       |
| Southern Grampians   | 17,411                        | 10,780                       | \$908                                       |
| Surf Coast           | 26,873                        | 19,778                       | \$1,277                                     |
| Swan Hill            | 22,275                        | 11,708                       | \$866                                       |
| Wangaratta           | 29,018                        | 14,637                       | \$913                                       |
| Wellington           | 43,920                        | 34,237                       | \$765                                       |
| <b>Average</b>       | <b>28,712</b>                 | <b>16,994</b>                | <b>\$978</b>                                |
| <b>State Average</b> | <b>70,764</b>                 | <b>33,313</b>                | <b>\$1,098</b>                              |

\*The information is calculated from the ABS Census 2011.

### **Summary**

The data that is available indicates that Colac Otway compares well with the Average of Large Rural Councils in most categories/key performance indicators.

The main areas for ongoing review that are being addressed are:

- The underlying operating deficit;
- Liquidity levels;
- The level of depreciation; and
- The level of capital expenditure.

The continued emphasis on these aspects will continue to ensure that Colac Otway improves its financial position.

The information available also indicates that Colac Otway Shire is addressing a number of the challenges that face Council. Over the last 5 years there has been an emphasis on improving Council's financial position.

There has been an increased emphasis on key challenges to ensure that Colac Otway achieves certain targets as soon as possible:

- Increased asset renewal and maintenance spending;
- Moving from operating deficits to operating surpluses.

It is also critical that levels of liquidity and debt are continually reviewed and managed responsibly.

The need to continue to improve Council's financial position has been supported by increased and improved data and information both internally eg. Infrastructure Renewal analysis and externally eg MAV, Price Waterhouse etc.

Even though different organisations use different measures the messages are consistent with respect to Infrastructure Renewal, Operating Deficits and liquidity.

## 1. ASSETS

### (a) Total Assets (27)

Total Assets as per Balance Sheet as at 30 June 2012.

|                                |                                |
|--------------------------------|--------------------------------|
| - Average Large Shire Grouping | \$439.54m                      |
| - Median Large Shire Grouping  | \$388.66m                      |
| - State Average (excl Melb)    | \$863.45m                      |
| - Colac Otway                  | \$287.27m (lowest in grouping) |

Range from \$287.27m to \$773.17m

#### **Colac Otway Total Assets**

|         |           |
|---------|-----------|
| 2007/08 | \$237.19m |
| 2008/09 | \$247.93m |
| 2009/10 | \$253.85m |
| 2010/11 | \$253.96m |
| 2011/12 | \$287.27m |

### (b) Total Assets per Assessment (27)

#### **For 2010/11**

|                                |                               |
|--------------------------------|-------------------------------|
| - Average Large Shire Grouping | \$27,004                      |
| - Median Large Shire Grouping  | \$25,955                      |
| - State Average (excl Melb)    | \$26,545                      |
| - Colac Otway                  | \$19,396 (lowest in grouping) |

#### **Colac Otway - Total Assets per Assessment \$**

|         |          |
|---------|----------|
| 2007/08 | \$16,690 |
| 2008/09 | \$17,323 |
| 2009/10 | \$17,631 |
| 2010/11 | \$17,277 |
| 2011/12 | \$19,396 |

### (c) Total Assets per Capita (28)

#### **For 2010/11**

|                                |                                               |
|--------------------------------|-----------------------------------------------|
| - Average Large Shire Grouping | \$16,069                                      |
| - Median Large Shire Grouping  | \$16,337                                      |
| - State Average (excl Melb)    | \$14,972                                      |
| - Colac Otway                  | \$12,994 (5 <sup>th</sup> lowest in grouping) |

#### **Colac Otway - Total Assets per Capita \$**

|         |          |
|---------|----------|
| 2007/08 | \$11,278 |
| 2008/09 | \$11,559 |
| 2009/10 | \$11,807 |
| 2010/11 | \$11,493 |
| 2011/12 | \$12,994 |

**(d) Depreciation (30)**

Level of Depreciation as per Income Statement as at 30 June 2012.

|                                |          |
|--------------------------------|----------|
| - Average Large Shire Grouping | \$10.07m |
| - Median Large Shire Grouping  | \$9.29m  |
| - State Average                | \$13.48m |
| - Colac Otway                  | \$8.67m  |

Range from \$4.94 m to \$ 17.90 m

**Colac Otway Depreciation**

|         |         |
|---------|---------|
| 2007/08 | \$7.51m |
| 2008/09 | \$8.90m |
| 2009/10 | \$8.41m |
| 2010/11 | \$7.78m |
| 2011/12 | \$8.67m |

**(e) Total Depreciation/Total Assets (30)**

This ratio compares the total amount of depreciation charged as a percentage of the Total Assets base.

**For 2011/12**

|                                |      |
|--------------------------------|------|
| - Average Large Shire Grouping | 2.3% |
| - Median Large Shire Grouping  | 2.3% |
| - State Average                | 2.0% |
| - Colac Otway                  | 3.0% |

Colac Otway has the 2<sup>nd</sup> highest % of the Large Shire grouping.

**Colac Otway**

|         |       |
|---------|-------|
| 2007/08 | 3.17% |
| 2008/09 | 3.59% |
| 2009/10 | 3.31% |
| 2010/11 | 3.06% |
| 2011/12 | 3.02% |

Council's ratio is significantly higher than the average for the Large Shire Grouping. 26% higher than the average. The differential has reduced over the past few years as reviews have been undertaken.

The assumptions made by each Council on useful lives of assets and therefore depreciation rates used will influence outcomes. It is important that Council continues to thoroughly consider local conditions that impact on local outcomes.

The level of Depreciation and the useful lives of some categories of assets were reviewed in 2010/11 which resulted in a reduced depreciation figure.

**(f) Depreciation on Infrastructure/Total Infrastructure Assets (31)**

This ratio compares the total amount of depreciation charged on infrastructure assets as a percentage of the Total Infrastructure Assets base.

**For 2011/12**

|                                |      |
|--------------------------------|------|
| - Average Large Shire Grouping | 2.4% |
| - Median Large Shire Grouping  | 2.2% |
| - State Average                | 2.4% |
| - Colac Otway                  | 3.2% |

Colac Otway has the 2<sup>nd</sup> highest % of the Large Shire Grouping.

**Colac Otway**

|         |       |
|---------|-------|
| 2007/08 | 3.27% |
| 2008/09 | 3.8%  |
| 2009/10 | 3.6%  |
| 2010/11 | 3.2%  |
| 2011/12 | 3.2%  |

Even though Council has reviewed depreciation and useful lives, Council is still well above the average in terms of its depreciation on its infrastructure assets. Council is part of the STEP review which is considering a number of aspects concerning infrastructure assets.

This implies that Council's estimates of useful lives for its infrastructure assets are less than the average for both the group and the State.

It is not essential to perform at the average but rather it is important that the useful life assumptions reflect accurately the local conditions. The roads in the Otways and road construction standards are having impacts on the figures.

**(g) Liquidity Alert (37)**

Cash Assets minus Reserve Funds and LSL Provision = Liquidity Alert

**For 2011/12**

|                                |          |
|--------------------------------|----------|
| - Average Large Shire Grouping | \$10.68m |
| - Median Large Shire Grouping  | \$9.35m  |
| - State Average                | \$14.16m |
| - Colac Otway                  | \$5.84m  |

**Colac Otway for 2011/12**

|                    |              |
|--------------------|--------------|
| Cash Assets        | \$13,613,000 |
| Less Reserve Funds | *(5,437,000) |
| Less LSL Provision | (2,336,000)  |
| Liquidity Alert    | \$5,840,000  |

\*(Adjusted for Carried Forward Projects & Long Service Leave)

|         |        |
|---------|--------|
| 2007/08 | \$2.4m |
| 2008/09 | \$2.4m |
| 2009/10 | \$2.3m |
| 2010/11 | \$3.8m |
| 2011/12 | \$5.8m |

The calculated figure shows funds available after cash backed LSL and reserves.

Does not take account of funds received in advance and works that are incomplete that need to be funded in the following year

### **Summary - Assets**

#### **Depreciation**

Colac Otway is one of the smaller Councils in size and has one of the lowest total kilometres in local road network.

The total amount of depreciation as a % of Assets is well above the average for the Large Shire grouping.

It is important that the data is regularly reviewed to ensure that the useful life assumptions accurately reflect the local conditions.

This not only has an impact on the level of depreciation but total assets which is lower than that of like Councils.

#### **Liquidity**

The level of liquidity has been raised a number of times. Council needs to closely monitor the funds that are available.

A report is provided to Council and the Audit Committee at the end of each Financial Year assessing the funds held and the various commitments that Council has.

## 2. CAPITAL

### (a) Capital Expenditure per Assessment (33)

Amount of Council's expenditure capitalised to the statement of financial position and contributions to major assets not owned by Council divided by the number of assessments.

#### For 2011/2012

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$1,043 |
| - Median Large Shire Grouping  | \$900   |
| - State Average                | \$927   |
| - Colac Otway                  | \$774   |

#### Colac Otway

|         |                                             |
|---------|---------------------------------------------|
| 2007/08 | \$631                                       |
| 2008/09 | \$564                                       |
| 2009/10 | \$895 (incl. CCLLC and AB Transfer Station) |
| 2010/11 | \$776                                       |
| 2011/12 | \$774                                       |

#### Colac Otway – Capital Expenditure

|         |          |
|---------|----------|
| 2007/08 | \$8.97m  |
| 2008/09 | \$8.03m  |
| 2009/10 | \$12.89m |
| 2010/11 | \$11.40m |
| 2011/12 | \$11.46m |

### (b) Capital Expenditure on Renewal and Upgrade as % of Depreciation (35)

#### For 2011/2012

|                                |        |
|--------------------------------|--------|
| - Average Large Shire Grouping | 105.1% |
| - Median Large Shire Grouping  | 112.5% |
| - State Average                | 125.6% |
| - Colac Otway                  | 112.0% |

#### Colac Otway

|         |        |
|---------|--------|
| 2007/08 | 116.7% |
| 2008/09 | 84.0%  |
| 2009/10 | 116.9% |
| 2010/11 | 118.8% |
| 2011/12 | 112.0% |



**(c) Total Capital Expenditure as % of Rate Revenue (36)**

**For 2011/2012**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | 69.6% |
| - Median Large Shire Grouping  | 56.1% |
| - State Average                | 64.1% |
| - Colac Otway                  | 52.6% |

**Colac Otway**

|         |                                           |
|---------|-------------------------------------------|
| 2007/08 | 55%                                       |
| 2008/09 | 45.6%                                     |
| 2009/10 | 69.5% (incl. CCLLC & AB Transfer Station) |
| 2010/11 | 55.7%                                     |
| 2011/12 | 52.6%                                     |

**Summary**

Over the past few years the level of capital expenditure has remained at a far higher level than previous years. This has been necessary to address the Infrastructure Renewal Gap and to provide necessary infrastructure across the Shire.

This area will need to be closely monitored.

### 3. CASH

#### (a) Cash and Investments at End of Year (37)

Total cash as per Balance Sheet as at 30 June 2012

|                                |                                            |
|--------------------------------|--------------------------------------------|
| - Average Large Shire Grouping | \$19.34m                                   |
| - Median Large Shire Grouping  | \$17.59m                                   |
| - State Average                | \$30.23m                                   |
| - Colac Otway                  | \$13.61m (2 <sup>nd</sup> lowest in group) |

Range from \$12.10m to \$45.03m.

**Colac Otway – Cash at End of Year**

|         |          |
|---------|----------|
| 2007/08 | \$6.42m  |
| 2008/09 | \$9.65m  |
| 2009/10 | \$9.76m  |
| 2010/11 | \$10.78m |
| 2011/12 | \$13.61m |

#### (b) Working Capital Ratio - Liquidity

Current assets as a ratio of Current Liabilities as at 30 June 2012.

This is a mandatory performance measurement for Local Government and is also used by the Auditor General in assessment of financial viability.

|                                |      |
|--------------------------------|------|
| - Average Large Shire Grouping | 2.20 |
| - Median Large Shire Grouping  | 2.01 |
| - State Average                | 2.15 |
| - Colac Otway                  | 2.73 |

The level of cash funds held in Reserve and for other purposes influences this ratio.

**Colac Otway Working Capital Ratio**

|         |      |
|---------|------|
| 2007/08 | 2.26 |
| 2008/09 | 2.27 |
| 2009/10 | 2.18 |
| 2010/11 | 2.41 |
| 2011/12 | 2.73 |

**(c) Self-Financing Ratio**

Net operation cash flows as a % of underlying revenue as at 30 June 2012.

This is a measure used by the Auditor General to assess Financial Viability. A measure of local government's ability to fund the replacement of assets from cash generated by their operations: the higher the percentage, the more able they are to do so.

**Colac Otway**

|         |       |
|---------|-------|
| 2007/08 | 25.8% |
| 2008/09 | 31.8% |
| 2009/10 | 31.9% |
| 2010/11 | 30.8% |
| 2011/12 | 34.1% |

(Comparisons of large Rural Councils not available)

**Summary**

The aim is to maintain a strong liquidity position (working capital ratio of at least 150%).

Over the last few years Council has had an improved cash position at the end of the financial year. This has been as a result of receiving significant grants in advance or works in progress on capital works.

Even though there has been an increase in the level of cash and investments over the last 5 years, Colac Otway still has the second lowest level of the Large Shire Grouping and is well under the Average and Median of the Group.

It is important that there is regular monitoring of the level of cash, taking into account the required level of financial reserves and other commitments. The level of cash will reduce as grants in advance are no longer received and the level of cash reserves decrease to assist in paying the superannuation liability.

As noted under Assets, the level of liquidity has been raised a number of times.

Council should be aiming to build up the level of reserves.

#### 4. INDEBTEDNESS/LIABILITIES

(a) Liabilities per Assessment \$ (25)

Total liabilities as per the statement of financial position less items held in trust divided by the number of assessments.

**For 2011/12**

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$1,420 |
| - Median Large Shire Grouping  | \$1,461 |
| - State Average                | \$1,228 |
| - Colac Otway                  | \$1,149 |

**Colac Otway – Average Liabilities per Assessment \$**

|         |                                         |
|---------|-----------------------------------------|
| 2007/08 | \$620                                   |
| 2008/09 | \$695                                   |
| 2009/10 | \$888                                   |
| 2010/11 | \$972                                   |
| 2011/12 | \$1,149 (inc. Superannuation Liability) |

(b) Total Debt (21)

**Total debt as per the Balance Sheet as at 30 June 2011**

|                                |          |
|--------------------------------|----------|
| - Average Large Shire Grouping | \$10.16m |
| - Median Large Shire Grouping  | \$9.06m  |
| - State Average                | \$16.06m |
| - Colac Otway                  | \$7.37m  |

Range from \$1.58m to \$17.31m.

**Colac Otway – Total Loans Outstanding**

|         |                                         |
|---------|-----------------------------------------|
| 2007/08 | \$3.01m                                 |
| 2008/09 | \$2.46m                                 |
| 2009/10 | \$4.16m                                 |
| 2010/11 | \$4.85m                                 |
| 2011/12 | \$7.37m (inc. Superannuation Liability) |

**(c) Debt Servicing Ratio %**

**Debt Servicing Costs (interest) as a % of adjusted total Revenue as at 30 June 2011**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | 0.79% |
| - Median Large Shire Grouping  | 0.74% |
| - State Average                | 0.66% |
| - Colac Otway                  | 0.78% |

Range 0.1% to 1.8%

**Colac Otway – Debt Servicing Ratio**

|         |       |
|---------|-------|
| 2007/08 | 0.67% |
| 2008/09 | 0.51% |
| 2009/10 | 0.36% |
| 2010/11 | 0.54% |
| 2011/12 | 0.78% |

Council is well under the prudential limit of 5% set by the State Government.

**(d) Debt Commitment Ratio %**

**Debt Servicing and Redemption Costs as a % of Rate Revenue as at 30 June 2012**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | 6.42% |
| - Median Large Shire Grouping  | 5.76% |
| - State Average                | 4.65% |
| - Colac Otway                  | 4.58% |

Range 1.9% to 16.6%

**Colac Otway – Debt Commitment Ratio %**

|         |       |
|---------|-------|
| 2007/08 | 4.44% |
| 2008/09 | 3.99% |
| 2009/10 | 2.40% |
| 2010/11 | 3.52% |
| 2011/12 | 4.58% |

**(e) Debt Exposure Ratio %**

**Total Liabilities as a % of Total Realisable Assets as at 30 June 2012**

|                                |        |
|--------------------------------|--------|
| - Average Large Shire Grouping | 16.77% |
| - Median Large Shire Grouping  | 16.24% |
| - State Average                | 13.38% |
| - Colac Otway                  | 21.57% |

Range 7.7% to 26.9%

**Colac Otway – Debt Exposure Ratio %**

|         |        |
|---------|--------|
| 2007/08 | 11.2%  |
| 2008/09 | 10.7%  |
| 2009/10 | 14.0%  |
| 2010/11 | 12.3%  |
| 2011/12 | 21.57% |

**(f) Debt/Rate Revenue (16)**

**Total Debt as a % of Rate Revenue for 2011/12**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | 41.3% |
| - Median Large Shire Grouping  | 42.9% |
| - State Average                | 36.1% |
| - Colac Otway                  | 33.8% |

**Colac Otway – Debt/Rate Revenue**

|         |       |
|---------|-------|
| 2007/08 | 18.4% |
| 2008/09 | 14.0% |
| 2009/10 | 22.4% |
| 2010/11 | 23.7% |
| 2011/12 | 33.8% |

**(g) Debt per Capita (21)**

**For 2011/12**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | \$371 |
| - Median Large Shire Grouping  | \$372 |
| - State Average                | \$298 |
| - Colac Otway                  | \$333 |

**Colac Otway – Debt per Capita**

|         |       |
|---------|-------|
| 2007/08 | \$143 |
| 2008/09 | \$115 |
| 2009/10 | \$193 |
| 2010/11 | \$219 |
| 2011/12 | \$333 |

**(h) Debt Commitment per Assessment (23)**

**For 2011/12**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | \$100 |
| - Median Large Shire Grouping  | \$85  |
| - State Average                | \$79  |
| - Colac Otway                  | \$67  |

**Colac Otway – Debt Commitment per Assessment**

|         |      |
|---------|------|
| 2007/08 | \$51 |
| 2008/09 | \$51 |
| 2009/10 | \$31 |
| 2010/11 | \$88 |
| 2011/12 | \$67 |

**Summary**

The above figures and indicators indicate that Council is lower than the average of the Large Shire Grouping and well under the prudential limits set by the Department of Victorian Communities.

## 5. OPERATING

### (a) Adjusted Expenditure per Assessment (9)

Adjusted expenditure as per the statement of financial performance divided by the number of assessments.

#### For 2011/2012

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$3,062 |
| - Median Large Shire Grouping  | \$2,800 |
| - State Average                | \$2,775 |
| - Colac Otway                  | \$2,547 |

#### Colac Otway – Adjusted Expenditure per Assessment \$

|         |         |
|---------|---------|
| 2007/08 | \$2,249 |
| 2008/09 | \$2,442 |
| 2009/10 | \$2,529 |
| 2010/11 | \$2,507 |
| 2011/12 | \$2,547 |

### (b) Adjusted Total Revenue (8)

#### Total revenue for 2011/12 as per Income Statement

|                                |          |
|--------------------------------|----------|
| - Average Large Shire Grouping | \$48.96m |
| - Median Large Shire Grouping  | \$47.61m |
| - State Average                | \$81.75m |
| - Colac Otway                  | \$39.19m |

#### Colac Otway – Adjusted Total Revenue

|         |          |
|---------|----------|
| 2007/08 | \$28.41m |
| 2008/09 | \$31.39m |
| 2009/10 | \$36.26m |
| 2010/11 | \$34.78m |
| 2011/12 | \$39.19m |

### (c) Expenditure (12)

#### Adjusted total expenditure for 2011/12 as per Income Statement

|                                |          |
|--------------------------------|----------|
| - Average Large Shire Grouping | \$49.25m |
| - Median Large Shire Grouping  | \$44.61m |
| - State Average                | \$79.45m |
| - Colac Otway                  | \$37.72m |

#### Colac Otway – Adjusted Operating Expenditure

|         |          |
|---------|----------|
| 2007/08 | \$31.95m |
| 2008/09 | \$34.95m |
| 2009/10 | \$36.41m |
| 2010/11 | \$36.85m |
| 2011/12 | \$37.72m |

**(d) Revenue Ratio %**

**Total Rate Revenue as a percentage of the total revenue of Council**

**For 2011/12**

|                                |        |
|--------------------------------|--------|
| - Average Large Shire Grouping | 41.20% |
| - Median Large Shire Grouping  | 40.73% |
| - State Average                | 45.46% |
| - Colac Otway                  | 49.98% |

**Colac Otway – Revenue Ratio**

|         |                                             |
|---------|---------------------------------------------|
| 2007/08 | 49.72%                                      |
| 2008/09 | 46.89%                                      |
| 2009/10 | 47.43%                                      |
| 2010/11 | 36.16% (50% if Port of Apollo Bay excluded) |
| 2011/12 | 49.98%                                      |

Rate income is a secure and predictable source of revenue. A low ratio can warn of undue reliance on other forms of revenue, which may or may not be sustainable – such as Government grants.

**(e) Recurrent/Operating Grants (6)**

**Recurrent/Operating Grant Income as a percentage of the adjusted total revenue of Council**

**For 2011/12**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | 29.6% |
| - Median Large Shire Grouping  | 31.0% |
| - State Average                | 26.6% |
| - Colac Otway                  | 31.3% |

**Colac Otway – Recurrent/Operating Grants %**

|         |       |
|---------|-------|
| 2007/08 | 25.4% |
| 2008/09 | 28.5% |
| 2009/10 | 27.7% |
| 2010/11 | 30.4% |
| 2011/12 | 31.3% |

**(f) Fees and Charges (7)**

**Fees and charges as a percentage of the adjusted total revenue of Council**

**For 2011/12**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | 13.1% |
| - Median Large Shire Grouping  | 11.7% |
| - State Average                | 13.5% |
| - Colac Otway                  | 10.4% |

**Colac Otway – Fees and Charges %**

|         |       |
|---------|-------|
| 2007/08 | 12.7% |
| 2008/09 | 12.3% |
| 2009/10 | 11.9% |
| 2010/11 | 10.8% |
| 2011/12 | 10.4% |



**(g) Adjusted Total Revenue per Assessment (8)**

**For 2011/12**

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$3,042 |
| - Median Large Shire Grouping  | \$2,832 |
| - State Average                | \$2,758 |
| - Colac Otway                  | \$2,646 |

**Colac Otway –Adjusted Total Revenue per Assessment \$**

|         |         |
|---------|---------|
| 2007/08 | \$1,999 |
| 2008/09 | \$2,194 |
| 2009/10 | \$2,518 |
| 2010/11 | \$2,366 |
| 2011/12 | \$2,646 |

**(h) Adjusted Total Expenses (ex depreciation) per Assessment (10)**

**For 2011/12**

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$2,440 |
| - Median Large Shire Grouping  | \$2,302 |
| - State Average                | \$2,263 |
| - Colac Otway                  | \$1,962 |

**Colac Otway –Adjusted total Expenses (ex depreciation) per Assessment \$**

|         |         |
|---------|---------|
| 2007/08 | \$1,720 |
| 2008/09 | \$1,820 |
| 2009/10 | \$1,945 |
| 2010/11 | \$1,978 |
| 2011/12 | \$1,962 |

**(i) Adjusted Total Expenses per Capita (12)**

**For 2011/12**

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$1,822 |
| - Median Large Shire Grouping  | \$1,735 |
| - State Average                | \$1,617 |
| - Colac Otway                  | \$1,706 |

**Colac Otway –Adjusted Total Expenses per Capita \$**

|         |         |
|---------|---------|
| 2007/08 | \$1,519 |
| 2008/09 | \$1,630 |
| 2009/10 | \$1,694 |
| 2010/11 | \$1,668 |
| 2011/12 | \$1,706 |

**(j) Employee Costs (13)**

Employee costs as % of Adjusted Total Expenses

**For 2011/12**

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | 36.4% |
| - Median Large Shire Grouping  | 36.3% |
| - State Average                | 38.1% |
| - Colac Otway                  | 40.8% |

**Colac Otway – Employee Costs as % of Adjusted Total. Expenses**

|         |       |
|---------|-------|
| 2007/08 | 31.5% |
| 2008/09 | 32.2% |
| 2009/10 | 34.0% |
| 2010/11 | 38.8% |
| 2011/12 | 40.8% |

**(k) Underlying Result Ratio**

This is a measure used by the Auditor General to assess Financial Viability

Adjusted net surplus as a % of total underlying revenue 2010/11.

**Colac Otway**

|         |      |
|---------|------|
| 2007/08 | 0.8% |
| 2008/09 | 1.1% |
| 2009/10 | 5.6% |
| 2010/11 | 6.2% |
| 2011/12 | 5.3% |

For surpluses, the higher the percentage the stronger the result. A negative result indicates a deficit. Operating deficits cannot be sustained in the longer term and deficits by their nature shift the burden of today's costs to future ratepayers.

(Comparisons of Large Rural Councils not available).

**Summary**

In summary the various indicators show:

- Colac Otway's bottom line is still worse than the average and median of the Large Shire Grouping.
- The level of Council's depreciation continues to impact on the Operating Expenditure per assessment.
- Council's Revenue Ratio % of 50% is at a solid level.

## 6. RATING

### (a) Rates and Charges per Assessment (3)

Rates revenue divided by the number of assessments

#### For 2011/12

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$1,506 |
| - Median Large Shire Grouping  | \$1,515 |
| - State Average                | \$1,491 |
| - Colac Otway                  | \$1,471 |

#### Colac Otway – Rates and Charges per Assessment \$

|         |         |
|---------|---------|
| 2007/08 | \$1,153 |
| 2008/09 | \$1,230 |
| 2009/10 | \$1,289 |
| 2010/11 | \$1,392 |
| 2011/12 | \$1,471 |

### (b) Rates and Charges per Capita (2)

Rate revenue divided by the total population

#### For 2011/2012

|                                |       |
|--------------------------------|-------|
| - Average Large Shire Grouping | \$897 |
| - Median Large Shire Grouping  | \$877 |
| - State Average                | \$830 |
| - Colac Otway                  | \$986 |

#### Colac Otway – Rates and Charges per Capita \$

|         |       |
|---------|-------|
| 2007/08 | \$779 |
| 2008/09 | \$821 |
| 2009/10 | \$863 |
| 2010/11 | \$926 |
| 2011/12 | \$986 |

### (c) Rate and Charges Revenue (3)

#### Total Rate Revenue as per Income Statement for 2011/12

|                                |          |
|--------------------------------|----------|
| - Average Large Shire Grouping | \$25.26m |
| - Median Large Shire Grouping  | \$22.64m |
| - State Average                | \$49.11m |
| - Colac Otway                  | \$21.79m |

Range from \$12.48m to \$38.4m

#### Colac Otway – Rates and Charges \$

|         |          |
|---------|----------|
| 2007/08 | \$16.38m |
| 2008/09 | \$17.60m |
| 2009/10 | \$18.56m |
| 2010/11 | \$20.47m |
| 2011/12 | \$21.79m |

**(d) Rates Outstanding (4)**

**Total rates outstanding as per balance sheet as at 30 June 2012**

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$1.26m |
| - Median Large Shire Grouping  | \$1.18m |
| - State Average                | \$2.32m |
| - Colac Otway                  | \$1.18m |

Range from \$223,635 to \$ 3.97m

**Colac Otway – Rates Outstanding \$**

|         |         |
|---------|---------|
| 2007/08 | \$0.65m |
| 2008/09 | \$0.39m |
| 2009/10 | \$1.09m |
| 2010/11 | \$1.05m |
| 2011/12 | \$1.18m |

**(e) Rates Outstanding as a % of Total Rates (4)**

**For 2010/11**

|                                |      |
|--------------------------------|------|
| - Average Large Shire Grouping | 4.8% |
| - Median Large Shire Grouping  | 4.3% |
| - State Average                | 4.9% |
| - Colac Otway                  | 5.4% |

Range from 1.3% to 10.6%

**Colac Otway – Rates Outstanding %**

|         |       |
|---------|-------|
| 2007/08 | 4.0 % |
| 2008/09 | 2.2%  |
| 2009/10 | 5.9%  |
| 2010/11 | 5.1%  |
| 2011/12 | 5.4%  |

**Summary**

The various Rating Indicators indicate:

- Council's rates and charges per assessment \$ are slightly less than the average and median for the Large Shire Grouping.
- Council's rate collection efficiency needs to be closely monitored in light of the factors that impact on the ability of ratepayers to pay their rates.

## 7. CAPACITY TO PAY

The following tables include:

- (a) Median Household Income
- (b) Rates per Assessment
- (c) % Rates to Household Income

### (a) Median Household Income

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$978   |
| - State Average                | \$1,098 |
| - Colac Otway                  | \$914   |

### (b) Rates per Assessment

|                                |         |
|--------------------------------|---------|
| - Average Large Shire Grouping | \$1,506 |
| - State Average                | \$1,491 |
| - Colac Otway                  | \$1,471 |

### (c) % Rates to Household Income

|                                |      |
|--------------------------------|------|
| - Average Large Shire Grouping | 3.0% |
| - State Average                | 2.8% |
| - Colac Otway                  | 3.1% |

### Large Rural Councils

| <i>Council<br/>– Rates Per Assessment</i> | <i>Median<br/>Household<br/>Income</i> | <i>Rates per<br/>Assessment</i> |
|-------------------------------------------|----------------------------------------|---------------------------------|
| Wellington                                | \$765                                  | \$1,201                         |
| East Gippsland                            | \$798                                  | \$1,312                         |
| Southern Grampians                        | \$908                                  | \$1,314                         |
| Moyne                                     | \$1,040                                | \$1,332                         |
| Murrindindi                               | \$917                                  | \$1,430                         |
| Mitchell                                  | \$1,170                                | \$1,466                         |
| Colac Otway                               | \$914                                  | \$1,471                         |
| Campaspe                                  | \$886                                  | \$1,487                         |
| Wangaratta                                | \$913                                  | \$1,496                         |
| Moira                                     | \$828                                  | \$1,515                         |
| Horsham                                   | \$946                                  | \$1,522                         |
| Glenelg                                   | \$899                                  | \$1,542                         |
| Moorabool                                 | \$1,183                                | \$1,546                         |
| Baw Baw                                   | \$1,025                                | \$1,549                         |
| South Gippsland                           | \$920                                  | \$1,560                         |
| Macedon Ranges                            | \$1,395                                | \$1,611                         |
| Corangamite                               | \$909                                  | \$1,680                         |
| Swan Hill                                 | \$886                                  | \$1,785                         |
| Surf Coast                                | \$1,277                                | \$1,804                         |
| <b>Average</b>                            | <b>\$978</b>                           | <b>\$1,506</b>                  |

| <i>Council</i>     | <i>% Rates to<br/>Household<br/>Income</i> |
|--------------------|--------------------------------------------|
| Macedon Ranges     | 2.2%                                       |
| Mitchell           | 2.4%                                       |
| Moyne              | 2.5%                                       |
| Moorabool          | 2.5%                                       |
| Surf Coast         | 2.7%                                       |
| Southern Grampians | 2.8%                                       |
| Baw Baw            | 2.9%                                       |
| Murrindindi        | 3.0%                                       |
| Wellington         | 3.0%                                       |
| Horsham            | 3.1%                                       |
| Colac Otway        | 3.1%                                       |
| Wangaratta         | 3.2%                                       |
| East Gippsland     | 3.2%                                       |
| Campaspe           | 3.2%                                       |
| South Gippsland    | 3.3%                                       |
| Glenelg            | 3.3%                                       |
| Moira              | 3.5%                                       |
| Corangamite        | 3.6%                                       |
| Swan Hill          | 3.9%                                       |
| <b>Average</b>     | <b>3.0%</b>                                |

APPENDIX A

**FINANCIAL SUSTAINABILITY INDICATORS**

**The following details on Financial Sustainability are provided by Strategy Plus.**

*Strategy Plus acknowledges the below source of work may be the subject of considerable debate. It does however consider the formation of a financial sustainability indicator to be an important step in assessing Councils state of financial health. Long Term Financial Plans that take into account local issues and information not available through Annual Reports, will give better indications of sustainability into the future.*

**Putting the Financial Sustainability Indicator in Context - The PRO's and CON's**

The definition and measurement of financial sustainability is frequently a topic of much discussion within Local Government and is not without a degree of debate as to its relevance and accuracy. The following comments provide important context in understanding the approach that *Strategy Plus* has used in calculating the Financial Sustainability Indicator. Just as importantly, it provides some indications of the advantages and limitations of the approach adopted, given it has been restricted to information that is simply available from audited annual reports.

It must be remembered at the outset that this is simply a measure of FINANCIAL sustainability and not one of COMMUNITY sustainability and well being. A Council that devotes 100% of its capital funding to renewal may well score positively in the context of its financial sustainability but may not be in a position to deliver the much needed future services and facilities desired by its constituents. Conversely, Councils that may score poorly in a financial context may be delivering an excellent local government service from a community needs perspective.

It should further be noted that the indicator is derived solely from the information contained in Annual Reports and may therefore not accurately reflect other information that is known only to any particular Council. Future cash inflows from developers is, for example, one element that is unable to be captured in this process. The FSI's calculated are a measure of sustainability as at 30 June 2010.

From a purely financial analysis approach, the FINANCIAL sustainability indicator presented below has used an indexed scoring system for four key elements of financial performance. Each element is scored and then the sum of the scores is represented as the overall Financial Sustainability Indicator.

The four elements utilised are:

- > Underlying Operating Result as % of Total Assets
- > Accumulated Cash as % of Adjusted Total Revenue
- > Debt as % of Own Source Revenue
- > Asset Renewal as % of Depreciation

**Underlying Operating Result as a % of Total Assets**

The underlying operating result has been assessed following the removal of gifted assets, developer contributions, asset revaluations and write offs and the impact of the sale of fixed assets. Capital income has further been deducted on the grounds that this represents an 'unmatched' income, with the expenditure not being included, and is a non-recurring income source. The aim has been to reach the underlying 'operational' position and then to assess whether this had added to the net asset base of Council or eroded this base. It is appreciated that various sustainability reviews have adopted differing positions in respect of capital income.

**Accumulated Cash as a % of Adjusted Revenue**

The purpose of this indicator has been to acknowledge and recognise the strong cash position of many Councils despite perhaps not performing as well in other indicators. Obviously if a Council has \$50Million in discretionary Council Reserves or accumulated cash surplus (for example) it is in a strong position to meet the immediate financial challenges. The approach taken has been to measure the degree to which Revenue (adjusted for abnormals) funds the Current and Non-Current Liabilities (excluding loans). The residual current asset base (described as accumulated cash) is then expressed as a percentage of Adjusted Revenue.

**Debt as a % of Own Source Revenue**

This ratio is simply about the degree of flexibility that Council has available to it in the future to utilise borrowings as a key source of funding for capital works. Obviously the higher amount of existing debt, the less flexibility Council will have in using this funding source.

**Asset Renewal/Upgrade as a % of Depreciation (for 5 years)**

Asset Renewal and Asset Upgrade figures have been obtained from the Standard Statement of Capital Expenditure and expressed as a percentage of Depreciation. This ratio provides a far more accurate view than utilising Total Capital spend compared to Depreciation. The limitations of this approach are however that the result is a three year window only - it doesn't necessarily provide an accurate indication of ongoing performance - nor does it indicate the existing level of infrastructure backlogs that individual Councils may have. It is intended that as each year passes from this point - the accumulated result (Renewal/Upgrade compared to depreciation) can be calculated. It must also be acknowledged that there remains a great deal of industry disparity in terms of approaches to depreciation rates and asset useful lives.

| <b>Underlying Operating result / Total Assets</b> |       |     |       |                     |
|---------------------------------------------------|-------|-----|-------|---------------------|
|                                                   |       |     |       | <b><u>SCORE</u></b> |
| Result worse than                                 | -2.0% |     |       | -2.5                |
| Result between                                    | -1.5% | and | -2.0% | -2.0                |
| Result between                                    | -1.0% | and | -1.5% | -1.5                |
| Result between                                    | -0.5% | and | -1.0% | -1.0                |
| Result between                                    | 0.0%  | and | -0.5% | -0.5                |
| Result between                                    | 0.0%  | and | 0.5%  | 0.5                 |
| Result between                                    | 0.5%  | and | 1.0%  | 1.0                 |
| Result between                                    | 1.0%  | and | 1.5%  | 1.5                 |
| Result between                                    | 1.5%  | and | 2.0%  | 2.0                 |
| Result greater than                               | 2     |     |       | 2.5                 |

Underlying Operational Results measure the outcome from operations net of asset revaluations, granted assets, asset sales and capital income. It is expressed as a percentage of Total Assets, indicating the % impact on the net assets of Council. Negative outcomes have been graded with scores between -0.5 and -2.5. Positive scores attract scores of 0.5 to a maximum of 2.5

| <b>Accumulated Cash Position / Adjusted Revenue</b> |       |     |       |                     |
|-----------------------------------------------------|-------|-----|-------|---------------------|
|                                                     |       |     |       | <b><u>SCORE</u></b> |
| Result worse than                                   | 0.0%  |     |       | -3.0                |
| Result between                                      | 0.0%  | and | 5.0%  | -2.0                |
| Result between                                      | 5.0%  | and | 10.0% | -1.5                |
| Result between                                      | 10.0% | and | 15.0% | -1.0                |
| Result between                                      | 15.0% | and | 20.0% | 0.0                 |
| Result between                                      | 20.0% | and | 25.0% | 1.0                 |
| Result between                                      | 25.0% | and | 30.0% | 2.0                 |
| Result greater than                                 | 30.0% |     |       | 3.0                 |

Accumulated Cash Surplus measures the residual amount of current assets remaining after deducting current and non-current liabilities. Interest Bearing Liabilities (backed by fixed assets) and Landfill Remediation Provision (backed by future capital works allocations) have been excluded from the liabilities. The result is then expressed as a percentage of Adjusted Revenue. Results in excess of 20% attract a positive score increasing as the result grows. Results below 15% attract a negative score.

| Total Indebtedness / Own Source Revenue |        |     |        |              |
|-----------------------------------------|--------|-----|--------|--------------|
|                                         |        |     |        | <u>SCORE</u> |
| Result greater than                     | 100.0% |     |        | -3.00        |
| Result between                          | 80.0%  | and | 100.0% | -2.50        |
| Result between                          | 70.0%  | and | 80.0%  | -2.00        |
| Result between                          | 60.0%  | and | 70.0%  | -1.50        |
| Result between                          | 50.0%  | and | 60.0%  | -1.00        |
| Result between                          | 40.0%  | and | 50.0%  | -0.50        |
| Result between                          | 30.0%  | and | 40.0%  | 0.00         |
| Result between                          | 20.0%  | and | 30.0%  | 1.00         |
| Result between                          | 10.0%  | and | 20.0%  | 2.00         |
| Result between                          | 0.0%   | and | 10.0%  | 3.00         |

Asset Renewal & Upgrade expenditure compared to Depreciation measures Councils ability to adequately renew its existing infrastructure. The results displayed are based on **five** years data to better indicate renewal effort over time - results in excess of 100% attract positive scores whilst results below 100% are scored with graduating negative results.

| Asset Renewal & Upgrade expenditure / Depreciation<br>(2005/06 to 2010/11) |        |     |        |              |
|----------------------------------------------------------------------------|--------|-----|--------|--------------|
|                                                                            |        |     |        | <u>SCORE</u> |
| Result less than                                                           | 50.0%  |     |        | -3.0         |
| Result between                                                             | 50.0%  | and | 60.0%  | -2.5         |
| Result between                                                             | 60.0%  | and | 70.0%  | -2.0         |
| Result between                                                             | 70.0%  | and | 80.0%  | -1.5         |
| Result between                                                             | 80.0%  | and | 90.0%  | -1.0         |
| Result between                                                             | 90.0%  | and | 100.0% | -0.5         |
| Result between                                                             | 100.0% | and | 110.0% | 0.5          |
| Result between                                                             | 110.0% | and | 120.0% | 1.0          |
| Result between                                                             | 120.0% | and | 130.0% | 1.5          |
| Result greater than                                                        | 130.0% |     |        | 2.0          |

Asset Renewal & Upgrade expenditure compared to Depreciation measures Councils ability to adequately renew its existing infrastructure. The results displayed are based on **five** years data to better indicate renewal effort over time - results in excess of 100% attract positive scores whilst results below 100% are scored with graduating negative results.

| Colac-Otway's Sustainability Indicator |               |              |
|----------------------------------------|---------------|--------------|
| <u>Component</u>                       | <u>Result</u> | <u>Score</u> |
| Underlying Operating Result            | 0.51%         | 1.00         |
| Accumulated Cash Position              | 28.86%        | 2.00         |
| Indebtedness                           | 27.86%        | 1.00         |
| Asset Renewal & Upgrade                | 108.70%       | 0.50         |
| <b>Total</b>                           |               | <b>4.50</b>  |

For 2010/11 Total Score was 2.50





## **FESTIVAL AND EVENT SUPPORT SCHEME FOR THE PERIOD JULY 2013 – JUNE 2014**

### **APPLICATION GUIDELINES**

The Colac Otway Shire recognises the importance of Festival and Events development in the municipality. The contribution of Festivals and Events to celebrating the region's diversity and cultural, economic and social development is highly valued.

The information contained in the package includes:

1. Definition of an Event
2. Eligibility Criteria
3. How to Apply
4. Scope
5. Aims and objectives
6. Sponsorship categories
7. Non conforming applications
8. Sponsorship agreement
9. Event Evaluation – "Survey Monkey or other agreed method"
10. Public liability and insurance
11. Financial acquittal and reporting form
12. Application assessment
13. Funding available
14. Implementation

**1. DEFINITION OF AN EVENT**

For the purposes of the Colac Otway Shire Festival and Support Scheme, the following definitions apply:

*“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 found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the event.”*

Event Management: Planning Guide for Event Managers in Victoria, 2002.

**2. ELIGIBILITY CRITERIA**

Applications should assist in establishing new or providing support to existing events and activities for the citizens and/or the promotion of the Colac Otway Shire. Preference is to be given to projects and groups making a significant financial or “in kind” contribution to the event.

Applications are to be for financial assistance for costs related to the delivery of new or established events, not for general ongoing administration costs. Applicants must demonstrate how their event contributes to the social, cultural and economic growth of the Colac Otway Shire. Applicants are required to provide details of ALL previous grants provided by Council in the past 3 years.

This funding program provides seed funding to assist with the establishment of new event initiatives. The funding program also supports the development and growth of established events. (An established event is defined as an event that has been conducted for more than 3 years.)

**This scheme can support events that raise money for the local community where the majority of funds raised remain within the Colac Otway Shire.** The scheme does not support external fundraising events, activities or projects where funds raised are distributed to fundraising organisations outside the Colac Otway Shire.

The Colac Otway Shire Festival and Support Scheme is targeted at organisations with limited financial resources. Groups with commercial sources of income and organisations which receive recurrent State Government support should declare their source of income in the application. Details of previous grants provided by Council also need to be provided for the past 3 years and detailed financial statements for the past 2 years. **Audited financial statements are required for Gold and Platinum level applications.**

Funding under this scheme is restricted. Applicants with proposals for funding valued in excess of \$7,500 are encouraged to discuss event/festival related proposals with the Colac Otway Shire Council's Events Officer with an opportunity to explore alternative funding sources. Preference will be given to events that are supported by plans detailing a vision of their event, that are organised co-operatively and where some profits will be distributed back into the community.

### 3. HOW TO APPLY

Applications must be submitted on the attached application form. Applications should be typed where possible or completed in black ink. Any application that is considered incomplete or not in the required format may **not** be accepted. You are encouraged to discuss the eligibility of your application with the Events Officer, Phone: 5232 9516 before you apply.

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded. Email applications can be accepted only if a scanned signature is included on the final page. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with Festival and Events Support Scheme in the subject line. All applications must be received by the closing date.

#### **GST**

GST legislation will apply to allocation of these funds. Organisations will be required to quote an Australian Business Number (ABN) or if an exemption applies to provide a written statement of entitlement to exemption (Supplier Statement). Supplier Statement forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded.

Where an applicant organisation is GST registered, grant allocations will be calculated and assessed on income and expenditure excluding GST. In addition, organisations registered for GST will be required to submit a Tax Invoice to Council upon approval of their grant, including an additional 10% added to the approved grant amount.

#### **Lodgement**

**The closing date for applications is 4.00pm Friday 3 May 2013.** All applications must be received by this time. Late applications cannot be considered.

Hard Copy Applications should be sent to:

**Festival and Events Support Scheme 2013/2014  
Colac Otway Shire  
PO Box 283  
COLAC VIC 3250**

All applicants will receive written advice acknowledging receipt of their application within 1 week of receipt.

#### **IMPLEMENTATION FOR 2013**

|                                                                               |                      |
|-------------------------------------------------------------------------------|----------------------|
| Applications open                                                             | Friday 22 March 2013 |
| Closing date for applications                                                 | Friday 3 May 2013    |
| Evaluation of applications                                                    | May - July 2013      |
| Notification of funding                                                       | July 2013            |
| Project completion, evaluation forms completed three months after your event. |                      |

#### 4. SCOPE

The scope of the Colac Otway Shire Festival and Support Scheme is broad and potential applicants are required to discuss their proposal with Council's Events Officer.

The Scheme supports new and established community events through the provision of financial assistance for costs associated with events. Examples of costs associated with events could include signage, promotional material, and professional project management and hire costs (eg. performers, PA equipment, staging, portable toilets etc).

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual) sporting, culinary, environmental or could include markets, festivals and shows. Events should enhance the region's profile, develop community co-operation and cohesion, build local skills or in other ways have a positive impact on the local community.

#### 5. AIMS AND OBJECTIVES

The aims and objectives of the Festivals and Events Support Scheme are to:

- Provide assistance to conduct established professional and quality festival or event activities within Colac Otway Shire.
- Improve the quality of life experiences for communities within the municipality by increasing access to quality festivals and events.
- Promote cultural diversity and greater awareness, appreciation and participation in activities within the Colac Otway Shire area.
- Promote a sense of pride and community identity.
- Stimulate visitation and tourism to the Colac Otway Shire area and increase economic and social development opportunities.
- Contribute to the recognition of the Colac Otway Shire area as a region to host festivals and events.
- Create an environment for innovation and creativity within the municipality.
- Assist established Festivals and Events (where appropriate and where feasible) to enable the Festival or Event to become as self-sufficient as possible.

#### 6. COLAC OTWAY SHIRE SPONSORSHIP CATEGORIES

The level of assistance recommended will be determined by the current or potential value of the festival/event to generate positive economic impacts and enhance the social and cultural benefits within the community.

There are four levels of funding categories specific to the Colac Otway Shire Festival and Support Scheme in relation to the sponsorship of events. They are Platinum, Gold, Silver, Bronze / Seed funding which are defined as follows:

#### 7. SPONSORSHIP FUNDING CATEGORIES

##### a. Platinum Sponsorship (Up to \$7500)

- This level of sponsorship is available to Major Events with an international significance, Icon Status or Major Community event within the Colac Otway Shire.
- Events in this category attract 5,000 or more attendees.

- Events within this category will provide significant benefits to the Colac Otway Shire in terms of economic, social and cultural growth to the region and contribution to the local community.
- Events within this category must demonstrate a significant community focus.

**b. Gold Sponsorship (Up to \$5,000)**

- This level of sponsorship is available to Major Events with considerable significance within the Colac Otway Shire.
- Events in this category attract between 2,000 – 5,000 attendees.
- Events within this category will provide strong benefits to the Colac Otway Shire in terms of economic, social and cultural contribution to the local community.
- Events within this category will demonstrate a strong community focus. The event will also provide considerable promotional marketing opportunity (including print, signage, radio and web) to the Colac Otway Shire and be a motivator for people to visit the region.

**c. Silver Sponsorship (up to \$2,500)**

- This level of sponsorship is available to Minor Events within the Colac Otway Shire.
- Events in this category attract 1,000 to 2,000 attendees.
- Events within this category will provide reasonable benefits to the Colac Otway Shire in terms of economic, social and cultural contributions to the local community.
- Events within this category will demonstrate a strong community focus. The event will also provide considerable promotional marketing opportunity (including print, signage, radio and web) to the Colac Otway Shire and be a motivator for people to visit the region.

**d. Bronze and Seed Sponsorship (up to \$1,000)**

- This level of sponsorship is available to Minor Events within the Colac Otway Shire.
- Events in this category will have an attendance of up to 1,000 attendees.
- Events within this category will provide some benefits to the Colac Otway Shire in terms of economic, cultural and social growth to the region.
- Events within this category will demonstrate a strong community focus. The event will also provide considerable promotional marketing opportunity (including print, signage, radio and web) to the Colac Otway Shire and be a motivator for people to visit the region.

**8. NON-CONFORMING APPLICATIONS**

Applications found to be ineligible will be notified in writing as part of the assessment process.

Council will not sponsor the following:

- Festivals or Events that do not have a strong community base.
- Festivals or Events which are conducted completely outside the boundaries of the Colac Otway Shire.
- Duplication or replacement of other sources of funding for existing activities. Festivals which start before 1 July 2013 or after 30 June 2014.
- A major new Festival or Event that clashes with another major Colac Otway Shire Festival or Event.

## **9. THE SPONSORSHIP AGREEMENT**

Successful applicants will be required to enter into an agreement with the Colac Otway Shire Council.

Larger festivals and events may wish to select one or more aspects of their program to be sponsored by the Colac Otway Shire. The Colac Otway Shire would then be recognised as a sponsor of that event component or alternating as a general sponsor of the overall festival or event. Acknowledgment will be commensurate with the nature of the project and level of support provided.

At a minimum, the Sponsorship Agreement includes:

- Colac Otway Shire signage at all activities and events related to the project, (or as mutually agreed with the event organisers.)
- Recognition of Colac Otway Shire sponsorship in all advertising, promotional and social media.
- All printed material including invitations, fliers, posters and programs must include the Colac Otway Shire logo.
- An opportunity must be provided for a Colac Otway Shire representative to speak at key events and activities (or as mutually agreed with the event organisers.)
- Inclusion of sponsor message in the festival or event program and related publications at no charge.
- Colac Otway Shire flags or banners may be required by Council to be erected in designated positions, (or as mutually agreed with the event organisers.)
- The organisers must provide the Colac Otway Shire Events Officer with regular information updates on the project, i.e. minutes of meetings.
- Sponsor invitations to be provided for Colac Otway Shire councillors and key representatives.
- Agreement of Event/Festival organiser to implement "Survey Monkey" Evaluations or equivalent information to be supplied, ie. total number of visitors to the event, type of visitors (day, overnight, international), origin of visitors, length of stay and economic impact.
- Agreement of Event/Festival organiser to ensure the event is a "Waste Managed" event.
- Access to the Colac Otway Shire Waste Trailer.
- Colac Otway Shire marquees (6m x 3m and/or 3m x 3m) for use at the event and over associated equipment including disability bollards, ramps and Event in Progress road signs.

## **10. PUBLIC LIABILITY AND INSURANCE**

A Public Liability Insurance Policy for at least ten million dollars (\$10 million) for the festival/event must be obtained by the Festival organiser prior to the funds being released by the Colac Otway Shire Festivals and Events Support Fund. Public Liability and Insurance to increase to a minimum of twenty million dollars (\$20 million) for major events only, which brings the Colac Otway Shire into line with other G21 councils.

## 11. FINANCIAL AND REPORTING FORMS

It is a condition of sponsorship that a written, detailed brief be submitted within six (6) weeks of the end of the festival. Financial Reports are also required within ten (10) to twelve (12) weeks of the end of the festival. If a Financial Report cannot be returned in this time frame, please contact the Events Officer to advise the agreed date to be submitted. The financial statement must detail the expenditure of the amount and purpose of the sponsorship against the budget submitted. Any unexpended funds must be returned to the Colac Otway Shire. Audited financial statements are required for Gold and Platinum level applications. Failure to meet these time frames, may affect further applications for future funding.

Evidence of all printed material is imperative. Printed material featuring the Council logo and clippings of media exposure should accompany the evaluation report. Colac Otway Shire will utilise promotional material for their own promotional purposes.

The Reporting form and financial acquittal will be issued within two (2) weeks after your event by the Events Officer either via email or hard copy.

## 12. ASSESSMENT

Applications will be submitted to a Council Advisory committee who will assess the recommended applications which will then be ratified by Council. Your application will form part of Council's Budget process for the following financial year.

### Assessment Criteria

Factors taken into account when assessing applications include:

| Assessment Criteria                                                                                                                                                                        | Weighting |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>Social opportunities</b> - Detail the community benefits provided by the project both short and long term                                                                               | 20%       |
| <b>Economic Development opportunities</b> - Describe how the project stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire | 20%       |
| <b>Cultural opportunities</b><br>Describe how the event contributes towards the development of community arts & culture, networks, programs and/or projects.                               | 20%       |
| Does the organisation meet <b>eligibility requirements</b> including availability of the organisation's contribution                                                                       | 10%       |
| Whether the <b>aim and objectives</b> of the proposal are <b>achievable and realistic</b> .                                                                                                | 10%       |
| Provision of <b>sufficient documentation</b> for the proposal including letters of support, quotes etc                                                                                     | 10%       |
| Marketing/promotional opportunity                                                                                                                                                          | 10%       |

Applicants should note that the submission of an application **does not** necessarily guarantee funding of the proposal.

## 13. AVAILABLE FUNDING

The level of assistance available through the Festivals and Events Support Scheme is limited by Council's budget.

No applicant can be guaranteed sponsorship nor can any applicant be guaranteed funding to the level requested. Please note that Council cannot totally fund any festival or event, nor does it fund retrospectively. Council's ongoing support should



not be relied upon as each year applications will be assessed in conjunction with other applications and will be determined on funding available.

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited resources or the need to balance support given to a wide range of festivals and events after considering the assessment criteria.

#### **14. IMPLEMENTATION**

Upon notification of a successful application, the applicant organisation will negotiate the required services with the Events Officer. This may include participation in Council's Event approval process and attendance at Council "E Team" meetings as part of the Event Approval process.





**FESTIVAL & EVENT SUPPORT SCHEME  
APPLICATION FORM 2013/2014**

**ORGANISATION DETAILS:**

**Name of applicant organisation**

|  |
|--|
|  |
|--|

**Name and Date of Event for this application:**

|  |
|--|
|  |
|--|

**Postal Address**

|  |
|--|
|  |
|--|

**Contact Details**

(Please ensure the nominated contact person/s are aware of all project details)

| Details    | Primary Contact Person | Secondary Contact Person |
|------------|------------------------|--------------------------|
| Name       |                        |                          |
| Position   |                        |                          |
| Work phone |                        |                          |
| Home phone |                        |                          |
| Mobile     |                        |                          |
| Email      |                        |                          |
| Fax        |                        |                          |

**Incorporation**

|     |  |        |    |  |
|-----|--|--------|----|--|
| Yes |  | Number | No |  |
|-----|--|--------|----|--|

**Auspic body if not incorporated** (support letter required with this application)

|                     |               |
|---------------------|---------------|
| <b>Auspice body</b> |               |
| <b>Address</b>      |               |
| <b>Contact Name</b> |               |
| <b>Position</b>     |               |
| <b>B. H. phone</b>  | <b>Mobile</b> |

**ABN Number**

|  |
|--|
|  |
|--|

**Supplier Statement must be completed if no ABN**

**GST Registration**

|     |  |        |    |  |
|-----|--|--------|----|--|
| Yes |  | Number | No |  |
|-----|--|--------|----|--|

**EVENT PROJECT DETAILS:**

1. **Name and description of event** - Please include event name and a brief description of the type of event you are running, including estimated number of visitors this event is likely to attract and estimated number of participants from the community.

2. **Detail event component to be funded by Council** - (Please itemise the specific event component(s) that Council funding will be expended upon i.e. hire of stage, hire of performers, etc.

3. **Nominate Sponsorship Funding Category**

- a. Platinum (up to \$7,500)
- b. Gold (up to \$5,000)
- c. Silver (up to \$2,500)
- d. Bronze (under \$1,000)
- e. Seed funding (up to \$1000)

4. **Social opportunities** - Detail the community benefits provided by the project both short and long term.

**Short term community benefits:**

**Long term community benefits:**

|  |
|--|
|  |
|--|

5. **Economic Development opportunities** - Describe how the event encourages increased tourism opportunities to this municipality, and how your festival will generate local economic activity.

|  |
|--|
|  |
|--|

6. **Cultural opportunities** - Describe how the event contributes towards the development of community arts and culture development, networks, programs and/or projects.

|  |
|--|
|  |
|--|

7. **Please provide details of community need for this proposal.** Please attach support letters and detail what discussions you have held with related groups in the area about this project.

|  |
|--|
|  |
|--|

8. **Proposed Timelines for Project:** Please indicate the key actions required for your project.

| Key tasks | Completed date |
|-----------|----------------|
|           |                |
|           |                |
|           |                |
|           |                |

9. **To assist Council in forward planning please indicate future planned projects**

|         |  |
|---------|--|
| 2014/15 |  |
|         |  |
| 2015/16 |  |
|         |  |

10. **Survey Monkey**

- What method of data collection will be used at your event?
- ☐ Survey Monkey
- ☐ Other – postcode collection
- ☐ Other – total number of visitors, type of visitors (day, overnight, and international), origin of visitors, length of stay and economic impact.

**FINANCIAL DETAILS:**

- 11. Does your organisation currently receive funding support from Federal or State Government sources (tick as appropriate)**

|     |  |
|-----|--|
| Yes |  |
|-----|--|

|    |  |
|----|--|
| No |  |
|----|--|

- 12. Please provide details of any commercial source of income**

| Source | Amount \$ |
|--------|-----------|
|        |           |
|        |           |

- 13. Has your organisation received ANY funding support from the Colac Otway Shire in the past 3 years (please tick as appropriate)?**

|     |  |
|-----|--|
| Yes |  |
|-----|--|

|    |  |
|----|--|
| No |  |
|----|--|

- 14. Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years? (i.e. Community, Festival & Events Support Scheme or other)**

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |

**\*\*Audited financial statements are required for Gold and Platinum level applications.**

- 15. Has funding for this project been sought from any other body for this project?**

|     |  |
|-----|--|
| Yes |  |
|-----|--|

|    |  |
|----|--|
| No |  |
|----|--|

**If yes, please list**

| Source | Amount \$ |
|--------|-----------|
|        |           |

- 16. Total cost of project (please attach quotes)**

|    |
|----|
| \$ |
|----|

- 17. Total of group/organisation contribution. NB - \$25 per hour is a suggested figure to use when estimating voluntary labour costs).**

| Cash | In-kind |
|------|---------|
| \$   | \$      |

**18. Funds requested from Council's Festival and Event Support Scheme**

\$

**19. Are you willing to accept partial funding?**

Yes

No

**20. If yes, indicate priorities:**

|  |
|--|
|  |
|  |
|  |

**Does the organisation have the following?**

Risk Management Plan?                      Yes ☐                      No ☐                      In progress ☐

Strategic, Action or Business Plan?      Yes ☐                      No ☐                      In progress ☐

## BUDGET FORM

Applicants must use the budget form provided. (Please advise if you require this table in excel as it is available to send electronically). The budget should list the total income and expenditure and reflect all costs associated with the project.

Applicants are expected to make at least a matching contribution in cash and/or volunteer labour costed **\$25 per hour**. Other in-kind contribution such as donated goods or materials may also be included, as well as use of plant and equipment. Indicate in-kind on the expenditure column under the relevant headings as well as the income column. You may also have grants, financial support and sponsorship from other sources. This should be indicated in the budget.

Please ensure that total income **EQUALS** total expenditure i.e. the project must break even.

| EXPECTED INCOME                                     | \$ AMOUNT | EXPECTED EXPENDITURE                                  | \$ AMOUNT |
|-----------------------------------------------------|-----------|-------------------------------------------------------|-----------|
| Earned Income                                       |           | Project Costs                                         |           |
| <b>Participant's Fees</b>                           | \$        | <b>Fees</b>                                           | \$        |
| <b>Ticket sales</b>                                 | \$        | <b>Travel</b>                                         | \$        |
| <b>Other (Describe)</b>                             | \$        | <b>Accommodation</b>                                  | \$        |
| Grants                                              |           | <b>Materials/ Equipment</b>                           | (itemise) |
| Council Festival and Event Support Scheme           | \$        |                                                       | \$        |
| <b>Other (Describe)</b>                             | \$        |                                                       | \$        |
|                                                     |           |                                                       | \$        |
| Applicants contribution                             |           |                                                       | \$        |
| <b>Cash</b>                                         | \$        | <b>Other (Describe)</b>                               | \$        |
| <b>In-kind equipment (Describe)</b>                 | \$        | <b>Insurance</b>                                      | \$        |
| <b>Volunteer labour @ \$25 per hour. (Describe)</b> | \$        | <b>Volunteer labour @ \$25 per hour. (Describe)</b>   | \$        |
|                                                     |           |                                                       |           |
| Other Income                                        |           | Administration Costs                                  |           |
| <b>Donations</b>                                    |           | <b>Telephone, fax, photocopying etc.</b>              | \$        |
| <b>Sponsorship</b>                                  |           | <b>Marketing Costs e.g. publicity and advertising</b> | \$        |

|                         |  |                                                             |           |
|-------------------------|--|-------------------------------------------------------------|-----------|
| <b>Other (Describe)</b> |  | <b>Documentation Costs<br/>e.g. photographs,<br/>videos</b> | <b>\$</b> |
|                         |  | <b>Contingency @ 3%</b>                                     | <b>\$</b> |
|                         |  |                                                             |           |
| <b>Total Income \$</b>  |  | <b>Total Expenditure \$</b>                                 |           |

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE  
BETWEEN COLAC OTWAY SHIRE  
COUNCIL** of 2-6 Rae Street Colac ("the  
Council") and the Applicant

**BACKGROUND**

- A** The Council makes available funds for festival funding each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B** The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C** The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

**AGREEMENT**

- 1.** The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2.** The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant on the activity of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the activity. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to

production. Unauthorised use of the Council logo on other material will result in the Applicant being ineligible to apply for further grants.

- (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with the Applicant to check on progress during the period of the activity.
  - (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3.** The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
  - 4.** The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
  - 5.** Any variation of this agreement shall only be made in writing between the parties.
  - 6.** Projects that commence prior to this application being received by Council will be ineligible.
  - 7.** A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
  - 8.** Note that Council will publicly report grants awarded.

Signature

|  |
|--|
|  |
|--|



**CHECK LIST Please confirm that you have included the following with your submission:**

|                                     |                                                                                          |
|-------------------------------------|------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Keep a copy of your application, including all attachments                               |
| <input type="checkbox"/>            | Completed application form                                                               |
| <input type="checkbox"/>            | Budget Table showing break even result                                                   |
| <input type="checkbox"/>            | Detailed Financial Statement or Treasurer's Report for the previous 2 years.             |
| <input type="checkbox"/>            | Audited financial statements are required for Gold and Platinum level applications.      |
| <input type="checkbox"/>            | Attached Quotes (For items to be funded by Council)                                      |
| <input type="checkbox"/>            | Details of previous grants provided by council to your organisation in the past 3 years. |
| <input type="checkbox"/>            | Support Letters                                                                          |
| <input type="checkbox"/>            | Supplier Statement (if applicable)                                                       |

**Privacy Notification**

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9516.

I/we acknowledge the above and confirm the above information is correct and approve the use of this data on the Colac Otway Shire applicants' data base.

Signed: .....Date:  
...../...../2013.....





## **COLAC OTWAY SHIRE COMMUNITY FUNDING PROGRAM 2013/14 Recreation Facilities: Total Project Cost up to \$10,000**

### **FORWARD COMPLETED APPLICATION FORM TO:**

**COMMUNITY FUNDING PROGRAM 2013/14  
Recreation Facilities up to \$10,000  
Colac Otway Shire Council  
PO BOX 283  
COLAC 3250  
EMAIL: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)**

**PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORM, THEN COMPLETE THE FOLLOWING CHECKLIST:**

#### **Have you:**

- ☐ Read the Community Funding Program Guidelines?
- ☐ Completed all questions in the Application Form?
- ☐ Provided a copy of the most recent bank/audited financial statements?
- ☐ Provided a copy of Public Liability Insurance Policy
- ☐ Provided Statement by Supplier (if you do not have an ABN)?
- ☐ Attached any relevant quotes supporting budget expenditure?
- ☐ Ensured that you have provided a Reporting Form if you have received any previous Colac Otway Shire funding?

#### **Need Any Help or Advice?**

Please contact Jodie Fincham, Recreation and Events Co-ordinator on 5232 9472 or Lisa Loughnane, Recreation Officer on 5232 9527 who can provide you with assistance and further information about your application and this program.



## What Is The Community Funding Program?

- The Community Funding Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives.
- The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects.
- Grants are awarded for amounts up to \$5,000 based on up to a 50% subsidy (i.e. on a dollar for dollar basis). Total project cost must not exceed \$10,000.

## Who Can Apply?

- Incorporated (or those deemed by Council to hold a similar legal status) not-for-profit community groups and organisations operating within the Colac Otway Shire are eligible to apply under this program.
- If you have received funds from Council previously, please ensure that you have spent the funds in accordance with which the funds were provided and as required. You will need to have returned a Reporting Form to Council to show that this has occurred to ensure that you are considered eligible to receive any further funds.

## Who can I contact?

- Funding under this scheme is restricted. There may be external sources of funding available from State or Federal Government which may form project partners or offer greater levels of funding. Therefore applicants with proposals valued in excess of \$10,000 can contact:

### Community Project and Recreation Facility proposals

Jodie Fincham

Recreation and Events Co-ordinator

Ph. 5232 9472

Email: [jodie.fincham@colacotway.vic.gov.au](mailto:jodie.fincham@colacotway.vic.gov.au)

## Role of Auspice

- If your group is not incorporated or a similar legal entity, you may wish to appoint an incorporated body to auspice (manage) your application on your behalf.
- The auspice's role includes managing the funds on behalf of the group that is not incorporated and is responsible to manage those funds.
- Auspice organisations should provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.
- Contact Council Officers if you are unsure if you need to appoint an Auspice or require any further clarification.

## What Projects Are Considered For Funding?

Projects that demonstrate broad benefit to the Colac community will be considered for projects with a total project cost up to \$10,000.

The Recreation Facilities category funds Recreation Reserve Committees of Management and organisations responsible for community facilities including Public Halls for the benefit of the citizens of the Colac Otway Shire. It will fund:

- High priority items of cyclical maintenance.
- Minor capital improvements.
- Purchase of equipment items, which are facility enhancing and designed to remain as part of the facility (above a total project cost of \$2,000.)

- Initiatives which align with Council priorities set out in the Council Plan.
- Initiatives that demonstrate multiple benefits, which may include cultural, environmental, heritage, health and wellbeing, social support and community participation outcomes.
- Initiatives which demonstrate community inclusiveness and do not discriminate against people on the basis of any characteristic covered by the Victorian Equal Opportunity Act 1995.
- Applications which clearly demonstrate the capacity of the applicant to deliver the project.
- Applications which demonstrate an in-kind, cash or voluntary contribution by the applicant.

## Please Note The Following

- Ensure that the activity that you are applying for is not associated with the normal operational or day-to-day running of your organisation (including staff salaries) and/or could commit Council funds on an ongoing basis.
- Ensure that your project has not commenced or has been held prior to the grant application being submitted to Council.
- Check that you have chosen the correct grant program for your project. Council offers a variety of funding programs aimed at assisting the community with specific activities.
- Examples of these programs are: the Festival and Events Support Scheme, COPACC Assistance, Council's Community Funding Program Community/Recreation Projects categories for projects up to \$2,000 and Council's Community Funding Program Community Projects (up to \$10,000).
- This funding program does not support fundraising activities or projects.
- Projects which have already received funding under the Colac Otway Shire Small Town Improvement Program will not be considered for funding.
- Schools are only eligible for funding assistance with COPACC venue hire under this funding program.

- Applicants are required to provide details of **ALL** previous grants provided by Council in the past 3 years.

## How Do You Apply?

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) (look for the Community Funding Program icon on the front page or go to the Sport & Recreation section) to download. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with Recreation Facilities in the subject line. All applications must be received by the closing date.

## When Can You Apply?

|                         |                      |
|-------------------------|----------------------|
| Applications open       | Friday 22 March 2013 |
| Applications close      | Friday 3 May 2013    |
| Submissions evaluated   | May - June 2013      |
| Notification of funding | July 2013            |

**The closing date for applications is 4:00pm Friday 3 May 2013.**

Project completion and reporting form to be returned to Council by May 2014.

## Information Sessions

Two Information Sessions will be held to discuss the Grants Program, proposed projects and answer any specific questions. These sessions will be held on:

- Monday 15 April 2013, 7.00 pm - 8.30 pm COPACC Meeting Room, Cnr Rae and Gellibrand Streets, Colac.
- Wednesday 17 April 2013, 7.00 pm - 8:30 pm at Marrar Woom, Pengilley Street, Apollo Bay.

## Public Liability Insurance

Public Liability Insurance is required for all projects other than equipment purchases.

## Privacy Information

The personal information on the Community Funding Application Form is collected by Council for the primary purpose of processing your grant application.

## Risk Management

Risk Management analysis of your proposed project is part of the assessment criteria. A template is included for completion and must be submitted with the funding application.

## Allocation of Funds

Allocations will be based on up to 50% subsidy i.e. a dollar for dollar basis of projects up to a total project cost of \$10,000. For example, based on an \$8,000 total project cost, the maximum allocation from Council could be \$4,000. Generally the maximum contribution made by Council will not exceed \$5,000. Preference will be given to organisations that have demonstrated a "self-help" attitude through inclusion of in-kind resources, and/or a desire to contribute funding through cash from their own means. Documentation to support the organisation's 50% matching contribution must be included.

## Evaluation of Successful Projects

- It is essential the contact person/s nominated in the application form have a full understanding of the project, and are available during the May - July evaluation period to provide further details if required.
- Organisations successful in receiving a grant will be expected to complete a brief Reporting Form within a month of the completion of the project. The form will be available on allocation of funds and will require detail on the success of the project and how Council's funds were expended in relation to the project. Inclusion of visual evidence such as photographs and press clippings assists Council in assessing the success of the project and should be included.
- Organisations are required to acknowledge Council's contribution to the completed project in a manner deemed appropriate by Council, such as signage, verbal or written acknowledgement etc. and to document this acknowledgement.

## Compliance considerations

All clubs and community organisations are reminded that any community project that involves construction, extensions, renovations, refurbishments and/or upgrading of venues and facilities requires compliance consideration. It is important that groups always consider the following checklist prior to commencing, to ensure all relevant requirements are met, including but not limited to:

## Future Planning

| COMPLIANCE ISSUE                                                                                                                                                                                                                                                                                                                      | COUNCIL DEPARTMENT                                                                                                                                                                                  | CONTACT PHONE NUMBER                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Permission from the landowner and manager, approving your project to proceed.</li> <li>Consent for works which may occur on a road or roadside area. Council is required to give consent for local roads. VicRoads are responsible for issuing consent for works on arterial roads.</li> </ul> | <b>COS Infrastructure</b><br><br><u>Other, for example:</u><br>DSE - Crown Land, Foreshore Committee, Trustees, etc                                                                                 | 5232 9481                                                                                                                |
| <ul style="list-style-type: none"> <li>Determine if the site is subject to the Aboriginal Heritage Regulations.</li> <li>Planning Scheme Provisions, including requests for vegetation removal.</li> <li>Planning Permit/s.</li> </ul>                                                                                                | <b>COS Planning Department</b><br><br>Community Groups are required to provide written evidence that the land manager (Crown/Council land) has given consent when a planning application is lodged. | 5232 9412<br><br><a href="http://www.aav.nrms.net.au/aavQuestion1.aspx">http://www.aav.nrms.net.au/aavQuestion1.aspx</a> |
| <ul style="list-style-type: none"> <li>Building Permits.</li> <li>Factor in time and fees to process, plus costs for professional plans/designs to relevant Australian Standards.</li> </ul>                                                                                                                                          | <b>Building Department</b>                                                                                                                                                                          | 5232 9443                                                                                                                |
| <ul style="list-style-type: none"> <li>Occupational Health and Safety requirements</li> </ul>                                                                                                                                                                                                                                         | <b>Risk Management</b>                                                                                                                                                                              | 5232 9463                                                                                                                |
| <ul style="list-style-type: none"> <li>Food Safety Standards, Food and Tobacco Legislation.</li> <li>Approval food premises design.</li> <li>Registration of Premises and/or Temporary Food Premises Permit.</li> </ul>                                                                                                               | <b>Health</b>                                                                                                                                                                                       | 5232 9429                                                                                                                |
| <ul style="list-style-type: none"> <li>Waste Management requirements.</li> </ul>                                                                                                                                                                                                                                                      | <b>Waste</b>                                                                                                                                                                                        | 5232 9556                                                                                                                |
| <ul style="list-style-type: none"> <li>Permission from utility providers / other agencies.</li> </ul>                                                                                                                                                                                                                                 | <u>Examples:</u><br>Barwon Water CCMA                                                                                                                                                               | 1300 656 007<br>5232 9100                                                                                                |
| <ul style="list-style-type: none"> <li>Guidance on planting lists for revegetation works and environmental and noxious weeds.</li> <li>Guidance on sustainability principles such as energy efficiency and water reuse and conservation.</li> </ul>                                                                                   | <b>Environment Department</b>                                                                                                                                                                       | 5232 9414                                                                                                                |
| <ul style="list-style-type: none"> <li>Economic Development Potential for other funding.</li> </ul>                                                                                                                                                                                                                                   | Consistency with Small Town Master plans<br>Grants availability                                                                                                                                     | 5232 9444                                                                                                                |

Council supports the development of community groups to become self sustaining through Strategic Planning, Action Plans and Business Plans that identify opportunities for growth and development. Evidence of planning

must be provided as part of this application. Please note that Council provides support and resources to assist community organisations to undertake such planning.



Eligible groups are required to meet the grant guidelines and complete an application during the advertised funding round which is available via the Council's website or contact 5232 9400. Assessment criteria will be used to assess all funding applications

### CONTACT DETAILS OF ORGANISATION UNDERTAKING THE PROJECT:

Name of Group or Organisation

Street address

|                      |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |

Postcode:

Postal address

|                      |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |

Postcode:

Phone number of Organisation

Contact person's name

Contact person's title in Organisation

Contact person's phone numbers:

Business hours number

After hours number

Mobile number

Email contact

### CONTACT DETAILS OF \*AUSPICE ORGANISATION IF APPLICABLE:

*\* For clarification, please refer to the Information and Guidelines*

Name of Auspice Organisation

Phone number of Organisation

Address (please include postal address for correspondence)

|                      |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |

Postcode:

Contact person of Auspice Organisation

Contact person's title in Auspice Organisation

Contact person of Auspice Organisation's phone numbers:

Business hours number

After hours number

Mobile number

Email contact

## LEGAL AND TAXATION REQUIREMENTS:

Please complete the following details:

Incorporation Number of Organisation

*If you do not have an incorporation number, please state the nature of your organisation (Only groups that are incorporated or similar legal entities can receive funds).*

ABN (Australian Business Number) of the Organisation

**If you do not have an ABN – Have you included a ‘Statement by a Supplier’ Form with this application?**

No ☐

Yes ☐

*If you do not have an ABN you will need to obtain a ‘Statement by a Supplier’ Form (available from the Australian Tax Office or Colac Otway Shire Council) and submit it with your application. Failure to provide either an ABN or a Statement by a Supplier Form will result in Council being obliged to take 46.5% of any allocations made to grant applicants and send it to the Australian Tax Office (ATO).*

**Are you Registered for the GST?**

No ☐

Yes ☐

*If you are registered for the GST and you are allocated funds, Council will pay an additional 10% to accommodate the GST. In this case, a tax invoice will be required by Council prior to payment.*

Successful grants will be paid by cheque or Electronic Funds Transfer (EFT) to a nominated bank account. Please provide account details for your organisation or auspicing body, if EFT is preferred.

Account Name

BSB No

Account Number

Bank/Financial Institution

**Please ensure that you have checked the list on the guidelines section (Page 1) to ensure that your project falls within the types of projects that Council will consider funding – All applications are checked against this criteria.**

- 1** Please provide a brief description of your Project including the Project Title, its aim and its anticipated benefits to the Colac Otway Shire Community (if you require more space, please attach extra pages as needed):

The project title is:

The project description is:

The aim of the project is:

**(a) Why is this project needed? (Criteria 15%)**

(How is this project supported locally? What demand exists that has created the idea for this project? Do you have evidence to show why this approach will work?)

**(b) How will the project be delivered? (Criteria 15%)**

(Will it involve knowledge and skills development? Will the project be an innovative and creative response to the issue? Will it be sustainable?)

**(c) Who is involved? (Criteria 20%)**

(Who will manage the project? Who are the partners? Will there be voluntary or in-kind contributions? Does the project actively involve a range of stakeholders?)

**(d) What will it achieve? (Criteria 50%)**

What are the anticipated benefits of the project to the community?

**2 Financial details.**

Total project cost *(Please attach quotes)*

\$

No ☐

Yes ☐

Funds requested from Council's Community Funding Program

\$

Total of group/organisation contribution

|              |
|--------------|
| \$ (Cash)    |
| \$ (In-kind) |

Are you willing to accept partial funding?  
(Please tick as appropriate)

If yes, indicate priorities:

Please provide as part of your application: Attached detailed Financial statement or Treasurer's report for the past 2 years.

Will this project have any direct environmental or energy sustainability benefits such as water or energy saving

No ☐

Yes ☐

If yes, indicate examples:

**3 When will your project take place?**

*(Please note that requests for projects or purchases that have commenced or been made prior this application form being received by Council are not eligible for funding).*

**4 Has your organisation received funding from Council in the past three years?**

No ☐

Yes ☐

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years (including any current applications to the Festival & Event Support Scheme.)

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |

## BUDGET DETAILS OF PROJECT:

Please detail the cost of your project by completing the budget section below. When estimating your expenses, take into consideration the materials for activities that will be used throughout the Community project such as:

- Purchase costs (including quotes where applicable).
- Advertising, printing and stationery costs.

**Please note that INCOME plus IN-KIND (if applicable) MUST EQUAL EXPENDITURE**

### Income:

Please list **ALL** sources of income (the grant sum sought, plus any fees, sponsorship, advertising, donations etc that come from any other sources for the project.

#### INCOME

List all sources of income you expect will fund your project

| Grant amount you wish to apply for is: | \$ |
|----------------------------------------|----|
|                                        | \$ |
|                                        | \$ |
|                                        | \$ |
|                                        | \$ |
| <b>TOTAL INCOME</b>                    | \$ |

### Expenditure:

Please estimate and list **ALL** project costs and tick which components are likely to use funds received from this grant. **(Please supply estimates/quotes)**

#### EXPENDITURE

List all expenses that you expect to incur for your project.

**(Please indicate which components of the expenditure you wish to use the grant funds to cover by placing an (X) next to the dollar amount).**

|                          |    |
|--------------------------|----|
|                          | \$ |
|                          | \$ |
|                          | \$ |
|                          | \$ |
|                          | \$ |
| <b>TOTAL EXPENDITURE</b> | \$ |

### In kind assistance:

Please describe how the group intends to contribute to the project through voluntary services or in-kind services. Please estimate a value for these contributions. **(\$25 per hour is a suggested figure to use when estimating voluntary labour costs).**

| Description of in kind Assistance/contribution eg: how much volunteer time has been spent on this project or list goods or services provided at no cost to the project | Amount \$ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                        |           |
| <b>Total Contribution</b>                                                                                                                                              | \$        |

**OPTIONAL: In support of your application – attach extra pages/documents if you wish.**

## APPLICATION FORM AUTHORISATION

This section requires completion and signature by a committee or authorised staff member of the organisation that are managing the funds for this project (or the auspice if applicable).

|                |                      |
|----------------|----------------------|
| Name           | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Signature      | <input type="text"/> |
| Date           | <input type="text"/> |

## DECLARATION

I affirm, on behalf of the applicant organisation, that any funds provided by the Colac Otway Shire will be expended in accordance with the terms and conditions outlined in the Funding Agreement. I affirm that all details supplied in this application and attachments are true and correct to the best of my knowledge. The application form has been submitted with the full knowledge and agreement of the applicant organisation. I/We acknowledge that the Guidelines and Funding Agreement have been read and fully understood.

## **PRIVACY NOTIFICATION**

*Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9472.*

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN OLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

## BACKGROUND

- A** The Council makes available funds for community programs each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B** The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C** The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

## AGREEMENT

1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant within 12 months of the date of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the project. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in the Applicant being ineligible to apply for further grants.
  - (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with

the Applicant to check on progress during the period of

- (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
  4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
  5. Any variation of this agreement shall only be made in writing between the parties.
  6. Projects that commence prior to this application being received by Council will be ineligible.
  7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
  8. Note that Council will publicly report grants awarded.

Signature



## Statement by a supplier

### Reason for not quoting an Australian Business Number (ABN) to an enterprise

Name of supplier

Address of Supplier

Under the Pay As You Go legislation and guidelines produced by the Australian Taxation Office I provide you with a written statement that, for the supply I am making and further supplies of type that I make to you:

Tick the  
Appropriate  
Box

The supply is made to you in my capacity as an individual, and the supply is made in the course of an activity that is a **private recreational pursuit or hobby**

☐

The supply is made to you in my capacity as an individual, and the supply is wholly of a **private or domestic nature for me**

☐

I (or the supplier that I represent) am/is a **non-resident who is not carrying on an enterprise in Australia**

☐

The whole of the payment that I (or the supplier that I represent) will receive for the supply is **exempt from income tax**

☐

I (or the partnership that I represent) have **no reasonable expectation of profit or gain** from the activity undertaken and consider that I (or the partnership that I represent) do not meet the definition of enterprise for tax purposes

☐

Therefore, I am not quoting you an ABN. You should not withhold an amount from the payment you make to me for the supply. I agree to advise you in writing if circumstances change to the extent that this statement becomes invalid.

Name of Authorised  
Person if not supplier
Signature of supplier  
Or authorised person
Date / / Daytime contact  
Phone number

**The person/entity to whom this statement is made should retain the statement for 5 years**

The personal information requested on this form/document is be collected for **Taxation purposes**. The personal information will be used solely by Council for the primary purpose for which it was collected or a purpose the person would reasonably expect. The person providing the information understands that the personal information provided is for **Taxation** and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and or correction should be made to the responsible officer or the Privacy Officer.





CHECK LIST Please confirm that you have included the following with your submission:

|   |    |                                                                                                                                           |
|---|----|-------------------------------------------------------------------------------------------------------------------------------------------|
| ✓ |    | <b>Keep a copy of your application, including all attachments</b>                                                                         |
|   |    | Completed Application Form                                                                                                                |
|   |    | Completed Budget Table showing break-even result                                                                                          |
|   |    | Attached Financial Statement or Treasurer's Report                                                                                        |
|   |    | Attached Quotations for works, fees, venue hire etc. Applicants are encouraged to obtain more than one quote as part of their application |
|   |    | Attached completed Risk Management template for the project                                                                               |
|   |    | Attached Strategic /Business Plan for the organisation                                                                                    |
|   |    | Attached Support Letters (including auspicings body if applicable)                                                                        |
| ✓ | NA |                                                                                                                                           |
|   |    | Attached written permission from the Colac Otway Shire Infrastructure Manager                                                             |
|   |    | Attached written permission from the Land Owner and/or Manager, if other than COS                                                         |
|   |    | Attached written advice regarding Planning Scheme provisions                                                                              |
|   |    | Attached written advice regarding Planning and/or Building Permits                                                                        |
|   |    | Attached determination regarding Aboriginal Heritage Regulations                                                                          |
|   |    | Attached evidence of compliance with Food Safety Standards Legislation                                                                    |
|   |    | Registration of Premises and/or Temporary Food Premises Permit                                                                            |
|   |    | Attached Waste Management Plan                                                                                                            |
|   |    | Supplier Statement                                                                                                                        |
|   |    | Other – photographs, resumes etc (please describe)                                                                                        |
|   |    | .....                                                                                                                                     |

## Referrals (for internal use only)

| Internal                                      | Name of Officer | Date sent | Date Rec | Approved |
|-----------------------------------------------|-----------------|-----------|----------|----------|
| <input type="checkbox"/> Environment          |                 | / /       | / /      |          |
| <input type="checkbox"/> Infrastructure       |                 | / /       | / /      |          |
| <input type="checkbox"/> Building             |                 | / /       | / /      |          |
| <input type="checkbox"/> Planning             |                 | / /       | / /      |          |
| <input type="checkbox"/> Economic Development |                 | / /       | / /      |          |
| <input type="checkbox"/> Health               |                 | / /       | / /      |          |
| <input type="checkbox"/> Local Laws           |                 | / /       | / /      |          |
| <input type="checkbox"/> AAV                  |                 | / /       | / /      |          |

## Comments for internal use only

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## **COLAC OTWAY SHIRE COMMUNITY FUNDING PROGRAM 2013/14 Community Projects: Total Project Cost up to \$10,000**

### **FORWARD COMPLETED APPLICATION FORM TO:**

**COMMUNITY FUNDING PROGRAM 2013/14**  
**Community Projects up to \$10,000**  
**Colac Otway Shire Council**  
**PO BOX 283**  
**COLAC 3250**  
**EMAIL: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)**

**PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORM, THEN COMPLETE THE FOLLOWING CHECKLIST:**

#### **Have you:**

- ☐ Read the Community Funding Program Guidelines?
- ☐ Completed all questions in the Application Form?
- ☐ Provided a copy of the most recent bank/audited financial statements?
- ☐ Provided a copy of Public Liability Insurance Policy
- ☐ Provided Statement by Supplier (if you do not have an ABN)?
- ☐ Attached any relevant quotes supporting budget expenditure?
- ☐ Ensured that you have provided a Reporting Form if you have received any previous Colac Otway Shire funding?

#### **Need Any Help or Advice?**

Please contact Jodie Fincham, Recreation and Events Co-ordinator on 5232 9472 or Lisa Loughnane, Recreation Officer on 5232 9527 who can provide you with assistance and further information about your application and this program.



## What Is The Community Funding Program?

- The Community Funding Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives.
- The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects.
- Grants are awarded for amounts up to \$5,000 based on up to a 50% subsidy (i.e. on a dollar for dollar basis). Total project cost must not exceed \$10,000.

## Who Can Apply?

- Incorporated (or those deemed by Council to hold a similar legal status) not-for-profit community groups and organisations operating within the Colac Otway Shire are eligible to apply under this program.
- If you have received funds from Council previously, please ensure that you have spent the funds in accordance with which the funds were provided and as required. You will need to have returned a Reporting Form to Council to show that this has occurred to ensure that you are considered eligible to receive any further funds.

## Who can I contact?

- Funding under this scheme is restricted. There may be external sources of funding available from State or Federal Government which may form project partners or offer greater levels of funding. Therefore applicants with proposals valued in excess of \$10,000 can contact:

### Community Project and Recreation Facility proposals

Jodie Fincham

Recreation and Events Co-ordinator

Ph. 5232 9472

Email: [jodie.fincham@colacotway.vic.gov.au](mailto:jodie.fincham@colacotway.vic.gov.au)

## Role of Auspice

- If your group is not incorporated or a similar legal entity, you may wish to appoint an incorporated body to auspice (manage) your application on your behalf.
- The auspice's role includes managing the funds on behalf of the group that is not incorporated and is responsible to manage those funds.
- Auspice organisations should provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.
- Contact Council Officers if you are unsure if you need to appoint an Auspice or require any further clarification.

## What Projects Are Considered For Funding?

Projects that demonstrate broad benefit to the Colac community will be considered for projects with a total project cost up to \$10,000.

The Community Projects category is the broadest of categories within this funding program. It will fund:

- Initiatives which align with Council priorities set out in the Council Plan.
- Initiatives that demonstrate multiple benefits, which may include cultural, environmental, heritage, health and wellbeing, social support and community participation outcomes.
- Initiatives which demonstrate community inclusiveness and do not discriminate against people on the basis of any characteristic covered by the Victorian Equal Opportunity Act 1995.
- Applications which clearly demonstrate the capacity of the applicant to deliver the project
- Applications which demonstrate an in-kind, cash or voluntary contribution by the applicant.

## Please Note The Following

- Ensure that the activity that you are applying for is not associated with the normal operational or day-to-day running of your organisation (including staff salaries) and/or could commit Council funds on an ongoing basis.
- Ensure that your project has not commenced or has been held prior to the grant application being submitted to Council.
- Check that you have chosen the correct grant program for your project. Council offers a variety of funding programs aimed at assisting the community with specific activities.
- Examples of these programs are: the Festival and Events Support Scheme, COPACC Assistance, Council's Community Funding Program (Community/Recreation Projects categories for projects up to \$2,000) and Council's Community Funding Program Recreation Facilities (up to \$10,000).
- This funding program does not support fundraising activities or projects.
- Schools are only eligible for funding assistance through the COPACC venue hire assistance category as part of this funding program.
- Applicants are required to provide details of **ALL** previous grants provided by Council in the past 3 years.
- Projects which have already received funding under the Colac Otway Shire Small Town Improvement Program will not be considered for funding.

## How Do You Apply?

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) (look for Community Funding Program icon on front page or go to Sport & Recreation section) to download. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with **Community Projects** in the subject line. All applications must be received by the closing date.

## When Can You Apply?

|                         |                      |
|-------------------------|----------------------|
| Applications open       | Friday 22 March 2013 |
| Applications close      | Friday 3 May 2013    |
| Submissions evaluated   | May - June 2013      |
| Notification of funding | July 2013            |

**The closing date for applications is 4:00pm Friday 3 May 2013.**

Project completion and reporting form to be returned to Council by May 2014.

## Information Sessions

Two Information Sessions will be held to discuss the Grants Program, proposed projects and answer any specific questions. These sessions will be held on:

- Monday 15 April 2013, 7.00 pm - 8.30 pm COPACC Meeting Room, Cnr Rae and Gellibrand Streets, Colac.
- Wednesday 17 April 2013, 7.00 pm - 8:30 pm at Marrar Woon, Pengilley Street, Apollo Bay.

## Public Liability Insurance

Public Liability Insurance is recommended for projects other than equipment purchases.

## Privacy Information

The personal information on the Community Funding Application Form is collected by Council for the primary purpose of processing your grant application.

## Risk Management

Risk Management analysis of your proposed project is part of the assessment criteria. A template is included for completion and must be submitted with the funding application.

## Allocation of Funds

Allocations will be based on up to 50% subsidy i.e. a dollar for dollar basis of projects up to a total project cost of \$10,000. For example, based on an \$8,000 total project cost, the maximum allocation from Council could be \$4,000. Generally the maximum contribution made by Council will not exceed \$5,000. Preference will be given to organisations that have demonstrated a "self-help" attitude through inclusion of in-kind resources, and/or a desire to contribute funding through cash from their own means.

Documentation to support the organisation's 50% matching contribution must be included.

## Evaluation of Successful Projects

- It is essential the contact person/s nominated in the application form have a full understanding of the project, and are available during the May-July 2011 evaluation process to provide further detail if required.
- Organisations successful in receiving a grant will be expected to complete a brief Reporting Form within a month of the completion of the project. The form will be available on allocation of funds and will require detail on the success of the project and how Council's funds were expended in relation to the project. Inclusion of visual evidence such as photographs and press clippings assists Council in assessing the success of the project and should be included.
- Organisations are required to acknowledge Council's contribution to the completed project in a manner deemed appropriate by Council, such as signage, verbal or written acknowledgement etc. and to document this acknowledgement.

Eligible groups are required to meet the grant guidelines and complete an application during the advertised funding round which is available via the Council's website or contact 5232 9400. Assessment criteria will be used to assess all funding applications

### CONTACT DETAILS OF ORGANISATION UNDERTAKING THE PROJECT:

Name of Group or Organisation

Street address

|                      |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |

Postal address

|                      |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |

Phone number of Organisation

Contact person's name

Contact person's title in Organisation

Contact person's phone numbers:

Business hours number

After hours number

Mobile number

Email contact

### CONTACT DETAILS OF \*AUSPICE ORGANISATION IF APPLICABLE:

*\* For clarification, please refer to the Information and Guidelines*

Name of Auspice Organisation

Phone number of Organisation

Address (please include postal address for correspondence)

|                      |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |

Contact person of Auspice Organisation

Contact person's title in Auspice Organisation

Contact person of Auspice Organisation's phone numbers:

Business hours number

After hours number

Mobile number

Email contact

## LEGAL AND TAXATION REQUIREMENTS:

Please complete the following details:

Incorporation Number of Organisation

*If you do not have an incorporation number, please state the nature of your organisation (Only groups that are incorporated or similar legal entities can receive funds).*

ABN (Australian Business Number) of the Organisation

**If you do not have an ABN – Have you included a ‘Statement by a Supplier’ Form with this application?**

No ☐

Yes ☐

*If you do not have an ABN you will need to obtain a ‘Statement by a Supplier’ Form (available from the Australian Tax Office or Colac Otway Shire Council) and submit it with your application. Failure to provide either an ABN or a Statement by a Supplier Form will result in Council being obliged to take 46.5% of any allocations made to grant applicants and send it to the Australian Tax Office (ATO).*

**Are you Registered for the GST?**

No ☐

Yes ☐

*If you are registered for the GST and you are allocated funds, Council will pay an additional 10% to accommodate the GST. In this case, a tax invoice will be required by Council prior to payment.*

Successful grants will be paid by cheque or Electronic Funds Transfer (EFT) to a nominated bank account. Please provide account details for your organisation or auspicing body, if EFT is preferred.

Account Name

BSB No

Account Number

Bank/Financial Institution

**Please ensure that you have checked the list on the guidelines section (Page 1) to ensure that your project falls within the types of projects that Council will consider funding – All applications are checked against this criteria.**

- 1** Please provide a brief description of your Project including the Project Title, its aim and its anticipated benefits to the Colac Otway Shire Community: (if you require more space, please attach extra pages as needed)

The project title is:

The project description is:

The aim of the project is:

**(a) Why is this project needed? (Criteria 15%)**

(How is this project supported locally? What demand exists that has created the idea for this project? Do you have evidence to show why this approach will work?)

**(b) How will the project be delivered? (Criteria 15%)**

(Will it involve knowledge and skills development? Will the project be an innovative and creative response to the issue? Will it be sustainable?)



**(c) Who is involved? (Criteria 20%)**

Who will manage the project? Who are the partners? Will there be voluntary or in-kind contributions? Does the project actively involve a range of stakeholders?

**(d) What will it achieve? (Criteria 50%)**

What are the anticipated benefits of the project to the community?

**2 Financial details.**

No ☐ Total project cost *(Please attach quotes)*

Yes ☐ \$

Funds requested from Council's Community Funding Program  
\$

Total of group/organisation contribution

|            |
|------------|
| \$Cash     |
| \$ In-kind |

Are you willing to accept partial funding?

(Please tick as appropriate)

If yes, indicate priorities for partial funding:

Please provide as part of your application: Attached detailed Financial statement or Treasurer's report for the past 2 years.

No ☐

Yes ☐

Will this project have any direct environmental or energy sustainability benefits such as water or energy saving

No ☐

Yes ☐

If yes, indicate examples:

**3 When will your project take place?**

*(Please note that requests for projects or purchases that have commenced or been made prior this application form being received by Council are not eligible for funding).*

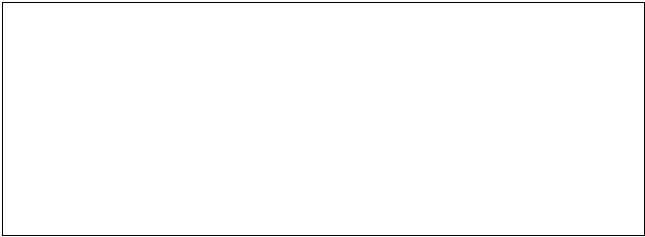
**4 Has your organisation received funding from Council in the past three years?**

No ☐

Yes ☐

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years (including any current applications to the Festival & Event Support Scheme.)

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |



Please detail the cost of your project by completing the budget section below. When estimating your expenses, take into consideration the materials for activities that will be used throughout the Community project such as:

- Purchase costs (including quotes where applicable).
- Advertising, printing and stationery costs.

**Please note that INCOME plus IN-KIND (if applicable) MUST EQUAL EXPENDITURE**

### Income:

Please list **ALL** sources of income (the grant sum sought, plus any fees, sponsorship, advertising, donations etc that come from any other sources for the project.

| <b>INCOME</b><br>List all sources of income you expect will fund your project |    |
|-------------------------------------------------------------------------------|----|
| Grant amount you wish to apply for is:                                        | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
| <b>TOTAL INCOME</b>                                                           | \$ |

### Expenditure:

Please estimate and list **ALL** project costs and tick which components are likely to use funds received from this grant. **(Please supply estimates/quotes)**

| <b>EXPENDITURE</b><br>List all expenses that you expect to incur for your project.                                                                 |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <b>(Please indicate which components of the expenditure you wish to use the grant funds to cover by placing an (X) next to the dollar amount).</b> |    |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
| <b>TOTAL EXPENDITURE</b>                                                                                                                           | \$ |

### In kind assistance:

Please describe how the group intends to contribute to the project through voluntary services or in-kind services. Please estimate a value for these contributions. **(\$25 per hour is a suggested figure to use when estimating voluntary labour costs).**

| Description of in kind Assistance/contribution eg: how much volunteer time has been spent on this project or list goods or services provided at no cost to the project | Amount \$ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                        |           |
|                                                                                                                                                                        |           |
| <b>Total Contribution</b>                                                                                                                                              | <b>\$</b> |

**OPTIONAL: In support of your application – attach extra pages/documents if you wish.**

### APPLICATION FORM AUTHORISATION

This section requires completion and signature by a committee or authorised staff member of the organisation that are managing the funds for this project (or the auspice if applicable).

|                |                      |
|----------------|----------------------|
| Name           | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Signature      | <input type="text"/> |
| Date           | <input type="text"/> |

### DECLARATION

I affirm, on behalf of the applicant organisation, that any funds provided by the Colac Otway Shire will be expended in accordance with the terms and conditions outlined in the Funding Agreement. I affirm that all details supplied in this application and attachments are true and correct to the best of my knowledge. The application form has been submitted with the full knowledge and agreement of the applicant organisation. I/We acknowledge that the Guidelines and Funding Agreement have been read and fully understood.

### PRIVACY NOTIFICATION

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The

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*applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9472.*

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

## BACKGROUND

- A** The Council makes available funds for community programs each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B** The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C** The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

## AGREEMENT

1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant within 12 months of the date of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the project. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in the Applicant being ineligible to apply for further grants.
  - (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with

the Applicant to check on progress during the period of the activity.

- (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
  4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
  5. Any variation of this agreement shall only be made in writing between the parties.
  6. Projects that commence prior to this application being received by Council will be ineligible.
  7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
  8. Note that Council will publicly report grants awarded.

Signature





## Statement by a supplier

### Reason for not quoting an Australian Business Number (ABN) to an enterprise

|                     |                      |
|---------------------|----------------------|
| Name of supplier    | <input type="text"/> |
| Address of Supplier | <input type="text"/> |

Under the Pay As You Go legislation and guidelines produced by the Australian Taxation Office I provide you with a written statement that, for the supply I am making and further supplies of type that I make to you:

|                                                                                                                                                                                                                                                  | Tick the<br>Appropriate<br>Box |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| The supply is made to you in my capacity as an individual, and the supply is made in the course of an activity that is a <b>private recreational pursuit or hobby</b>                                                                            | <input type="checkbox"/>       |
| The supply is made to you in my capacity as an individual, and the supply is wholly of a <b>private or domestic nature for me</b>                                                                                                                | <input type="checkbox"/>       |
| I (or the supplier that I represent) am/is a <b>non-resident who is not carrying on an enterprise in Australia</b>                                                                                                                               | <input type="checkbox"/>       |
| The whole of the payment that I (or the supplier that I represent) will receive for the supply is <b>exempt from income tax</b>                                                                                                                  | <input type="checkbox"/>       |
| I (or the partnership that I represent) have <b>no reasonable expectation of profit or gain</b> from the activity undertaken and consider that I (or the partnership that I represent) do not meet the definition of enterprise for tax purposes | <input type="checkbox"/>       |

Therefore, I am not quoting you an ABN. You should not withhold an amount from the payment you make to me for the supply. I agree to advise you in writing if circumstances change to the extent that this statement becomes invalid.

|                                               |                                                                                              |
|-----------------------------------------------|----------------------------------------------------------------------------------------------|
| Name of Authorised Person if not supplier     | <input type="text"/>                                                                         |
| Signature of supplier<br>Or authorised person | <input type="text"/> Date <input type="text"/> / <input type="text"/> / <input type="text"/> |
| Daytime contact<br>Phone number               | <input type="text"/>                                                                         |

**The person/entity to whom this statement is made should retain the statement for 5 years**

The personal information requested on this form/document is be collected for **Taxation purposes**. The personal information will be used solely by Council for the primary purpose for which it was collected or a purpose the person would reasonably expect. The person providing the information understands that the personal information provided is for **Taxation** and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and or correction should be made to the responsible officer or the Privacy Officer.





CHECK LIST Please confirm that you have included the following with your submission:

|   |    |                                                                                                                                           |
|---|----|-------------------------------------------------------------------------------------------------------------------------------------------|
| ✓ |    | <b>Keep a copy of your application, including all attachments</b>                                                                         |
|   |    | Completed Application Form                                                                                                                |
|   |    | Completed Budget Table showing break-even result                                                                                          |
|   |    | Attached Financial Statement or Treasurer's Report                                                                                        |
|   |    | Attached Quotations for works, fees, venue hire etc. Applicants are encouraged to obtain more than one quote as part of their application |
|   |    | Attached completed Risk Management template for the project                                                                               |
|   |    | Attached Support Letters (including auspicings body if applicable)                                                                        |
| ✓ | NA |                                                                                                                                           |
|   |    | Attached written permission from the Colac Otway Shire Infrastructure Manager                                                             |
|   |    | Attached written permission from the Land Owner and/or Manager, if other than COS                                                         |
|   |    | Attached written advice regarding Planning Scheme provisions                                                                              |
|   |    | Attached written advice regarding Planning and/or Building Permits                                                                        |
|   |    | Attached determination regarding Aboriginal Heritage Regulations                                                                          |
|   |    | Attached evidence of compliance with Food Safety Standards Legislation                                                                    |
|   |    | Registration of Premises and/or Temporary Food Premises Permit                                                                            |
|   |    | Attached Waste Management Plan                                                                                                            |
|   |    | Supplier Statement                                                                                                                        |
|   |    | Other – photographs, resumes etc (please describe)                                                                                        |
|   |    | .....                                                                                                                                     |

## Referrals (for internal use only)

| Internal                                      | Name of Officer | Date sent | Date Rec | Approved |
|-----------------------------------------------|-----------------|-----------|----------|----------|
| <input type="checkbox"/> Environment          |                 | / /       | / /      |          |
| <input type="checkbox"/> Infrastructure       |                 | / /       | / /      |          |
| <input type="checkbox"/> Building             |                 | / /       | / /      |          |
| <input type="checkbox"/> Planning             |                 | / /       | / /      |          |
| <input type="checkbox"/> Economic Development |                 | / /       | / /      |          |
| <input type="checkbox"/> Health               |                 | / /       | / /      |          |
| <input type="checkbox"/> Local Laws           |                 | / /       | / /      |          |
| <input type="checkbox"/> AAV                  |                 | / /       | / /      |          |

## Comments for internal use only

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## COLAC OTWAY SHIRE COMMUNITY FUNDING PROGRAM 2013/14 COPACC Hire Assistance

### FORWARD COMPLETED APPLICATION FORM TO:

COMMUNITY FUNDING PROGRAM 2013/14  
COPACC Assistance Fund  
Colac Otway Shire Council  
PO BOX 283  
COLAC 3250  
EMAIL: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORM, THEN COMPLETE THE FOLLOWING CHECKLIST:

#### Have you:

- ☐ Read the Community Funding Program Guidelines?
- ☐ Completed all questions in the Application Form?
- ☐ Provided a copy of the most recent bank/audited financial statements?
- ☐ Provided a copy of Public Liability Insurance Policy
- ☐ Provided Statement by Supplier (if you do not have an ABN)?
- ☐ Attached any relevant quotes supporting budget expenditure?
- ☐ Ensured that you have provided a Reporting Form if you have received any previous Colac Otway Shire funding?

### Need Any Help or Advice?

Please contact Karen Patterson, COPACC Manager Ph. 5232 9504 who can provide you with assistance and further information about your application and this program.



## **What Is The Community Funding Program?**

- The Community Funding Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives.
- The COPACC Assistance Fund operates to benefit citizens of Colac Otway Shire by providing financial assistance towards the hire of COPACC for the provision of performing arts and cultural activities during the 2013/14 financial year.
- Applicants may apply for up to 50% of the cost of hiring COPACC.
- Applicants must obtain a quote from COPACC outlining anticipated dates of hire and resources required – for example; rooms, audiovisual support and technical staff. It is essential applicants obtain a quote at least 10 days prior to the application closing date.

## **Who Can Apply?**

- Incorporated (or those deemed by Council to hold a similar legal status) not-for-profit community groups, schools and organisations operating within the Colac Otway Shire are eligible to apply under this program.
- If you have received funds from Council previously, please ensure that you have spent the funds in accordance with which the funds were provided and as required. You will need to have returned a Reporting Form to Council to show that this has occurred to ensure that you are considered eligible to receive any further funds.

## **Who can I contact?**

- Funding under this scheme is restricted. There may be external sources of funding available from State or Federal Government departments and philanthropic organisations. Therefore applicants with proposals valued in excess of \$10,000 can contact:

### **Colac Otway Performing Arts and Cultural Centre (COPACC)**

Karen Patterson  
COPACC Manager  
Ph. 5232 9504  
Email: [karen.patterson@colacotway.vic.gov.au](mailto:karen.patterson@colacotway.vic.gov.au)

## **Role of Auspice**

- If your group is not incorporated or a similar legal entity, you may wish to appoint an incorporated body to auspice (manage) your application on your behalf.
- The auspice's role includes managing the funds on behalf of the group that is not incorporated and is responsible to manage those funds.
- Auspice organisations should provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.

- Contact Council Officers if you are unsure if you need to appoint an auspice or require any further clarification.

## **What Projects Are Considered For Funding?**

Projects that demonstrate broad benefit to the Colac community will be considered.

The Community Funding program will fund:

- Initiatives which align with Council priorities set out in the Council Plan
- Initiatives that demonstrate multiple benefits, which may include cultural, environmental, heritage, health and wellbeing, social support and community participation outcomes.
- Initiatives which demonstrate community inclusiveness and do not discriminate against people on the basis of any characteristic covered by the Victorian Equal Opportunity Act 1995.
- Applications which clearly demonstrate the capacity of the applicant to deliver the project
- Applications which demonstrate an in-kind, cash or voluntary contribution by the applicant

## **Please Note The Following**

- Ticketing for all events at COPACC must be sold exclusively via the Colac Cinemas box office
- Ensure that your project has not commenced or has been held prior to the grant application being submitted to Council.
- Check that you have chosen the correct grant program for your project. Council offers a variety of funding programs aimed at assisting the community with specific activities.
- Examples of these programs are: the Festival and Events Support Scheme, Community Funding Program, Community/Recreation Projects small equipment/training (up to \$2,000), Council's Community Funding Program Recreation Facilities (up to \$10,000), Council's Community Funding Program Community Projects (up to \$10,000).
- This funding program does not support fundraising activities or projects.
- Schools are only eligible for funding assistance with COPACC venue hire.
- Applicants are required to provide details of **ALL** previous grants provided by Council in the past 3 years.

## **How Do You Apply?**

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) (look for Community Funding Program icon on front page or go to Sport and recreation section) to download. Email applications

as a Microsoft Office compatible attachment to [ing@colacotway.vic.gov.au](mailto:ing@colacotway.vic.gov.au) with **COPACC Assistance Fund 2013/14** in the subject line. All applications must be received by the closing date.

## When Can You Apply?

|                         |                   |
|-------------------------|-------------------|
| Applications open 2013  | Friday 22 March   |
| Applications close      | Friday 3 May 2013 |
| Submissions evaluated   | May - June 2013   |
| Notification of funding | July 2013         |

**The closing date for applications is 4:00pm Friday 3 May 2013.**

Project completion and reporting form to be returned to Council by May 2014.

## Information Sessions

Two Information Sessions will be held to discuss the Grants Program, proposed projects and answer any specific questions. These sessions will be held on:

- Monday 15 April 2013, 7.00 pm - 8.30 pm COPACC Meeting Room, Cnr Rae and Gellibrand Streets, Colac.
- Wednesday 17 April 2013, 7.00 pm – 8.30 pm at Marrar Woom, Pengilly Street, Apollo Bay.

## Public Liability Insurance

Public Liability Insurance is required for all projects.

## Privacy Information

The personal information on the Community Funding Application Form is collected by Council for the primary purpose of processing your grant application.

## Risk Management

Risk Management analysis of your proposed project is part of the assessment criteria. A template is included for completion and must be submitted with the funding application.

## Allocation of Funds

Allocations will be based on up to 50% subsidy i.e. a dollar for dollar basis of projects up to a total project cost of \$10,000. For example, based on an \$8,000 project cost, the maximum allocation from Council could be \$4,000. Generally the maximum contribution made by Council will not exceed \$5,000. Preference will be given to organisations that have demonstrated a "self-help" attitude through inclusion of in-kind resources, and/or a desire to contribute financially. Documentation to support the organisation's 50% matching contribution must be included.

## Evaluation of Successful Projects

- It is essential the contact person/s nominated in the application form have a full understanding of the project, and are available during the May -July 2013 evaluation process to provide further detail if required.

- Organisations successful in receiving a grant will be expected to complete a brief Reporting Form within a month of the completion of the project. The form will be available on allocation of funds and will require detail on the success of the project and how Council's funds were expended in relation to the project. Inclusion of visual evidence such as photographs and press clippings assists Council in assessing the success of the project and should be included.
- Organisations are required to acknowledge Council and COPACC's contribution to the completed project in a manner deemed appropriate by Council, such as signage, verbal or written acknowledgement etc. and to document this acknowledgement. Council and COPACC logos should appear in all promotional materials in promoting events.

## Compliance considerations

It is important that groups always consider the following checklist prior to commencing, to ensure all relevant requirements are met, including but not limited to:

| COMPLIANCE ISSUE                                                 | COUNCIL DEPARTMENT               | CONTACT PHONE |
|------------------------------------------------------------------|----------------------------------|---------------|
| • Occupational Health and Safety requirements                    | Risk Management                  | 5232 9463     |
| • Food Safety Standards, Food and Tobacco Legislation            | Health                           | 5232 9429     |
| • Approval food premises design.                                 |                                  |               |
| • Registration of Premises and/or Temporary Food Premises Permit |                                  |               |
| • Waste Management for COPACC                                    | COPACC                           | 5232 9531     |
| • Economic Development Potential for other funding               | COS Business Development Officer | 5232 9444     |

## Future Planning

Council supports the development of community groups to become self sustaining through Strategic Planning, Action Plans and Business Plans that identify opportunities for growth and development. Evidence of planning must be provided as part of this application. Please note that Council provides support and resources to assist community organisations to undertake such planning.

Eligible groups are required to meet the grant guidelines and complete an application during the advertised funding round which is available via the Council's website or contact 5232 9531. Assessment criteria will be used to assess all funding applications

## CONTACT DETAILS OF ORGANISATION UNDERTAKING THE PROJECT:

Name of Group or Organisation

Street address


Postcode:

Postal address


Postcode:

Phone number of Organisation

Contact person's name

Contact person's title in Organisation

Contact person's phone numbers:

Business hours number

After hours number

Mobile number

Email contact

*\* For clarification, please refer to the Information and Guidelines*

Name of auspice organisation

Phone number of Organisation

Address (please include postal address for correspondence)


Postcode:

Contact person of auspice organisation

Contact person's title in auspice organisation

Contact person of Auspice Organisation's phone numbers:

Business hours number

After hours number

Mobile number

Email contact

## CONTACT DETAILS OF \*AUSPICE ORGANISATION IF APPLICABLE:

## LEGAL AND TAXATION REQUIREMENTS:

Please complete the following details:

Incorporation Number of Organisation

*If you do not have an incorporation number, please state the nature of your organisation (Only groups that are incorporated or similar legal entities can receive funds).*

ABN (Australian Business Number) of the organisation

**If you do not have an ABN – Have you included a ‘Statement by a Supplier’ Form with this application?**

No ☐

Yes ☐

*If you do not have an ABN you will need to obtain a ‘Statement by a Supplier’ form (available from the Australian Tax Office or Colac Otway Shire Council) and submit it with your application. Failure to provide either an ABN or a Statement by a Supplier form will result in Council being obliged to take 46.5% of any allocations made to grant applicants and send it to the Australian Tax Office (ATO).*

**Are you Registered for the GST?**

No ☐

Yes ☐

*If you are registered for the GST and you are allocated funds, Council will pay an additional 10% to accommodate the GST. In this case, a tax invoice will be required by Council prior to payment.*

Successful grants will be paid by cheque or Electronic Funds Transfer (EFT) to a nominated bank account. Please provide account details for your organisation or auspicing body, if EFT is preferred.

Account Name

BSB No

Account Number

Bank/Financial Institution

**Please ensure that you have checked the list on the guidelines section (Page 1) to ensure that your project falls within the types of projects that Council will consider funding – All applications are checked against this criteria.**

- 1 Please provide a brief description of your Project including the Project Title, its aim and its anticipated benefits to the Colac Otway Shire Community: (if you require more space, please attach extra pages as needed)

The project title is:

The project description is:

The aim of the project is:

Proposed Timelines For Event:

Please indicate the key actions required for your project

| <input type="text"/> |                |
|----------------------|----------------|
| Key Actions          | Completed Date |
| <input type="text"/> |                |

**(a) Why is this event needed? (Criteria 35%)**

What local support have you gathered for this event?

How is this event linked with the culture, or cultural aspirations of local people?

Does this event have any links with the district's cultural heritage or history? Has this event, or something similar, been held in the past? If so, please provide attendance figures. What motivated your group to plan this event? Do you have evidence to show why this approach will work?



**(b) How will the project be delivered? (Criteria 15%)**

Will it develop knowledge and skills development for your group? Will the project be an innovative and creative response to an identified need?

**(c) Who is involved? (Criteria 30%)**

How many people from your organisation will be involved? Have you partnered with other groups and organisations? Will there be voluntary or in-kind contributions? Please identify the target market for your event? What size audience do you hope to attract?

**(d) What will it achieve? (Criteria 20%)**

Demonstrate the extent to which the project will:

- Support an increase in participation in cultural events
- Increase the diversity of cultural events on offer in Colac Otway Shire?

**2 Financial details.**

Total project cost (*Please attach quotes*)

\$

Funds requested from Council's Community Funding Program

\$

Total of group/organisation contribution

|            |
|------------|
| \$Cash     |
| \$ In-kind |

Are you willing to accept partial funding?  
(Please tick as appropriate)

If yes, indicate priorities:

Please provide as part of your application: Attached detailed Financial statement or Treasurer's report for the past 2 years.

No ☐

Yes ☐

**3 When will your project take place?**

(Please note that requests for projects or purchases that have commenced or been made prior this application form being received by Council are not eligible for funding).

**4 Has your organisation received funding from Council in the past three years?**

No ☐

Yes ☐

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years (including any current applications to the Festival & Event Support Scheme.)

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |

No ☐

Yes ☐

**FUTURE PLANNING:**

**Please provide as part of your application**

- ☐ Risk Management Plan for the project, using the template provided
- ☐ Strategic or Business Plan for your organisation  
Marketing Plan

Please detail the cost of your project by completing the budget section below. When estimating your expenses, take into consideration the materials for activities that will be used throughout the Community project such as:

- Purchase costs (including quotes where applicable).
- Advertising, printing and stationery costs.

**Please note that INCOME plus IN-KIND (if applicable) MUST EQUAL EXPENDITURE**

### Income:

Please list **ALL** sources of income (the grant sum sought, plus any fees, sponsorship, advertising, donations etc that come from any other sources for the project).

| <b>INCOME</b><br>List all sources of income you expect will fund your project |    |
|-------------------------------------------------------------------------------|----|
| Grant amount you wish to apply for is:                                        | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
| <b>TOTAL INCOME</b>                                                           | \$ |

### Expenditure:

Please estimate and list **ALL** project costs and tick which components are likely to use funds received from this grant. **(Please supply estimates/quotes)**

| <b>EXPENDITURE</b><br>List all expenses that you expect to incur for your project.                                                                 |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <b>(Please indicate which components of the expenditure you wish to use the grant funds to cover by placing an (X) next to the dollar amount).</b> |    |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
| <b>TOTAL EXPENDITURE</b>                                                                                                                           | \$ |

### In kind assistance:

Please describe how the group intends to contribute to the project through voluntary services or in-kind services. Please estimate a value for these contributions. **(\$25 per hour is a suggested figure to use when estimating voluntary labour costs).**

| Description of in kind Assistance/contribution eg: how much volunteer time has been spent on this project or list goods or services provided at no cost to the project | Amount \$ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                        |           |
| <b>Total Contribution</b>                                                                                                                                              | \$        |

**OPTIONAL: In support of your application – attach extra pages/documents if you wish.**

### APPLICATION FORM AUTHORISATION

This section requires completion and signature by a committee or authorised staff member of the organisation which is managing the funds for this project (or the auspice if applicable).

|                |                      |
|----------------|----------------------|
| Name           | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Signature      | <input type="text"/> |
| Date           | <input type="text"/> |

### DECLARATION

I affirm, on behalf of the applicant organisation, that any funds provided by the Colac Otway Shire will be expended in accordance with the terms and conditions outlined in the Funding Agreement. I affirm that all details supplied in this application and attachments are true and correct to the best of my knowledge. The application form has been submitted with the full knowledge and agreement of the applicant organisation. I/We acknowledge that the Guidelines and Funding Agreement have been read and fully understood.

### PRIVACY NOTIFICATION

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9472.



Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

## BACKGROUND

- A** The Council makes available funds for community programs each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B** The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C** The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

## AGREEMENT

1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant within 12 months of the date of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council and COPACC as a funding source of the project. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council and COPACC logo on other material will result in the Applicant being ineligible to apply for further grants.
  - (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with

the Applicant to check on progress during the period of the activity.

- (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
  4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
  5. Any variation of this agreement shall only be made in writing between the parties.
  6. Projects that commence prior to this application being received by Council will be ineligible.
  7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
  8. Note that Council will publicly report grants awarded.

Signature









CHECK LIST Please confirm that you have included the following with your submission:

|   |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ✓ |    | <b>Keep a copy of your application, including all attachments</b><br>Completed Application Form<br>Completed Budget Table showing break-even result<br>Attached Financial Statement or Treasurer's Report<br>Attached Quotations for works, fees, venue hire etc. Applicants are encouraged to obtain more than one quote as part of their application<br>Attached completed Risk Management template for the project<br>Attached Support Letters (including auspicing body if applicable) |
|   |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| ✓ | NA | Attached evidence of compliance with Food Safety Standards Legislation                                                                                                                                                                                                                                                                                                                                                                                                                     |
|   |    | Registration of Premises and/or Temporary Food Premises Permit                                                                                                                                                                                                                                                                                                                                                                                                                             |
|   |    | Supplier Statement                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   |    | Other – photographs, resumes etc (please describe)                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   |    | .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |





## **COLAC OTWAY SHIRE COMMUNITY FUNDING PROGRAM 2013/14 Community/Recreation Projects: Total Project Cost up to \$2,000 (Small Equipment and Training)**

### **FORWARD COMPLETED APPLICATION TO:**

**COMMUNITY FUNDING PROGRAM 2013/14  
Community/Recreation Projects up to \$2,000  
Colac Otway Shire Council  
PO BOX 283  
COLAC 3250**

**EMAIL: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)**

**PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORM, THEN COMPLETE THE FOLLOWING CHECKLIST:**

### **Have you:**

- ☐ Read the Community Funding Program Guidelines?
- ☐ Completed all questions in the Application Form?
- ☐ Provided a copy of the most recent bank/audited financial statements?
- ☐ Provided Statement by Supplier (if you do not have an ABN)?
- ☐ Attached any relevant quotes supporting budget expenditure?
- ☐ Ensured that you have provided a Reporting Form if you have received any previous Colac Otway Shire funding?

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### **Need Any Help or Advice?**

Please contact Jodie Fincham, Recreation and Events Co-ordinator on 5232 9472 or Lisa Loughnane, Recreation Officer on 5232 9527 who can provide you with assistance and further information about your application and this program.

## What Is The Community Funding Program?

- The Community Funding Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives.
- The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects.
- **Grants are awarded for amounts up to \$1,000 based on up to a 50% subsidy (i.e. on a dollar for dollar basis). Total project cost must not exceed \$2,000.**

## Who Can Apply?

- Incorporated (or those deemed by Council to hold a similar legal status) not-for-profit community groups and organisations operating within the Colac Otway Shire are eligible to apply under this program.
- If you have received funds from Council previously, please ensure that you have spent the funds in accordance with which the funds were provided and as required. You will need to have returned a Reporting Form to Council to show that this has occurred to ensure that you are considered eligible to receive any further funds.

## Role of Auspice

- If your group is not incorporated or a similar legal entity, you may wish to appoint an incorporated body to auspice (manage) your application on your behalf.
- The auspice's role includes managing the funds on behalf of the group that is not incorporated and is responsible to manage those funds.
- Auspice organisations should provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.
- Contact Council Officers if you are unsure if you need to appoint an Auspice or require any further clarification.

## What Projects Are Considered For Funding?

Projects that demonstrate broad benefit to the Colac community will be considered.

- Equipment purchases which are facility enhancing (designed to remain as part of the facility) or which provide general benefit to groups through community projects.
- Training for the development of specialist skills for volunteer community members.

## Please Note The Following

- Ensure that the activity that you are applying for is not associated with the normal operational or day-to-day running of your organisation (including staff salaries) and/or could commit Council funds on an ongoing basis.

- Ensure that your project has not commenced or has been held prior to the grant application being submitted to Council.
- Check that you have chosen the correct grant program for your project. Council offers a variety of funding programs aimed at assisting the community with specific activities.
- Examples of these programs are: the Festival and Events Support Scheme, COPACC Assistance, and Council's Community Funding Program Community Projects and Community Facilities categories for projects above \$2,000.
- This funding program does not support fundraising activities or projects.
- Schools are only eligible for funding assistance through the COPACC Hire assistance category as part of this funding program.
- Applicants are required to provide details of **ALL** previous grants provided by Council in the past 3 years.
- Projects which have already received funding under the Colac Otway Shire Small Town Improvement Program will not be considered for funding

## How Do You Apply?

Electronic versions of guidelines and application forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded. Email applications as a Microsoft Office compatible attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au). All applications must be received by the closing date.

## When Can You Apply?

|                         |                      |
|-------------------------|----------------------|
| Applications open       | Friday 22 March 2013 |
| Applications close      | Friday 3 May 2013    |
| Submissions evaluated   | May - June 2013      |
| Notification of funding | July 2013            |

**The closing date for applications is 4:00pm Friday 3 May 2013.** Project completion and reporting form to be returned to Council by May 2014.

## Information Sessions

Two Information Sessions will be held to discuss the Grants Program, proposed projects and answer any specific questions. These sessions will be held on:

- Monday 15 April 2013, 7.00pm - 8.30pm COPACC Meeting Room, Cnr Rae and Gellibrand Streets, Colac
- Wednesday 17 April 2013, 7.00pm - 8:30pm at Marrar Woon, Pengilly Street, Apollo Bay.

## Public Liability Insurance

Public Liability Insurance is recommended for projects other than equipment purchases.

## Privacy Information

The personal information on the Community Funding Application Form is collected by Council for the primary purpose of

processing your grant application.

Eligible groups are required to meet the grant guidelines and complete an application during the advertised funding round which is available via the Council's website or contact 5232 9400. Assessment criteria will be used to assess all funding applications.

### CONTACT DETAILS OF ORGANISATION UNDERTAKING THE PROJECT:

Name of Group or Organisation

Street address

|           |
|-----------|
|           |
|           |
| Postcode: |

Postal address

|           |
|-----------|
|           |
|           |
| Postcode: |

Phone number of Organisation

Contact person's name

Contact person's title in Organisation

Contact person's phone numbers:

Business hours number

After hours number

Mobile number

Email contact

### CONTACT DETAILS OF \*AUSPICE ORGANISATION IF APPLICABLE:

*\* For clarification, please refer to the Information and Guidelines*

Name of Auspice Organisation

Phone number of Organisation

Address (please include postal address for correspondence)

|           |
|-----------|
|           |
|           |
| Postcode: |

Contact person of Auspice Organisation

Contact person's title in Auspice Organisation

Contact person of Auspice Organisation's phone numbers:

Business hours number

After hours number

Mobile number

Email contact

## LEGAL AND TAXATION REQUIREMENTS:

Please complete the following details:

Incorporation Number of Organisation

*If you do not have an incorporation number, please state the nature of your organisation (Only groups that are incorporated or similar legal entities can receive funds).*

ABN (Australian Business Number) of the Organisation

**If you do not have an ABN – Have you included a ‘Statement by a Supplier’ Form with this application?**

No ☐

Yes ☐

*If you do not have an ABN you will need to obtain a ‘Statement by a Supplier’ Form (available from the Australian Tax Office or the Colac Otway Shire Council) and submit it with your application. Failure to provide either an ABN or a Statement by a Supplier Form will result in Council being obliged to take 46.5% of any allocations made to grant applicants and send it to the Australian Tax Office (ATO).*

**Are you Registered for the GST?**

No ☐

Yes ☐

*If you are registered for the GST and you are allocated funds, Council will pay an additional 10% to accommodate the GST. In this case, a tax invoice will be required by Council prior to payment.*

Successful grants will be paid by cheque or Electronic Funds Transfer (EFT) to a nominated bank account. Please provide account details for your organisation or auspicing body, if EFT is preferred.

Account Name

BSB No

Account Number

Bank/Financial Institution

**Please ensure that you have checked the list on the guidelines section (Page 1) to ensure that your project falls within the types of projects that Council will consider funding – All applications are checked against this criteria.**

- 1** Please provide a brief description of your Project including the Project Title, its aim and its anticipated benefits to the Colac Otway Shire Community (if you require more space, please attach extra pages as needed):

**(a)** The project title is:

**(b)** The project description is:

**(c)** The aim of the project is:

**(d)** The anticipated benefits of the project to the community:

- 2** How much do wish to apply for?

\$

- 3** When will your project take place?

*(Please note that requests for projects or purchases that have commenced or been made prior this application form being received by Council are not eligible for funding).*



**4** Has your organisation received funding from Council in the past three years?

No ☐

Yes ☐

Please detail the cost of your project by completing the budget section below. When estimating your expenses, take into consideration the materials for activities that will be used throughout the Community project such as:

- Equipment purchase costs (include quotes)
- Training fees (include quotes)

### Income:

Please list **ALL** sources of income (the grant sum sought, plus any fees, sponsorship, advertising, donations etc that come from any other sources for the project.

| <b>INCOME</b><br>List all sources of income you expect will fund your project |    |
|-------------------------------------------------------------------------------|----|
| Grant amount you wish to apply for is:                                        | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
|                                                                               | \$ |
| <b>TOTAL INCOME</b>                                                           | \$ |

### Expenditure:

Please estimate and list **ALL** project costs and tick which components are likely to use funds received from this grant. **(Please supply estimates/quotes)**

| <b>EXPENDITURE</b><br>List all expenses that you expect to incur for your project.                                                                 |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <i>(Please indicate which components of the expenditure you wish to use the grant funds to cover by placing an (X) next to the dollar amount).</i> |    |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
|                                                                                                                                                    | \$ |
| <b>TOTAL EXPENDITURE</b>                                                                                                                           | \$ |

**OPTIONAL:** In support of your application – attach extra pages/documents if you wish.

## APPLICATION FORM AUTHORISATION

*This section requires completion and signature by a committee or authorised staff member of the organisation that are managing the funds for this project (or the auspice if applicable).*

|                |                      |
|----------------|----------------------|
| Name           | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Signature      | <input type="text"/> |
| Date           | <input type="text"/> |

## DECLARATION

*I affirm, on behalf of the applicant organisation, that any funds provided by the Colac Otway Shire will be expended in accordance with the terms and conditions outlined in the Funding Agreement. I affirm that all details supplied in this application and attachments are true and correct to the best of my knowledge. The application form has been submitted with the full knowledge and agreement of the applicant organisation. I/We acknowledge that the Guidelines and Funding Agreement have been read and fully understood.*

## PRIVACY NOTIFICATION

*Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9472.*

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN  
COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae  
Street Colac ("the Council") and the Applicant

**BACKGROUND**

- A** The Council makes available funds for community programs each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B** The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C** The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

**AGREEMENT**

- 1.** The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2.** The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant within 12 months of the date of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the project. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council signs and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in the Applicant being ineligible to apply for further grants.
  - (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with the Applicant to check on progress during the period of the activity.

- (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3.** The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
- 4.** The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
- 5.** Any variation of this agreement shall only be made in writing between the parties.
- 6.** Projects that commence prior to this application being received by Council will be ineligible.
- 7.** A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
- 8.** Note that Council will publicly report grants awarded.

Signature

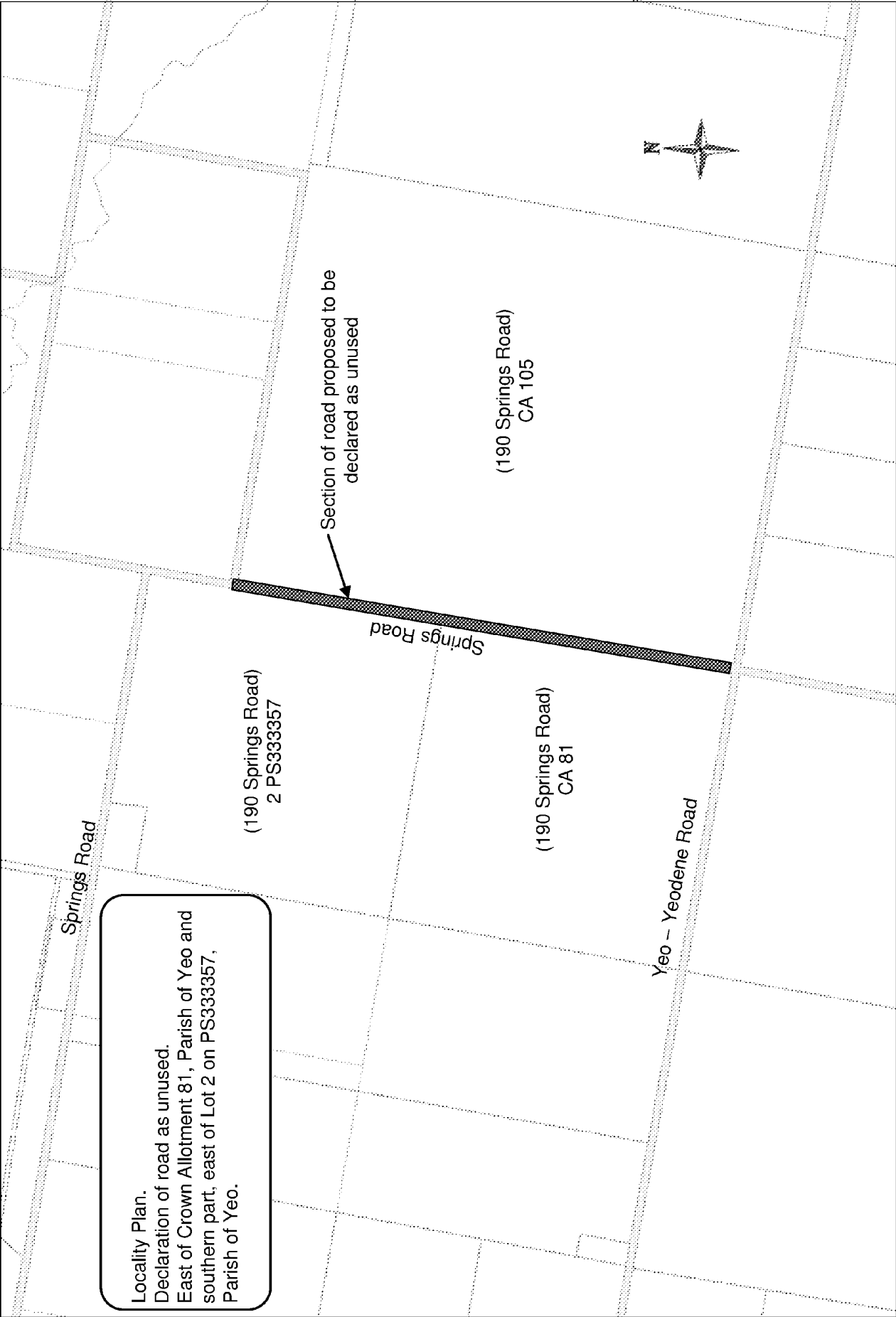
|  |
|--|
|  |
|--|



CHECK LIST Please confirm that you have included the following with your submission:

|                                     |                                                                                                                                           |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <b>Keep a copy of your application, including all attachments</b>                                                                         |
| <input type="checkbox"/>            | Completed Application Form                                                                                                                |
| <input type="checkbox"/>            | Completed Budget Table showing break-even result                                                                                          |
| <input type="checkbox"/>            | Attached Financial Statement or Treasurer's Report                                                                                        |
| <input type="checkbox"/>            | Attached Quotations for works, fees, venue hire etc. Applicants are encouraged to obtain more than one quote as part of their application |
| <input type="checkbox"/>            | Attached Support Letters (including auspicing body if applicable)                                                                         |
| <input type="checkbox"/>            | Supplier Statement                                                                                                                        |
| <input type="checkbox"/>            | Other – photographs, resumes etc (please describe)                                                                                        |
| <input type="checkbox"/>            | .....                                                                                                                                     |





DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

SCHEDULE 4

Notice of a municipal council under section 400 that a road is unused.

Secretary to the Department of Sustainability and Environment

Under Section 400 of the Land Act 1958, the municipal council of the municipal district  
of

COLAC-OTWAY

gives notice that \*the road / \*each of the roads described in the Schedule below is  
considered by Council to not be required for public traffic and is therefore an unused  
road.

SCHEDULE

| PARISH | DESCRIPTION OF LOCATION OF ROAD                                            |
|--------|----------------------------------------------------------------------------|
| YEO    | EAST OF CROWN ALLOTMENT 81 AND<br>SOUTHERN PART, EAST OF LOT 2 ON PS333357 |

*As indicated by shading on the plan copy attached*

\* Signed: .....

Dated: .....

witness .....

\* The seal of the municipal council of  
.....

as affixed to this on .....

by .....

witness .....

\* Delete whichever is not applicable

Our ref. 0512-0005:#67894





Department of  
Sustainability and Environment

RECEIVED

02 APR 2012

Dep. of Sustainability

ABN 90 719 082 200  
Canberra

**APPLICATION TO USE CROWN LAND**

**Section A - APPLICANT DETAILS**

|                                                                                         |                           |
|-----------------------------------------------------------------------------------------|---------------------------|
| FAMILY NAME                                                                             | .....                     |
| GIVEN NAME(s) in full                                                                   | .....                     |
| COMPANY OR BUSINESS NAME                                                                | .....                     |
| RESIDENTIAL ADDRESS                                                                     | .....                     |
|                                                                                         | ..... POSTCODE.....       |
| POSTAL ADDRESS<br>(If Different to Residential)                                         | .....                     |
|                                                                                         | ..... POSTCODE.....       |
| CONTACT DETAILS (Please supply a number where you can be reached during business hours) |                           |
| Phone: Home                                                                             | ..... Business .....      |
| Mobile                                                                                  | ..... Email Address ..... |
| Fax: Home                                                                               | ..... Business .....      |

The Department of Sustainability and Environment is committed to protecting information provided in accordance with the principles of the *Information Privacy Act 2000*. Information collected, including personal information, will be used for the purpose of issuing and administering the licence and for the management of Crown lands. DSE may disclose the information in this licence, including personal information, to the local municipality or other relevant government agencies or statutory authorities for these purposes or if required by law. DSE also uses and discloses the information for the purpose of the resolution of applications for determination of native title and for meeting its obligations under the *Native Title Act 1993* (Cth). If you wish to access this information please contact the Manager, Privacy, PO Box 500, EAST MELBOURNE VIC 3002.

**Section B - LAND DESCRIPTION**

The Crown land I wish to licence is:

|              |       |         |       |
|--------------|-------|---------|-------|
| ALLOTMENT(S) | ..... | SECTION | ..... |
| TOWNSHIP     | ..... | PARISH  | ..... |
| STREET/ROAD  | ..... |         |       |
| LOCALITY     | ..... |         |       |

and/or

DESCRIPTION (include Street/Road name features approx area etc)

Unformed road at end of Springs Road YEO.

.....

.....

.....

**Section D - AGRICULTURAL PURPOSES (includes grazing, cultivation & agro-forestry purposes)**

|                                                                                                                               |                                     |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Status of land you propose to use (if known)                                                                                  |                                     |
| Water frontage                                                                                                                | <input type="checkbox"/>            |
| Unused Road                                                                                                                   | <input checked="" type="checkbox"/> |
| Reserve                                                                                                                       | <input type="checkbox"/>            |
| Other                                                                                                                         | <input type="checkbox"/>            |
| Are you a Primary Producer as defined in the Tax Act      yes <input checked="" type="checkbox"/> no <input type="checkbox"/> |                                     |

**If Grazing please complete:**

|                                                                                                                                                                                                       |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Is the Crown Land adjoining or near freehold property that you use for grazing?      yes <input checked="" type="checkbox"/> no <input type="checkbox"/>                                              |              |
| Are the stock which will be grazing the Crown Land directly connected to the carrying on of primary production on your farm?      yes <input checked="" type="checkbox"/> no <input type="checkbox"/> |              |
| What type of stock do you graze on your farm?                                                                                                                                                         | DAIRY CATTLE |
| What type of stock do you intend to graze on the Crown Land?                                                                                                                                          | DAIRY CATTLE |
| Estimated area of Land                                                                                                                                                                                | 2.6 ha       |
| Estimated carrying capacity (Dry Sheep Equivalent /ha)                                                                                                                                                |              |

**If proposed use involves cultivation of the land, please specify**

|                      |  |
|----------------------|--|
| Type of crop         |  |
| Crop Rotation period |  |

**LAND DESCRIPTION (continued)**

Are you the Owner or Occupier of the adjoining freehold land (tick as required)

OWNER



OCCUPIER



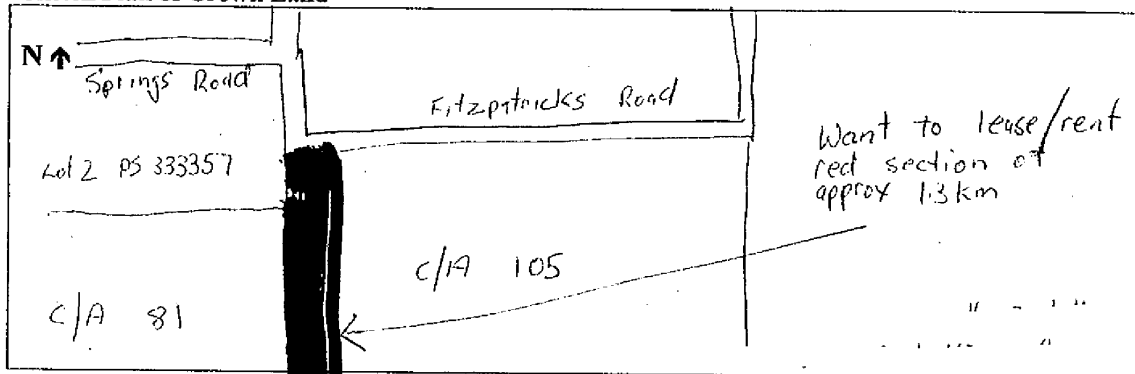
I do not own or occupy freehold land adjoining the land covered in this application



**LAND DESCRIPTION OF ADJACENT FREEHOLD LAND**

Crown allotment c/A 105 3987 Section 3 Titles.  
And/or c/A 81 3987  
Lot LOT 2 PS 333357 Plan No .....  
Parish YEO  
Vol ..... Folio .....

**Sketch Plan of Crown Land**



**IMPORTANT NOTE:-**

Please complete either Section C or Section D. Yeo/Yeodene Road.

Please ensure all relevant information has been included. Provision of all relevant information will assist in the processing of this application.

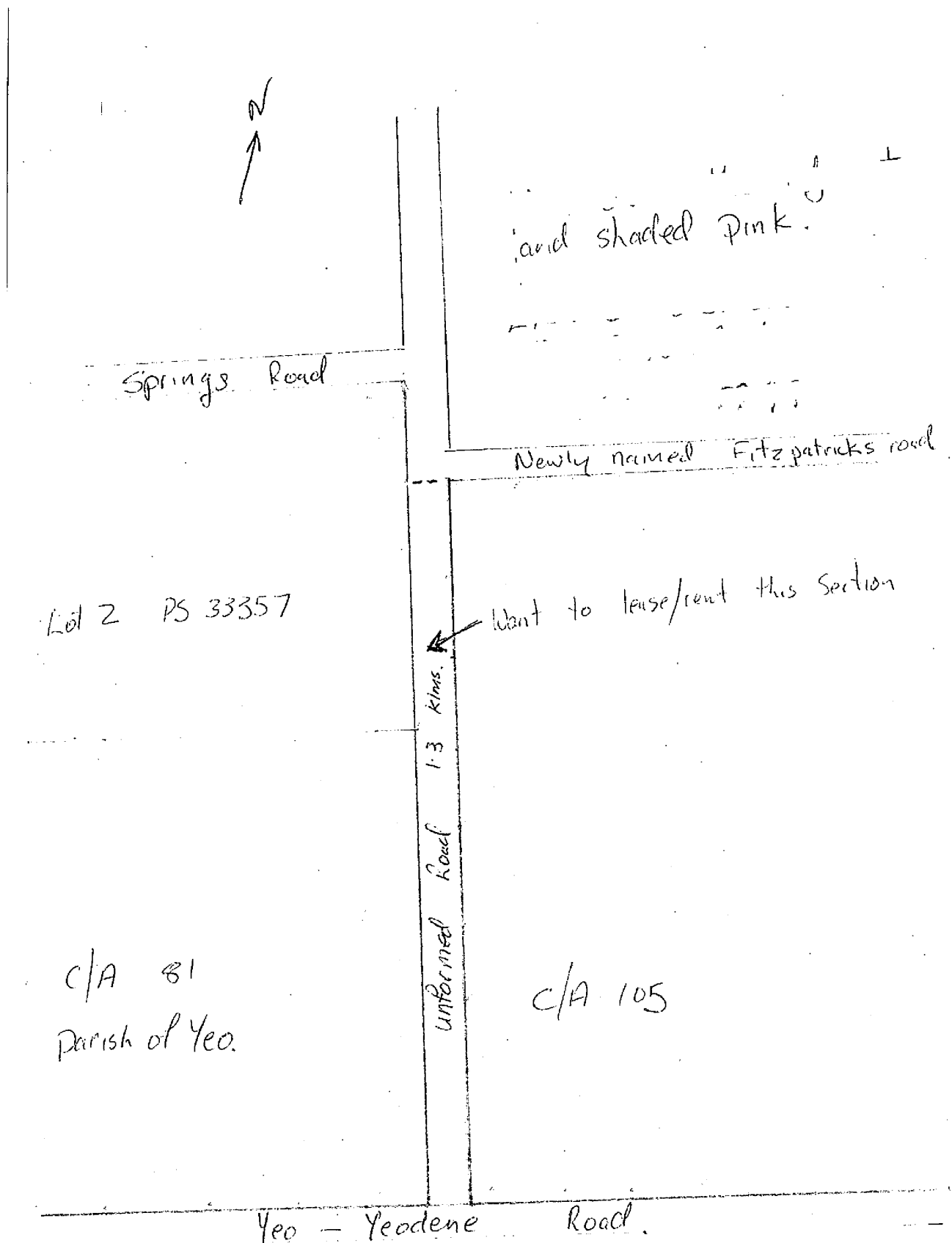
|        |                    |
|--------|--------------------|
| Signed | <u>[Signature]</u> |
| Name   | <u>[Name]</u>      |
| Dated  | <u>23-3-2012</u>   |

**Please ensure that your application fee of \$17.10 is enclosed.**

**Complete Section C only for Non Agricultural purposes**

**or**

**Section D only for Agricultural purposes**





Department of  
Sustainability and Environment

ABN 90 719 052 204

**AGRICULTURAL LICENCE**  
**LAND ACT 1958**  
**Section 130**

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

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

This Licence is subject to the provisions of the *Land Act 1958* and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

.....  
Signature of Licensor or Authorised person

The Licensee hereby agrees that payment of the Licence Fee, shown in Item 7 of the Schedule, by the Licensee shall constitute acceptance by the Licensee of this Licence and shall constitute an undertaking by the Licensee that the Licensee shall comply with the terms and conditions of this Licence.

**NOTE:**

- |          |                                                                                                                                                                                                        |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> | <b><i>This licence is not valid until payment of the Licence Fee shown in Item 7 of the Schedule is received by the Department of Sustainability and Environment.</i></b>                              |
| <b>2</b> | <b><i>This Licence is an important document and should be stored in a secure and safe place. It will be needed if you sell your property. In the event of loss, a replacement fee may charged.</i></b> |



Version 3/2003

**INDEX**

**SCHEDULE**

**PLAN**

**LICENCE CONDITIONS**

- 1 Grant**
- 2 Licensee's Obligations (Positive)**
  - 2.1 Licence fee**
  - 2.2 Rates and Taxes**
  - 2.3 Indemnity**
  - 2.4 Maintenance,**
  - 2.5 Fire Protection Works**
  - 2.6 Condition at Termination**
  - 2.7 Notice of Defects and other matters**
  - 2.8 Compliance with Law**
  - 2.9 Compliance with Directions**
  - 2.10 Arrears and Interest**
  - 2.11 Further Conditions**
- 3 Licensee's Obligations (Negative)**
  - 3.1 Use of Licensed land**
  - 3.2 Allow rubbish**
  - 3.3 Hazardous Chemicals**
  - 3.4 Burning**
  - 3.5 Assignment**
  - 3.6 Licensor's Entry**
  - 3.7 Void insurance**
  - 3.8 Cultivation and Use of Licensed land**
  - 3.9 Erection of Improvements**
- 4 General Conditions**
  - 4.1 Termination upon Default**
  - 4.2 Termination without Default**
  - 4.3 Licensee's Improvements**
  - 4.4 Secretary may remove and dispose of property**
  - 4.5 Licensor's/Secretary's Agents**
  - 4.6 Notices**
  - 4.7 Review of Licence fee**
  - 4.8 Debt recovery**
- 5 Definitions**
- 6 Interpretations**

## LICENCE CONDITIONS

### 1 **Grant**

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

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

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will: -

#### 2.1 **Licence fee**

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

#### 2.2 **Rates and Taxes**

2.2.1 Duly and punctually pay as and when they respectively fall due all rates and taxes on the licensed land.

2.2.2 If requested to do so by the Licensor, produce receipts to the Licensor evidencing payment of the rates and taxes.

2.2.3 Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence and/or the rent payable thereunder or that becomes payable by the Licensor during the period covered by the fee.

#### 2.3 **Indemnity**

Indemnify the Crown in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed land, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith.

#### 2.4 **Maintenance**

2.4.1 Throughout the term keep the licensed land in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed land after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will: -

2.4.1.1 Keep the licensed land free of pest animals and weeds;

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

#### 2.5 **Fire Protection Works**

Undertake all fire protection works on the licensed land required by law to the satisfaction of the Licensor and the responsible fire Authority

#### 2.6 **Condition at Termination**

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

#### 2.7 **Notice of Defects and other matters**

2.7.1 Give the Licensor prompt notice in writing of any accident to or defect in the licensed land and of any circumstances likely to cause any damage risk or hazard to the licensed land or any person on it;

2.7.2 Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed land and full details of the circumstances of it;

2.7.3 Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.7.2 with which the Licensee is required to comply; and

2.7.4 At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.7.2 as the Licensor deems expedient.

#### 2.8 **Compliance with Law**

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the licensed land and all lawful orders or direction made under them;

**2.9 Compliance with Directions**

**2.9.1** At the Licensee's cost forthwith comply with any written direction given by the Secretary during the term as to the: -

- 2.9.1.1** grazing or management of the licensed land (including fencing), or the number and type of stock which may be depastured on the licensed land;
- 2.9.1.2** frequency, timing and method of cultivation;
- 2.9.1.3** water supply and other improvements;
- 2.9.1.4** reclamation of eroded areas and land degradation; or
- 2.9.1.5** retention or clearance of native vegetation.

**2.10 Arrears and Interest**

**2.10.1** Pay to the Licensor: -

- 2.10.1.1** on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the *Penalty Interest Rates Act 1983* computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;
- 2.10.1.2** on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed land, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

**2.11 Further Conditions**

Comply with the Statutory and other Conditions contained in Item 13 of the Schedule and with the Special Conditions contained in Item 14 of the Schedule.

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

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

**3.1 Use of Licensed land**

Use the licensed land for any purpose other than the specified purpose referred to in Item 12 of the Schedule or any additional purpose specified in Item 14 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

**3.2 Allow rubbish**

Permit any rubbish to accumulate in or about the licensed land.

**3.3 Hazardous Chemicals**

Keep any hazardous chemical on the licensed land without the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

**3.4 Burning**

Undertake any burning of vegetation or any other matter on the licensed land without first obtaining any necessary permit and the written approval of the Licensor which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions PROVIDED HOWEVER that the consent of the Licensor is not required for the burning of crop stubble.

**3.5 Assignment**

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed land or any part of it.

**3.6 Licensor's Entry**

**3.6.1** Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent at any time from entering and remaining on the licensed land either with or without motor vehicles or other equipment for any purpose and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-

- 3.6.1.1** retaking or attempting to retake possession of the licensed land;
- 3.6.1.2** inspection; or
- 3.6.1.3** any other lawful purpose.

**3.7 Void insurance**

Do or allow anything to be done which might result in any insurance's relating to the licensed land becoming void or voidable or which might increase the premium on any insurance.



**3.8 Cultivation and Use of Licensed land**

**3.8.1** Without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions, :-

**3.8.1.1** fell, ringbark, injure, destroy or remove any living or dead vegetation (except weeds) or fallen timber on the licensed land;

**3.8.1.2** plough, cultivate, work, break up or remove soil or construct any earthworks on the licensed land;

**3.8.1.3** plant any vegetation, seed or crop on the licensed land; or

**3.8.1.4** apply fertilizer to the licensed land.

**3.9 Erection of Improvements**

Erect or permit the erection of any improvement on the licensed land without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

**4 General Conditions**

**4.1 Termination upon Default**

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the licensee has failed to comply with any terms or conditions of the licence, the Licensor may, by notice published in the Government Gazette, declare that the licence is cancelled, and upon cancellation the licensee will not be entitled to any compensation whatsoever.

**4.2 Termination without Default**

**4.2.1** In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may by giving to the Licensee three months' written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.

**4.2.2** If the licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the licence fee paid.

**4.2.3** The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the licence remaining at the date of cancellation.

**4.2.4** Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

**4.3 Licensee's Improvements**

**4.3.1** The Licensee's improvements shall remain the property of the Licensee.

**4.3.2** On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Secretary, remove all Licensee's improvements from the licensed land and forthwith make good all damage caused to the licensed land by the affixing, retention or removal of Licensee's improvements to the satisfaction of the Secretary.

**4.4 Secretary may remove and dispose of property**

If the Licence expires, or is cancelled under clauses 4.1 or 4.2, the Secretary may at the end of the period of time specified under Clause 4.3.2 remove the Licensee's chattels and improvements and store them at the Licensee's expense without being liable to the Licensee for trespass, detinue, conversion or negligence. After storing them for at least one month, the Secretary may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

**4.5 Licensor's/Secretary's Agents**

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor or the Secretary and not required by law to be done, made or signed by the Licensor or the Secretary personally may be done made or signed by any person to whom such power has been delegated by the Licensor or the Secretary.

**4.6 Notices**

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence shall be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

**4.7 Review of Licence fee**

The licence fee, unless it has been paid in full for the term, will be reviewed by the Licensor every three years from 1st October 1997, and the reviewed fee shall commence on the day following the date fixed for each such review.

**4.8 Debt recovery**

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

**5 Definitions**

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"commencement date" means the date described in Item 5 of the Schedule and is the first day of the term;

"Crown" means the Crown in right of the State of Victoria and includes the Secretary and each employee and agent of the Crown or the Secretary;

"GST" means a goods and services tax within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*.

"Department" means the Department of Sustainability and Environment or its successor in law;

"flora" has the same meaning as in the *Flora and Fauna Guarantee Act 1988*;

"hazardous chemical" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertiliser and other chemicals;

"improvement" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"licensed land" means the land described in Item 9 of the Schedule;

"Licence fee" means the licence fee described in Item 7 of the Schedule as varied during the term;

"Licensee" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"Licensee's Improvements" includes growing crop, building, structure, sign, fence and any other structural improvement including dam, levee, channel or any other earthworks but does not include any such improvement shown in Item 14 of the Schedule as being or becoming the property of the Licensor.

"Licensor" means the Minister of the Crown for the time being administering Division 8 of Part 1 of the *Land Act 1958* or such other Minister of the Crown or Government Authority to whom responsibility for this Licence may at any time be given;

"person" includes a body corporate as well as an individual;

"pest animals" has the same meaning as in the *Catchment and Land Protection Act 1994*;

"rates and taxes" means all existing and future rates (including excess water rates and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed land or the Licensor or the Licensee or payable by the owner or occupier of the licensed land;

"schedule" means the schedule to this Licence;

"Secretary" means The Secretary to the Department of Sustainability and Environment, the body corporate established under the *Conservation, Forests and Lands Act 1987*;

"sign" includes names, advertisements and notices;

"soil" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"term" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"weeds" include noxious weeds within the meaning of the *Catchment and Land Protection Act 1994*, and prescribed flora within the meaning of the *Flora and Fauna Guarantee Act 1988*;

"writing" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

**6 Interpretations**

6.1 A reference importing the singular includes the plural and vice versa.

6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.

6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.

6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefor" were added to the reference.

6.5 If the Licensee comprises more than one person, the covenants and agreements contained in this Licence shall be construed as having been entered into by, and are binding, both jointly and severally on all and each of the persons who constitute the Licensee.

6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.



**Department of  
Sustainability and Environment**

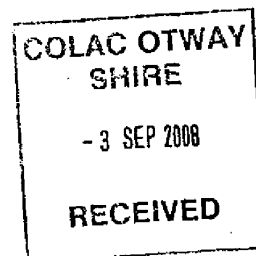
**Public Land Administration**

402-406 Mair Street  
BALLARAT Vic 3350  
Facsimile: (03) 5336 6885  
DX: 214250  
CALL CENTRE: 136186

Our Ref: 2014745  
Your Ref:

2 September 2008

Manager  
Major Contracts  
Colac Otway Shire  
PO Box 283  
COLAC 3250



Dear Ranjani,

**Re: - LICENCE FOR APOLLO BAY SAILING CLUB**

I refer to previous correspondence concerning the above.

Please find enclosed 2 signed copies of the licence, one for your records and one for the club.

If you have any further enquiries, please contact me on 53366745 at this office.

Yours sincerely,

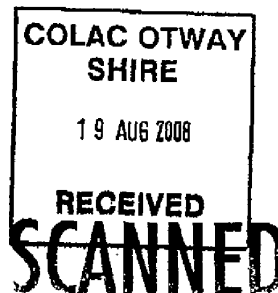
**Greg Leece**  
**Property Manager**  
E-mail: - Greg.Leece@dse.vic.gov.au



Colac Otway Shire Council

**LICENCE**

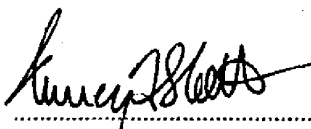
**CROWN LAND (RESERVES) ACT 1978**  
**Section 17B**



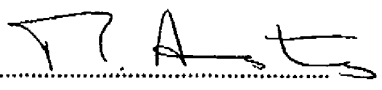
**THIS LICENCE** is granted by the Licensor to the Licensee and commences on the date set out in the Schedule.

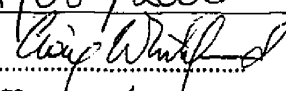
In consideration of the payment of the licence fee and the conditions contained in this Licence, the Licensor or a person authorised by the Licensor, at the request of the Licensee **HEREBY AUTHORISES** the Licensee to use the licensed premises described in the Schedule for the specified purposes set out in the Schedule.

This Licence is subject to the provisions of the *Crown Land (Reserves) Act 1978* and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

  
.....  
Licensor or Authorised person

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

 Matt Armstrong, Commodore ABSC  
Licensee

Approved by  
as delegate for the Minister for Environment & Climate Change  
on  
  
2/9/08

**NOTE:**

- |   |                                                                                                                                                               |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b><i>This licence is not valid until it has been approved by the Minister for Environment &amp; Climate Change or the Minister's delegate.</i></b>           |
| 2 | <b><i>This Licence is an important document and should be stored in a secure and safe place. In the event of loss, a replacement fee will be charged.</i></b> |

**INDEX**

**SCHEDULE**

**PLAN**

**LICENCE CONDITIONS**

- 1 Grant**
- 2 Licensee's Obligations (Positive)**
  - 2.1 Licence fee**
  - 2.2 Rates and Taxes**
  - 2.3 Indemnity**
  - 2.4 Public Liability Insurance**
  - 2.5 Maintenance,**
  - 2.6 Fire Protection Works**
  - 2.7 Condition at Termination**
  - 2.8 Notice of Defects and other matters**
  - 2.9 Compliance with Law**
  - 2.10 Arrears and Interest**
  - 2.11 Further Conditions**
- 3 Licensee's Obligations (Negative)**
  - 3.1 Use of Licensed premises**
  - 3.2 Create nuisance**
  - 3.3 Allow rubbish**
  - 3.4 Hazardous Chemicals**
  - 3.5 Assignment**
  - 3.6 Licensor's Entry**
  - 3.7 Void insurance**
  - 3.8 Erection of Improvements**
- 4 General Conditions**
  - 4.1 Termination upon Default**
  - 4.2 Termination without Default**
  - 4.3 Ownership of Building and Improvements**
  - 4.4 Licensee's Chattels**
  - 4.5 Licensor may remove and dispose of property**
  - 4.6 Licensor's Agents**
  - 4.7 Notices**
  - 4.8 Debt recovery**
  - 4.9 Additional Approvals**
- 5 Definitions**
- 6 Interpretations**

**SCHEDULE**

**ITEM**

- 1 Licence Number: DSE Ref 0513233.D
- 2 Licensor: Colac Otway Shire Council
- 3 Licensee: Apollo Bay Sailing Club Inc.
- 4 Licensee's Address: PO Box 134, Apollo Bay 3233
- 5 Commencement Date: 18<sup>th</sup> August 2007
- 6 Term: Three Years
- 7 Licence fee: \$145.88 (excl GST)/annum
- 8 Payable: On the commencement date
- 9 Reservation description: Portion of the land reserved for Public Purposes by Order in Council of 11 August 1879 and notified in the Victorian Government Gazette of 1879 on page 2045.
- 10 Licensed premises: The area shown hatched on the attached being part of allotment 23A, Section 2, Township of Apollo Bay.
- 11 Area: 77.8 m2
- 12 Powers under which licence granted: Section 17B Crown Land (Reserves) Act 1978
- 13 Specified Purposes: Apollo Bay Sailing Club temporary clubhouse/multipurpose facility.
- 14 Amount of Public Liability Insurance: \$10 million
- 15 Licensor Address: PO Box 283, Colac 3250
- 16 Special Conditions:

## LICENCE CONDITIONS

### 1 **Grant**

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

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

The Licensee Hereby Covenants with the Licensor that during the term the Licensee will:-

#### 2.1 **Licence fee**

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address shown in Item 15 of the Schedule or as advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

#### 2.2 **Rates and Taxes**

- 2.2.1 Duly and punctually pay as and when they respectively fall due all rates and taxes on the licensed premises.
- 2.2.2 If requested to do so by the Licensor, produce receipts to the Licensor evidencing payment of the rates and taxes.
- 2.2.3 Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence and/or the rent payable thereunder or that becomes payable by the Licensor during the period covered by the fee.

#### 2.3 **Indemnity**

Indemnify the Crown in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed premises, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith.

#### 2.4 **Public Liability Insurance**

A public liability insurance policy over the premises (providing no less limit of indemnity for any one occurrence during the policy period than the amount shown at Item 14 of the Schedule), which is endorsed (as follows), to note:

'the Committee of Management, the Crown in the right of the State of Victoria, the Secretary to the Department of Sustainability and Environment, its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of Professional duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Crown (and others above mentioned), and is limited to the amount shown in Item 14 of the Schedule for any one occurrence.'

#### 2.5 **Maintenance**

- 2.5.1 Throughout the term keep the licensed premises in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed premises after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will:-
  - 2.5.1.1 Keep the licensed premises free of pest animals and weeds;
  - 2.5.1.2 Remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.

#### 2.6 **Fire Protection Works**

Undertake all fire protection works on the licensed premises required by law to the satisfaction of the Licensor and the responsible fire Authority

#### 2.7 **Condition at Termination**

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



**2.8 Notice of Defects and other matters**

- 2.8.1 Give the Licensor prompt notice in writing of any accident to or defect in the licensed premises and of any circumstances likely to cause any damage risk or hazard to the licensed premises or any person on it;
- 2.8.2 Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed premises and full details of the circumstances of it;
- 2.8.3 Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.8.2 with which the Licensee is required to comply; and
- 2.8.4 At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.8.2 as the Licensor deems expedient.

**2.9 Compliance with Law**

- 2.9.1 Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the licensed premises and all lawful orders or direction made under them;
- 2.9.2 Comply with Port of Apollo Bay Safety and Environment Management Plan (SEMP) and the Acts and Regulations contained therein.

**2.10 Arrears and Interest**

- 2.10.1 Pay to the Licensor:-
  - 2.10.1.1 on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the *Penalty Interest Rates Act 1983* computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;
  - 2.10.1.2 on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed premises, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

**2.11 Further Conditions**

Comply with the Special Conditions (if any) contained in Item 16 of the Schedule.

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

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

**3.1 Use of Licensed premises**

Use the licensed premises for any purpose other than the specified purpose referred to in Item 13 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

**3.2 Create nuisance**

Do not cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the licensed premises or to use any land in the vicinity or to occupiers of properties adjoining the licensed premises.

**3.3 Allow rubbish**

Permit any rubbish to accumulate in or about the licensed premises.

**3.4 Hazardous Chemicals**

Keep any hazardous materials on the premises without the Licensor's written consent save a reasonable quantity of any hazardous material which is normally used in any specified purpose actually carried on in or upon the premises and which is kept in compliance with the requirements of any authority charged with regulating the keeping of it.

**3.5 Assignment**

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed premises or any part of it.



**3.6 Licensor's Entry**

3.6.1 Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent at any time from entering and remaining on the licensed premises either with or without motor vehicles or other equipment for any purpose and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-

- 3.6.1.1 retaking or attempting to retake possession of the licensed premises;
- 3.6.1.2 inspection; or
- 3.6.1.3 any other lawful purpose.

**3.7 Void insurance**

Do or allow anything to be done which might result in any insurances relating to the licensed premises becoming void or voidable or which might increase the premium on any insurance.

**3.8 Erection of Improvements**

Erect or permit the erection of any improvement on the licensed premises without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

**4 General Conditions**

**4.1 Termination upon Default**

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the licensee has failed to comply with any terms or conditions of the licence, the Licensor may, by notice published in the Government Gazette, declare that the licence is cancelled, and upon cancellation the licensee will not be entitled to any compensation whatsoever.

**4.2 Termination without Default**

4.2.1 In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may with the approval of the Minister by giving to the Licensee at least 30 days written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.

4.2.2 If the licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the licence fee paid.

4.2.3 The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the licence remaining at the date of cancellation.

4.2.4 Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

**4.3 Ownership of Building and Improvements**

The portable office is the property of the club and that on termination or sooner by giving 8 weeks notice the portable office would need to be removed by the licensee and that the land restored to the satisfaction of the licensor. In case of Licensee's inability to remove the portable office within the specified period, the Licensor will have the right to remove the building and carryout necessary land restoration works at the expense of the Licensee.

**4.4 Licensee's Chattels**

4.4.1 Except as provided in sub-clause 4.4.3 the Licensee's chattels shall remain the property of the Licensee.

4.4.2 On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Licensor, remove all Licensee's chattels from the licensed premises and forthwith make good all damage caused to the licensed premises by the affixing, retention or removal of Licensee's chattels to the satisfaction of the Licensor.

4.4.3 If the Licensee's chattels are not removed at the end of the period of time specified under sub-clause 4.4.2, the Licensee's chattels shall become the property of the Licensor.

**4.5 Licensor may remove and dispose of Licensee's chattels**

If the Licence expires, or is cancelled, the Licensor may at the end of the period of time specified under Clause 4.4.2 remove the Licensee's chattels and store them at the Licensee's expense without being liable to the Licensee for trespass, detainue, conversion or negligence. After storing them for at least one month, the Licensor may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

**4.6 Licensor's Agents**

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor and not required by law to be done, made or signed by the Licensor personally may be done made or signed by any person or class of person to whom such power has been delegated by the Licensor.

**4.7 Notices**

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence shall be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

**4.8 Debt recovery**

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

**4.9 Additional Approvals**

If the Licensor is a Committee of Management or Trustees the approvals required in Conditions 3.1 and 3.8 shall be read to mean the Licensor and the Secretary or delegate.

**5 Definitions**

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"commencement date" means the date described in Item 5 of the Schedule and is the first day of the term;

"Crown" means the Crown in right of the State of Victoria and includes the Licensor and each employee and agent of the Crown or the Secretary;

"Department" means the Department of Sustainability and Environment or its successor in law;

"GST" means a goods and services tax within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*.

"hazardous chemical" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertilizer and other chemicals;

"improvement" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"licensed premises" means the land and structures described in Item 10 of the Schedule;

"Licence fee" means the licence fee described in Item 7 of the Schedule as varied during the term;

"Licensee" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"Licensor" means the Trustees or Committee of Management appointed by the Minister to manage the reserved land described in Item 9 of the Schedule or if there are no Trustees or Committee of Management means the Secretary to the Department of Sustainability and Environment or a person or class of person authorised by the Secretary to grant licences under Section 17B of the *Crown Land (Reserves) Act 1978*;

"Minister" means the Minister of the Crown for the time being administering the *Crown Land (Reserves) Act 1978*;

"person" includes a body corporate as well as an individual;

"pest animals" has the same meaning as in the *Catchment and Land Protection Act 1994*;

"rates and taxes" means all existing and future rates (including water by consumption and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed premises or the Licensor or the Licensee or payable by the owner or occupier of the licensed premises;

"schedule" means the schedule to this Licence;

"Secretary" means The Secretary to the Department of Sustainability and Environment, the body corporate established under the *Conservation, Forests and Lands Act 1987*;

"sign" includes names, advertisements and notices;

"soil" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"term" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"weeds" include noxious weeds within the meaning of the *Catchment and Land Protection Act 1994*, and prescribed flora within the meaning of the *Flora and Fauna Guarantee Act 1988*;

"writing" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

**6 Interpretations**

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6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.

6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.

- 6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.
- 6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefor" were added to the reference.
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- 6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.





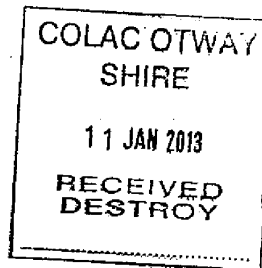
Department of  
Sustainability and Environment

A. DAJ  
Stally CWS  
12/1/13

Our Ref: 0513233/SP445625  
Your Ref:

70A Camp Road  
Anglesea Victoria 3230  
Telephone: (03) 5220 2013  
Facsimile: (03) 5263 3557  
ABN 90 719 052 204

Mr Mick Heland  
Club Captain  
Apollo Bay Sailing Club  
10 Breakwater Road  
APOLLO BAY VIC 3233



Dear Mr Heland

**CONSENT FOR USE AND DEVELOPMENT OF COASTAL CROWN LAND  
PERGOLA INSTALLATION, PORT OF APOLLO BAY**

Thank you for application for consent to use or develop coastal Crown land pursuant to *Section 38* of the *Coastal Management Act 1995*. This application was received on 18 December 2012.

The application is for the installation of a deck and retractable weather shade.

Pursuant to *Section 40* of the *Coastal Management Act 1995* and as delegated by the Minister, I consent to the proposed use and development subject to the conditions in the attached consent notice.

If you have any further inquiries, please contact Elspeth Pike, Environmental Planner, at DSE's Anglesea office on (03) 5220 2008 or email [elspeth.pike@dse.vic.gov.au](mailto:elspeth.pike@dse.vic.gov.au).

Yours sincerely

Brian Simpson  
A/MANAGER ENVIRONMENTAL PLANNING  
BARWON SOUTH WEST  
LAND & FIRE  
CC: Ranjani Jha, Colac Otway Shire

DATE: 9/1/2013

**Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Information Privacy Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Sustainability & Environment, PO Box 300, East Melbourne, 3002.



Department of  
Sustainability and  
Environment

DSE File Ref /SP Ref: 0513233/SP445625

**CONSENT FOR USE AND DEVELOPMENT OF COASTAL CROWN LAND**

**SECTION 40 COASTAL MANAGEMENT ACT 1995**

**Crown Description:** Section 23A, Allotment 2, Township of Apollo Bay, Parish of Krambruk.


**Local Name:** Port of Apollo Bay

**Street Address:** 10 Breakwater Rd, Apollo Bay 3233

**CONSENT FOR: INSTALLATION OF DECK AND RETRACTABLE SHADE**

Pursuant to *Section 40(1)* of the *Coastal Management Act 1995*, and as delegated by the Minister, I consent to the proposed use and development subject to the following conditions:

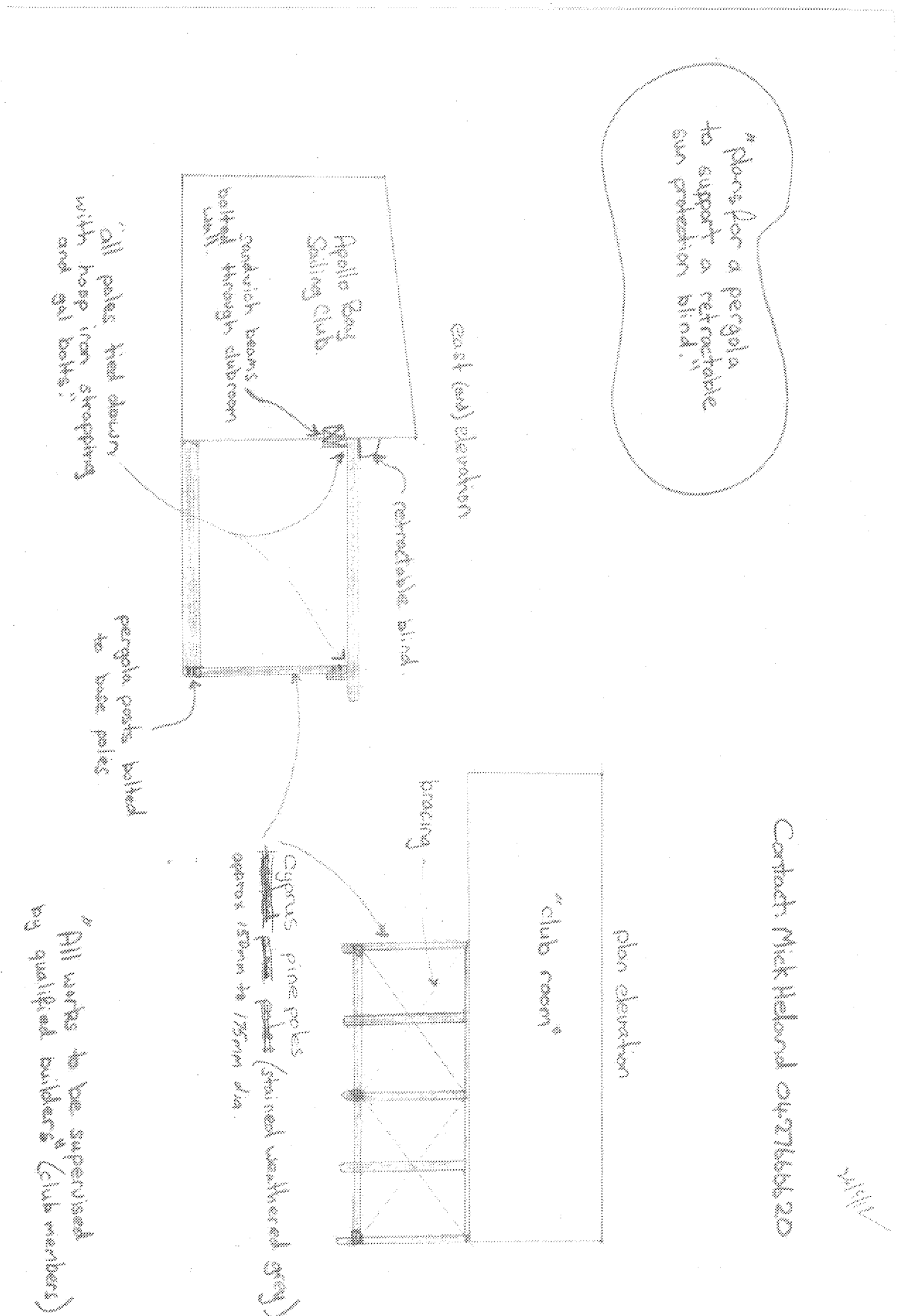
1. Works are to be completed to the satisfaction of the Manager of Environmental Planning, Department of Sustainability and Environment (the Manager).
2. All works are to be consistent with the application dated 18 December 2012.
3. Any proposed amendments to the works including changes to the design or siting must be provide in writing to the Department of Sustainability and Environment and written approval obtained prior to any changes being implemented.
4. The proponent must enter into an appropriate tenure with the land manager prior to occupation.
5. The works must be constructed to Australian Standards and certified by a qualified building surveyor to the satisfaction of Colac Otway Shire prior to occupation.
6. All building and waste materials associated with construction works are to be removed from the site on an ongoing basis.
7. All future maintenance is the responsibility of the Apollo Bay Sailing Club.
8. All contractors shall be properly briefed on the requirements and conditions of this consent prior to the commencement of works.
9. This consent will expire if the works are not completed within two years of the date of issue of consent unless an extension of time is applied for and granted by the Manager.

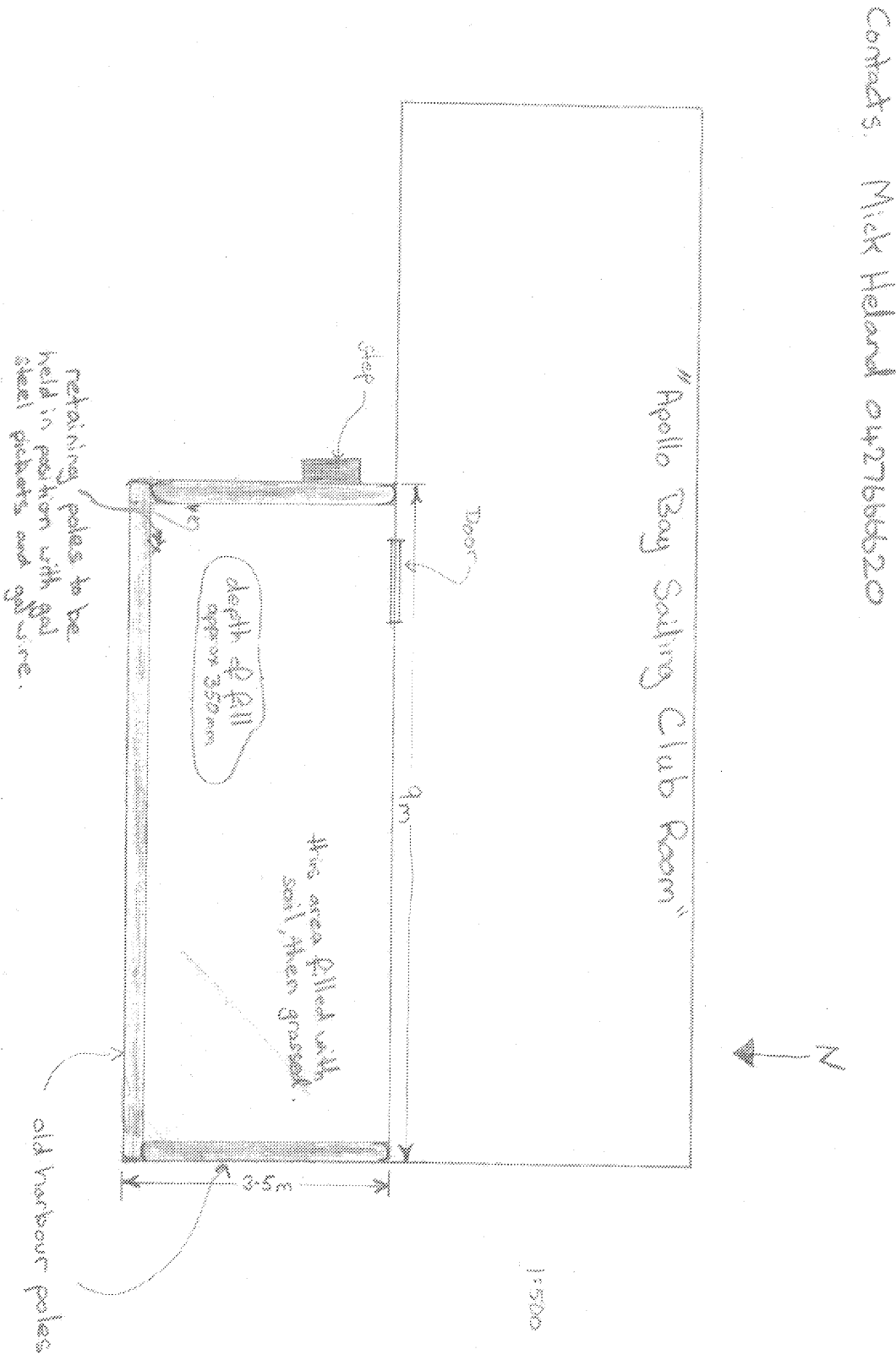


**Brian Simpson**  
**A/MANAGER ENVIRONMENTAL PLANNING**  
**PUBLIC LAND – LAND & FIRE**  
**BARWON SOUTH WEST**

**DATE: 9/1/2013**













**LEASE  
VICTORIA**

**COLAC OTWAY SHIRE COUNCIL  
("Lessor")**

**- and -**

**<Company details>  
(ACN No.)  
("Lessee")**

---

**GROUND LEASE**

---

**PREMISES:** Communications Tower - 5 Beech Forest Lavers Hill Road, Beech Forest

2

**THIS LEASE IS MADE**

**BETWEEN:** COLAC OTWAY SHIRE COUNCIL

of 2-6 RAE STREET COLAC VIC 3250

("Lessor")

**AND:** <Company Name> (ACN No.)  
of <Address>

("Lessee")

The Lessor grants, and the Lessee takes, a Lease\* of the Premises on the terms and conditions as agreed and set out in Annexure A.

Dated this xx day of <Month> 20xx.

**EXECUTED** by all parties as a deed.

**SIGNED SEALED AND DELIVERED )**

The common seal of the Colac-Otway Shire )  
Council was hereto affixed in accordance with )  
Its Local Law No 4 )

.....  
Councillor

.....  
Councillor

.....  
Chief Executive Officer

**Signed** on behalf of <Company Name> )  
(ACN No.) )  
by its authorised attorney who has not received )  
any notice of revocation )

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Witness (sign)

\_\_\_\_\_  
Full Name (print)

\_\_\_\_\_  
Witness Name (print)

\* Most capitalised words are defined in the Reference Schedule or clause 1 of Annexure A.

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**ANNEXURE A**

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This and the following pages constitute Annexure A referred to in the Lease between COLAC OTWAY SHIRE

(as Lessor) and <Company Name>

(ACN No.)) (as Lessee) dated the <date>.

**TABLE OF CONTENTS**

|                                       | Page |
|---------------------------------------|------|
| REFERENCE SCHEDULE                    | 4    |
| 1. DEFINITIONS AND INTERPRETATION     | 5    |
| 2. IMPLIED COVENANTS AND POWERS       | 7    |
| 3. TERM OF LEASE AND HOLDING OVER     | 8    |
| 4. RENT AND RENT REVIEWS              | 9    |
| 5. USE OF PREMISES                    | 10   |
| 6. ACCESS TO THE PREMISES             | 12   |
| 7. INSURANCE, INDEMNITIES AND RELEASE | 12   |
| 8. INSTALLATION AND MAINTENANCE       | 13   |
| 9. ELECTRICITY SUPPLY                 | 14   |
| 10. DEFAULT                           | 14   |
| 11. NOTICES                           | 15   |
| 12. ASSIGNMENT AND SUBLETTING         | 16   |
| 13. LESSOR'S COVENANTS                | 17   |
| 14. MISCELLANEOUS                     | 17   |
| SCHEDULE 1 – PLAN OF PREMISES         | 19   |
| SCHEDULE 3 – HEAD-LESSOR'S CONSENT    | 20   |

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**REFERENCE SCHEDULE**

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|         |                   |                                                                                                                                                               |
|---------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item 1  | (a)               | Premises                                                                                                                                                      |
|         |                   | The area hatched on the plan in Schedule 1 being part of the property known as Communications Tower - 5 Beech Forest Lavers Hill Road, Beech Forest, Victoria |
| Item 2  |                   | Date of Commencement                                                                                                                                          |
|         |                   | <date>                                                                                                                                                        |
| Item 3  |                   | Date of Expiration                                                                                                                                            |
|         |                   | <date>                                                                                                                                                        |
| Item 4  |                   | Term                                                                                                                                                          |
|         |                   | An initial 5 year term commencing on the date of commencement until <date>                                                                                    |
| Item 5  |                   | Further Term                                                                                                                                                  |
|         |                   | 5 years                                                                                                                                                       |
| Item 6  |                   | Rent                                                                                                                                                          |
|         |                   | \$1,000 per annum subject to a Rental Review in accordance with Clause 4.6.                                                                                   |
| Item 7  |                   | Contact at Lessor                                                                                                                                             |
|         | Name:             | Colac Otway Shire                                                                                                                                             |
|         | Address:          | 2 Rae Street Colac VIC 3250                                                                                                                                   |
|         | Telephone number: | (03) 5232 9400                                                                                                                                                |
|         | Facsimile number: | (03) 5232 1046                                                                                                                                                |
| Item 8  |                   | Contact at Lessee                                                                                                                                             |
|         | Name:             | _____                                                                                                                                                         |
|         | Address:          | _____                                                                                                                                                         |
|         | Telephone number: | _____                                                                                                                                                         |
|         | Facsimile number: | _____                                                                                                                                                         |
| Item 9: |                   | Electricity Reimbursement                                                                                                                                     |
|         |                   | \$1,500 per annum subject to annual review.                                                                                                                   |

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Terms in Reference Schedule**

Except where specified elsewhere in this Lease, terms defined in the Reference Schedule have the meanings shown beneath them in the Reference Schedule.

**1.2 Defined Terms:**

In this Lease:

“Act” means the Telecommunications Act 1997 (C’th), and unless precluded by context, includes all regulations, codes, standards and other rules or enactments made pursuant to that Act;

“Business Day” means any day in the State which is not a Saturday, Sunday or public holiday;

“Customers” means any person permitted by the State or the Lessee to use the Lessee’s Fixtures from time to time, including, without limitation:

- (a) the Victoria State Emergency Service, constituted under the Victoria State Emergency Service Act 1987 (Vic.);
- (b) the Rural Ambulance Victoria, being the body constituted under the Ambulance Services Act 1986 (Vic.); and
- (c) the Country Fire Authority, being the body constituted under the Country Fire Authority Act 1958 (Vic.),

and any of their successors and assigns;

“Customer’s Associates” means any officer, employee, volunteer, agent, contractor, sub-contractor, consultant or adviser of a Customer;

“Date of Expiration” means the date stated in Item 3 of the Reference Schedule, or any earlier date on which this Lease ends;

“Equipment Cabin” means that part of the Lessee’s Fixtures comprising any cabin erected on the Premises to house certain equipment;

“Facility” has the same meaning as is set out in Section 7 of the Act;

“Government Agency” means a government or government department or other body or a governmental, semi-government, judicial, municipal, statutory or public entity or authority (including a statutory authority or State-owned enterprise), a self regulatory authority established under statute or a stock exchange (wherever created or located) or a person (whether autonomous or not) who is charged with the administration of a law;

“GST” means GST within the meaning of the GST Act and related laws;

“GST Act” means the A New Tax System (Goods and Services Tax) Act 1999 (C’th) (as amended);

“Independent Reviewer” means the person appointed by the Lessee and the State from time to time to be independent reviewer of the Lessee’s use of the Premises and the Lessee’s Fixtures;

“Lease” means the lease or tenancy that exists between the Lessor and the Lessee in relation to the Premises of whatever nature and whether at law or in equity as evidenced in whole or in part by this document;

Ground Lease 5 Beech Forest Lavers Hill Road, Beech Forest.DOC

“Lease Year” means each year throughout the Term commencing on the Date of Commencement and, thereafter, on each anniversary of the Date of Commencement;

“Lessee” means the Lessee described on the front page of this Lease, its successors and assigns and its employees, agents, contractors and sub-contractors;

“Lessee’s Fixtures” means:

- (a) the Facility of the Lessee;
- (b) any Equipment Cabin installed by the Lessee;
- (c) all fixtures and fittings of the Lessee, including, without limitation, masts, poles, towers, antennas, supports, cables (telephone or any other type), pipes, wires, conduits, fencing, erections and other buildings or property installed by the Lessee; and
- (d) supporting or connecting structures,

on or under the Premises or the Land, and all power and other supplies, all communications cables and connections and all other appliances, apparatus and things of whatsoever nature brought onto the Land by the Lessee;

“Lessor” means the Lessor described on the front page of this Lease, its successors, administrators and assigns or, if the Lessor is a natural person, its executors, administrators and assigns and, in either case, its employees, agents, contractors and sub-contractors;

“Permitted Use” means the use by the Lessee of the Premises and the Land under this Lease for the installation, maintenance and operation of the Lessee’s Fixtures and all matters incidental to those purposes, and any other use permitted by law;

“Plan” means the plan comprising Schedule 1 to this Lease;

“Related Body Corporate” has the same meaning attributed to that expression by section 9 of the Corporations Act 2001 (C’th);

“Reference Schedule” means the schedule so described which is included in this document;

“State” means the State of Victoria, and whose address for service is Level 7, 452 Flinders Street, Melbourne, 3000 (Attention: The Contract Director, EAS Project), facsimile number (03) 9672 7772, or such other address or facsimile number notified to the Lessor from time to time;

“State’s Associates” means any officer, employee, volunteer, agent, contractor, sub-contractor, consultant or adviser of the State, and includes, without limitation:

- (a) Emergency Communications Victoria (“**ECV**”), being the body established under the State Owned Enterprises (State Body – Emergency Communications Victoria) Order 2002 (and any successor body to ECV);
- (b) any Government Agency of the State; and
- (c) any officer, employee, volunteer, agent, contractor, sub-contractor, consultant or adviser of ECV or any Government Agency of the State;

“Statute” means any statute, regulation, proclamation, determination, ordinance or by-law of the Commonwealth of Australia or the State and includes all statutes, regulations,



proclamations, determination, ordinances or by-laws varying consolidating or replacing them and all regulations, proclamations, ordinances and by-laws issued under them;

“Term” means the term of this Lease specified in Item 4 of the Reference Schedule, or such shorter period if this Lease ends before the Date of Expiration.

### 1.3 Interpretation

In this Lease, unless the context otherwise requires:

- (a) headings and underlinings are for convenience only and do not affect the interpretation of this Lease;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, joint venture, association, corporation or other body corporate and any Government Agency;
- (e) a reference to any thing includes a part of that thing;
- (f) a reference to a part, clause, party, annexure, exhibit or schedule is a reference to a part and clause of and a party, annexure, exhibit and schedule to this Lease;
- (g) where the day on or by which any thing is to be done is not a Business Day, that thing must be done on or by the next succeeding day that is a Business Day;
- (h) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Lease or any part of it;
- (i) a covenant or agreement on the part of two or more persons binds them jointly and severally;
- (j) a covenant (whether express or implied) not to do or omit any act or thing to be done will be deemed to extend to an obligation not to permit a third party to do or omit any act or thing to be done;
- (k) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them occurring at any time, whether before or after the date of this Lease; and
- (l) a reference to a person includes a reference to the person’s executors, administrators, receivers, receivers and managers, successors, substitutes (including, without limitation, persons taking by novation) and assigns.

## 2. IMPLIED COVENANTS AND POWERS

### 2.1 Exclusion of Implied Covenants

Any covenants, powers or provisions implied in the leases by section 67 of the Transfer of Land Act 1958 (Vic.) do not apply to this Lease.

**2.2 Contravention of Statute - Severance**

Any provision of this Lease that is void, voidable, unenforceable or invalid because of any Statute or at common law must in any such case and to such extent be severed from this Lease, and this Lease must be read as though such provision did not form part of this Lease at that time.

**3. TERM OF LEASE AND HOLDING OVER**

**3.1 Term of this Lease**

The Lessor leases the Premises to the Lessee for the Term commencing on the Date of Commencement and expiring on the Date of Expiration (or any earlier date on which this Lease is terminated), subject to the provisions of this Lease.

**3.2 Early Termination**

Despite any other term of this Lease, the Lessee may end this Lease at any time by giving to the Lessor a written notice to that effect. If the Lessee gives the Lessor a notice under this clause, then the date specified in that notice will become the Date of Expiration, and this Lease will end on that date. In particular, but without limitation to the effect of this clause:

- (a) the Lessee may be required to obtain planning permits or other permits, consents or approvals for its proposed use of the Premises;
- (b) the Lessee may not have obtained all such permits, consents or approvals before entering into this Lease; and
- (c) the Lessee will need to be able to terminate this Lease if it is not able to obtain such permits, consents and approvals on terms to its satisfaction.

**3.3 Yearly Tenancy - Holding Over**

If the Lessee occupies the Premises after the Date of Expiration (other than pursuant to the grant of a further lease), the Lessee must do so as a yearly tenant for yearly terms thereafter on the same terms and conditions as this Lease as far as they apply to a yearly tenancy. Subject to clause 3.2, either party may terminate such yearly tenancy by giving to the other 1 year's notice expiring on an anniversary of the Date of Expiration.

**3.4 Further Term**

If the Lessee gives the Lessor notice to renew this Lease at least 3 months before the Date of Expiration, then the Lessor must grant to the Lessee a new lease of the Premises (and all other rights under this Lease) for the Further Term commencing on the day after the Date of Expiration. The new lease will be on the same terms as this Lease (varied as necessary so that the new lease applies to the Further Term), and further amended as follows:

- (a) the initial annual rent shall be the rent agreed by the Lessee and the Lessor, or, failing agreement, shall be the rent determined by an expert (with at least 5 years experience valuing rent for premises of the nature of the Premises) nominated by the president (or his nominee) of the Victorian division of the Australian Property Institute Inc. at the request of either party. If an expert is nominated under this clause:
  - (i) the parties must appoint the expert to determine the initial annual rent. A party can appoint the expert on behalf of the other party if the other party fails to do so;

- (ii) the expert must determine the initial annual rent:
  - (A) acting as expert and not an arbitrator; and
  - (B) taking into account the location of the Premises and the Lessee's use of the Premises at the Date of Expiration (but not taking into account the value of the Lessee's Fixtures); and
- (iii) the parties must pay the expert's costs in equal shares.

Pending the determination of the new initial annual rent for the new lease, the Lessee will continue to pay rent at the rate payable on the Date of Expiration; and

- (b) if there is only one Further Term, this clause 3.4 and Item 5 of the Reference Schedule will be deleted.

If this Lease is renewed under this clause, the Lessee must arrange for the new lease to be prepared and the Lessee and the Lessor must sign the new lease within a reasonable time after it is prepared.

#### **4. RENT AND RENT REVIEWS**

##### **4.1 Rent**

The Lessee must pay the Rent to the Lessor during the Term (without demand).

##### **4.2 Payment of Rent**

The Rent must be paid annually in advance to the Lessor or to any other person that the Lessor notifies to the Lessee in writing. The Rent must be paid to the Lessor:

- (a) by cheque at the address specified in Item 7 of the Reference Schedule; or
- (b) if required by the Lessor, by electronic funds transfer ("EFT") to an account nominated to the Lessee in writing, being a bank account in Australia. The Lessor may nominate another bank account during the Term, provided that the bank account is in Australia and the details of the account are notified to the Lessee in writing at least 60 days before the due date for payment of the Rent. Payment of Rent by EFT to the nominated bank account by the due date is a full discharge of the obligation to pay the Rent on that day.

##### **4.3 GST**

- (a) All amounts expressed in this Lease are expressed exclusive of GST.
- (b) If GST has application to any taxable supply made under this Lease, the party making the supply ("**Supplier**") may, in addition to any amount or consideration expressed as payable elsewhere in this Lease, recover from the other party ("**Recipient**") an additional amount on account of any GST payable by the Supplier. Such additional amount is to be calculated by multiplying the amount or consideration payable by the Recipient for the relevant supply by the prevailing GST rate.
- (c) Any additional amount on account of GST recoverable from the Recipient under clause 4.3(b):
  - (i) shall be calculated without any deduction or set off of any other amount; and

(ii) is payable by the Recipient on the later of:

- (A) the date the relevant amount or consideration is payable; and
- (B) the date the Recipient receives an appropriate tax invoice.

**4.4 Operating Expenses**

The Lessee will pay or reimburse any council and water rates and land tax (on a single holding basis) which are separately levied or assessed exclusively and solely on the Premises.

**4.5 Pro Rata Refund of Rent**

If this Lease ends under clause 3.2 or otherwise other than on the end of the Lease Year, the Lessor must immediately refund to the Lessee prepaid Rent or other moneys (including, without limitation, any moneys prepaid under clause 9(c)) on a pro rata, daily basis.

**4.6 Rent Review**

The Rent will be increased annually during the Term on each anniversary of the Date of Commencement to an amount represented by A, where:

$$A = \frac{B}{C} \times D$$

and where:

B = the Index Number for the quarter ending immediately before the relevant review date;

C = the Index Number for the quarter 1 year before the quarter in B;

D = the Rent payable immediately before the relevant review date; and

“**Index Number**” means the Consumer Price Index (All Groups) for Melbourne published by the Australian Bureau of Statistics, or, if that index no longer exists, such other index that the president (or his nominee) of the Victorian division of the Australian Property Institute Inc. determines (at the request of either party) best reflects changes in the cost of living in Victoria.

**5. USE OF PREMISES**

**5.1 Permitted Use**

The Lessee may only use the Premises for the Permitted Use.

**5.2 Adjoining Land**

- (a) The Lessor grants to the Lessee the right to use during the Term so much of the Land as is reasonably required in connection with the Permitted Use or any other works being done by the Lessee on the Premises, including, without limitation, any installation, erection, construction, dismantling, repair, replacement, renewal, maintenance or operation of the Lessee’s Fixtures or any services to the Premises or the Lessee’s Fixtures.
- (b) After using parts of the Land under clause 5.2(a), the Lessee must restore to the reasonable satisfaction of the Lessor the surface of those parts of the Land as near as practicably possible to its state prior to such use by the Lessee.

- (c) The provisions of clause 7.2 will apply to the exercise by the Lessee of its rights pursuant to this clause 5.2.
- (d) If the Plan discloses that part or parts of the Lessee's Fixtures are to be situated outside of the Premises, then the Lessor grants to the Lessee the right to situate that part or parts of the Lessee's Fixtures to those positions outside of the Premises as are shown on the Plan (or positions substantially similar to those positions). The terms and conditions of this Lease will apply, with such changes as are necessary, to those part or parts of the Lessee's Fixtures as if they were contained within the Premises including, without limitation, rights of addition, renewal and relocation of the Lessee's Fixtures.

**5.3 Statutes, Laws and Requirements of Government Agencies**

- (a) Subject to clause 5.3(b), the Lessee must comply promptly with:
  - (i) any Statute and any other law; and
  - (ii) any requirements (including occupational health and safety requirements), notices or orders of any Government Agency having jurisdiction or authority,in respect of:
  - (iii) the Lessee's use of the Lessee's Fixtures, the Premises or the Land;
  - (iv) the Lessee's Fixtures; or
  - (v) services connected by the Lessee to the Lessee's Fixtures or the Premises.
- (b) The Lessee is under no liability to comply with Statutes, laws, requirements, notices or orders that require works of a structural or capital nature to the Premises, except to the extent that compliance is required as a consequence of the Lessee's particular use or occupation of the Premises.
- (c) The Lessor must comply with all Statutes, laws, requirements, notices or orders relating to the Land not required to be complied with by the Lessee under this Lease.

**5.4 Cabling**

The Lessee may install, construct, dismantle, maintain, repair, replace, upgrade and use above or below ground cabling, cabling trays and ancillary equipment on the Land that are reasonably required for the purposes of operating the Lessee's Fixtures or connecting services to the Lessee's Fixtures or the Premises. In exercising its rights under this clause, the Lessee must:

- (a) not cause any lasting material damage to the Land or material interference to the Lessor; and
- (b) after using the Land, restore to the reasonable satisfaction of the Lessor those parts of the Land so used as nearly as practicably to its state prior to use by the Lessee.

The provisions of clause 7.2 will apply to the exercise by the Lessee of its rights under this clause.

**5.5 Storage**

The Lessee may keep hazardous chemicals, flammable liquid or gas on the Premises as may be reasonably necessary for or in connection with the Lessee's use of the Premises. The Lessee must observe and comply with the requirements of any relevant Statute or other law and with

the requirements and directions of any relevant Government Agency relating to the storage, conveyance and use of hazardous chemicals, flammable liquid or gas on the Land.

**5.6 Consents**

The Lessor irrevocably authorises the Lessee to:

- (a) make (at the Lessee's expense) any application for consent or approval to any Government Agency or any other relevant persons to install, construct, dismantle, repair, replace, upgrade or use the Lessee's Fixtures, or to otherwise use or develop the Premises or the Land under and in accordance with this Lease; and
- (b) exercise and procure (at the Lessee's expense) every right of appeal arising from the determination of any such application or the failure to determine the application.

The Lessor must, on request and at the Lessee's expense, sign all documentation and do all such things as the Lessee or any person nominated by the Lessee reasonably requires to authorise or assist the Lessee in its endeavours to obtain the consent or approval from any Government Agency or any other relevant person to the matters referred to in this clause.

**5.7 Non-Contiguous Premises**

If parts of the Premises are non-contiguous, the Lessee may run such above or below-ground cabling, wiring, piping, earthing straps, conduits and support structures over the Land as are necessary for its safe, continuous and proper use of the Premises. In exercising its rights under this clause, the Lessee must:

- (a) not cause any lasting material damage to the Land or material interference with the Lessor; and
- (b) after using the Land, restore to the reasonable satisfaction of the Lessor those parts of the Land so used as nearly as practicably to its state prior to use by the Lessee.

The provisions of clause 7.2 will apply to the exercise by the Lessee of its rights under this clause.

**6. ACCESS TO THE PREMISES**

The Lessor consents to the Lessee and persons authorised by the Lessee (including, without limitation, the State, the State's Associates, the Customers, the Customer's Associates and the Independent Reviewer) without the need for prior notice and with or without materials, plant and other apparatus and vehicles entering the Land for the purpose of:

- (a) using the Premises;
- (b) inspecting or testing the Lessee's Fixtures, the Premises, any services or other equipment installed on the Land, or the suitability of the Premises or the Land for installing the Lessee's Fixtures or services or other equipment on the Land; or
- (c) exercising the Lessee's rights under this Lease,

at all times of the day and night during the Term.

**7. INSURANCE, INDEMNITIES AND RELEASE**

**7.1 Obligation to Insure**

The Lessee must insure against any loss or damage that is commonly covered by public risk or liability insurance in respect of the Premises.

**7.2 Lessee's Release and Indemnities**

- (a) The Lessee agrees to use the Premises at its risk and releases the Lessor to the full extent permitted by law from any claim or demand resulting from any accident, damage or injury occurring at the Premises to the extent that it is caused by any negligent act or omission of the Lessee.
- (b) The Lessee indemnifies the Lessor against any liability for damage or loss to any other person or property to the extent that it is caused by any negligent act or omission of the Lessee, including any damage or loss caused by radio frequency energy emanating from the Lessee's Fixtures.

**7.3 Negligence or Default of Lessor**

The releases and indemnities in clause 7.2 do not apply to any act, matter, thing or consequence if it arises out of any negligence or default of the Lessor.

**8. INSTALLATION AND MAINTENANCE**

**8.1 Repair and Maintenance**

- (a) The Lessee must maintain the Premises in good repair, order and condition during the Term, fair wear and tear and damage by the Lessor or its employees, contractors, agents, customers, licensees, livestock or invitees excepted.
- (b) The Lessor must pay to the Lessee the costs incurred by the Lessee in rectifying any damage caused to the Premises or the Lessee's Fixtures by the Lessor or its employees, contractors, agents, customers, licensees, livestock or invitees.

**8.2 Construction and Alterations**

- (a) The Lessee may at any time or times install, erect, construct, dismantle, repair, replace, renew and maintain upon the Premises:
  - (i) security fencing;
  - (ii) the Equipment Cabin or any buildings as are deemed necessary or required by the Lessee now or in the future to shelter telecommunications equipment;
  - (iii) such Lessee's Fixtures as are deemed necessary or required by the Lessee for or in connection with the Permitted Use now and in the future; and
  - (iv) all connecting appurtenances and other ancillary telecommunications equipment.
- (b) The Lessee must comply with the requirements of any Statute, law or Government Agency having jurisdiction in connection with any works referred to in clause 8.2(a).

**8.3 Ownership of Lessee's Fixtures**

- (a) The Lessee's Fixtures and any other property installed on the Land by the Lessee shall be and remain the property of the Lessee notwithstanding that any part or parts may or become legally affixed to the Premises or to the Land.

- (b) If however for any reason ownership in the Lessee's Fixtures or any other property installed on the Land by the Lessee becomes vested in the Lessor:
  - (i) such property will be treated for the purposes of this Lease as being owned by the Lessee; and
  - (ii) the Lessor must do all things necessary to permit the Lessee to use and deal with such property as if the Lessee owns it.
- (c) The Lessor reserves the right to request the Lessee, at reasonable notice, to remove its Fixtures or any other property installed on the land, in the event that augmentation of the Lessor's equipment is required.

**9. ELECTRICITY SUPPLY**

- (a) The Lessor must at the Lessee's request and cost provide to the Lessee the ability to connect and install such electrical supply and earthing equipment at the Premises using the most practicable direct route to an electricity supply (including making provision for and allowing connection to emergency back-up power) as is necessary for the safe continuous use of the Lessee's Fixtures.
- (b) The electricity supply must (to the extent that this is possible) be made through a dedicated usage meter so that the Lessee is directly accountable to the relevant authority for payment of electricity consumed by it on the Premises.
- (c) If the electricity supply cannot be made through a dedicated usage meter, the Lessee may at its cost connect the Premises to the electricity supply at a switchboard most convenient to the Premises. If the electricity supply is connected in this manner, on each day the Rent is payable, the Lessee must pay to the Lessor the amount stated in Item 9 of the Reference Schedule by way of reimbursement to the Lessor for the cost of electricity used on the Premises during the forthcoming year of the Term.

**10. DEFAULT**

**10.1 Default by Lessee**

If the Lessee:

- (a) commits a breach of any of its obligations under this Lease; and
- (b) has not remedied that breach within thirty (30) days after the Lessor gives to the Lessee written notice of that breach,

then the Lessee must pay to the Lessor all costs, losses and damage that the Lessor may suffer or incur in connection with the breach. The Lessor acknowledges that, subject to clause 10.2:

- (c) the obligation to pay such costs, losses and damage is a sufficient and adequate remedy for any breach of this Lease; and
- (d) the Lessor will not have the right to terminate this Lease for non-performance or failure to remedy a breach by the Lessee.

**10.2 Repudiation and Termination**

If, despite clause 10.1, the Lessor has the right at law to terminate this Lease, whether due to a repudiation of this Lease or otherwise, the Lessor must not terminate this Lease or accept a



repudiation by the Lessee under this Lease, without first complying with the following procedure:

- (a) the Lessor must notify the Lessee and the State in writing of the default pursuant to which the Lessor proposes to terminate this Lease;
- (b) the Lessor must permit the Lessee, the State and the State's Associates to:
  - (i) if the default is capable of remedy, remedy the default; or
  - (ii) if the default is not capable of remedy, pay reasonable compensation to the Lessor in lieu of remedying the default, such compensation to be agreed by the Lessor, the State and the Lessee (or, if such persons cannot agree, such compensation as determined by an expert nominated by the president for the time being of the Australian Property Institute Inc. (or his nominee) at the request of either person to determine such compensation. The Lessor and the Lessee must share the costs of such expert equally);
- (c) if:
  - (i) the default is not remedied within 60 days after the Lessor gives a notice under clause 10.2(a) (or such longer period as is reasonable in the circumstances); or
  - (ii) the compensation agreed or determined under clause 10.2(b)(ii) is not paid within 30 days after it is agreed or determined,

the Lessor may terminate this Lease at any time before the default is remedied or the compensation is paid by notice in writing to that effect to the Lessee and the State.

**10.3 Effect on Rights or Liabilities**

Termination of this Lease under clause 10.2 or otherwise does not affect the rights or liabilities of the parties in relation to any cause of action accruing prior to termination.

**10.4 End of Lease**

The Lessee must at the expiration or sooner termination of the Term (unless there is in place after this Lease a further lease between the Lessor and the Lessee), or any holding over period or such other date as the Lessor and the Lessee agree in writing:

- (a) remove from the Premises and the Land:
  - (i) those items of the Lessee's Fixtures and any other items installed by the Lessee on the Land that the Lessee elects to remove; and
  - (ii) those items that the Lessor notifies the Lessee in writing at least 2 months before the Term that the Lessor requires the Lessee to remove;
- (b) repair any damage caused in the removal of the Lessee's Fixtures; and
- (c) otherwise leave the Premises in the condition required by the terms of this Lease.

**11. NOTICES**

**11.1 Method of Service**

Any notice to be given under this Lease by one of the parties to the other must be in writing and be given for all purposes by delivery in person, by pre-paid post or by facsimile addressed to the receiving party at the address or facsimile number set out in:

(a) Item 7 of the Reference Schedule in the case of the Lessor; and

(b) Item 8 of the Reference Schedule in the case of the Lessee,

or such other address or facsimile number notified by a party under clause 11.3.

**11.2 Time of Service**

Any notice given in accordance with this Lease will be deemed to have been duly served in the case of posting at the expiration of two Business Days after the date of posting and in the case of facsimile, on the first Business Day after the date of transmission (providing the sending party receives a facsimile machine verification report indicating that the notice has been transmitted).

**11.3 Change of Address**

A party may at any time change its address, postal address or facsimile number by giving notice to the other party.

**12. ASSIGNMENT**

**12.1 Lessee Not to Assign**

The Lessee must not assign this Lease except:

(a) under clause 12.2; or

(b) with the prior written consent of the Lessor under clause 12.3.

**12.2 Assignment to a Related Body Corporate or the State of Victoria**

The Lessee may without the Lessor's consent assign this Lease to a Related Body Corporate of the Lessee, the State of Victoria or a nominee of the State of Victoria.

**12.3 Assignment to Others**

The Lessee may assign this Lease with the prior written consent of the Lessor, which consent must not be unreasonably withheld or delayed if the new tenant is a respectable, responsible and solvent person, capable of carrying out the Lessee's obligations under this Lease, and the Lessee is not in breach of this Lease.

**12.4 Procedure on Assignment**

If this Lease is assigned by the Lessee under this clause 12:

(a) the Lessee must procure the new tenant to sign a covenant to comply with the Lessee's covenants under this Lease on and from the date of assignment; and

(b) the Lessor must sign a covenant releasing the Lessee from its obligations under this Lease on and from the date of assignment.

**12.5 Assignment by Lessor**

If the Lessor sells the Premises or the Land or otherwise assigns its interest in this Lease, the Lessor must first:

- (a) in the case of an assignment, obtain the written consent of the State to the assignment; and
- (b) obtain a covenant (in a form approved by the Lessee (acting reasonably)) from the purchaser or assignee under which the purchaser or assignee covenants to be bound by this Lease and to comply with the Lessor's obligations under this Lease as if it were named as the Lessor in this Lease.

**13. LESSOR'S COVENANTS**

**13.1 Quiet Enjoyment**

The Lessor grants to the Lessee at all times during the Term quiet enjoyment of the Premises and the right to peaceably hold and enjoy the Premises during the Term without any interruption by the Lessor or any person rightfully claiming through the Lessor.

**13.2 No Radio Interference**

The Lessor must not itself knowingly or knowingly permit any third party to do anything on or above or below the Land which is likely to cause radio frequency interference or which obstructs, interrupts or impedes the Lessee's use of the Premises without first obtaining the written consent of the Lessee, which consent must not be unreasonably withheld. In the event of the Lessee advising the Lessor of any breach of this clause, the Lessor must immediately remove such interference, and must indemnify the Lessee against any loss, costs and damages that the Lessee may suffer or incur as a consequence of any such interference.

**13.3 Support**

The Lessor must provide and ensure that during the Term, there is provided all necessary rights of support from the Land as may be reasonably required for the Lessee's Fixtures and the Lessee's use of the Premises, the Lessee's Fixtures or the Land.

**13.4 Mortgagee's and Head Lessor's Consents**

If:

- (a) the Lessor has mortgaged or charged its interest in the Premises or the Land; or
- (b) the Lessor's interest in the Premises or the Land is as a sub-tenant,

the Lessor must:

- (c) if clause 13.4(a) applies, obtain an unqualified consent to this Lease from any such mortgagees and chargees in the form attached in Schedule 2, or, if required by the mortgagee, such alternative form approved by the Lessee; and
- (d) if clause 13.4(b) applies, obtaining the consent to this Lease from all head-lessors of the Premises or the Land in the form attached in Schedule 3.

**14. MISCELLANEOUS**

**14.1 Governing Law**

Subject to clause 14.2, the laws of the State of Victoria govern this Lease and the Lessor and the Lessee submit to the non-exclusive jurisdiction of the Courts of that state.

**14.2 Schedule 3 of the Act**

This Lease is without prejudice to the Lessee's rights under Schedule 3 of the Act, which rights continue to apply. To the extent that this Lease authorises an activity, the Lessor confirms that it waives any requirement that it be given notice of that activity under Schedule 3 of the Act.

**14.3 Entire Agreement**

This Lease:

- (a) is the entire agreement and understanding between the parties on everything connected with the subject matter of this Lease; and
- (b) supersedes any prior agreement or understanding on anything connected with that subject matter.

Each party has entered into this Lease without relying on any representation by any other party or any person purporting to represent that party.

**14.4 Lessor's Request**

Unless otherwise stated, if the Lessor's consent or approval is required, the Lessor must consider the request promptly and be reasonable in giving or refusing its consent or approval. If the Lessor does not respond to a request within 14 days, it will be deemed to have consented to the request

**14.5 Costs**

Each party must pay their own costs in connection with this Lease.

**14.6 Registration of Caveat**

The Lessee may:

- (a) register a caveat at the Land Registry or protect its interest in this Lease; or
- (b) register this Lease at the Land Registry.

The Lessor must do all things necessary to assist the Lessee in carrying out its rights under this clause, including (if necessary) by signing all documents, obtaining any necessary consents and making the certificate of title to the Land available at the Land Registry.

**14.7 No Variation or Termination without State's Consent**

The Lessor must not without the prior written consent of the State terminate (other than under clause 10.4), amend or vary this Lease.

**14.8 The Lessor reserves the right to be recognised as a 'major sponsor' of the Lessee's operations for the term of the Lease and enjoy the benefits of which this status provides.**



SCHEDULE 1

Plan of Premises



Ground Lease 5 Beech Forest Lavers Hill Road, Beech Forest.DOC

SCHEDULE 3

Head-Lessor's Consent

**Mr Rob Small, CHIEF EXECUTIVE OFFICER, COLAC OTWAY SHIRE**

*(insert head-lessor's details)*

being the or a head-lessor of the Premises of the Land described in the Lease to which this consent is attached:

1. consents to that Lease:
2. undertakes to the Lessee in the Lease that:
  - (a) if it becomes the Lessor under this Lease or becomes entitled to exercise the rights of the Lessor under the Lease (including without limitation, any rights under clause 10 of the Lease), it will exercise such rights in a manner consistent with the provisions of, and the Lessee's rights under, the Lease; and
  - (b) if the head-lease under which the Lessor under the Lease is entitled to grant the Lease is terminated, it will grant the Lessee a direct lease of the Premises (together with all other rights in relation to the Premises of the Land set out in the Lease) on the same terms and conditions as the Lease for the residue of the Term (including, without limitation, the right for any Further Term).

Dated this xx day of <Month> 20xx

Executed as a deed

|                                                                                                                                                                             |                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>EXECUTED by</b> _____ )<br>in accordance with section 127 of the Corporations Act 2001 )<br><br>_____<br>Director <i>(sign)</i><br><br>_____<br>Full Name <i>(print)</i> | _____) )<br>_____) )<br><br>_____<br>Director <i>(sign)</i><br><br>_____<br>Full Name <i>(print)</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|

|                                                                                                                              |  |
|------------------------------------------------------------------------------------------------------------------------------|--|
| <b>SIGNED SEALED AND DELIVERED</b> _____ )<br>by _____ )<br>in the presence of _____ )<br><br>_____<br>Witness <i>(sign)</i> |  |
|------------------------------------------------------------------------------------------------------------------------------|--|



Delivered by LANDATA®. Land Victoria timestamp 20/04/2012 12:46 Page 1 of 2

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PLAN OF SUBDIVISION  
PART OF CROWN ALLOTMENT 7 SECTION 9  
PARISH OF ELLIMINYT  
COUNTY OF POLWARTH

**Measurements are in Feet & Inches**

### Conversion Factor

FEET X 0.3048 = METRES

CHART NO. 2.

LP 52816

EDITION 3

APPROVED 5/12/60

**COLOUR CODE**

E-1= BLUE

E-2 = BROWN

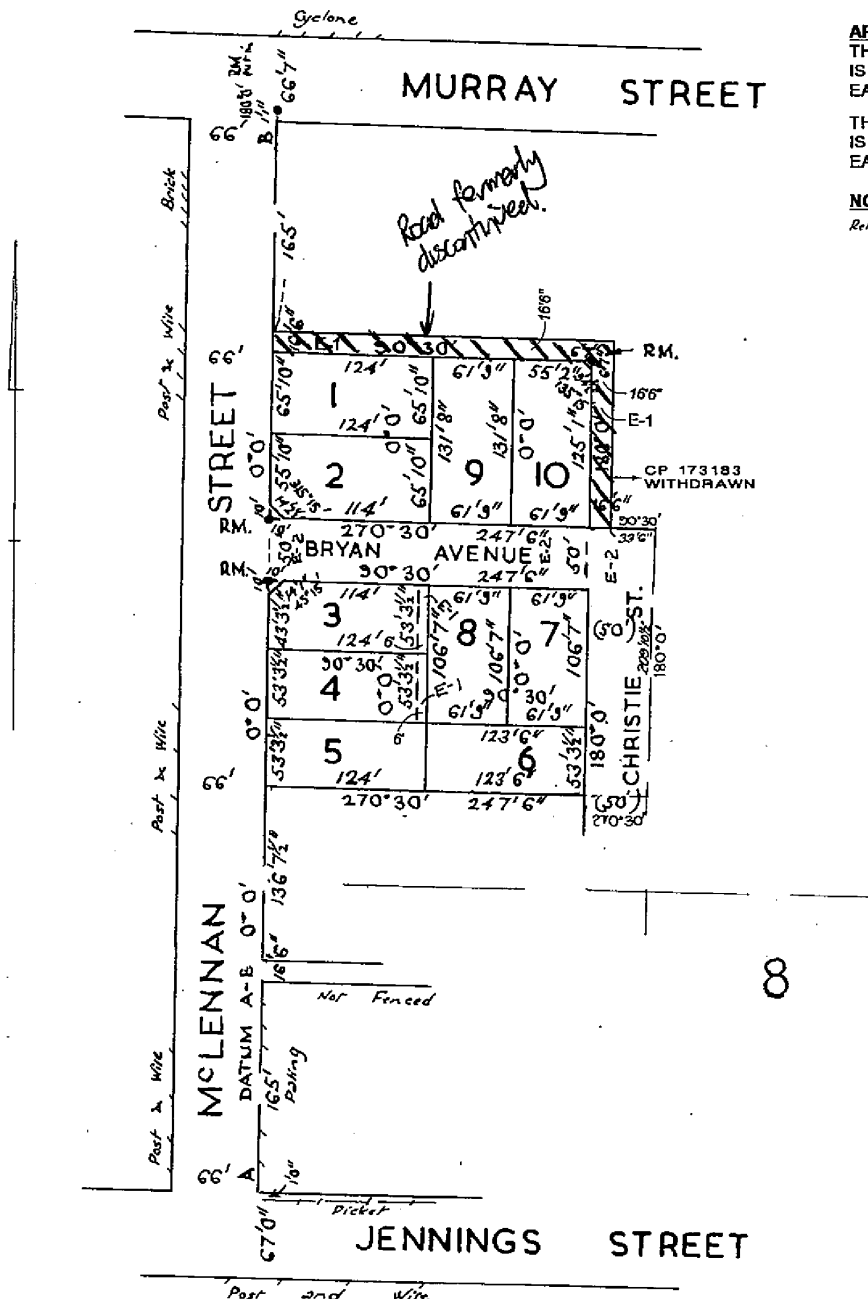
### **APPROPRIATIONS**

**THE LAND COLOURED BLUE  
IS APPROPRIATED OR SET APART FOR  
EASEMENTS OF DRAINAGE**

THE LAND COLOURED BROWN  
IS APPROPRIATED OR SET APART FOR  
EASEMENTS OF WAY & DRAINAGE

## NOTATIONS

Reference Marks are Galv. Iron Pipes 12" x 3/4".





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|                                                                                                                                                                                                                                                              |                                                                                    |                   |                                                              |                                                           |                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TITLE PLAN</b>                                                                                                                                                                                                                                            |                                                                                    | <b>EDITION 1</b>  |                                                              | <b>TP 944155R</b>                                         |                                                                                                                                                                     |
| <b>LOCATION OF LAND</b><br>PARISH: ELLIMINYT<br>TOWNSHIP:<br>SECTION: 9<br>CROWN ALLOTMENT: 7 (PT)<br>CROWN PORTION:<br>LAST PLAN REFERENCE: LP 52816<br>DERIVED FROM: VOL. 8240 FOL. 584<br>DEPTH LIMITATION: NIL                                           |                                                                                    |                   |                                                              | <b>NOTATIONS</b>                                          |                                                                                                                                                                     |
| <b>EASEMENT INFORMATION</b><br>E - ENCUMBERING EASEMENT, R - ENCUMBERING EASEMENT (ROAD), A - APPURTENANT EASEMENT.                                                                                                                                          |                                                                                    |                   |                                                              |                                                           | THIS PLAN HAS BEEN PREPARED<br>BY LAND VICTORIA FOR<br>TITLE DIAGRAM PURPOSES<br><br>Checked by: A. DALLAS<br><br>Date: 12/11/2009<br>Assistant Registrar of Titles |
| Easement<br>Reference                                                                                                                                                                                                                                        | Purpose / Authority                                                                | Width<br>(Metres) | Origin                                                       | Land benefited / In favour of                             |                                                                                                                                                                     |
| LOT 1<br><br>LOT 1                                                                                                                                                                                                                                           | AS PROVIDED FOR IN<br>SECTION 528 (2) (e)<br>LOCAL GOVT. ACT. 1958<br><br>DRAINAGE | SEE<br>PLAN       | SECTION 528 (2) (e)<br>LOCAL GOVT. ACT. 1958<br><br>LP 52816 | COLAC AND DISTRICT<br>WATER BOARD<br><br>LOTS ON LP 52816 |                                                                                                                                                                     |
| <p style="text-align: center; font-weight: bold; font-size: 1.2em;">MURRAY STREET</p> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">Mc LENNAN STREET</p> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">LOT 1</p> |                                                                                    |                   |                                                              |                                                           |                                                                                                                                                                     |
| LENGTHS ARE IN<br>METRES                                                                                                                                                                                                                                     |                                                                                    | SCALE<br>—        | DEALING / FILE No: AG862390A                                 |                                                           | DEALING CODE:                                                                                                                                                       |
|                                                                                                                                                                                                                                                              |                                                                                    |                   | GOVERNMENT GAZETTE No:                                       |                                                           | SHEET 1 OF 1                                                                                                                                                        |

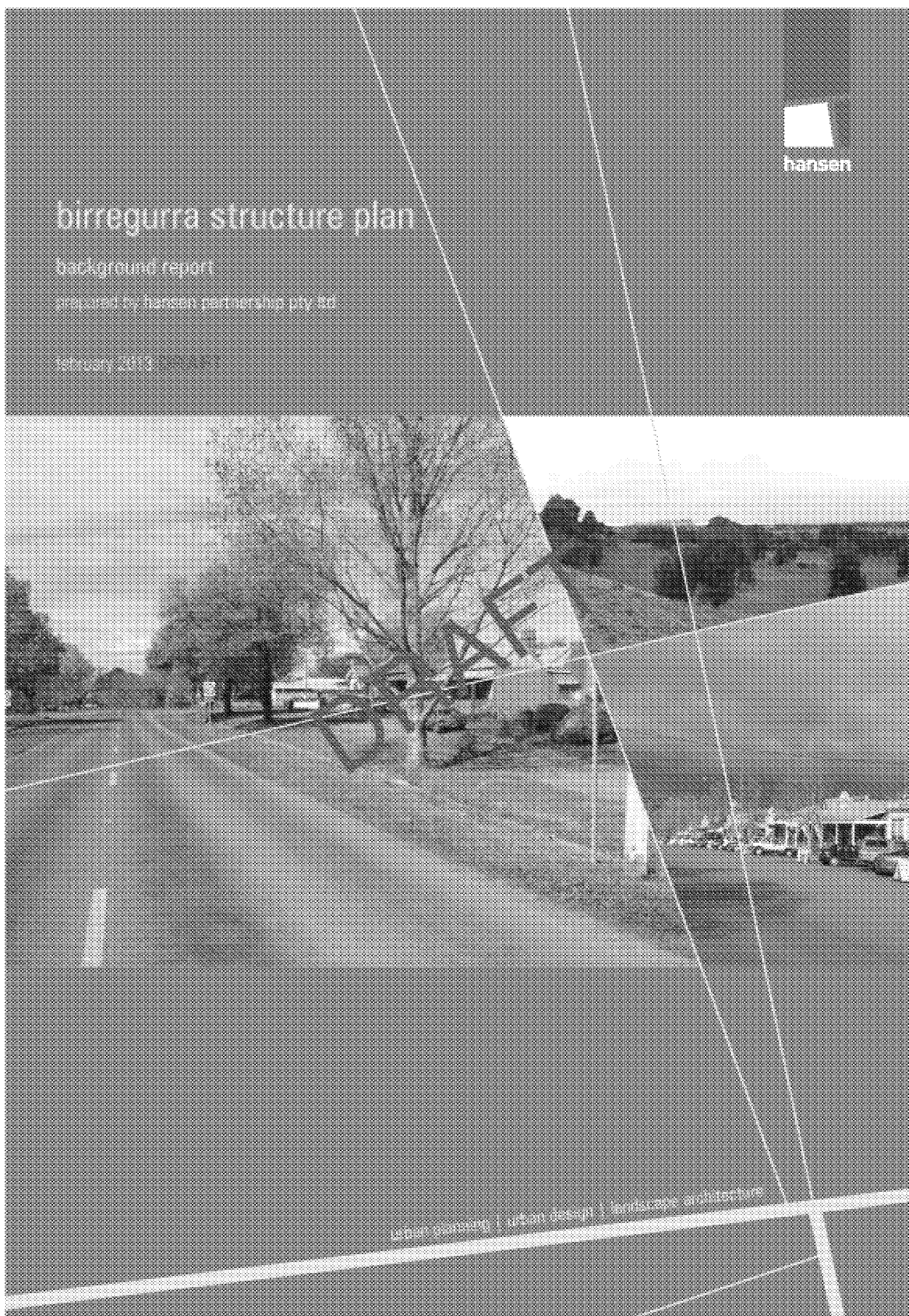


**Schedule**

| <b>Address</b>                                  | <b>Property</b>                                          | <b>Benefit Units</b> | <b>Estimated Cost</b> | <b>Final Cost</b>    |
|-------------------------------------------------|----------------------------------------------------------|----------------------|-----------------------|----------------------|
| 194 Sinclair Street South                       | C/A 24 Section A                                         | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 200 Sinclair Street South                       | C/A 23 Section A                                         | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 204 Sinclair Street South                       | Lot 1 LP71879 C/A Pt.22 Section A                        | 0.65                 | \$ 5,588.00           | \$ 5,485.83          |
| 208 Sinclair Street South                       | Lot 2 LP71879 C/A Pt.22 Section A                        | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 212 Sinclair Street South                       | C/A 21 Section A                                         | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 218 Sinclair Street South                       | C/A 20 Section A                                         | 0                    | \$ -                  | \$ -                 |
| 222 Sinclair Street South                       | Lot 1 TP587211W                                          | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 226 Sinclair Street South                       | CP160454                                                 | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 232 Sinclair Street South                       | C/A 1 Section H                                          | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 238 Sinclair Street South                       | Lot 1 TP779415                                           | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 246 Sinclair Street South                       | Lot 1 PS513219K (C/A 6 Section H)                        | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 275 Sinclair Street South                       | Lot 2 PS510563K                                          | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 285 Sinclair Street South                       | Lot 2 LP308326D                                          | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 295 Sinclair Street South                       | Lots 1 & 2 PS523188 (Includes 240 Cants Road, Elliminyt) | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 303 Sinclair Street South                       | C/A 12 Section K                                         | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 313 Sinclair Street South                       | C/A 13 Section K                                         | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 323 Sinclair Street South                       | C/A 14 & 15 Section K                                    | 1                    | \$ 8,656.47           | \$ 8,439.74          |
| 232 Pound Road                                  | C/A Pt.26 Section A                                      | 0.75                 | \$ 6,492.35           | \$ 6,329.81          |
| 248 Pound Road                                  | Lot 3 PS517162R                                          | 0.75                 | \$ 6,492.35           | \$ 6,329.81          |
| 200 Cants Road                                  | PC366956                                                 | 3                    | \$ 25,969.41          | \$ 25,319.22         |
| 120 Irrewillipe Road                            | C/A 10 Section H                                         | 0.75                 | \$ 6,492.35           | \$ 6,329.81          |
| <b>Total</b>                                    |                                                          | <b>20.9</b>          | <b>\$ 180,881.51</b>  | <b>\$ 176,390.57</b> |
| <b>Council Contribution (Community Benefit)</b> |                                                          |                      | <b>\$ 102,118.49</b>  | <b>\$ 99,582.38</b>  |
| <b>Total Cost of the Project</b>                |                                                          |                      | <b>\$ 283,000.00</b>  | <b>\$ 275,972.95</b> |









## acknowledgements

### steering committee

The members of the Birregurra Structure Plan Steering Committee are thanked for their considerable contribution and guidance:

- Cr Brian Crook, Councillor Colac Otway Shire
- Doug McNeill, Manager Planning and Building Colac Otway Shire
- Don Lewis, Senior Strategic Planner Colac Otway Shire
- Gemma Browning, Strategic Planner Colac Otway Shire
- Ian Seuren, Manager Recreation Arts and Culture Colac Otway Shire
- Greg Fletcher, Manager Health and Community Services Colac Otway Shire
- Paula Gardiner, Manager Capital Works Colac Otway Shire
- Mick Cosgriff, Economic Development Officer Colac Otway Shire
- Greg Hayes, Regional Planner Department of Planning and Community Development

- Sarah Handscomb
- George Johnson
- Vicki Jeffrey
- Phillip Kennon
- Christine West

### project team

- Hansen Partnership
  - David Barnes: Project Director and Urban Planner
  - Suzannah Bigolin: Project Manager and Urban Planner

### community reference group

Members of the Birregurra Structure Plan Community Reference Group are thanked for their time and contribution to the project as well as their valuable township insights.

- Gary Battye
- Fiona Brandscheid
- Ian Court
- Paul Dewry
- Geoff Downard
- Peter Falkiner
- Ian Fox



## contents

|     |                                                        |    |      |                                            |    |
|-----|--------------------------------------------------------|----|------|--------------------------------------------|----|
| 1   | introduction .....                                     | 1  | 8.1  | character .....                            | 27 |
| 1.1 | background .....                                       | 1  | 8.2  | heritage .....                             | 27 |
| 1.2 | report structure .....                                 | 1  | 8.3  | structure plan implications .....          | 28 |
| 1.3 | study area .....                                       | 1  | 9    | landscape & natural environment .....      | 31 |
| 2   | regional context .....                                 | 3  | 9.1  | biodiversity .....                         | 31 |
| 3   | local context .....                                    | 3  | 9.2  | topography and important sight lines ..... | 31 |
| 4   | policy context .....                                   | 5  | 9.3  | land constraints .....                     | 31 |
| 4.1 | state planning policy .....                            | 5  | 9.4  | agriculture .....                          | 31 |
| 4.2 | regional policy .....                                  | 8  | 9.5  | floods .....                               | 31 |
| 4.3 | local planning policy .....                            | 9  | 9.6  | structure plan implications .....          | 32 |
| 4.4 | existing zones and overlays .....                      | 12 | 10   | transport and access .....                 | 35 |
| 4.5 | structure plan implications .....                      | 18 | 10.1 | structure plan implications .....          | 35 |
| 5   | demographic profile .....                              | 19 | 11   | community infrastructure .....             | 38 |
| 5.1 | population .....                                       | 19 | 11.1 | open space and recreation .....            | 38 |
| 5.2 | age profile .....                                      | 19 | 11.2 | community services .....                   | 38 |
| 5.3 | household structure .....                              | 19 | 11.3 | structure plan implications .....          | 38 |
| 5.4 | household type .....                                   | 19 | 12   | physical infrastructure and services ..... | 40 |
| 5.5 | home ownership .....                                   | 20 | 12.1 | water, sewerage and drainage .....         | 40 |
| 5.6 | employment profile .....                               | 20 | 12.2 | structure plan implications .....          | 40 |
| 5.7 | household income .....                                 | 20 | 13   | community engagement .....                 | 41 |
| 6   | residential land supply and demand<br>assessment ..... | 21 | 13.1 | issues .....                               | 41 |
| 6.1 | structure plan implications .....                      | 22 | 13.2 | opportunities .....                        | 41 |
| 7   | economic profile .....                                 | 23 |      |                                            |    |
| 7.1 | commercial land .....                                  | 23 |      |                                            |    |
| 7.2 | industrial land .....                                  | 24 |      |                                            |    |
| 7.3 | tourism .....                                          | 24 |      |                                            |    |
| 7.4 | structure plan implications .....                      | 24 |      |                                            |    |
| 8   | character and heritage .....                           | 27 |      |                                            |    |

## appendices

appendix 1: residential land supply and demand  
assessment



## list of figures

figure 1: study area

figure 2: context plan

figure 3: existing zoning

figure 4: existing overlays

figure 5: land use and activity

figure 6: existing character areas

figure 7: heritage

figure 8: agricultural capability

figure 9: natural landscape and environment

figure 10: access and movement

figure 11: community services and infrastructure

DRAFT





## 1 introduction

### 1.1 background

Colac Otway Shire Council engaged Hansen Partnership, a planning, urban design and landscape architecture consultancy, to work with key stakeholders and the local community in preparing a Structure Plan for the township of Birregurra.

Birregurra is a small country town located in the Colac Otway Shire approximately 20 kilometres east of Colac. In 2005 Birregurra was selected by the State Government to participate in its Innovation Project – Country Town Water Supply and Sewerage Program. The rollout of reticulated sewerage has now been completed by Barwon Water.

Historically, development in Birregurra has been limited by the absence of reticulated sewerage, which has resulted in the retention of large allotment sizes, sufficient to allow for septic tanks. It is anticipated that connection of the township to reticulated sewerage will facilitate the subdivision of lots previously considered too small to manage and treat their own wastewater. It is therefore likely that there will be pressure for more intensive residential development within Birregurra once sewerage is available. Thus, there is a need for a Structure Plan to be prepared in order to manage and plan for the future development of Birregurra. Effective management of any increase in residential development is considered essential in order to enhance and protect the valued rural character of Birregurra.

It is acknowledged that this Background Report builds upon and borrows heavily from earlier structure planning work undertaken by CPG in 2010. Rather than revisiting the previous strategic studies this Structure Plan intends to identify and build on the recommendations made throughout the existing documentation.

### 1.2 report structure

The Birregurra Structure Plan consists of two documents:

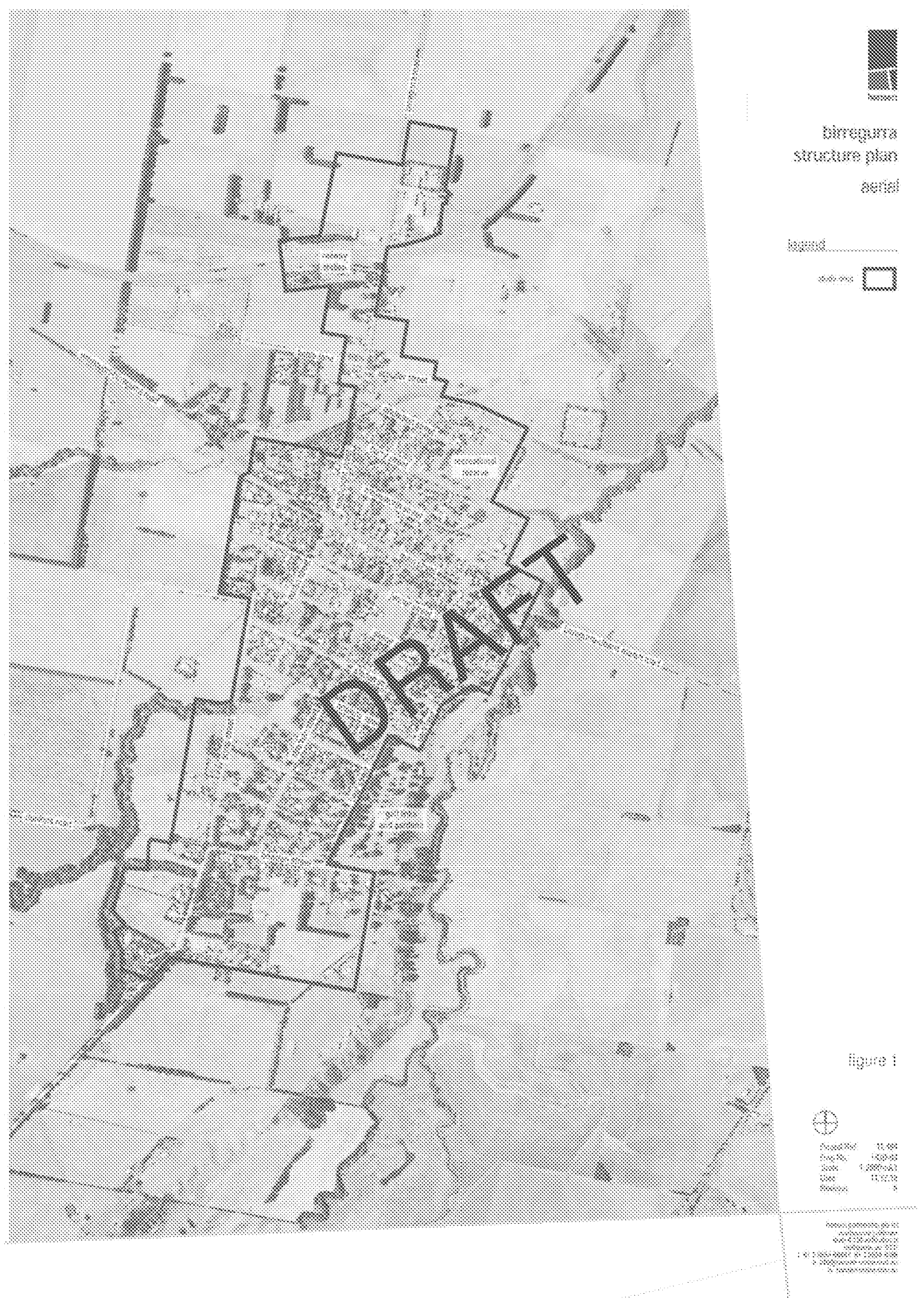
- Background Report; and
- Structure Plan Report.

This Background Report provides a summary of both the broader regional context, and the demographic and policy context in which the Structure Plan is undertaken. It provides the background to the influences on development in Birregurra, exploring key issues and opportunities for the final Structure Plan. The Background Report is intended to provide a base of information, primarily gathered through desktop analysis, site visits and stakeholder and community engagement, which will inform the development of the Birregurra Structure Plan.

### 1.3 study area

The core study area for the Birregurra Structure Plan focuses on:

- The existing township boundary, which includes land within the Township Zone and Low Density Residential Zone;
- The golf course and other recreation facilities within the township; and
- The railway station and land within the Industrial 1 Zone to the north of town on Birregurra Road.





## 2 regional context

The township of Birregurra is located approximately 60 kilometres south-west of Geelong and 130 km south-west of Melbourne within the Colac Otway Shire (refer Figure overleaf).

Birregurra is located between service centres, approximately 19 kilometres east of Colac, and a tourist route to the Otways. Given its relative proximity to Colac, the township provides a small town lifestyle that aligns with its existing low population levels and limited services and facilities. Its natural beauty and historic charm, as well as its strong community spirit, create a character that is unique to Birregurra. With a variety of housing stock, Birregurra provides an alternative to living in a larger town in the Shire or in Geelong, which is within commuting distance to the township.

The role of Birregurra as an attractive lifestyle destination within the region is likely to continue to grow as a result of the recent construction of the Geelong Bypass. The duplication of the Princes Highway between Geelong and Winchelsea will also improve travel times to and from Birregurra for tourists and residents working in the surrounding region. Likewise the sewerage of the township is also likely to provide for additional development potential within the town.

Birregurra's proximity to Colac and Geelong and to the coast, contributes to the attractiveness of the township as a tourist destination and gateway to the Otways and the Great Ocean Road. The growing seasonal influx of visitors provides important business development and employment opportunities as people explore Birregurra for accommodation and recreation.

## 3 local context

The Colac Otway Shire is primarily rural with a range of settlements including the major urban centre of Colac and the coastal township of Apollo Bay. A large proportion of the Shire is made up of State Forest and National Park.

Birregurra is one of the Shire's small rural townships located approximately 6 kilometres south of the Princes Highway (refer figure overleaf). Road access to Birregurra is by Warncoort – Birregurra Road from the west and Birregurra Road from the Princes Highway in the north. Access from the east is via Birregurra – Deans Marsh Road (Deans Marsh and Lorne) and from the south it is Birregurra - Forrest Road.

While these roads are not classified as highways, they are major roads, which provide important linkages between coastal and inland communities. It is noted that all approaches to the township are through high quality, productive farming land which has significant economic importance to the town.

Traditionally Birregurra was a centre for the timber and farming industries. While the town continues to be rural based, it is also home for a number of people who commute to Lorne, Colac and Geelong for work.

The settlement and land use patterns of Birregurra generally are defined by natural and physical features. The location of the railway line has guided the location of industry, the floodplains have resulted in the location of parks and open space. The overall topography of the area has influenced lot size and orientation to maximise views, particularly at the southern end of the town where land is elevated. Undoubtedly, a key driver in the settlement patterns of Birregurra has also been the lack of reticulated sewerage and its impact on lot size.



Birregurra is an established town with limited but vital services including:

- ✧ A Primary School
- ✧ A community health centre
- ✧ Post Office / Rural Transaction Centre
- ✧ Police Station
- ✧ Country Fire Authority facilities

The Birregurra Railway Station to the north of the town is as an important public transport link for residents travelling to and from Warrnambool, Geelong and Melbourne with three daily services. The railway station precinct, in association with the Birregurra Timber Mill and the former butter factory, create a gateway into the town along Birregurra Road



## 4 policy context

### 4.1 state planning policy

#### 4.1.1 state planning policy framework

The State Planning Policy Framework (SPPF) of the Colac Otway Planning Scheme seeks to implement the Objectives of Planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*).

The following provisions of the State Planning Policy Framework are particularly relevant to the Birregurra Structure Plan.

#### Clause 11.02-1 Supply of Urban Land

The objective of Clause 11.02-1 is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

The strategies of Clause 11.02-1 include:

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*
- *Restrict low density residential development that would compromise future development at higher densities.*
- *In order to accommodate urban growth, planning should consider:*
  - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
  - *Neighbourhood character and landscape considerations.*

- *The limits of land capability and natural hazards and environmental quality.*
- *Service limitations and the costs of providing infrastructure.*

#### Clause 11.05-1 Regional settlement networks

This clause promotes the sustainable growth and development of regional Victoria through a network of settlements.

Under this clause urban growth is directed to the major regional cities of Geelong, Ballarat, Bendigo and the Moe, Morwell and Traralgon cluster. Growth is also supported in other regional centres such as Ararat and Colac.

In regard to other settlements the clause seeks to:

- *Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.*
- *Provide for growth in population and development of facilities and services across a region or sub-regional network.*
- *Deliver networks of high-quality settlements by:*
  - *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
  - *Developing networks of settlements that will support resilient communities and the ability to adapt and change.*
  - *Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.*
  - *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
  - *Encouraging an integrated planning response between settlements within regions and in adjoining regions and states.*



- *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs.*
- *Improving connections to regional and metropolitan transport services and urban connectivity.*

#### Clause 11.05-4 Regional Planning Strategies and Principles

The objective of Clause 11.05-4 is to develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.

The principles of Clause 11.05-4 include:

- *Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.*
- *Avoiding development impacts on land that contains high biodiversity values, landscape amenity, water conservation values, food production and energy production capacity, extractable resources and minerals, cultural heritage and recreation values, assets and recognised uses.*
- *Providing adequate and competitive land supply, including urban regeneration, redevelopment and greenfield sites, to meet future housing and urban needs and to ensure effective utilisation of land.*

Other relevant clauses are summarised below:

- Clause 11.03 Open space

Clause 11.03 sets out strategic directions relating to the provision and protection of open space. It also addresses issues around how these spaces should be managed.

- Clause 12.01 Biodiversity

This clause seeks to protect various elements which contribute to biodiversity, including native vegetation, native fauna and habitat which houses this fauna, through reducing identified threats and creating links to allow improved movement for species. The clause seeks to achieve what is known as a 'net gain' in relation to native vegetation.

#### Clause 12.04 significant environments and landscapes

Significant landscapes such as the coast are encouraged to be protected under this clause, as well as protection of broader landscapes which contribute to "character, identity and sustainable environments".

#### Clause 13.02 Floodplains

Requires the identification of floodplains so that natural systems are protected and ensures that there is not overly intensive uses or development established in areas affected by flooding.

#### Clause 13.03-2 Erosion and landslip

This clause seeks to prevent inappropriate development in erosion prone or possible landslip areas.

#### Clause 13.05 Bushfire

Aims to strengthen community resilience to bushfire. The clause prioritises the protection of human life over other policy considerations in planning and decision-making and seeks to apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

#### Clause 14.01 Agriculture

The protection of productive farmland which is of strategic significance in the local or regional context is the primary objective of this clause. The need to prevent the permanent loss of the State's agricultural base due to changes of land use is identified.

#### Clause 14.02 Water

Assists in the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment. Given a number of waterways traverse Birregurra key strategies under this clause include:

- *Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise*

*erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.*

- *Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.*
- *Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.*
- *Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their in stream uses.*

#### Clause 15.01 Urban environment

This clause relates primarily to 'urban design' matters and seeks to "create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity." To this end a series of principles are set out which should guide development. Of key importance is the responsiveness of development and planning to the particular location and site context of an area.

#### Clause 15.02 Sustainable development

Energy efficiency and the minimisation of greenhouse gas emissions through building and subdivision design, urban consolidation and the provision of public transport is the aim of this clause.

#### Clause 15.03 Heritage

This clause seeks to identify and protect places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value, both indigenous and post-contact.

#### Clause 16.01 Residential development

This clause seeks to ensure an appropriate mix of housing typologies in residential development. It also directs that new development should be provided in a way that facilitates integrated development, both in relation to infrastructure but also access to services and transport corridors. The clause pursues both consolidation of

housing in or near to Activity Centres or on 'key strategic redevelopment sites' and provision of different types of housing to respond to community needs.

#### Clause 17.01 Commercial

This clause seeks to encourage development which meets particular community's needs for retail, entertainment, services and employment within locations that are accessible by sustainable transport modes or otherwise clustered for efficient access. Activity Centres are nominated as the primary location for the concentration of commercial and business activity.

#### Clause 17.02 Industry

Clause 17.02 seeks to protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development. The clause also seeks to ensure there is an adequate supply of industrial land in appropriate locations.

#### Clause 17.03 Tourism

This clause facilitates tourism development on the basis of maximising the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

The clause encourages a range of well-designed and sited tourist facilities, access to suitable transport and building upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

#### Clause 18.01 Integrated transport

Clause 18.01 aims to develop land use patterns which are appropriately integrated with the provision of public transport. In addition, the co-ordination of different modes of transport and consolidation around areas with good access to public transport is encouraged.

#### Clause 18.02 Movement networks

Aims to increase access and improve attractiveness of both cycling and walking, as well as other sustainable forms of transport.



#### Clause 19.02 Community infrastructure

This clause outlines the overarching principles that should guide the planning of community infrastructure including the location and planning of hospitals, education facilities etc. and seeks to ensure the distribution of this infrastructure occurs in an equitable manner.

#### Clause 19.03 Development infrastructure

Under this Clause it is suggested that 'Development Contribution Plans' be prepared and implemented to ensure that contributions can be collected to provide for appropriate infrastructure. The clause also seeks to ensure that sewerage, water and drainage infrastructure is provided in a way that is sustainable and meets the needs of the community. Water Sensitive Urban Design is also encouraged as a method of dealing with impacts of storm water run-off from existing and new development.

#### 4.1.2 future farming (2008)

The Victorian Government's Future Farming Strategy aims to "encourage innovation, increase productivity and make the farming sector even more competitive through the use of new technology and farming practices".

The Strategy proposes State government involvement across a number of areas of the farming industry, including: research and development, building skills, climate change planning, management of weeds and pests, land and water, targeted social support, and investment in rail freight and infrastructure. In addition to the message of the State government's support for farmers and the farming industry, the Strategy is most likely to impact on land use planning through proposals relating to the management of land and water, and potentially, in some areas, through investment in rail freight and infrastructure.

#### 4.1.3 Coastal Spaces Landscape Assessment Study (2006)

The Coastal Spaces Landscape Assessment Study is a comprehensive assessment of visually significant landscapes along the Victorian coast. The Study assesses the visual and scenic amenity of Victoria's non-urban

coastline. The work identifies appropriate measures in planning schemes to manage future growth and change along the coast.

### 4.2 regional policy

The following Regional policies and strategies have relevance to Birregurra.

#### G21 Regional Growth Plan 2011

The G21 Geelong Region Plan is a sustainability plan for the region that looks toward 2050. It identifies and addresses the challenges the region will face in the areas of environment, settlement, land use, community strength and economy as well as the need for change in the way we make things happen.

The key elements of that Plan that are of particular relevance to the Structure Plan include:

- Reinforcing Geelong as the Regional City (100,000+ people).
- Identifying Colac as a Regional Centre (20,000+ people) which must grow to continue to provide a range of services to surrounding areas.
- Identifying the area surrounding Winchelsea to Colac as having a significant agricultural role and supporting a number of small towns, such as Forrest and Birregurra, which provide important housing lifestyle options and niche tourism activity.
- Recognising that the region's other rural and coastal settlements will continue to experience modest growth and play an important tourism and agricultural role to surrounding areas. Growth will be limited to identified structure plan settlement boundaries.
- Growth of other municipality towns limited to existing settlement boundaries with some minor growth consistent with Colac Otway Shire Rural Living Strategy (e.g. Birregurra) (p. 51).





#### Corangamite Regional Catchment Strategy (RCS) 2003-2008

The Regional Catchment Strategy (RCS) for 2003-2008 provides long-term direction for managing the future of land, water resources, biodiversity and seascape of the Region, and the foundation for investment decisions to ensure improved natural resource outcomes.

The RCS is currently being reviewed and updated by the Corangamite CMA.

#### Great Ocean Road Region Landscape Assessment Study (GORRLAS) 2004

The Strategy focuses on the sustainable development of the Great Ocean Road region through balanced and managed growth of selected towns along the coast and inland.

The Strategy is built around four key directions:

- ✧ Environment: Protect the landscape and care for the environment.
- ✧ Settlement: Manage the growth of towns.
- ✧ Access: Improve the management of access and transport.
- ✧ Prosperity: Encourage sustainable tourism and resource use.

### 4.3 local planning policy

#### 4.3.1 colac otway planning scheme lppf

The Local Planning Policy Framework (LPPF) provides direction on the future use and development of land within the Birregurra township and environs. It is broadly accepted that most growth within the wider municipality will occur in Colac and Apollo Bay, and that less intensive residential and township development will take place in other smaller settlements, in a manner that contributes to the social and economic development of those townships.

#### Clause 21.03-4 Birregurra (Colac Otway Planning Scheme)

This clause recognises that:

*“Over the years the population of Birregurra has been affected by a range of events including a reduction of services available within the township and fluctuating agricultural markets. Development pressures, high costs of accommodation for tourists and workers and an increase in tourist numbers in Lorne and other coastal communities has seen more people exploring towns such as Birregurra for accommodation and recreation. This seasonal influx of visitors provides important business development and employment opportunities within Birregurra.”*

The objectives of this clause are:

- ✧ To facilitate development of Birregurra as a community with a viable economic future.
- ✧ To maintain and enhance the quality of Birregurra as an attractive residential environment.
- ✧ To facilitate the provision of infrastructure to support the development of Birregurra in an environmentally sensitive way.

Clause 21.03-4 contains the following strategies:

- ✧ Identify and protect historical and other key features of the community.
- ✧ Require all new development to provide for the retention and absorption of wastewater within the boundary of any lot in accordance with the Septic Tanks Code of Practice, subject to provision of a new sewerage scheme.
- ✧ Limit rural residential development to the south west of the town.
- ✧ Encourage commercial development in the existing centre to be sympathetic to existing streetscapes.
- ✧ Encourage the development of small-scale economic activity which complements the resources and industries of the region and which encourages tourism.
- ✧ Encourage the location of small-scale tourist accommodation facilities in the community.



- Facilitate new industries related to the existing sawmill.
- Retain Birregurra's heritage assets as important components of its character and attractiveness.

#### 4.3.2 adopted policies, plans and strategies

##### Birregurra and Forrest Community Infrastructure Plan (2012)

The Community Infrastructure Plan assesses the community infrastructure needs of the townships of Birregurra and Forrest. It also provides concept plans for the delivery of the identified infrastructure over the short, medium and long term.

In regard to Birregurra, the Plan recommends the following community infrastructure changes:

- Construction of a shared paved footpath to the Railway Station.
- Landscaping enhancements at the threshold to the township.
- Pause place to define the western threshold to the town centre.
- Streetscape enhancements in the front of the Main Street shops including seating, bicycle racks and landscaping.
- Part of the Primary School site to be used as a community garden.

The Community Infrastructure Plan also identifies proposals, opportunities and additional studies that would benefit future community infrastructure development. For Birregurra these are:

- Improvements to the heritage trail.
- Activities for teenagers, including potential to build upon the existing Birregurra Skate Park facilities.
- Facilities for older people.
- The re-establishment of the Tiger Rail Trail.

##### Birregurra Recreation Reserve Masterplan (2012)

This recently completed report provides guidance in enhancing and improving facilities and amenities for the benefit of the community.

The masterplan sets out the following vision for the Reserve:

- "Birregurra Recreation Reserve provides an integrated, healthy and welcoming sporting and community precinct for the town and the surrounding district."

The plan also establishes a series of improvement principles and future priorities.

##### Colac Otway Shire Open Space Strategy (2011)

The Open Space Strategy identifies a need to meet the requirements for open space as Birregurra expands. This includes:

- 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.
- Encourage linear open space links along waterways.

##### Colac Otway Rural Living Strategy (2011)

The purpose of this Strategy is to provide a land use framework to guide current and future rural settlements and rural living within the Shire. Recognising physical and environmental constraints, community aspirations, government policy directions and key issues of land use planning, the Strategy identifies areas appropriate for rezoning to rural living throughout the Shire, and for review of small town settlement boundaries.

The report addresses a range of issues which are relevant to the assessment of land supply and demand in Birregurra.

Of particular relevance to this Structure Plan, the Strategy recognises that given the level of existing infrastructure and lack of environmental constraints, Birregurra is one of the few settlements in the Shire which has the ability to accommodate future growth. Birregurra is therefore designated as having 'moderate growth potential' and the Strategy suggests that the Birregurra Structure Plan will determine the detailed planning recommendations.

#### Colac Otway Heritage Study (2003)

The Heritage Study contains a series of recommendations relating to the places identified as cultural heritage importance or significance within the Colac Otway Shire. Such places include buildings, plantings, memorials, industrial sites and archaeological remains that range from public buildings, halls, and schools, to places that represent aspects of the shire's economic development through the pastoral, timber, dairying and tourist industries. This resulted in an amendment that introduced a Heritage Overlay to several individual sites in Birregurra and the Main Street Precinct.

#### Birregurra Neighbourhood Character Study (2012)

The Birregurra Neighbourhood Character Study was prepared in anticipation of the township being connected to reticulated sewerage. That document recommends minimum lot sizes for various Character Areas in the township, which have been used in this assessment to estimate potential supply of new dwellings.

The study identifies five preferred character areas (A-E) within Birregurra as follows:

##### • Preferred Character Area A:

Reflects the strong heritage quality of buildings along Main Street and corresponds with the Heritage Overlay that applies to the full length of Main Street. New dwellings will generally be located to either end of Main Street away from the commercial core, but can also be considered on a site-by-site basis.

##### • Preferred Character Area B:

This area will gradually evolve into a mixed character, with a range of housing styles and moderately smaller lot sizes

compared to other areas. Existing buildings are sited closer to property boundaries and have a higher site coverage.

##### • Preferred Character Area C:

This area will retain its more traditional township character through greater setbacks from property boundaries, lower site coverage and resulting increase in area for landscaping opportunities.

##### • Preferred Character Area D:

This area will provide a transition from the semi-rural area south of Birregurra to the more traditional township area south of Main Street. Due to the greater distance from Main Street, undulating topography and potential for smaller lot subdivision that would impact the character of the area, multi-dwelling development is explicitly discouraged. The infill opportunities will include redevelopment of existing properties and subdivision of large allotments, with each new lot requiring a street frontage.

##### • Preferred Character Area E:

As this area is entirely within the Low Density Residential Zone (LDRZ) it is not possible to subdivide into lots of less than 4,000m<sup>2</sup> and only one dwelling can be constructed per lot. The area could only be further developed if a planning scheme amendment to rezone the land was passed by Colac Otway Shire Council and approved by the Department of Planning and Community Development. Due to the distance from Main Street and other services such as the railway station and sporting fields, it is not an area that should be included within the Township Zone in the short term.

A series of objectives, decision guidelines, minimum lots sizes and possible layout diagrams are provided for each preferred character area.

The following table summarises minimum lots sizes for single dwellings and multi-unit development lots from the Neighbourhood Character Study



Table 1: Birregurra Neighbourhood Character Study minimum lot sizes

| Character Area | Min. Lot Size Single Dwelling | Min. Lot Size Multi-Unit Development |
|----------------|-------------------------------|--------------------------------------|
| A              | 1,000sqm                      | 500sqm                               |
| B              | 700sqm                        | 500sqm                               |
| C              | 1,000sqm                      | 600sqm                               |
| D              | 1,000sqm                      | discouraged                          |
| E (LDRZ)       | 4,000sqm                      | n/a                                  |

#### Colac Otway Shire Rural Land Strategy (2007)

This report details the outcomes of the review of rural land. The Strategy:

- Reviews the biophysical and environmental aspects of the Shire including land use, soils land suitability, water, salinity, flooding, erosion and minerals.
- Reviews the agricultural industries including farm viability and rural activities.
- Reviews the timber plantation industry.
- Provides appropriate planning scheme responses.

Land surrounding Birregurra is classed as having medium agricultural capability. It is not within the 'Farmland of

Strategic Significance' and is consequently not considered of high regional significance.

#### Birregurra Park Masterplan (2007)

Outlines key projects for the redevelopment of the park in line with feedback from residents. Nineteen submissions were received and incorporated into the Birregurra Park Master Plan and the Plan was then approved by the Birregurra Community Group.

Highlights of the plan are the provision of new barbeque facilities in the centre of the park next to the creek, improved pathway linkages through the park, consolidation of the playground equipment, tree plantings to provide important shade and upgrades to power.

#### 4.4 existing zones and overlays

Land use and development decisions are made based on planning controls that apply to land, which are intended to reflect the directions of strategic planning. The primary planning controls are the zone and overlays that apply to land.

The relevant zones and overlays to the Birregurra Structure Plan are described below.



| zone                         | purpose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Low Density Residential Zone | To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.                                                                                                                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>A permit is required to subdivide land. Each lot must be at least 0.4 hectare.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Township Zone                | <ul style="list-style-type: none"> <li>To provide for residential development and a range of commercial, industrial and other uses in small towns.</li> <li>To encourage residential development that respects the neighbourhood character.</li> </ul>                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>The Township Zone provides for a variety of uses applicable to small towns, primarily residential but also including a range of commercial, industrial and other uses.</li> <li>A permit is required to subdivide land. There is no minimum lot size. Each lot must be provided with reticulated sewerage, if available. If not available there are specific conditions which must be met.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Industrial 1 Zone            | <ul style="list-style-type: none"> <li>To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner, which does not affect the safety and amenity of local communities.</li> </ul>                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>The IN1Z applies to land to the north of town whereby industrial activities are located adjacent to farming and rural residential properties. The purpose of this zone is to locate uses that can carefully co-exist with more sensitive uses such as residential uses. A range of uses including service industry, mechanics, cabinet makers, distribution and storage can be accommodated in this zone.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Farming Zone                 | <ul style="list-style-type: none"> <li>To provide for the use of land for agriculture.</li> <li>To encourage the retention of productive agricultural land.</li> <li>To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.</li> <li>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</li> <li>To protect and enhance natural resources and the biodiversity of the area.</li> </ul> | <p>The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.</p> <p>In this zone:</p> <ul style="list-style-type: none"> <li>Farming is the dominant land use and all other land uses are subordinate to farming.</li> <li>Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment.</li> <li>Non-farm dwellings and land uses not related to farming are discouraged, to reduce their impact on decision making by farmers to make land purchases for farm investment.</li> <li>Farm-related tourism and retailing uses may be considered.</li> <li>Uses that could lead to the loss or fragmentation of productive agricultural land, or which could be adversely affected by farming activities, are prohibited.</li> <li>Land subdivision that could take farmland out of production or limit future farming productivity is discouraged.</li> </ul> |



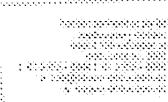
| zone                                  | purpose                                                                                                                                                                                                                                                                                                                                                                                                                                               | comments                                                                                                                                                                                                                                                                |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>× A permit is required to subdivide land. In Colac Otway Shire the minimum lot size for land south of the Princess Highway is 40 hectares and for land north of the Princes Highway it is 80 hectares.</li> </ul>                |
| Public Park and Recreation Zone       | <ul style="list-style-type: none"> <li>◦ To recognise areas for public recreation and open space.</li> <li>◦ To protect and conserve areas of significance where appropriate.</li> <li>× To provide for commercial uses where appropriate.</li> </ul>                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>× The PPRZ is applied to areas of parks and river environs which are provided for public access and enjoyment. PPRZ land is generally managed by Council or a Committee of Management if it is Crown Land.</li> </ul>            |
| Public Conservation and Resource Zone | <ul style="list-style-type: none"> <li>◦ To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.</li> <li>◦ To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.</li> <li>× To provide for appropriate resource based uses.</li> </ul> | <ul style="list-style-type: none"> <li>× The Public Conservation and Resource Zone is intended to set out appropriate statutory requirements which may apply to the use and development of the land in addition to the relevant land management legislation.</li> </ul> |

| overlay                                   | purpose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | comments                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Heritage Overlay (Clause 43.03)           | <ul style="list-style-type: none"> <li>◦ To conserve and enhance heritage places of natural or cultural significance.</li> <li>◦ To conserve and enhance those elements which contribute to the significance of heritage places.</li> <li>× To ensure that development does not adversely affect the significance of heritage places.</li> <li>◦ To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.</li> </ul> | <ul style="list-style-type: none"> <li>× The requirements of this overlay apply to heritage places specified in the schedule to this overlay.</li> <li>× A heritage place includes both the listed heritage item and its associated land.</li> </ul>                                                                                              |
| Erosion Management Overlay (Clause 44.01) | <ul style="list-style-type: none"> <li>◦ To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>× An application must be accompanied by a Land Stability Assessment Report prepared by a professionally qualified consultant unless otherwise demonstrated by a professionally qualified consultant to the satisfaction of the responsible authority that the site is of low risk of landslide.</li> </ul> |
| Floodway Overlay (Clause 44.03)           | <ul style="list-style-type: none"> <li>× To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.</li> </ul>                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>× A permit is required to construct all buildings and works and to subdivide land within the Floodway Overlay.</li> </ul>                                                                                                                                                                                  |

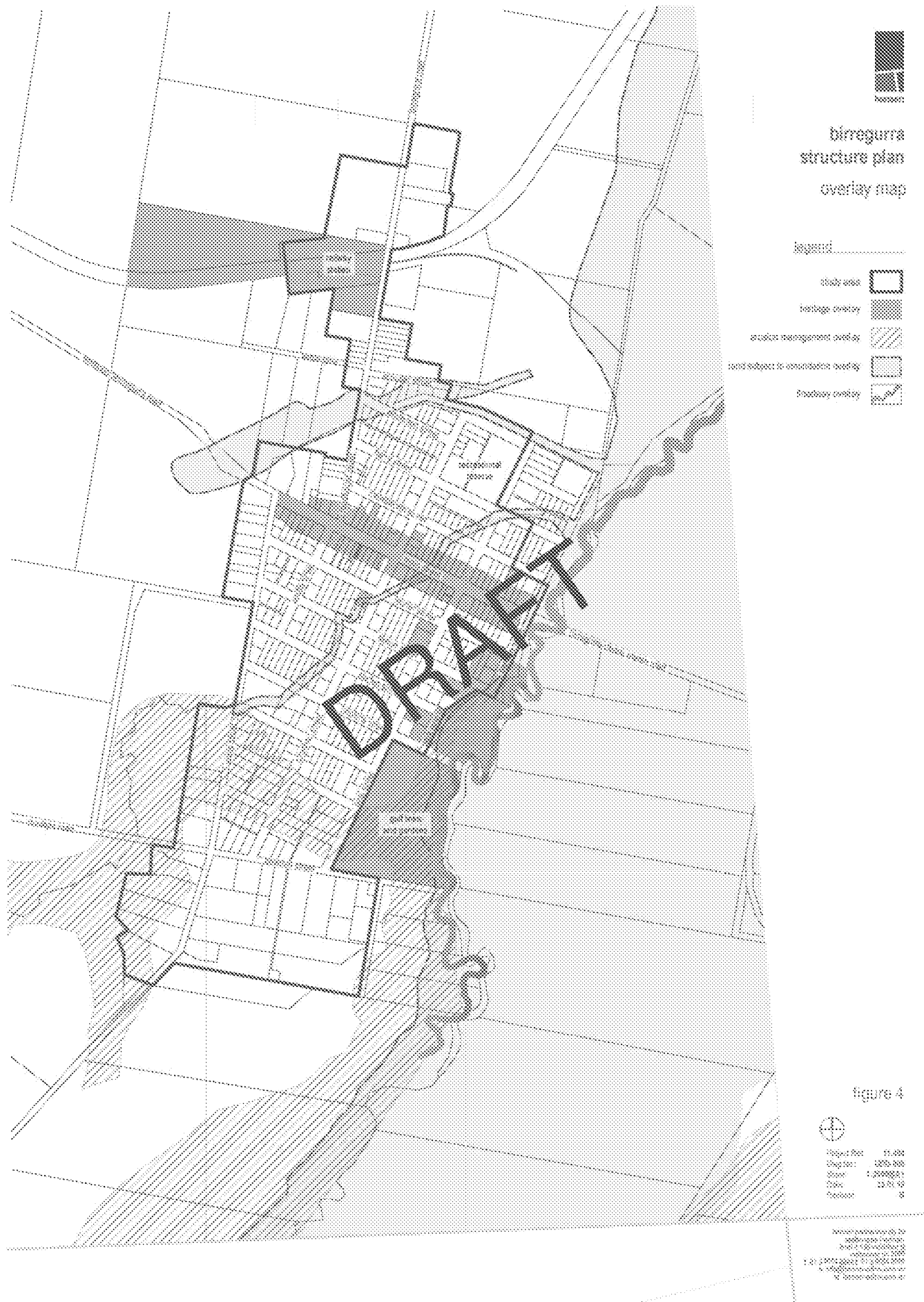




| overlay                                           | purpose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                   | <ul style="list-style-type: none"> <li>◦ To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.</li> <li>× To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.</li> <li>× To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).</li> <li>× To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.</li> </ul>                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Land Subject to Inundation Overlay (Clause 44.04) | <ul style="list-style-type: none"> <li>× To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood, any other area determined by the floodplain management authority.</li> <li>◦ To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.</li> <li>× To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.</li> <li>× To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).</li> <li>× To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.</li> </ul> | <p>Planning approval is generally required for all buildings and works and to subdivide land.</p> <p>Minor exemptions exist for:</p> <ul style="list-style-type: none"> <li>× Flood mitigation works carried out by Council or the floodplain management authority.</li> <li>◦ Laying of underground infrastructure lines provided they do not alter the topography of the land.</li> <li>× Erection of telephone or power lines provided they do not involve the construction of towers or poles.</li> <li>× Post and wire and post and rail fencing.</li> </ul> |









## 4.5 structure plan implications

The key directions to emerge from the State Planning Policy framework can be summarised as follows:

- ✧ Planning authorities are required to plan to accommodate projected populations over at least a 15 year period on a municipal wide basis.
- ✧ Ensure effective planning and management of the land use and development of an area through the preparation of strategic plans, statutory plans, development and conservation plans, development contribution plans and other relevant plans.
- ✧ Maintain and provide for the enhancement of environmental health and productivity of rural and hinterland landscapes.
- ✧ Consider fire hazards in bushfire risk environments to avoid intensifying the risk of wildfire through inappropriately located or designed uses or developments.
- ✧ Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
- ✧ Assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.
- ✧ Plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.
- ✧ Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.
- ✧ Facilitate the location of health-related facilities (including acute health, aged care, disability services and community care facilities) with consideration given to demographic trends and the existing and future demand requirements.

The key directions for the Structure Plan from local planning policies can be summarised as follows:

- ✧ Facilitate the development of the various settlements in the Shire in accordance with the needs of each local community (Clause 21.03-1).
- ✧ Improve the viability of small townships within the Shire by acknowledging future planning needs to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure (Clause 21.03-8).
- ✧ Provide opportunities for rural residential development in appropriate locations that do not negatively impact on the ability to farm (Clause 21.03-9).
- ✧ Ensure the municipality's natural resources are managed in a sustainable manner (Clause 21.04-1).
- ✧ Protect and enhance water catchments, water quality and water yield (Clause 21.04-2).
- ✧ Ensure native vegetation and other significant stands of vegetation are maintained and protected across the municipality (Clause 21.04-3).
- ✧ Salinity is a significant threat to the municipality and land management practices that protect soil resources from degradation should be promoted (Clause 21.04-4).
- ✧ To identify areas susceptible to landslip and ensure development proposals do not increase the possibility of landslip on the land and adjacent land (Clause 21.04-5).
- ✧ The Shire contains various landscapes which have been recognised as being important to protect for their environmental, cultural, social and economic significance.
- ✧ The landscape character types within the Shire identified in the Great Ocean Road Region Landscape Assessment should be protected (Clause 21.04-8).
- ✧ Maintain the viability of agricultural land within the municipality for agricultural uses (Clause 21.05-1).
- ✧ To ensure timber plantations are located in areas best suited in terms of environmental, social, economic and capability impacts whilst having regard to adjacent land uses (21.05-2)

## 5 demographic profile

The demographic information presented in this Section is based in ABS 2011 data for the Birregurra Urban Centre / Locality, the boundaries of which are shown in Figure 1 below.

Figure 1: Birregurra Urban Centre / Locality



The Birregurra, Urban Centre / Locality generally consists of all land within the Township Zone, south of the railway line and north of Bowden Street, as well as land in the Low Density Residential Zone south of Bowden Street.

### 5.1 population

At the time of the 2011 ABS census, the enumerated population of the township of Birregurra was 475 people.

### 5.2 age profile

The age profile of Birregurra is mixed with approximately 21.3% of the population being children aged between 0-14 years, and 31.6% of the population aged 55 years and over. This has increased substantially since the 2006 Census, reflective of the community aging. Birregurra's median age is 43 years, similar to that of the wider municipality. This indicates that the majority of the town currently consists of individuals of working age.

### 5.3 household structure

Household size in Birregurra is generally small. The average household was 2.3 people at the time of the 2011 ABS Census.

There are a large proportion of houses in Birregurra containing single persons (38%) in comparison with the municipality (29%). This profile could be reflective of a growing number of commuting professionals and tradespeople settling in Birregurra as a lifestyle choice; or alternatively a higher proportion of elderly people living alone.

### 5.4 household type

At the time of the 2011 Census, 239 private dwellings were recorded in Birregurra, with 84% (201) occupancy, compared to 73% occupancy for the wider municipality. This higher rate of occupancy in Birregurra may highlight more permanent residence than compared to other parts of the municipality, such as Apollo Bay, where holiday homes are more popular.

Of the occupied private dwellings counted in Birregurra on Census night, 100% were separate houses. This lack of diversity in comparison with the wider Shire and/ or the State could be attributed to the lack of sewerage infrastructure which has historically limited supply of small lots and multi-unit dwellings.





### 5.5 home ownership

Approximately 46% of the occupied homes in Birregurra were fully owned at the time of the 2011 Census, with another 37% in the process of being purchased. This is higher than the municipality where approximately 38% of occupied homes on Census night were fully owned.

### 5.6 employment profile

In 2011, 35% of persons aged 15 or older in Birregurra were employed full-time, 22% were employed part-time, 3.7% were employed but away from work, 6% were employed but did not state their hours worked and 3% were unemployed.

Reflective of the type of job market in the Colac Otway region, the most common occupations were Professionals, Labourers, Managers, Community and Personal Service Workers, and Sales.

Of Birregurra population of 475 people, 373 undertake voluntary work for an organization or group. This equates to 78.5% of the township's population, which is substantially higher than rest of the Shire and indeed the State, which is reflective of the high community engagement noted earlier.

### 5.7 household income

The household income for Birregurra is quite variable. Overall the recorded medium household income was slightly higher for Birregurra (\$928) in comparison with the rest of the Shire (\$914).

However, this may be characteristic of a household structure with a predominance of single person households.

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## 6 residential land supply and demand assessment

A detailed residential land supply and demand assessment has been undertaken to inform the preparation of the Structure Plan. A copy of the complete assessment is included in Appendix 1.

Key conclusions from that assessment are summarised as follows:

- Birregurra is recognised as a small rural settlement with modest growth capacity by State and Local policy.
- The State Planning Policy Framework states that planning authorities should plan to accommodate projected population growth over at least a 15 year period, albeit this is on a municipal basis.
- The Birregurra Neighbourhood Character Study was prepared in anticipation of the township being connected to reticulated sewerage. That document recommended minimum lot sizes for various Character Areas within the township, which have been used in the assessment to estimate the potential supply of new dwellings.
- The maximum potential supply of new dwellings from existing vacant lots and lots developed with dwellings is estimated to be between 401 and 678 new dwellings, based on recommended minimum lot sizes for single dwellings and medium density dwellings respectively. Of those, there are presently 107 vacant lots that are immediately available for development.
- The potential likelihood of these dwellings being developed is variable and has been taken into consideration in estimating the future potential supply. It has been assumed that vacant land is easier to develop than lots that contain a dwelling. Thus this assessment assumes that 75% of vacant lots will be developed and 25% of existing lots with dwellings will be developed.
- Depending on the amount of dwellings that are developed as medium density dwellings, there is a potential supply ranging from approximately 198 to 320 new dwellings within the township. Of those, 17 dwellings are estimated to be able to be accommodated within land that is presently zoned Low Density Residential Zone.
- Based on historic trends there is an estimated average annual demand for around 4 to 5 new dwellings per year. If this trend continues over a 20 year period, this equates to demand for between 80 and 100 new dwellings.
- Future growth in Birregurra is likely to be positively influenced by improvements to infrastructure, including reticulated sewerage and rail and road links. The degree to which these physical changes will influence growth is unknown. Three scenarios have been used to model a range of estimates for future dwelling requirements. Such estimates are based on historic growth rates and the potential effect of physical infrastructure improvements.
- If dwelling approvals were assumed to double, there would be an estimated demand for around 9 dwellings per year, which would equate to around 180 new dwellings to 2031.
- More optimistic scenarios for the township might see the rate of growth increasing between 15 to 21 dwellings per year. This would equate to the need for between 300 and 420 new dwellings to 2031.
- Should Birregurra's current growth rates continue, there is a potential future dwelling supply ranging from 39 to 64 years.
- Should the current growth rates double, there is a potential future dwelling supply ranging from 22 to 35 years.
- If the high growth scenario eventuates, there is potential for at least 9 to 15 years supply of new dwellings available within the current boundaries of the township.



## 6.1 structure plan implications

- ✦ Given the potential available dwelling supply within Birregurra, historic growth rates and the unknown potential arising from reticulated sewerage provision, it is considered that there is no need for additional residential land to be zoned at the present time.
- ✦ However, Council should monitor dwelling approvals and house and vacant land sales over the next 3 years as the sewerage system is rolled out. This will enable Council to ascertain what impacts reticulated sewerage provision has on residential demand in Birregurra.
- ✦ If no resubdivision is occurring or there is a shortage of vacant lots on the market, only then should Council consider the possibility for a rezoning to allow for an expansion of urban area of the township.
- ✦ Council should encourage resubdivision and consolidation within existing township boundaries.
- ✦ Council should provide for a diversity of housing product to respond to the changing needs of the community.
- ✦ The Structure Plan should identify potential locations for future residential expansion in order to protect future long term planning options.
- ✦ There is a need to establish guiding principles to identify potential areas for residential expansion.

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## 7 economic profile

### 7.1 commercial land

The commercial town centre of Birregurra serves an important role as a key local destination for basic convenience shopping facilities, and also as a key service centre for the surrounding local catchment, including a range of non-retail commercial, community, administrative and cultural functions. Birregurra's Main Street is the social hub of the township and plays a fundamental role in generating a sense of identity for the surrounding community.

Containing an assortment of retail shops, Main Street includes a general store, deli, several cafes, post office, antiques store, pharmacy and a hotel. However, in terms of places for evening dining, Birregurra is limited in its choices. Several people in the community have expressed a frustration at having to drive to Deans Marsh or even Colac for evening meals.

#### 7.1.1 existing floor space

Birregurra currently has 15 businesses operating in Main Street. It is estimated that the floorspace occupied by these businesses is around 1,500 sqm. With a current population (2011) of around 475, this equates to about 3 sqm of floor space per person, although much of this floorspace would seem to be relatively underutilised.

#### 7.1.2 future floor space

The following table provides population scenarios for the next 20 years based on the residential demand assessment.

Assuming the population increases to between 683 and 1,329 persons, if a similar floorspace ratio was to be retained, this would equate to around 550 to 2,400 sqm metres of additional floorspace. Assuming a site coverage of around 30%, between 1,600 sqm and 8,000 sqm of land would be required to accommodate that floorspace. This would equate to around one to four of the traditional 2,000 sqm lots that were originally created in Birregurra.

It should be noted that these scenario estimates are optimistic and are likely to overstate the amount of commercial floorspace / land required in Birregurra. Typically retail floorspace is provided at a ratio of around 2 sqm per person, with only a small amount of that (around 0.2 to 0.4 sqm per person) being provided at the local or neighbourhood level.

However the above estimates provide a basis to consider whether or not sufficient land exists in or adjacent to the existing commercial core of the town, to accommodate possible additional retail and related commercial development.

| 2031                                 | current<br>growth rates | scenario 1 | scenario 2 | scenario 3 |
|--------------------------------------|-------------------------|------------|------------|------------|
| total dwellings                      | 339                     | 419        | 539        | 659        |
| occupied dwellings                   | 285                     | 352        | 453        | 554        |
| total persons                        | 683                     | 845        | 1,087      | 1,329      |
| future floorspace (sqm)              | 2,049                   | 2,535      | 3,261      | 3,987      |
| existing floorspace (occupied) (sqm) | 1,500                   | 1,500      | 1,500      | 1,500      |
| short fall from existing (sqm)       | 549                     | 1,035      | 1,761      | 2,487      |



## 7.2 industrial land

Industrial activities within Birregurra are primarily confined to the Timber Mill located at the northern entrance to the town, as well as a number of low intensity, serviced based industrial uses located at the eastern end of Molesworth Street and at the western end of Main Street. These enterprises offer a range of employment opportunities for the local community, whilst also ensuring the provision of basic services.

The Birregurra timber mill is still operational and a key source of employment. From a tourist perspective the road frontage to these buildings are fairly prominent and the interface with the highway could be further improved. However, consultation has revealed that the local community prefers the industrial frontage of the timber mill as it has a long history with the area and provides a key source of employment for the town.

## 7.3 tourism

The historic nature of the town and its charming natural attributes are key attractors of tourists to Birregurra. Its location at a mid-point between major regional towns, the coast and the Otways, is a strategic drawcard that tourist ventures can gain leverage from.

Birregurra provides a high level of tourist information, public amenities, public parks and rest spots for travellers to take a break and 'stretch their legs'. This type of infrastructure is important to the tourist market, particularly for day trippers or people having a stop off on the way to their final destination.

As previously highlighted there is a growing demand for tourism based facilities within Birregurra. Like the Yarra Valley or Bellarine Peninsula, tourism that is contextual, and relative to the local rural opportunities in the area is likely to be successful and establish Birregurra as a niche tourist destination. The profile and success of the Birregurra Festival, held annually in October, acts as an anchor for this rural themed type of tourism, attracting a broad cross section of people from all over the region. Providing the appropriate support for the festival and

establishment of locally run rural based tourist industries will be a cornerstone of the Birregurra tourist market.

In terms of infrastructure to support tourists there is currently a limited range of accommodation available. There appears to be a shortage of accommodation providers in the low to mid level pricing category.

Existing accommodation within Birregurra township is currently limited to the hotel, B&B or guest house. During peak times such as the Birregurra Festival in October, these facilities are booked out well in advance with little option for festival goers but to commute from nearby towns or camp at the recreation oval.

## 7.4 structure plan implications

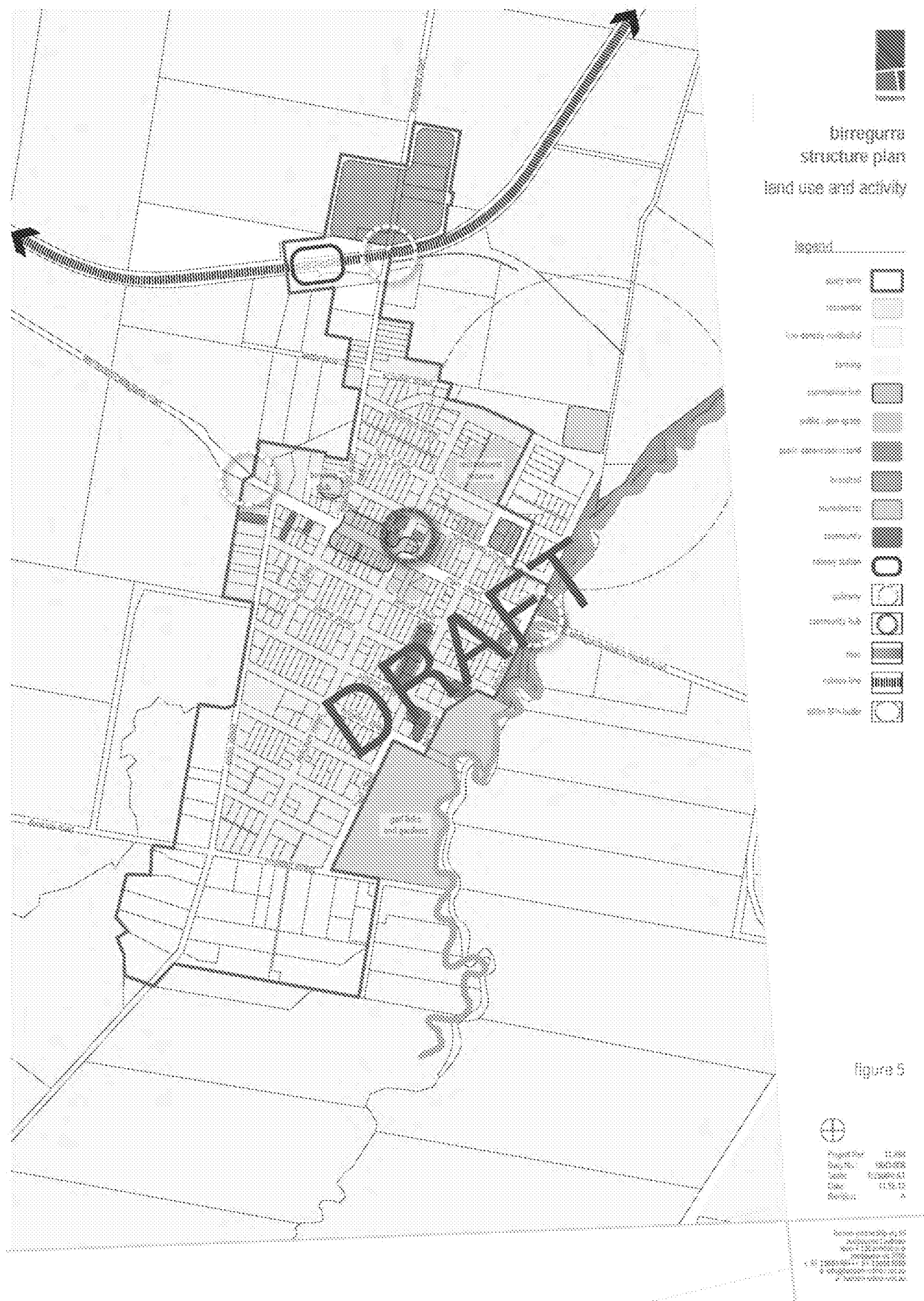
- \* There will be the potential for some additional tourist and small scale retail uses to locate within the township over time and as the population increases.
- \* The preference is to consolidate future retail / commercial uses in Main Street, on either side, between Roadknight Street / Austin Street to the west, and the creek / Strachan Street to the east.
- \* If a larger business such as a small supermarket was to locate in town, the preferred location would be either expansion of the existing general store on the south side of Main Street, or the establishment of a new store on the north side of Main Street, between Roadknight Street (west) and the creek (east).
- \* If a Main Street location is not possible, a location behind existing shops in Jenner Street could be considered, or potentially in Molesworth Street if the Jenner Street option could not be realised.
- \* Land at the rear of properties in the commercial core of Main Street, between Roadknight Street / Austin Street to the west, and the creek / Strachan Street to the east, should be retained or only developed in such a way that retains an option for possible commercial and related use / expansion in the longer term.





- There is an opportunity to consolidate industrial uses within the designated industrial area north of the railway line, whilst allowing for existing light industrial uses to continue operating subject to managing amenity impacts.
- Birregurra is missing a key opportunity for generating revenue during the peak tourism season and for events such as the Birregurra Festival. This highlights the potential need to further expand accommodation prospects within the town, not just for the Festival, but also as a means of encouraging longer stay visitors.
- To support the tourist market and its diverse needs, opportunities for more restaurant style operations should be encouraged.
- Industry in Birregurra has grown up around its historical roots as a timber town. The ongoing timber operations are an important element of town in terms of employment and as a reminder of its history.
- Ongoing integrity of existing industrial activities should be provided for and not compromised by the siting of new residential growth areas.
- Industrial development with an interface to Roadknight Road and in highly exposed locations should incorporate appropriate design treatments and presentation of industrial uses. Such treatments should consider signage, fencing typology, street scaping and landscaping etc.
- There are a number of zoning anomalies that need to be corrected.

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## 8 character and heritage

### 8.1 character

Birregurra's small country town appeal is very much part of its unique character. A range of landscape character elements, buildings, materials and architectural styles, and streetscape elements combine to create the existing built form and historic character of Birregurra.

Key features of Birregurra's character include:

- Wide, tree lined Main Street.
- Heritage buildings on the south side of Main Street and elsewhere throughout the town.
- The diversity of building types and building materials used throughout the town.
- The combination of elements which make up the fabric of the township including low fences, rollover kerbs, swale drains and ground surfaces, signs, memorials etc.
- The extent, range and age of exotic plant species (in particular) which significantly contribute to and enhance the character of the township.

### residential areas

As discussed in Section 4.3, a separate neighbourhood character study has been undertaken. That document recognizes that the appeal of Birregurra requires careful consideration of how residential development can provide a balance between old and new. Hence, that study provided 'guidelines' as to how new development should be managed in Birregurra to respect and enhance the valued characteristics of the township and to reinforce its distinctive role and character.

### 8.2 heritage

#### aboriginal cultural heritage

Throughout the Great Otway National Park there are 4 Traditional Indigenous Owners: the Wathaurung, Gulidjan, Gadubanud, and Kirrae Whurrong people. Their spiritual and physical connections to places around Birregurra go back tens of thousands of years, evident through artefact scatterings found east of the Township.

The name Birregurra is derived from the aboriginal word 'burai gurray' or kangaroo camp, the aboriginal name for springs near Chas.

Land within 200m either side of the Barwon River is identified as an 'Area of Cultural Heritage Sensitivity' by the Department of Planning and Community Development under the provisions of the *Aboriginal Heritage Act 2006*. This is primarily where any potential aboriginal / archaeological sites are most likely to be located and therefore may require further investigation.

Within the areas of identified cultural heritage sensitivity, a mandatory Aboriginal Cultural Heritage Management Plan (CHMP) is required for any proposed high impact activity (such as future subdivision of three or more lots). CHMPs will be required to be approved by Aboriginal Affairs Victoria (and / or any other Registered Aboriginal Party) prior to issue of a permit, in accordance with the *Aboriginal Heritage Act 2006*.

#### european cultural heritage

Although there was some activity by squatters from the mid 1830s, the first european settlement in the Birregurra area was the establishment in 1839 of the Buntingdale Mission Station, some four miles upstream on the Barwon River from the site of the present township.

The Mission was run by the Reverend Francis Tuckfield and its location was carefully chosen to be at the junction of three or four tribal territories. However despite Tuckfield's devotion, the Mission made little progress and the land was sold in 1851. In the same year the Mission



buildings were destroyed in the 'Black Thursday' bush fires.

The first Coach services to the area were conducted by Cobb & Co, on-route from Melbourne to Warrnambool from as early as 1853. It was not until 1860 that the Winchelsea & District Roads Board was formed and declared the Cape Otway Road a "main road," giving better access to the Cape Otway Lighthouse, which was then under construction. F Gilbert, a contract surveyor, was employed in 1892 to draft a town plan for "Birregurra-On-The-Barwon" and land sales began in Geelong.

From the late 19th century the Railway Station at Birregurra has been a crucial centre-point for transporting timber, stock and other rural goods from the Otway Region and local area. The Shire's first railway arrived in 1877. Extending from Geelong (via Birregurra) to Colac, the accessibility of this railway caused a leap in economic activity for these towns. In addition the construction of a branch line from Birregurra to Forest, commencing in 1889, not only helped the development of the forest industry in the Otway Ranges, but also transported produce and livestock to markets

Today Birregurra is renowned for its unique post-contact heritage features and qualities. Such assets are particularly associated with the historic Main Street and the churches in and around Beal Street and Park Lane to the south. In particular, the Main Street contains a number of historic commercial and residential buildings which have a variety of materials and architectural styles.

The Birregurra community is committed to retaining the unique character of Birregurra, whilst encouraging 'appropriate' development within the town. The community wants to ensure that development styles are sympathetic to the heritage character of the town and will enhance its significant visual features. Recently, the community has restored the heritage railway station to the north of the town, which functions as an important landmark and gateway entrance into the township.

Most places of heritage significance within the township of Birregurra are covered by a Heritage Overlay as shown on the following plan. This includes individual buildings and places, as well as the Main Street precinct.

The Heritage Overlay seeks to conserve and enhance those elements which contribute to the significance of heritage places, and ensure that development does not adversely affect the significance of those places. A planning permit is required to subdivide land, demolish or remove a building and construct a building or construct or carry out works. Essentially, this provides an appropriate control over land exclusively covered by the HO but cannot be applied across the entirety of the township.

#### heritage walk

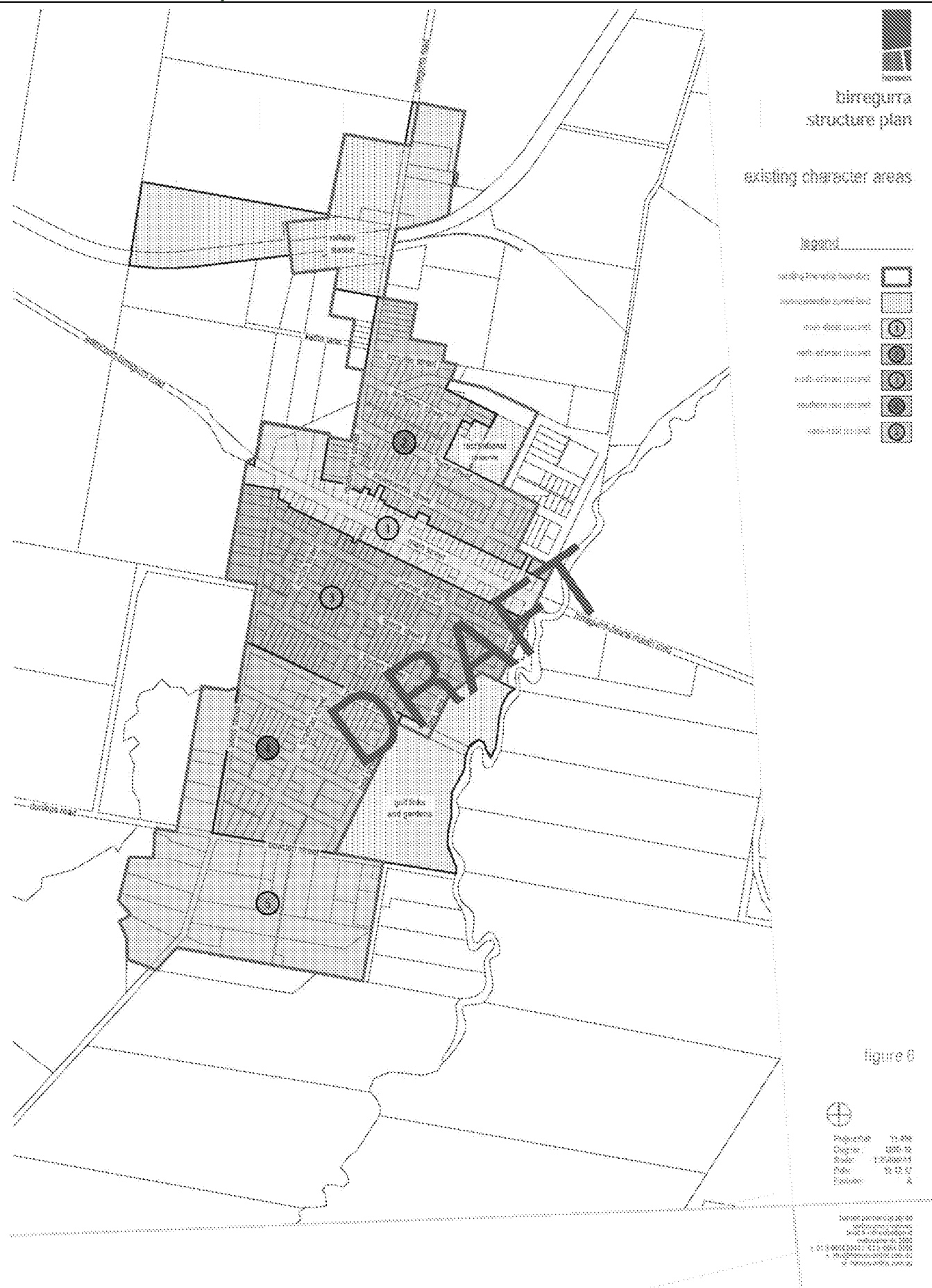
The development of the Birregurra Heritage Walk by the Birregurra and District Action Group has identified sites of cultural heritage significance to provide insight into the rich history of this town. Heritage sites are marked by a sawn hardwood signage panel. The Birregurra Heritage Walk provides many good vantage points from which to view both the town and the surrounding district.

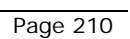
It is noted in the Birregurra Township Masterplan 2007, that additional development of the Birregurra Heritage Walk is still necessary, including sealing and installation of handrails for steep sections, installation of a stabilised path surface along the full length of the walk and ongoing research and signage installation along the walk.

#### 8.3 structure plan implications

- Protect the valued rural character of Birregurra through implementation of the neighbourhood character study.
- The existing heritage controls should be maintained into the future.
- Opportunities to celebrate the heritage of the town from a built form and settlement perspective should be continued through the completion of the Heritage Walk and associated improvements.
- Retention of the width of Main Street is important to the residents of the town, as is the maintenance of the heritage buildings, which give the town its unique character.









## 9 landscape & natural environment

The township of Birregurra is located on the western bank of the Barwon River, and its tributary Atkin Creek. Birregurra is well recognised for its treed character and topographic diversity associated with flat, low-lying land to the north and steeper land and the escarpment to the south. A range of exotic and native vegetation scattered throughout, contributes to significant canopy tree cover throughout the township.

### 9.1 biodiversity

Birregurra is located within the Otway Plains Bioregion. The Ecological Vegetation Classes (EVC) present in small patches are: Floodplain Riparian, Woodland, Swampy Riparian Woodland and Grassy Woodland. These EVCs are generally found proximate to the Barwon River, Dunlops Creek and Atkin Creek. All four of these EVCs are listed as endangered by the Department of Sustainability (DSE).

### 9.2 topography and important sight lines

The township of Birregurra is located on the western bank of the Barwon River, and its tributary Atkin Creek in the Corangamite Catchment Management Authority region. The northern half of the town is relatively flat and has several areas of poorly drained, low lying land. In comparison the ridgelines along the southern area of the town provide a magnificent setting for housing, with significant views obtained to as far north as Mt Gellibrand.

### 9.3 land constraints

Steep land within Birregurra has the potential to impact on the ability to develop. Land with more than a 20 percent slope requires careful design and siting of buildings. The Erosion Management Overlay, which applies to some parts of the study, generally addresses this constraint.

The Birregurra tip at the end of Scouller Street is a landfill site. In accordance with EPA Guidelines it requires a 500m buffer.

### 9.4 agriculture

Agriculture, particularly the dairy industry, is the primary agricultural industry sector in the Colac Otway Shire. According to the Rural Land Strategy (2007) agricultural commodities take up approximately 158,000ha of land across the Shire.

The Rural Land Strategy identified the agricultural quality of land within the Colac Otway Shire (Figure 8) and in particular, Farmland of Strategic Significance. The latter was identified by applying the following criteria to land currently zoned Farming:

- 1 Areas of high quality agricultural land.
- 2 Areas with a pattern of allotments and settlement conducive to agriculture.
- 3 Economic contribution of an area to the Shire's economy.

The resulting areas were deemed 'Farmland of Strategic Significance' regionally due to the high value dairying and associated manufacturing which provides significance economic benefit to the region.

It is noted that the land surrounding Birregurra is classed as having medium agricultural capability. It is not within the 'Farmland of Strategic Significance' and is consequently not considered of high regional significance. However, there is limited productive land, which is suitable for agriculture, within the Shire, regardless of capability. Thus, potential loss of productive agricultural land must be carefully considered.

### 9.5 flooding

Birregurra is located on two specific geological units. The northern, flat part of the township is located on calcareous silty clay and clayey silt. The southern hill area consists of clay, silt, sand and gravel. The soils in the Birregurra region are predominantly shallow loam, mostly of clay texture and underlain by clay subsoil which have a low moisture infiltration rate and high moisture capacity. As

such the 2002 Birregurra Wastewater Management Issues Paper defines the township as having an acceptably low potential for flooding, except for properties located in the Barwon River flood plain. As stated in the 2002 Birregurra Wastewater Management Issues Paper, those properties have an unacceptable proximity to surface water and to the water table - development in that location should therefore be limited.

Areas subject to flooding and inundation are identified in the Colac Otway Planning Scheme through use of the Flood Overlay and the Land subject to Inundation Overlay.

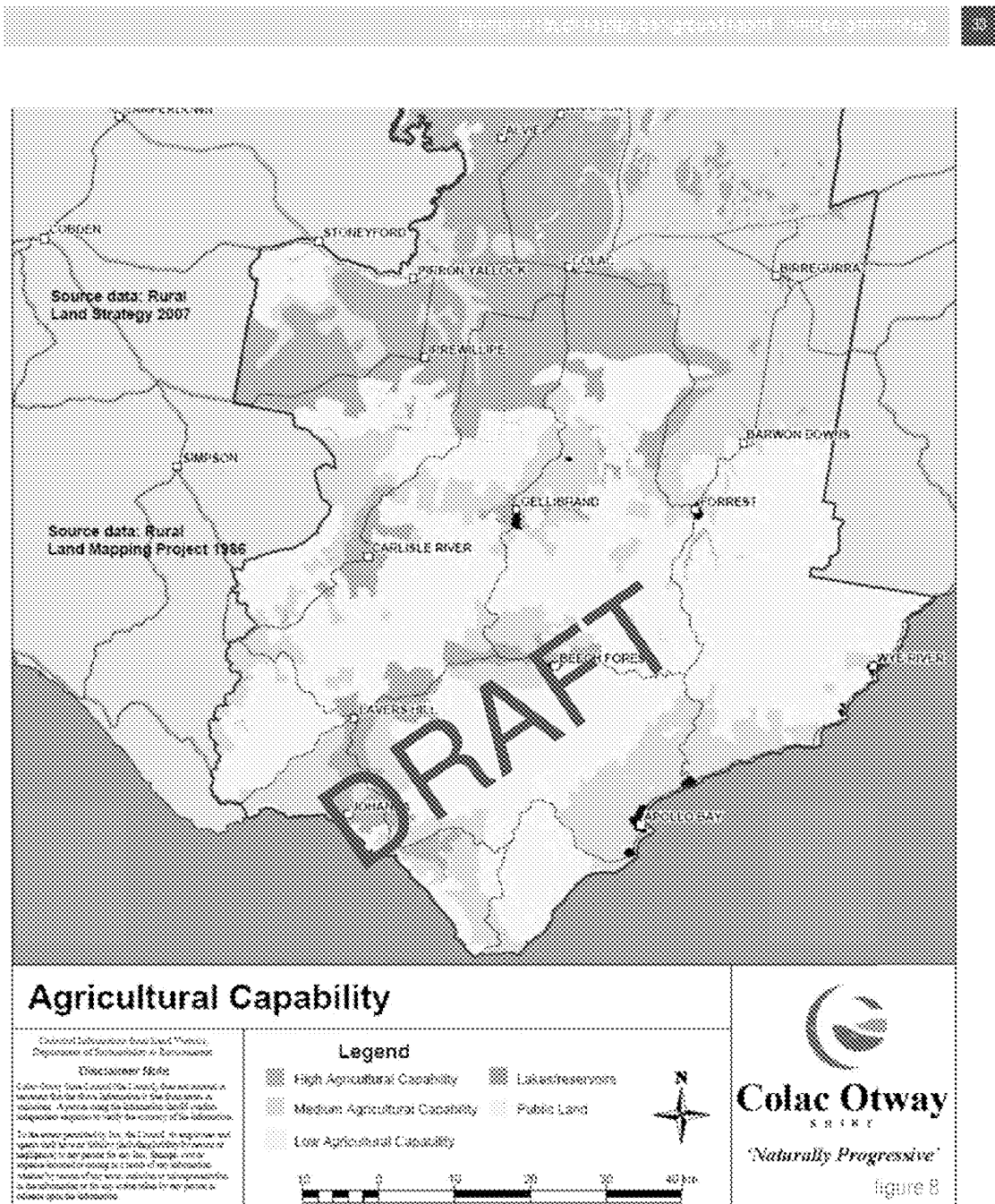
## 9.6 structure plan implications

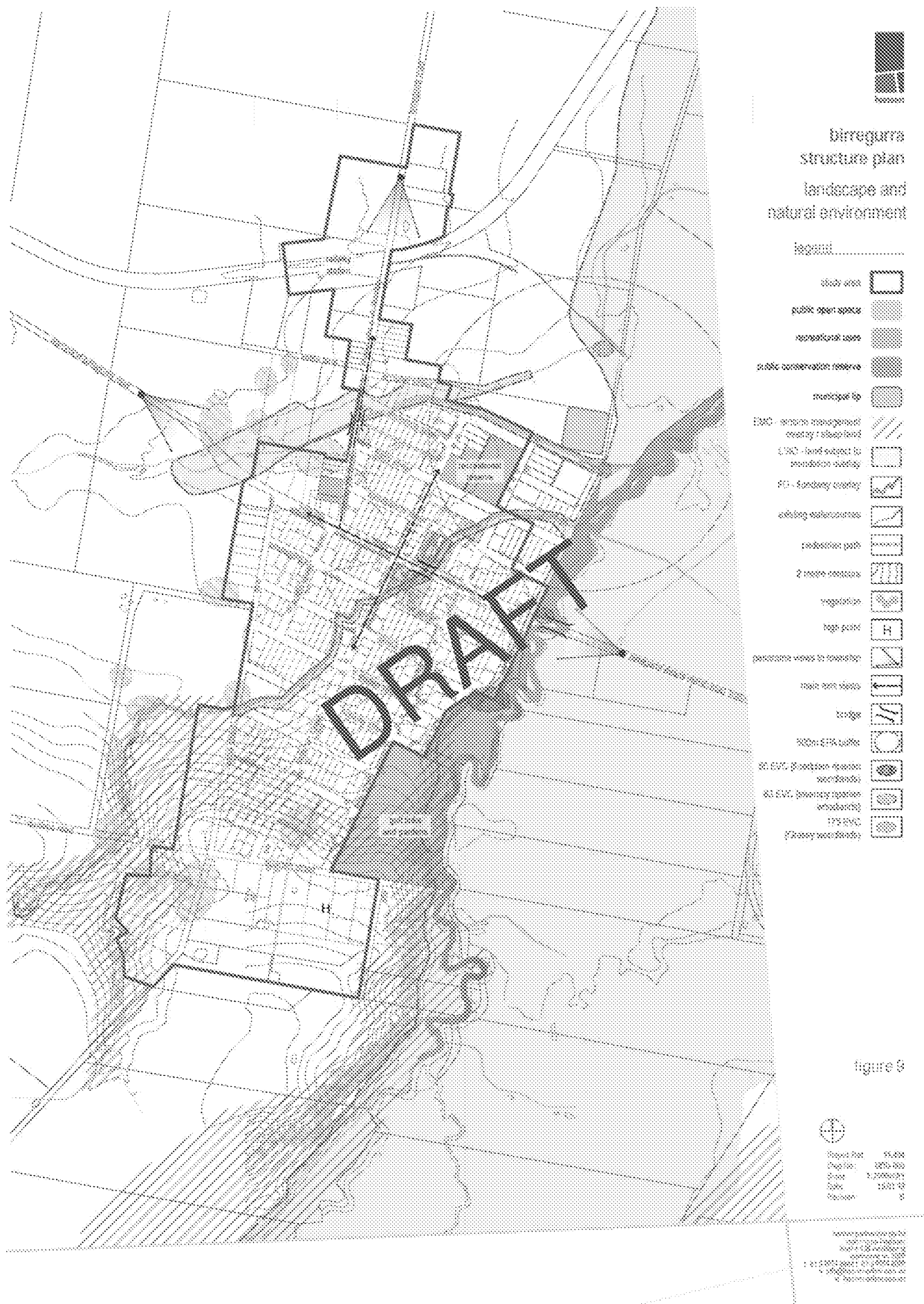
When considering the above, the following key issues need to be taken into consideration in the Structure Plan:

- The combination of steep land, canopy vegetation, view lines from high points across the township and panoramic views on approach are key features of Birregurra's natural environment and landscape character.
- Review overlay provisions to ensure the landscape and environmental attributes are adequately reflected and protected in the schedules.
- Encourage street trees and improved landscaping on Main Street.
- Enhance the landscape character of township entrances as defining elements of the north, east and west gateways.
- Encourage the retention and planting of canopy trees within residential areas.
- Maintain the prominence of landscape over built form in residential areas.
- Protect and enhance key views.
- The Barwon River creates a natural boundary to the east of the township.
- Aitken Creek and the waterway running through Birregurra (south of Main Street) provide opportunities for future public open space linkages.

- The presence of endangered EVCs in small patches along Atkin Creek, Bowden Street and Barwon Street are important local and regional assets which should be conserved.
- The PCRZ does not currently cover the endangered EVC 56 Floodplain Riparian Woodland at the intersection of Scouller and Barwon Street, and the patch east of Skene Street.
- The presence of endangered EVC 175 Grassy Woodland in small patches along Atkin Creek, the unnamed creek and Bowden Street is an important local and regional asset which should be conserved. Council in conjunction with landholders and the Corangamite CMA should seek to conserve, enhance and link these areas. Building envelopes should be applied to conserve vegetation within the Low Density Residential Living zone (LDRZ).
- In the long term these areas could form open space and recreation corridors circling the township and linking to the Barwon River.
- Any future rezoning of land surrounding Birregurra must be balanced against the need to protect agricultural land within the Shire.
- Development should avoid land that is subject to flooding or inundation.
- Ensure sensitive uses do not encroach into the Birregurra tip EPA Buffer.







## 10 transport and access

Like many country towns, Birregurra is a car based town due to the settlement patterns that have evolved over time. While many people living close to town are within a general or perceived walking distance of uses, many key services like the oval, community services and the shops are actually not located in proximity or connected through good pedestrian networks to make these places accessible by pedestrians.

Although limited, a footpath does extend from Main Street south to the Primary School, as well as along Main Street to the community health centre. This provides pedestrian access to some of the key facilities, however pedestrian access is not available to the railway station. In places existing footpaths are neglected and require upgrading.

Roads in the town are of a variable quality. While the cross sections are generous and establish a rural feel with open views to surrounding areas, upgrades are likely as a result of future infill development. There is a large number of unsealed roads within the township and in wet weather these create problems, particularly given the existing state of drainage - a combination of constructed kerb and channel, swale drains and grass verges. It is also noted that a number of roads within the township are not formed.

In terms of public transport, access is restricted to the three train services a day and a seasonal Colac to Lorne bus service which runs during the summer months. This bus service provides affordable travel between Colac, Birregurra, Deans Marsh and Lorne. With a range of 5 daily return trips (Dec, Jan, April) and 3 off-peak returns (Feb, March), this service also encourages employment opportunities over school holidays. However, it was noted during consultation that residents would be keen to increase the opportunities for public transport within the town. One option that has been suggested is that the route for the Colac – Apollo Bay bus be altered so that it also runs through Birregurra.

### 10.1 structure plan implications

The following key access and movement issues have been identified:

- ✧ The design and appearance of the road network throughout the town will be instrumental in making Birregurra a safer, more attractive, cohesive and sustainable community.
- ✧ The design, appearance, type and location of new roads and footpaths plays an important role in maintaining the existing and valued rural character of Birregurra.
- ✧ Social and community infrastructure including public transport services will need to be integrated into the township and adjoining communities to meet current and future population needs, particularly the needs of the young and the elderly. The extent of the walking / cycling and public transit facilities will influence the status of well-being and health of the community.
- ✧ The ongoing management of roads that provide principal access to the Town Centre is to include the establishment of an appropriate functional status (according to the road hierarchy), adherence to scheduled upgrades, provide appropriate levels of parking and provide safe access and connectivity to the wider network.
- ✧ Future development of residential growth in Birregurra will be focussed on infill development of the Township Zone. The existing traffic volumes within the township are relatively low (<300vpd) and are unlikely to increase by more than 1% per annum for the foreseeable future.
- ✧ To cater for increased vehicle movement (as a result of increasing development) Strachan Street (both north and south) could potentially be developed as the main collector road from the residential areas to the town centre and the arterial roads. The 30m wide road reserve of Strachan Street provides an excellent opportunity for the development of a collector type road as well as an off-road shared path.



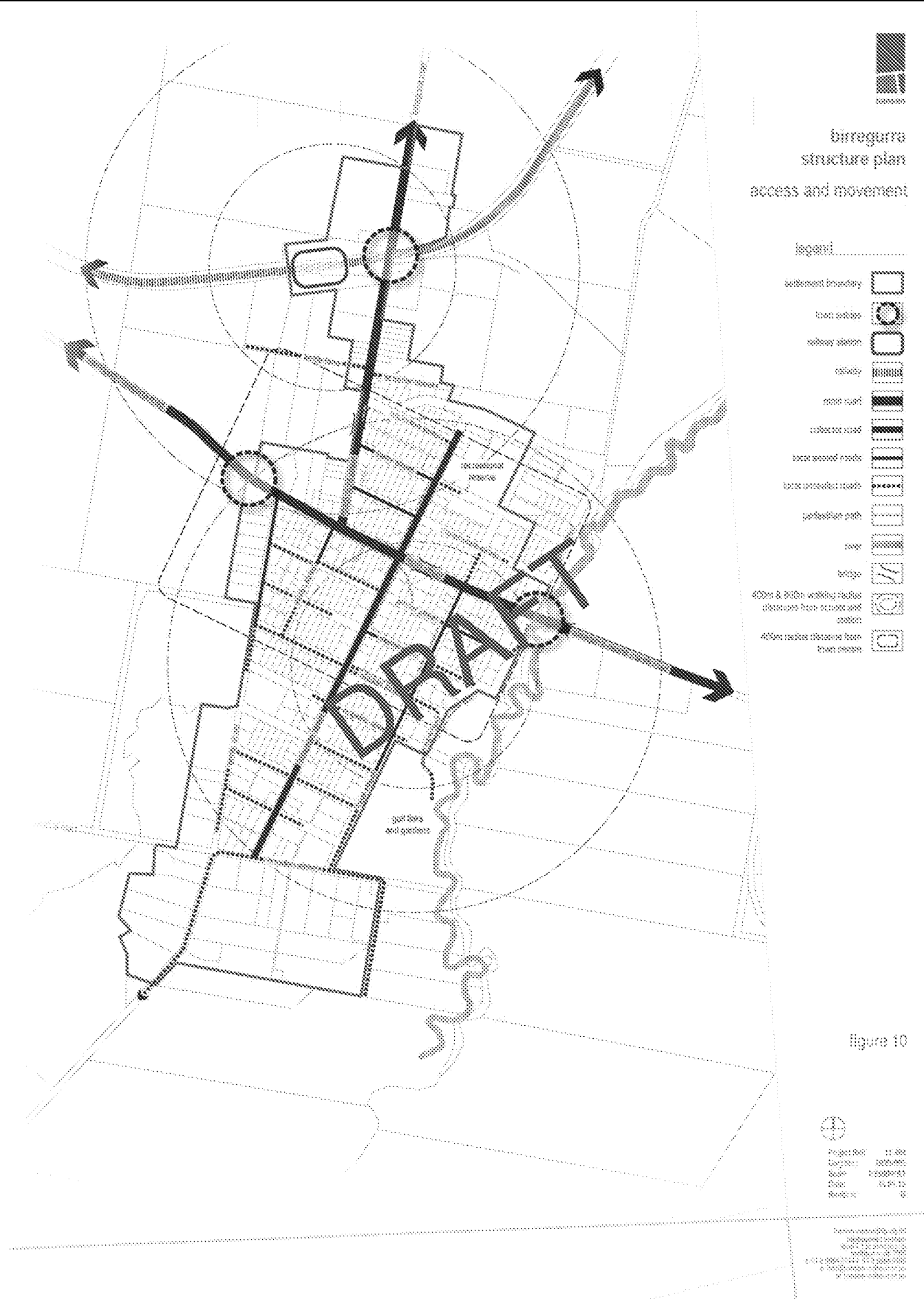
The development of Strachan Street as a collector road may be triggered as traffic volumes approach 1,000vpd.

- As growth and traffic volumes increase over time the development of Sladen Street and Ennis Street may be considered as an alternative route to the main arterial road from the south. The development of this route would have the potential of minimising the impacts on the central activity area for traffic wishing direct access to Colac.

- Opportunities exist to improve pedestrian and bicycle linkages throughout the township of Birregurra and within the existing open space network.
- Opportunities have been identified in the Community Infrastructure Plan to establish a shared pedestrian / cycle path from the railway station to the north.
- Opportunities exist to develop a rail trail to Forrest along the former railway line to the east.

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## 11 community infrastructure

### 11.1 open space and recreation

Birregurra is fortunate to have large natural areas of open space for both passive and active recreation. Given the size of Birregurra, the fact that the town is well served with open spaces provides clues as to the importance of this town in the regional context.

In terms of recreation, the town has its own football ground, cricket, tennis and netball courts with associated club rooms. These clubs are very active and create the social 'heart' of the town. As such there are several opportunities for improvement associated with these facilities, including rectifying drainage issues in the car park, upgrading the changing facilities and exploring the possibility of new cricket nets.

Another key recreation facility in the town is the Birregurra Bowls Club. This popular club received a Sport and Recreation Victoria grant in 2009, which aided with the conversion of the original lawn to a new synthetic surface. This synthetic green has benefited the community by reducing the workload of club volunteers and has relieved pressure on water resources. The club now provides a notable venue for physical activity and social interaction in the local community.

### 11.2 community services

Birregurra currently contains a good offer of community infrastructure including health, civic and community activities. The recently developed Community Health Centre has been applauded by the local community for providing a range of activities such as yoga, crafts, exercise classes, tai chi etc.

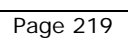
Birregurra also has a large area of passive open space including the Barwon River reserve for fishing and walking, the golf course, the wide street reserves and creek valleys which cross the urban areas and Birregurra Park. Birregurra Park provides important recreational opportunities within the town for both locals and visitors. The location of the park provides good access to existing public toilets and shops, and has good parking

opportunities in Main and Strachan Streets. In addition the Park has a range of recreation activities including a recently constructed skate park and is well serviced with a BBQ, picnic tables and seating due to a recent upgrade based on the Birregurra Park Masterplan (2007).

Birregurra Golf Club provides a well maintained 18-hole course with excellent views of the surrounding region. The course attracts members from throughout the Colac Otway region as well as the local community.

### 11.3 structure plan implications

- ✧ Reinforce and expand community services and infrastructure to ensure the ongoing integrity of Birregurra's community spirit and sense of place.
- ✧ Encourage opportunities for development of both infrastructure for young families and the ageing, including expanded library services and health facilities.
- ✧ Respond to population growth with the expansion of some community facilities.
- ✧ Encourage the consolidation of community uses within the heart of town around existing community infrastructure.
- ✧ Provide for improved access and public transport services to community infrastructure.
- ✧ Enhance linkages between public open space, recreation and community facilities.





## 12 physical infrastructure and services

### 12.1 water, sewerage and drainage

- The reticulated water supply for Birregurra is managed by Barwon Water.
- The drainage network in Birregurra is managed by Council. It is noted that there are a number of existing drainage concerns within the township and drainage infrastructure is lacking throughout most of the town.
- No reticulated gas is available or is likely to be provided in the foreseeable future.
- Telecommunications are available to dwellings in Birregurra and a payphone is provided on Main Street. Anecdotal evidence from consultation indicates that cell phone coverage is limited for most providers.
- The rollout of reticulated sewerage is likely to create the opportunity to unlock significant subdivision and development potential within the Township zone. It is understood that development has in the past been limited due to the inability of land being serviced and the limitations associated with onsite effluent disposal.

### 12.2 structure plan implications

- The impact of the provision of reticulated sewerage on the shape, feel and function of town will need to be appropriately managed through the structure plan to ensure that appropriate outcomes are achieved.
- There is a need to plan for expansion and upgrade of the drainage network, whilst also maintaining the rural feel of streetscapes, as development occurs.
- Some township areas are low lying and therefore unserviceable in terms of reticulated sewerage.

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## 13 community engagement

A number of formal and informal community consultation activities have been undertaken since 2009 when the Birregurra Structure Plan was first commenced.

Key opportunities and constraints raised during these first consultation sessions are summarised below.

### 13.1 issues

#### 13.1.1 community

- Funding help is required with maintenance of community areas (e.g. hall).
- Need building standards looked at for Birregurra to maintain 'village atmosphere'.
- Retain the beauty / character of the lovely buildings.
- Light industrial needs to be confined to a certain area (near mill).
- Need for medical services for the future.
- Encourage more advertising of the Birregurra Festival.

#### 13.1.2 infrastructure

- Reticulated sewerage won't fix the drainage issue.
- There are significant time lapses in identifying facilities needed and actual implementation. i.e. 7 years to develop the skate park.
- Minimal footpaths required, character of town is for people to walk on the road providing contact with the community.

#### 13.1.3 environment

- Keep the beautiful European trees in the town

### 13.2 opportunities

#### 13.2.1 community

- Encourage the railway station to try find a tenant for it.
- Bus stop shelter for the Sunday Bus.
- Improve library services (to twice a week rather than once a fortnight).
- Increase public transport – can the Apollo Bay to Colac bus be rerouted to travel through Birregurra.
- More public seating on Main Street.
- Encourage more advertising of the Birregurra Festival.

#### 13.2.2 infrastructure

- Facilities for travellers to stop and refill / travel facilities and accommodation services.
- Is there a possibility of having a garage / petrol station.
- Encourage designated industrial area.

#### 13.2.3 environment

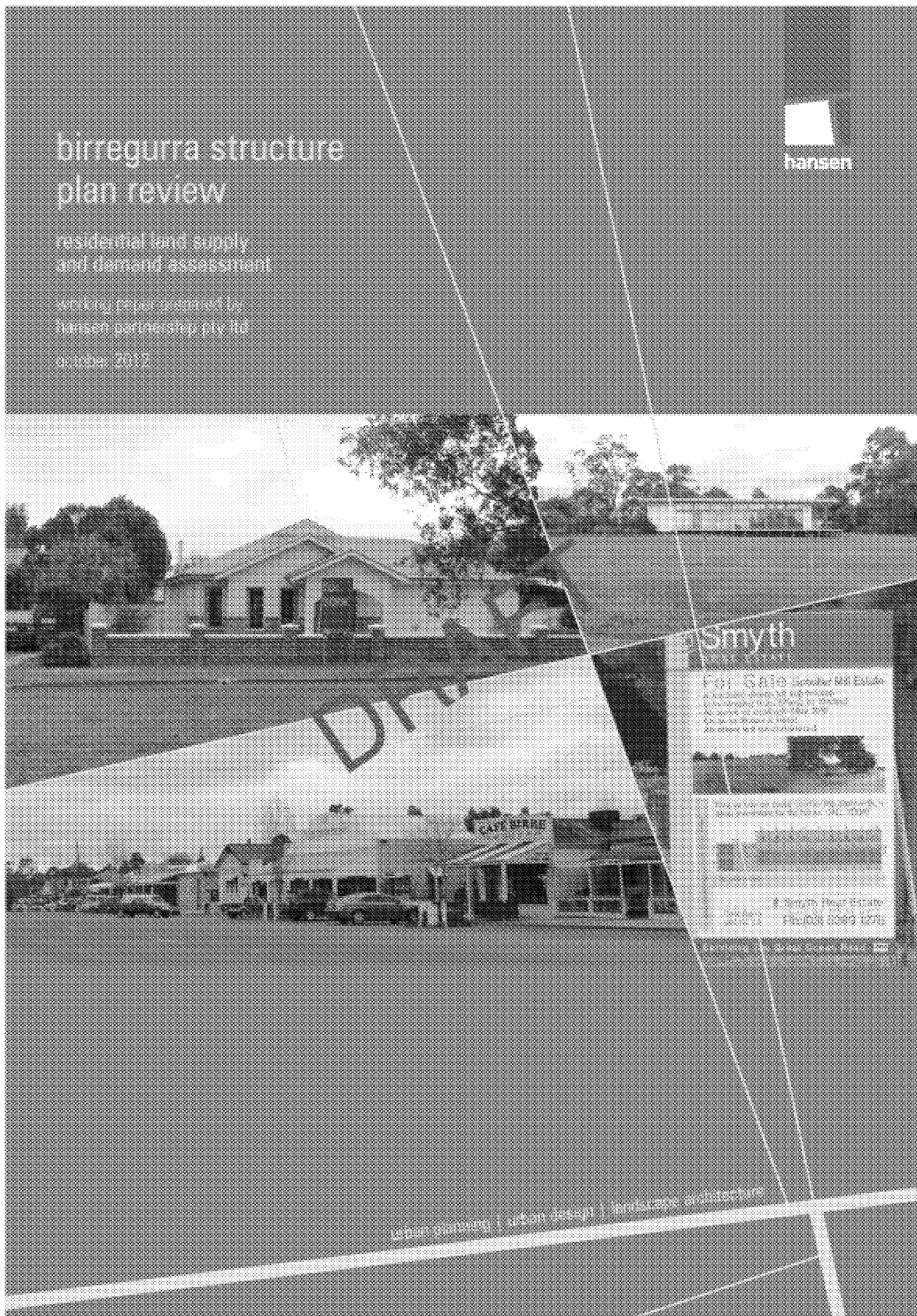
- Encourage alternative energy, environmentally friendly housing.
- Upgrade recreation reserve.

Further detail to be added following public exhibition of the draft.

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appendix 1  
residential land supply and demand assessment









## contents

|     |                                                                         |    |
|-----|-------------------------------------------------------------------------|----|
| 1   | introduction                                                            | 2  |
| 1.1 | information sources                                                     | 2  |
| 1.2 | methodology                                                             | 2  |
| 2   | policy context                                                          | 3  |
| 2.1 | state planning policy                                                   | 3  |
| 2.2 | regional planning policy                                                | 4  |
| 2.3 | local planning policy                                                   | 4  |
| 3   | residential supply                                                      | 7  |
| 3.1 | township zone                                                           | 7  |
| 3.2 | low density residential zone                                            | 8  |
| 3.3 | summary                                                                 | 9  |
| 4   | residential demand                                                      | 10 |
| 4.1 | population and building approvals data                                  | 10 |
| 4.2 | vacant residential lot values                                           | 12 |
| 4.3 | house sales and values                                                  | 12 |
| 4.4 | discussions with real estate agents                                     | 13 |
| 4.5 | current and anticipated trends in residential development in Birregurra | 13 |
| 4.6 | forecast residential land demand                                        | 15 |
| 4.7 | conclusion                                                              | 16 |
| 4.8 | recommendations                                                         | 16 |

## figures

|                                                                                                    |    |
|----------------------------------------------------------------------------------------------------|----|
| Figure 1: Birregurra Neighbourhood Character Study preferred character areas                       | 5  |
| Figure 2: Birregurra Urban Centre / Locality                                                       | 10 |
| Figure 3: Birregurra State Suburb (ABS Census 2011)                                                | 10 |
| Figure 4 Colac Otway North SLA                                                                     | 11 |
| Figure 5 Birregurra and Colac Median House Price 2001-2011 (A Guide to Property Values, 2012, DSE) | 12 |
| Figure 6: Mortlake State Suburb (ABS 2011)                                                         | 13 |
| Figure 7: Mortlake Urban locality                                                                  | 14 |

## tables

|                                                                                                     |    |
|-----------------------------------------------------------------------------------------------------|----|
| Table 1: Birregurra Neighbourhood Character Study minimum lot sizes                                 | 6  |
| Table 2: Township Zone Vacant Land                                                                  | 7  |
| Table 3: Township Zone Developed Land                                                               | 7  |
| Table 4: Township Zone Total Potential Lots                                                         | 7  |
| Table 6: Low Density Residential Zone – Potential Lots                                              | 8  |
| Table 7: Low Density Residential Zone Total Potential Lots Taking into Account Market Limitations   | 8  |
| Table 9: Colac Otway Shire Population and Dwellings (ABS Estimated Resident Population, profile.id) | 10 |
| Table 10: Colac Otway Shire Population and Dwelling Projections (VIF 2012 and profile.id)           | 10 |
| Table 11: Colac Otway North SLA Population and Dwelling Projections (VIF 2012)                      | 11 |
| Table 12: Birregurra State Suburb (ABS Place of Usual Residence)                                    | 11 |
| Table 13: Birregurra New Dwelling Building Approvals (Source: Colac Otway Shire Council, 2012)      | 11 |
| Table 15: Birregurra Vacant Land Sales (Source: Colac Otway Shire Council)                          | 12 |
| Table 16: Birregurra Median House Price (Guide to Property Values, DSE)                             | 12 |
| Table 17: Birregurra House Sales 2012                                                               | 13 |
| Table 18: Mortlake's Population and Dwellings over Time (Towns in Time, DPCD)                       | 14 |
| Table 19: Forecast Residential Demand Scenarios and Available Land Supply                           | 15 |

## appendices

appendix 1: MapInfo Analysis Maps

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urban planning | urban design | landscape architecture

## 1 Introduction

The purpose of this working paper is to detail Stage 1 of the Birregurra Structure Plan Review, being an assessment of the residential land supply and demand within the township. This assessment covers land in the following zones within the township of Birregurra:

- Township Zone; and
- Low Density Residential Zone.

### 1.1 Information sources

The land supply information was prepared using MapInfo GIS files, in association with aerial photography provided by Colac-Otway Shire Council. The demand and population data is based on a range of sources, including:

- Census Data, Australian Bureau of Statistics 2006 and 2011 (ABS).
- Towns in Time, DPCD.
- Victoria In Future 2012, DPCD.
- A Guide to Property Values, Department of Sustainability and Environment 2011 (DSE – Valuer General).
- Building Approvals data provided by Colac-Otway Shire's Building Unit.
- Property Sales data provided by Colac-Otway Shire's Property Unit and the Valuer General.
- Commentary from selected local Real Estate Agents.

This document has been prepared in part to allow Council to assess the amount of residentially zoned land currently available. This is particularly relevant given recent changes to the State Planning Policy require Councils to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. It is important to note that residential land supply is to be considered on a municipal basis, rather than a town-by-town basis.

### 1.2 Methodology

The following methodology was utilised in undertaking this assessment:

1. Identify supply of land within the township based on the most recent aerial photography, also utilising the GIS property layer in MapInfo.
2. Identify properties with dwelling(s) and those that are vacant and the land area of each property.

3. Exclude properties from land supply assessment that are not realistically going to be developed. Such properties include land in the Public Park and Recreation Zone, community uses and flood affected land.
4. Separate land supply into properties within the Township Zone and Low Density Residential Zone.
5. Determine average lot sizes for future subdivision based on the recommendations of the Birregurra Neighbourhood Character Study.
6. Estimate the potential number of additional dwellings that can be accommodated within the Township Zone and Low Density Residential Zone based on the number of and the land area of existing lots, whether or not they contain an existing dwelling, and the average subdivision lot size indicated for the precinct in which each lot is located.
7. Review Council records of planning permit and building permits issued in Birregurra for the previous 6 years.
8. Review available property sales data for dwellings, vacant lots etc.
9. Discussions with real estate agents regarding the demand for dwellings and land / dwellings currently available for sale;
10. Review a case study of a similar rural township that has undergone connection to reticulated sewerage and the resulting effect on growth.
11. Provide an estimate of future residential land demand based on the preceding information and likely growth scenarios.



## 2 policy context

State, regional and local planning policy which is of particular relevance to a residential land supply and demand assessment is discussed below under corresponding headings.

### 2.1 state planning policy

#### Clause 11.02-1 Supply of Urban Land

The objective of Clause 11.02-1 is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

The strategies of Clause 11.02-1 include:

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Restrict low density residential development that would compromise future development at higher densities.

In order to accommodate urban growth, planning should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

#### Clause 11.05-1 Regional settlement networks

This clause promotes the sustainable growth and development of regional Victoria through a network of settlements.

Under this clause urban growth is directed to the major regional cities of Geelong, Ballarat, Bendigo and the Moe, Morwell and Traralgon cluster. Growth is also supported in other regional centres such as Ararat and Colac.

In regard to other settlements the clause seeks to:

- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

- Provide for growth in population and development of facilities and services across a region or sub-region network.
- Deliver networks of high-quality settlements by:
  - Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
  - Developing networks of settlements that will support resilient communities and the ability to adapt and change.
  - Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.
  - Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
  - Encouraging an integrated planning response between settlements within regions and in adjoining regions and states.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs.
- Improving connections to regional and metropolitan transport services and urban connectivity.

#### Clause 11.05-4 Regional Planning Strategies and Principles

The objective of Clause 11.05-4 is to develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.

The principles of Clause 11.05-4 include:

- Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.
- Avoiding development impacts on land that contains high biodiversity values, landscape amenity, water conservation values, food production and energy production capacity, extractable resources and minerals, cultural heritage and recreation values, assets and recognised uses.
- Providing adequate and competitive land supply, including urban regeneration, redevelopment and greenfield sites, to meet future housing and urban needs and to ensure effective utilisation of land.





## 2.2 regional planning policy

### G21 Regional Growth Plan, 2012 (draft)

The key elements of this report that are of particular relevance to the residential land supply and demand assessment include:

- \* The area surrounding Winchelsea to Colac has a significant agricultural role and supports a number of small towns, such as Forrest and Birregurra, which provide important housing lifestyle options and niche tourism activity (p. 15).
- \* The region's other rural and coastal settlements will continue to experience modest growth and play an important tourism and agricultural role to surrounding areas. Growth will be limited to identified structure plan settlement boundaries (p. 35).
- \* Growth of other municipality towns limited to existing settlement boundaries with some minor growth consistent with Colac Otway Shire Rural Living Strategy (e.g. Birregurra) (p. 51).

## 2.3 local planning policy

### Clause 21.03-4 Birregurra (Colac Otway Planning Scheme)

This clause recognises that:

Over the years the population of Birregurra has been affected by a range of events including a reduction of services available within the township and fluctuating agricultural markets. Development pressures, high costs of accommodation for tourists and workers and an increase in tourist numbers in Lorne and other coastal communities has seen more people exploring towns such as Birregurra for accommodation and recreation. This seasonal influx of visitors provides important business development and employment opportunities within Birregurra.

The objectives of this clause are:

- \* To facilitate development of Birregurra as a community with a viable economic future.
- \* To maintain and enhance the quality of Birregurra as an attractive residential environment.
- \* To facilitate the provision of infrastructure to support the development of Birregurra in an environmentally sensitive way.

### Colac Otway Shire Rural Living Strategy, 2011

This report addresses a range of issues which are relevant to the assessment of land supply and demand in Birregurra. These issues are discussed below.

Opportunities for development:

- \* Opportunities for development are currently limited to infill on existing vacant lots within the Township Zone and Low Density Residential Zone.
- \* Land immediately to the west of town is generally cleared, has a medium agricultural capability and is not subject to landslip or significant flooding constraints. Beyond infill development, it presents as a logical location for any future residential growth.

Constraints on development:

- \* Land to the east of town is constrained by the Barwon River and associated floodplain.
- \* Land to the north of town is partially constrained by flood prone land associated with Atkins Creek.

Residential supply and demand:

- \* Current supply is limited to approximately 13ha of vacant land within the Township Zone, some of which is likely to be undevelopable due to environmental and land capability constraints. Connection to reticulated sewerage will unlock the subdivision and development potential of these lots facilitating smaller lot sizes and higher dwelling density.
- \* Demand in the area is strong due to the availability of services, affordable house prices, high amenity values and proximity to the coast. This demand has been evidenced by the strong take up of vacant lots within the Township Zone.

Growth potential:

- \* The Birregurra Township has moderate growth potential while the rural living 'cluster' to the east has low growth potential.

Recommendation:

- \* Given the level of existing infrastructure and lack of environmental constraints, Birregurra is one of the few settlements in the Shire which has the ability to accommodate future growth.
- \* The Birregurra Structure Plan currently being developed will determine the detailed planning recommendations.
- \* Rezoning of rural living 'cluster' (Cape Otway Road) from the Farming Zone to Rural Living Zone to allow remaining vacant lots to be developed with no further subdivision.

### Open Space Strategy, 2011

The key findings of this study relating to the provision of open space in Birregurra include:

- \* Plan to meet the requirements for open space that will arise when Birregurra expands. This would include negotiating



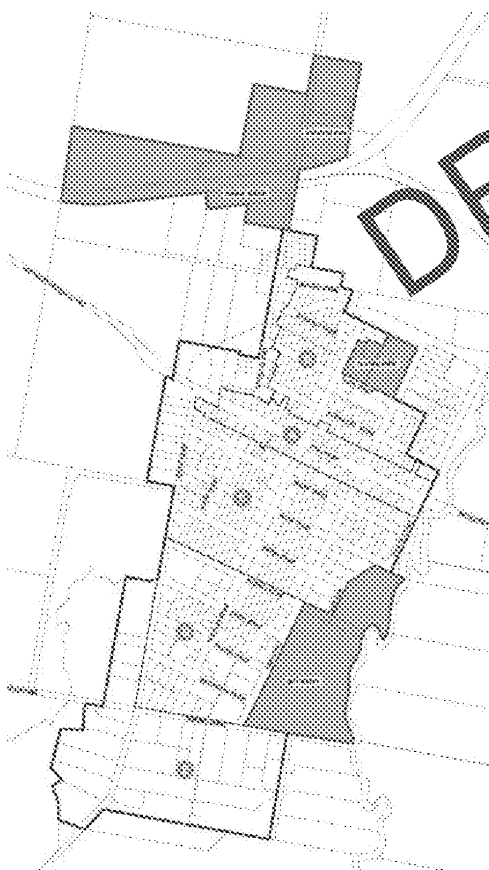
with developers on a site specific basis taking into account the existing provision of open space. If the existing provision fulfils the needs required by the new residents, then Council will require 1% per lot up to a maximum of 10% of the land value to be contributed as cash to be used to upgrade the existing open space.

- ✧ Improve the playing and other facilities of 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.

#### Birregurra Neighbourhood Character Study, 2012

This study identifies five preferred character areas (A-E) within Birregurra – refer to the map below.

Figure 1: Birregurra Neighbourhood Character Study preferred character areas



#### ✧ Preferred Character Area A:

Reflects the strong heritage quality of buildings along Main Street and corresponds with the Heritage Overlay that applies to the full length of Main Street. New dwellings will generally be located to either end of Main Street away from the commercial core, but can also be considered on a site-by-site basis.

#### ✧ Preferred Character Area B:

This area will gradually evolve into a mixed character, with a range of housing styles and moderately smaller lot sizes compared to other areas. Existing buildings are sited closer to property boundaries and have a higher site coverage.

#### ✧ Preferred Character Area C:

This area will retain its more traditional township character through greater setbacks from property boundaries, lower site coverage and resulting increase in area for landscaping opportunities.

#### ✧ Preferred Character Area D:

This area will provide the transition from the semi-rural area south of Birregurra to the more traditional township area south of Main Street. Due to the greater distance from Main Street, undulating topography and potential for smaller lot subdivision that would impact the character of the area, any multi-dwelling development is explicitly discouraged. The infill opportunities will include redevelopment of existing properties and subdivision of large allotments, with each new lot requiring a street frontage

#### ✧ Preferred Character Area E:

As this area is entirely within the Low Density Residential Zone (LDRZ) it is not possible to subdivide less than 4,000m<sup>2</sup> and only one dwelling can be constructed per lot. The area can only be developed otherwise if a planning scheme amendment is passed through Colac Otway Shire Council and approved by the Department of Planning and Community Development. Due to the distance from Main Street and other services such as the railway station and sporting fields, it is not an area that should be included within the Township Zone in the short term.

A series of objectives, decision guidelines, minimum lots sizes and possible layout diagrams are provided for each preferred character area.





The table below summarises minimum lots sizes for single dwellings and multi-unit development lots.

Table 1: Birregurra Neighbourhood Character Study minimum lot sizes

| Character Area | Min. Lot Size Single Dwelling | Min. Lot Size Multi-Unit Development |
|----------------|-------------------------------|--------------------------------------|
| A              | 1,000sqm                      | 500sqm                               |
| B              | 700sqm                        | 500sqm                               |
| C              | 1,000sqm                      | 600sqm                               |
| D              | 1,000sqm                      | discouraged                          |
| E (LDRZ)       | 4,000sqm                      | -                                    |

The Neighbourhood Character Study puts forward the following recommendations for inclusion in the Colac Otway Planning Scheme:

- *Modifications to the Municipal Strategic Statement (principally Clause 21.03-4) to refer to the proposed Design and Development Overlay.*
- *The introduction of a DDO control for the land within the existing township boundary, excluding the Low Density Residential Zone, Public Use Zone and Public Park and Recreation Zone.*
- *The introduction of a Vegetation Protection Overlay (VPO) to the extent of land covered by preferred Character Areas 'B' and 'D', which has been identified as making a significant contribution to the native canopy in Birregurra.*
- *The introduction of the Birregurra Neighbourhood Character Study into the planning scheme as a reference document.*

It is noted that proposed changes to the State standard provisions of the Low Density Residential Zone may result in the minimum lot size in Character Area E being reduced to 2,000sqm for lots connected to reticulated sewerage.

### 3 residential supply

This section of the report assesses the existing available residential land supply within Birregurra.

#### 3.1 township zone

##### vacant land

The Township Zone in Birregurra contains approximately 103 vacant lots across Character Areas A-D, as shown in the following table.

Through further subdivision of existing vacant lots (based on the minimum lot size for single dwellings in each Character Area recommended in the Neighbourhood Character Study) there is potential for 186 new dwellings to be developed within the Township Zone.

Table 2: Township Zone Vacant Land (based on recommended single dwelling lot sizes)

| Area             | Existing Vacant Lots | Potential new dwellings on vacant lots |
|------------------|----------------------|----------------------------------------|
| Character Area A | 4                    | 5                                      |
| Character Area B | 33                   | 68                                     |
| Character Area C | 49                   | 80                                     |
| Character Area D | 14                   | 33                                     |
| Total            | 103                  | 186                                    |

##### existing developed land (lots with dwellings)

Within the Township Zone there are approximately 245 existing lots developed with dwellings across Character Areas A-D, as shown in the following table.

Through development of existing developed land (based on the minimum lot size for each Character Area recommended in the Neighbourhood Character Study) there is potential for an additional 165 dwellings to be developed.

Table 3: Township Zone Developed Land (based on recommended single dwelling lot sizes)

| Area             | Existing lots with dwellings | Potential new dwellings on lots with existing dwellings |
|------------------|------------------------------|---------------------------------------------------------|
| Character Area A | 46                           | 4                                                       |
| Character Area B | 41                           | 19                                                      |
| Character Area C | 108                          | 74                                                      |
| Character Area D | 50                           | 68                                                      |
| Total            | 245                          | 165                                                     |

##### total potential new lots

Overall, there is the potential to provide for 351 new dwellings through further development of vacant lots and existing developed land in the Township Zone of Birregurra.

Table 4: Township Zone Total Potential Lots (based on recommended single dwelling lot sizes)

| Area             | Potential new dwellings |                              | Total potential new dwellings |
|------------------|-------------------------|------------------------------|-------------------------------|
|                  | Vacant lots             | Existing lots with dwellings |                               |
| Character Area A | 5                       | 4                            | 9                             |
| Character Area B | 68                      | 19                           | 87                            |
| Character Area C | 80                      | 74                           | 154                           |
| Character Area D | 33                      | 68                           | 101                           |
| Total            | 186                     | 165                          | 351                           |

It is noted that the above assessment does not consider the potential for further infill development associated with medium density unit developments. The Birregurra Neighbourhood Character Study sets out minimum lot sizes for multi-unit developments in Character Areas A, B and C. If these minimum lot sizes are used to determine potential supply the following results are obtained:

Table 5: Township Zone Total Potential Lots (based on recommended medium density dwelling lot sizes)

| Area             | Potential new dwellings |                              | Total potential new dwellings |
|------------------|-------------------------|------------------------------|-------------------------------|
|                  | Vacant lots             | Existing lots with dwellings |                               |
| Character Area A | 9                       | 40                           | 49                            |
| Character Area B | 121                     | 62                           | 183                           |
| Character Area C | 129                     | 166                          | 295                           |
| Character Area D | 33                      | 68                           | 101                           |
| Total            | 186                     | 165                          | 628                           |

It is noted that the figures above represent the maximum potential for new dwellings that may be possible within the Township Zone. However, it is likely that some of the lots will not be further subdivided and that a proportion of these potential new dwellings will remain undeveloped over the next 15 -20 years. This is particularly the case due to the fragmented ownership pattern of these allotments and lack of certainty about whether or not the land will be developed in the future.

## Table 6: Township Zone Total Potential Lots taking into account Market Limitations for Single Dwellings

In order to more accurately take into account the likely take-up of development a more conservative approach to estimating available land supply is warranted. This assessment assumes that vacant lots are more attractive and easier to develop than existing lots developed with dwellings. Thus it is assumed that 75% of potential new dwellings from vacant lots and 25 % of of potential new dwellings from existing developed lots will be developed over the 20 year planning horizon.

Table 6: Township Zone Total Potential Lots taking into account Market Limitations for Single Dwellings

| Area             | Potential new dwellings based on assumptions regarding likely take up |                                                            | Total potential new dwellings |
|------------------|-----------------------------------------------------------------------|------------------------------------------------------------|-------------------------------|
|                  | Vacant lots (75% likely to be developed)                              | Existing lots with dwellings (25 % likely to be developed) |                               |
| Character Area A | 3.75                                                                  | 1                                                          | 4.75                          |
| Character Area B | 51                                                                    | 4.75                                                       | 55.75                         |
| Character Area C | 60                                                                    | 18.5                                                       | 78.5                          |
| Character Area D | 24.75                                                                 | 17                                                         | 41.75                         |
| Total            | 139.5                                                                 | 41.25                                                      | 180.75                        |

Table 7: Township Zone Total Potential Lots taking into account Market Limitations for Medium Density Dwellings

| Area             | Potential new dwellings based on assumptions regarding likely take up |                                                            | Total potential new dwellings |
|------------------|-----------------------------------------------------------------------|------------------------------------------------------------|-------------------------------|
|                  | Vacant lots (75% likely to be developed)                              | Existing lots with dwellings (25 % likely to be developed) |                               |
| Character Area A | 6.75                                                                  | 10                                                         | 16.75                         |
| Character Area B | 90.75                                                                 | 15.5                                                       | 106.25                        |
| Character Area C | 96.75                                                                 | 41.5                                                       | 138.25                        |
| Character Area D | 24.75                                                                 | 17                                                         | 41.75                         |
| Total            | 219                                                                   | 84                                                         | 303                           |

### total new dwellings township zone

Based on future likely development of existing vacant lots and existing lots developed with dwellings the Township Zone in Birregurra has the potential to yield approximately 180 to 303 new dwellings.

If it is assumed that 10% of new dwellings to be constructed in Birregurra will be medium density dwellings, the estimated overall dwelling supply in the Township Zone is approximate 193

dwellings. This estimate takes 10% of forecast single dwellings and replaces these with 10% of forecast medium density dwellings.

### 3.2 low density residential zone

The Low Density Residential Zone in Birregurra contains 4 vacant lots and 18 existing lots with dwellings.

Through subdivision of existing vacant lots and existing lots with dwellings (based on the minimum lot size of 4,000 sqm) there is potential for 50 new dwellings to be developed within the Low Density Residential Zone of Birregurra. It is noted that the existing Low Density Residential Zoned land is not in the proposed sewerage district and it is assumed that the land will remain unsewered in the future.

Table 8: Low Density Residential Zone – Potential Lots

| Existing vacant lots          | Potential new dwellings on vacant lots | Existing lots with dwellings | Potential new dwellings on lots with existing dwellings |
|-------------------------------|----------------------------------------|------------------------------|---------------------------------------------------------|
| 4                             | 10                                     | 18                           | 40                                                      |
| Total potential new dwellings |                                        | 50                           |                                                         |

The same market limitations utilised in the Township Zone can be applied to ensure a pragmatic approach to lot supply is consistently applied across the township.

Table 9: Low Density Residential Zone Total Potential Lots Taking into Account Market Limitations

| Potential new dwellings                  |                                                            | Total potential new dwellings |
|------------------------------------------|------------------------------------------------------------|-------------------------------|
| Vacant lots (75% likely to be developed) | Existing lots with dwellings (25 % likely to be developed) |                               |
| 7.5                                      | 10                                                         | 17.5                          |

### total new dwellings low density residential zone

Based on future development of existing vacant lots and existing lots developed with dwellings the Low Density Residential Zone in Birregurra could yield between 17.5 new dwellings.



3.3 summary

As demonstrated in the table below:

- The Township Zone has the potential to provide for approximately 180 to 303 new dwellings taking into account the level of likely development take-up on vacant and developed lots as well as a single dwelling and medium density lot sizes.
- The Low Density Residential Zone has the potential to provide for 17.5 new dwellings taking into account the level of likely development take-up on vacant and developed lots.
- In total there is approximately 198 to 320 new dwellings potentially available in the township of Birregurra.

Table 10: Total potential new dwellings in Birregurra

|                              | Potential new dwellings |                              | Total potential new dwellings |
|------------------------------|-------------------------|------------------------------|-------------------------------|
|                              | Vacant lots             | Existing lots with dwellings |                               |
| Township Zone                | 139.5 - 219             | 41.25 - 84                   | 180.75 - 303                  |
| Low Density Residential Zone | 7.5                     | 10                           | 17.5                          |
| Total                        | 147 – 226.5             | 51.25 - 94                   | 198.25 - 320.5                |

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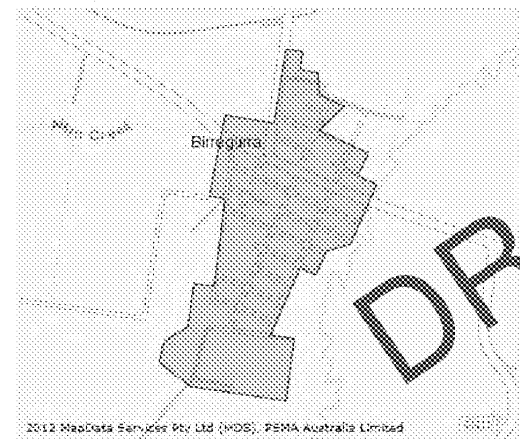
## 4 residential demand

There are a variety of methods that can be used to estimate future residential land demand, which includes population growth, building approvals data, vacant residential lot values, house sales and values, discussions with real estate agents and current and anticipated trends in residential development. These methods are discussed below under corresponding headings.

### study area definition

The majority of demand related data and analysis presented in this report has been undertaken for the Birregurra Urban Centre / Locality, the boundaries of which are shown in Figure 2 below.

Figure 2: Birregurra Urban Centre / Locality



The Birregurra, Urban Centre / Locality generally consists of all land within the Township Zone, south of the railway line and north of Bowden Street as well as land in the Low Density Residential Zone south of Bowden Street.

It is noted that this area has changed from the 2006 ABS Birregurra Urban Centre / Locality, which did not include land in the Low Density Residential Zone. This distorts comparison, but is sufficient for general analysis as the defined area for a bound Urban Centre / Locality represents a population cluster of between 200 and 999 people at the time of the Census.

### 4.1 population and building approvals data

#### colac otway shire

The table below provides a snapshot of the Colac Otway Shire's estimated residential population in 2006 and 2011.

Table 11: Colac Otway Shire Population and Dwellings (ABS Estimated Resident Population, profile.id)

| Year   | Population | Dwellings |
|--------|------------|-----------|
| 2006   | 21,044     | 10,791    |
| 2011   | 20,578     | 11,320    |
| Change | -466       | 529       |

Overall there has been a decline in population across the Shire from 2006 to 2011. However, there has been a substantial increase in the number of dwellings in the Shire, which could potentially be attributed to holiday homes, which may have been vacant on census night and / or the State-wide trend towards increasing numbers of smaller households.

Victoria in Future 2012 (VIF 2012) is the Victorian Government's official population and household projections. Information is provided for State-wide, regional and metropolitan areas as well as local government areas. The VIF projections cover the period 2011 to 2031 for regional Local Government Areas. It is noted that given the decline in population experienced in Colac Otway from 2006 to 2011 these projections may require revision.

Table 12 summarises the projected population and growth in dwellings for the Colac Otway Shire municipal area based on Victoria in Future 2012.

Table 12: Colac-Otway Shire Population and Dwelling Projections (VIF 2012 and profile.id)

| Year   | Population   | No. of dwellings |
|--------|--------------|------------------|
| 2011   | 20,578 (.id) | 11,267 (.id)     |
| 2016   | 23,220       | 12,304           |
| 2021   | 24,379       | 13,204           |
| 2026   | 25,582       | 14,142           |
| 2031   | 26,755       | 15,052           |
| Change | 6,177        | 3,785            |

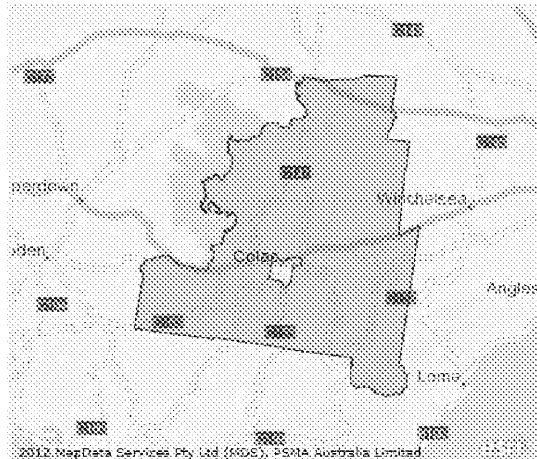
From 2011 to 2031, there is an estimated average annual demand for residential dwellings of 189 across the Shire. The majority of this demand is likely to be taken up in Colac (Regional Centre) and within the popular coastal Great Ocean Road / Otways region.



#### Colac Otway North SLA

The VIF 2012 also provides population and dwelling projections at the Statistical Local Area (SLA) level. Birregurra is located in the Colac North SLA as shown in the figure below.

Figure 3 Colac Otway North SLA



The Colac Otway North SLA includes the majority of the Shire of Colac Otway except for the urban area of Colac and the Great Ocean Road Otways region. As well as Birregurra, the SLA includes the settlements of Alvie, Beeac, Cororooke, Cressy, Irrewarra, Warrion, Barongarook, Carlisle River, Forrest, Gellibrand, Larpent, Pirron Yallock and Swan Marsh.

Table 13: Colac Otway North SLA Population and Dwelling Projections (VIF 2012)

| Year   | Population | No. of dwellings |
|--------|------------|------------------|
| 2011   | 6,370      | 2,657            |
| 2016   | 6,545      | 2,756            |
| 2021   | 6,640      | 2,864            |
| 2026   | 6,749      | 2,974            |
| 2031   | 6,867      | 3,081            |
| Change | 490        | 424              |

From 2011 to 2031, the estimated average annual demand for residential dwellings is 21 dwellings per annum across the Colac-Otway North SLA. Much of this growth is likely to be distributed throughout all of the settlements within the SLA.

#### Birregurra township

The tables below provide a snapshot of Birregurra's population using Australian Bureau of Statistics data based on 'State Suburb' and 'Urban Locality'. It also combines dwelling approval data which provides an indication of residential lot consumption rates in Birregurra. This data provides historic rates of housing growth on a yearly basis and is useful in forecasting future residential land demand. The dwelling approvals data has been obtained from Council.

Current available information from the 2011 ABS census indicates that the Birregurra Urban Centre / Locality had a population of 475 people and 239 dwellings in 2011.

Table 14: Birregurra Urban Locality (2011 ABS Enumerated population and Towns in Time, DPCD)

|      | Population | Total Dwellings | Ave. House Size |
|------|------------|-----------------|-----------------|
| 1991 | 463        | 202             | 2.8             |
| 1996 | 462        | 214             | 2.6             |
| 2001 | 426        | 202             | 2.5             |
| 2006 | 470        | 225             | 2.3             |
| 2011 | 475        | 239             | 2.3             |

Between 2001 and 2011 Birregurra's Urban Locality population increased by 49 people with a corresponding increase in dwelling numbers of 37. This equates to 3.7 new dwellings being constructed each year. It is noted these figures closely align with the Building Approvals data provided below.

Table 15: Birregurra New Dwelling Building Approvals (Source: Colac Otway Shire Council, 2012)

| End of Financial Year      | No.            |
|----------------------------|----------------|
| 2006                       | 3              |
| 2007                       | 4*             |
| 2008                       | 8*             |
| 2009                       | 4              |
| 2010                       | 2*             |
| 2011                       | 6              |
| 2012                       | 3 (incomplete) |
| Total                      | 30             |
| Average Per Year 2006-2011 | 4.5            |

Utilising historic dwelling approvals data as a trend from 2011 to 2031, there is an estimated average annual demand for residential dwellings of 4.5 dwellings within the township. Of these approximately 1 dwelling each year has been constructed in the Low Density Residential Zone. Over a 20 year period this would equate to approximately 90 new dwellings (including 70



## 4.2 Vacant residential lot values

Township Zone dwellings and 20 Low Density Residential Zone dwellings).

### 4.2 vacant residential lot values

Table 14 identifies the number of sales and median value of vacant residential lots in Birregurra for the period 2008 to 2012.

The median value of a vacant residential land in Birregurra in 2011 was \$205,000. This has increased significantly from 2010.

Table 16: Birregurra Vacant Land Sales (Source: Colac Otway Shire Council)

| Year | Number of Sales | Sale Price | Land Area sqm | Median for year        |
|------|-----------------|------------|---------------|------------------------|
| 2008 | 1               | \$103,000  | n/a           | \$116,500              |
|      | 2               | \$130,000  | n/a           |                        |
| 2009 | 1               | \$155,000  | 10,370        | \$145,000              |
|      | 2               | \$135,000  | 999           |                        |
| 2010 | 1               | \$115,000  | 1,183         | \$155,000              |
|      | 2               | \$75,000   | 537           |                        |
|      | 3               | \$225,000  | 4,001         |                        |
| 2011 | 4               | \$195,000  | 1,211         |                        |
|      | 1               | \$295,000  | 4,009         | \$205,000              |
| 2012 | 2               | \$116,000  | 871           |                        |
|      | 1               | \$120,000  | 1,183         | \$160,000 (incomplete) |
|      | 2*              | \$360,000  | 6,708         |                        |
|      | 3               | \$165,000  | 1,532         |                        |
|      | 4               | \$160,000  | 207           |                        |
|      | 5               | \$120,000  | 1,012         |                        |

\* Land located in the Low Density Residential Zone.

It is noted that as there are a variety of allotment sizes, including some larger landholdings, these figures are not necessarily a reliable measure of standard residential lot demand in Birregurra. In addition, the limited numbers of sales that have occurred suggest that the results are not from a statistical viable sample size in order to draw conclusions from.

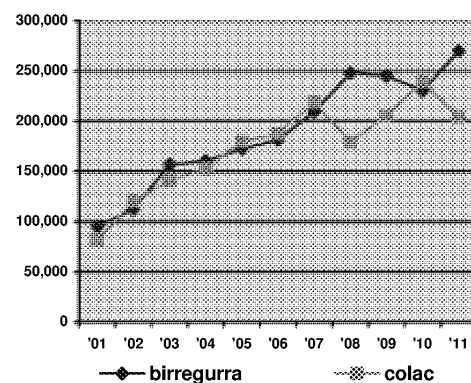
### 4.3 house sales and values

The table and graph below show the median house prices in Birregurra and Colac between 2001 and 2011. Note: only partial sales numbers have been available from the Colac Otway Shire Council and Valuer General.

Table 17: Birregurra Median House Price (Guide to Property Values, DSE)

| Year | Birregurra Median House Price | No. of sales | Colac Median House Price | No. of sales |
|------|-------------------------------|--------------|--------------------------|--------------|
| 2001 | \$95,000                      | n/a          | \$82,000                 | n/a          |
| 2002 | \$112,500                     | n/a          | \$120,000                | n/a          |
| 2003 | \$156,500                     | n/a          | \$140,500                | n/a          |
| 2004 | \$160,000                     | n/a          | \$152,500                | n/a          |
| 2005 | \$172,000                     | n/a          | \$180,000                | n/a          |
| 2006 | \$181,000                     | n/a          | \$187,500                | n/a          |
| 2007 | \$209,000                     | n/a          | \$219,000                | n/a          |
| 2008 | \$248,000                     | 10           | \$179,000                | n/a          |
| 2009 | \$245,000                     | 10           | \$205,000                | n/a          |
| 2010 | \$230,000                     | 13           | \$239,500                | n/a          |
| 2011 | \$270,000                     | 13           | \$204,000                | n/a          |

Figure 4 Birregurra and Colac Median House Price 2001-2011 (A Guide to Property Values, 2012, DSE)



Housing sales data (provided by Colac Otway Shire) between 1 January 2012 and 17 September 2012 indicates that the median house price in Birregurra has risen in 2012. There have been 8 house sales with a low of \$210,000 and a high of \$737,500. The median house price in Birregurra during this period was \$317,500, an increase of \$95,000 compared with the 2011 figure. This data is shown in Table 18.



Table 18: Birregurra House Sales 2012

|                 |           |
|-----------------|-----------|
| Number of Sales | 8         |
| Lowest Price    | \$210,000 |
| Highest Price   | \$737,500 |
| Median Price    | \$317,500 |

The consistent growth (as well as general parity with Colac) in the median value of houses in Birregurra is an indicator of high demand for residential lots in the township. It may also be a potential indicator of limited lot supply, driving up prices of existing dwellings, due to demand exceeding supply.

#### 4.4 discussions with real estate agents

The project team has held discussions with a number of real estate agents as a method to garner anecdotal evidence regarding the demand for residential land in Birregurra. They provided the following observations in relation to supply and demand for residential property in the locality:

- House sales have slowed and there are currently more houses on the market in Birregurra offering greater choice to buyers.
- Houses values ranging between \$300 - \$450,000 are sort after. Any prices above \$500,000 being asked for are not attracting buyers.
- The market in Birregurra differs from that in Colac. Buyers are highly price sensitive and looking at the lower end of the market, although there is a preference for period homes.
- Other demand is being driven by people undertaking a 'tree change'. Holiday home purchasers make up a small proportion of buyers.
- Vacant land demand is over inflated resulting in a number of vendors having to reduce asking prices.
- Demand in Birregurra has been principally driven by first homebuyers looking for land in the lower price bracket.
- Recent land sales in Birregurra have ranged in price from \$100,000 to \$185,000, with demand highest at the lower price brackets.
- A vacant 1 acre block of land was recently sold for \$138,000 after being on the market for 3 years.
- Whilst there is a perception that reticulated sewerage will drive more development interest, one real estate agent has undertaken appraisals for a number of clients. This work determined that the costs of subdivision, particularly infrastructure and services provision to allotments in Birregurra outweighed potential profit.

#### 4.5 current and anticipated trends in residential development in Birregurra

##### princes highway improvements

The upgrading of the Princes Highway will provide for a four-lane divided road between Geelong and Winchelsea. This will enhance access to and from Birregurra and reduce travel times to key services and employment in Geelong.

It is considered that the improvement of the Princes Highway is likely to have a modest impact on the demand for residential development within Birregurra.

##### railway service improvements

Work on a \$1.9 million upgrade of the west Warrnambool intermodal freight hub is nearing completion and will allow for more efficient loading to get south-west products transported to Appleton dock in Melbourne. Work is also expected to start next year on a \$10m passing loop at Warrnambool near Birregurra, which will enable heavier and longer freight trains to operate between Warrnambool and Appleton dock in Melbourne.

Large improvements to passenger services have also been identified in the G21 Regional Growth Plan. These improvements are dependent on the new passing loop at Warrnambool.

Such freight and passenger rail infrastructure improvements are like to have a positive impact on growth rates in Birregurra.

##### connection to reticulated sewerage

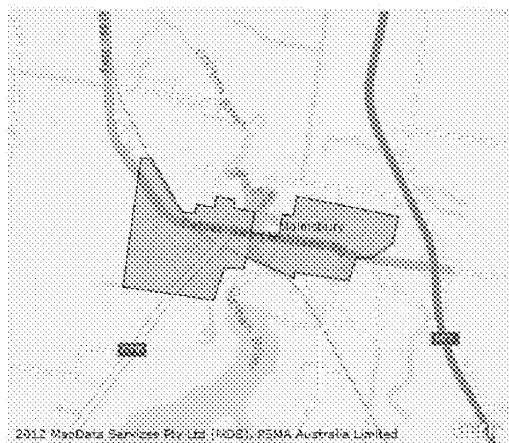
The township of Birregurra is currently being connected to reticulated sewerage. It is expected that this will facilitate further subdivision of existing lots previously considered too small to treat and dispose of wastewater on site (Colac Otway Shire Rural Living Strategy 2011).

A brief case study of the township of Malmesbury located within the Macedon Ranges Shire has been conducted to analyse how connection to reticulated sewerage affects residential demand. 2011 ABS Census Data indicates that the Malmesbury Urban Locality had a population of 645 people (ABS enumerated population) and 272 dwellings in 2011.





Figure 5: Malmesbury Urban Locality (ABS 2011)

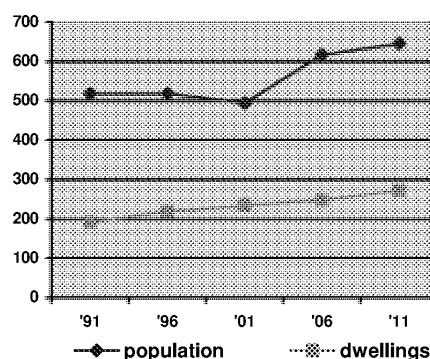


In 1998, Malmesbury, located approximately 90 kilometres north west of Melbourne (located on the Calder Freeway and Melbourne – Bendigo Regional Rail link) was connected to reticulated sewerage. In order to ascertain any impacts associated with this physical infrastructure change it is necessary to examine the township's population and dwelling statistics over time.

Table 19: Malmesbury's Population and Dwellings over Time (2011 ABS Enumerated population and Towns in Time, DPCD)

| Year | Population | Dwellings | P.a. growth in dwellings |
|------|------------|-----------|--------------------------|
| 1991 | 518        | 192       |                          |
| 1996 | 514        | 219       | 5.4                      |
| 2001 | 494        | 234       | 3                        |
| 2006 | 616        | 248       | 2.8                      |
| 2011 | 645        | 272       | 4.8                      |

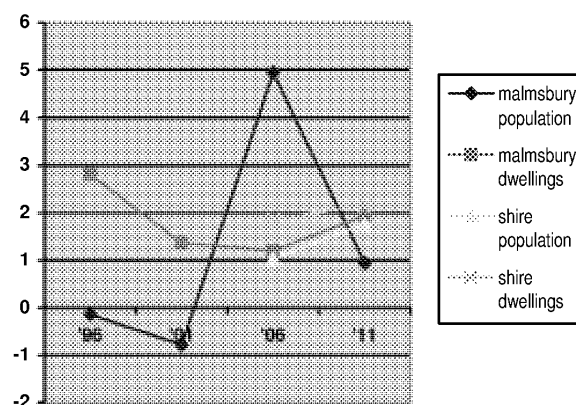
Figure 6: Population and dwelling numbers in Malmesbury



According to the above data there was a spike in Malmesbury's population between 2001 and 2006 that could potentially be attributed to the provision of reticulated sewer. However, dwelling numbers in that period did not increase as rapidly and the growth in dwellings numbers has been relatively consistent from 1991 to 2011.

A comparison of the township growth rates against the Shire's will assess if there was a similar rate across the Shire and therefore growth cannot be attributed to reticulated sewerage provision. As shown in Figure 7 the spike in population growth between 2001 and 2006 appears to be specific to Malmesbury. However, given the relatively consistent rates of growth in dwelling numbers between the overall Shire and the township, the results are considered inconclusive.

Figure 7: Population and dwelling growth rates per annum



#### 4.6 forecast residential land demand

Given that there are a number of variables that could affect Birregurra's population growth over the next 15 to 20 years it is useful to examine a range of scenarios to forecast future dwelling requirements for the township. Such scenarios are necessarily forward thinking and take into account the potential for increased demand as a result of Birregurra's attractive rural lifestyle qualities and the potential effect of physical infrastructure improvements. These scenarios are examined below.

##### scenario 1 – doubling of historic growth rates

This scenario assumes that historic growth rates of dwelling approvals will double to 9 dwellings per year as a result of the physical infrastructure changes (reticulated sewer, highway and rail improvements) anticipated to occur in Birregurra. This is considered the most probable scenario.

##### scenario 2 – medium growth scenario

The medium growth scenario is based upon an increase in dwelling approvals to 15 per year (an increase of 10.5 dwelling approvals per year on average).

##### scenario 3 – high growth scenario

The high growth scenario is based upon an increase in dwelling approvals to 21 dwellings per year (an increase of 16.5 dwelling approvals per year on average). This scenario assumes that the township of Birregurra will accommodate all of the projected growth for the Colac-Otway North SLA to 2031 based on the VLF 2012 forecast.

Table 20: Forecast Residential Demand Scenarios and Available Land Supply Birregurra

|                                   | Current growth rates | Doubling of historic growth rates | Medium growth scenario | High growth scenario |
|-----------------------------------|----------------------|-----------------------------------|------------------------|----------------------|
| Dwellings per year                | 5 dw                 | 9 dw                              | 15 dw                  | 21 dw                |
| No. of dwellings required to 2031 | 100                  | 180                               | 300                    | 420                  |
| Available supply in years         | 39.6 - 64 years      | 22 – 35 years                     | 13 – 21 years          | 9 – 15 years         |

- Based on historical trends, new dwelling approvals within Birregurra have averaged around 4 - 5 dwellings per year. It is likely that this rate of growth will rise given the physical infrastructure improvements anticipated in the township.

- As the historic growth rate is expected to rise, this assessment examines low, medium and high growth scenarios ranging from 9 to 21 new dwellings being required per year over the next 20 years.
- The potential supply of new dwellings in Birregurra is estimated to range from 198 to 320 dwellings depending on the take-up of medium density development opportunities and assuming that 75% of vacant lots and 25% of developed lots will be developed.
- Based on the estimated minimum supply of 198 dwellings demand will be met for between 9 to 39 years.

#### 4.7 conclusion

- Birregurra is recognised as a small rural settlement with modest growth capacity by State and Local policy.
- The State Planning Policy Framework states that planning authorities should plan to accommodate projected population growth over at least a 15 year period, albeit this is on a municipal basis.
- The Birregurra Neighbourhood Character Study has been prepared in anticipation of the township being connected to reticulated sewerage. That document recommends minimum lot sizes for various Character Areas in the township, which have been used in this assessment to estimate potential supply of new dwellings.
- The maximum potential supply of new dwellings from existing vacant lots and lots developed with dwellings is between 401 and 678 new dwellings based on recommended minimum lot sizes for single dwellings and medium density dwellings respectively. Of these, there are 107 vacant lots that are immediately available for development and can be developed in the short to medium term.
- The potential likelihood of these dwellings being developed is variable and has been taken into consideration when determining the future potential supply. It has been assumed that vacant land is easier to develop and thus this assessment assumes that 75% of vacant lots will be developed and 25% of existing lots with dwelling.
- Depending on the amount of dwellings that are developed as medium density dwellings, there is potential supply ranging from approximately 198 to 320 new dwellings within the township. Of these, 17.5 dwellings are estimated to be available in the Low Density Residential Zone.
- Based on historic trends there is an estimated average annual demand for around 4 to 5 new dwellings per year. If this trend continues, over a 20 year period, this equates to demand for between 80 and 100 new dwellings.
- Future growth of Birregurra is likely to be positively influenced by improvements to infrastructure, including reticulated sewerage and rail and road links. The degree to which these physical changes will influence growth is unknown. Three scenarios have been used to model a range of potential forecasts for future dwelling requirements. Such forecasts are based on historic growth rates and the potential effect of physical infrastructure improvements.
- With the doubling of historic growth rates, there is estimated demand for around 9 dwellings per year and the need for 180 new dwellings to 2031.
- More optimistic scenarios for the township see the rate of growth increasing to 15 and 21 dwellings per year. This equates to the need for 300 and 420 new dwellings to 2031.

- Should Birregurra's current growth rates continue, there is a potential future dwelling supply ranging from 39 to 64 years supply.
- Should the current growth rates double, there is a potential future dwelling supply ranging from 22 to 35 years supply.
- If the high growth scenario eventuates, there is potential of at least 9 to 15 years supply of new dwellings available within the current boundaries of the township.

#### 4.8 recommendations

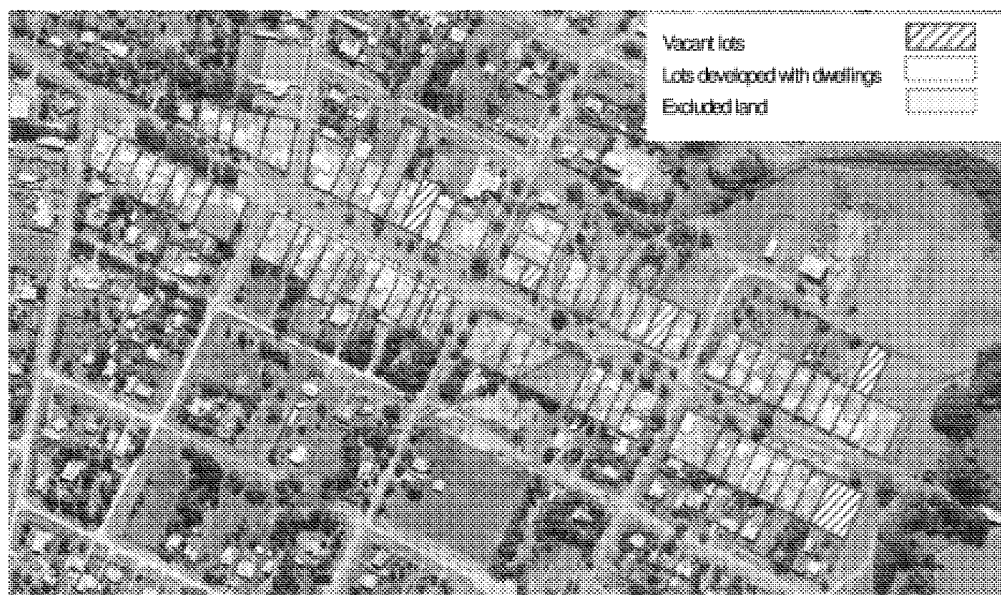
- Given the potential available dwelling supply within Birregurra, historic growth rates and the unknown potential arising from reticulated sewerage provision it is considered that there is no current need for additional residential land to be provided.
- However, Council should monitor dwellings approvals and house and vacant land sales over the next 3 years as the sewerage system is rolled out. This will enable Council to ascertain what impacts reticulated sewerage provision has on potential demand in Birregurra.
- It would therefore be beneficial for the Birregurra Structure Plan to identify preferred areas of residential expansion should the need arise in the future.

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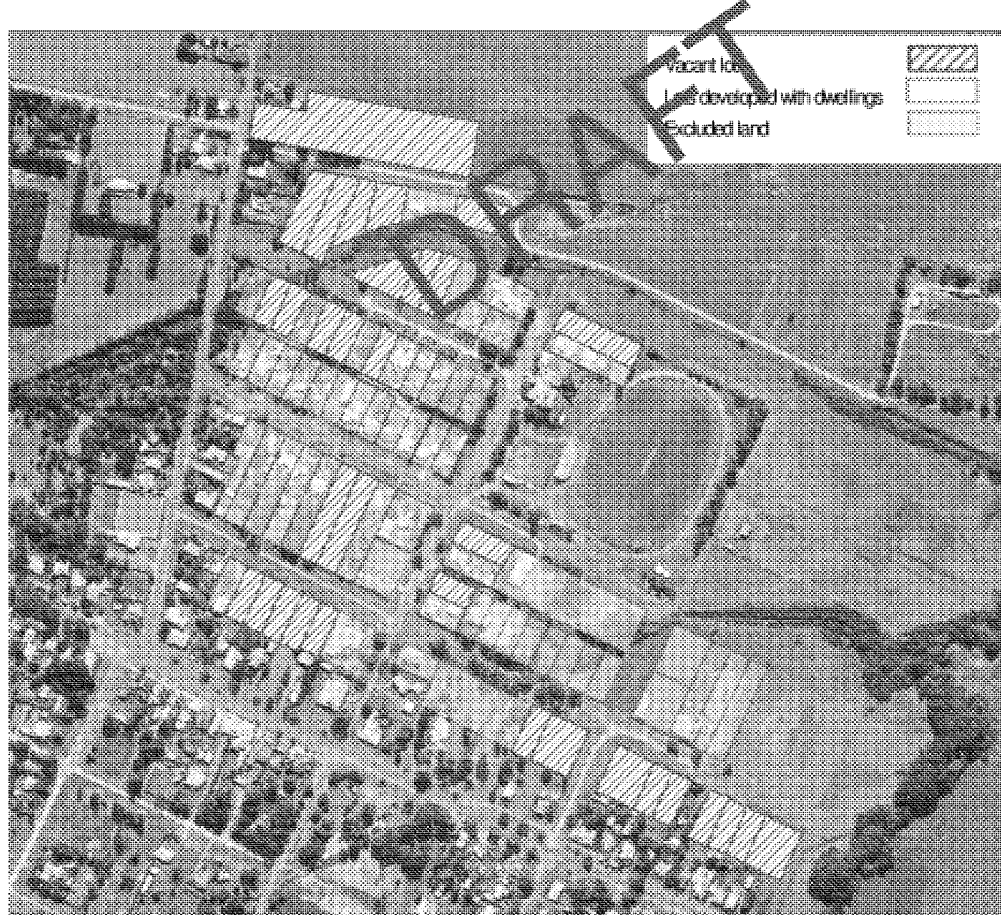
appendix 1  
mapinfo analysis maps



Character Area A



Character Area B



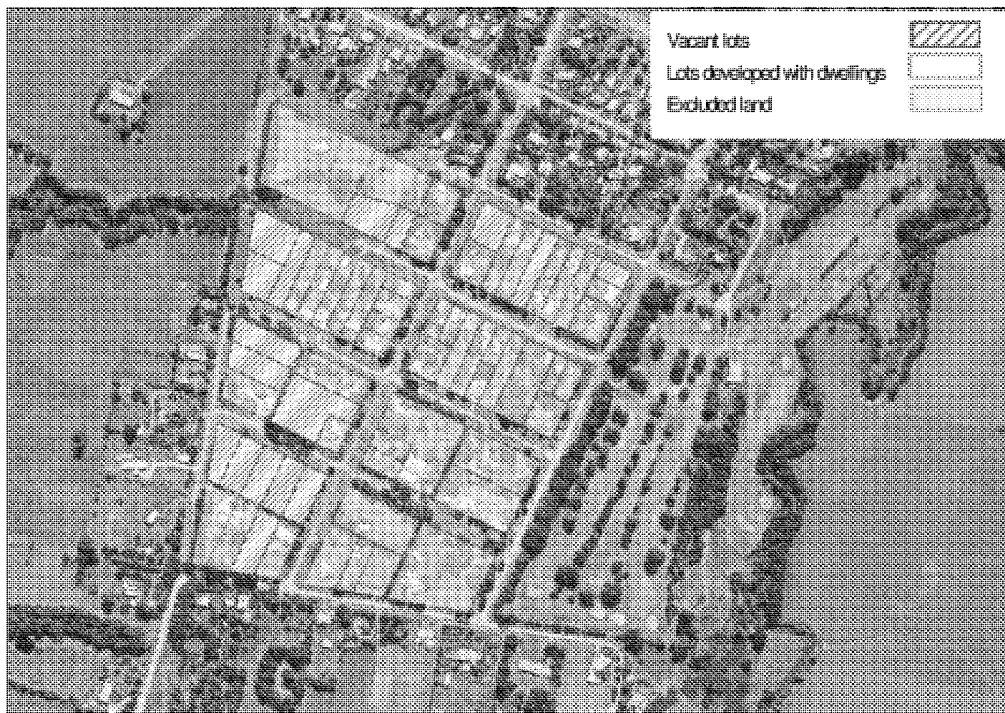


Character Area C

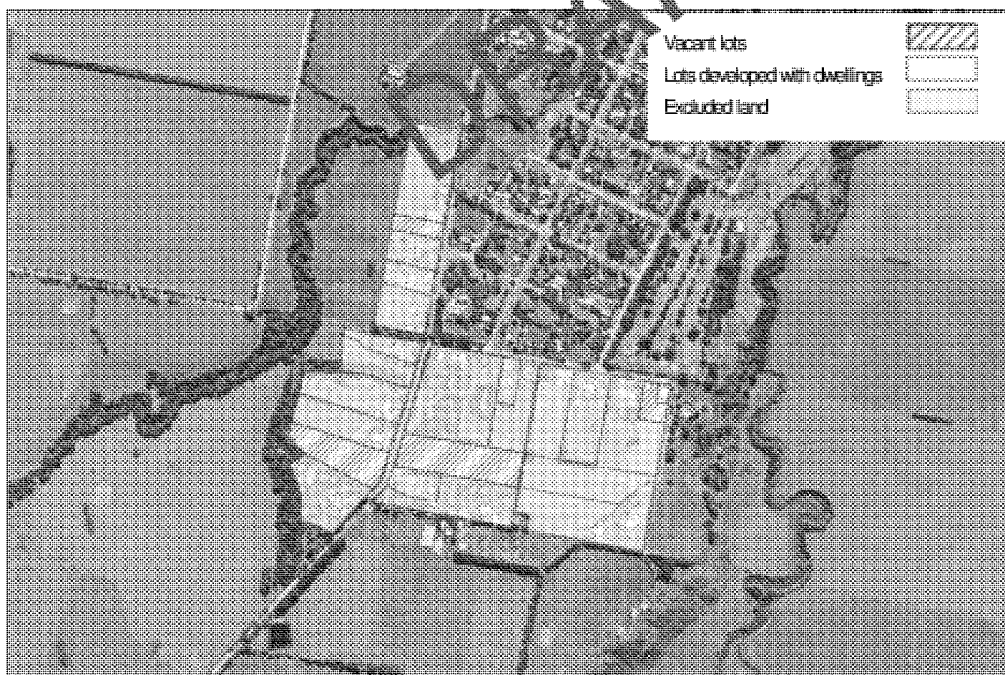




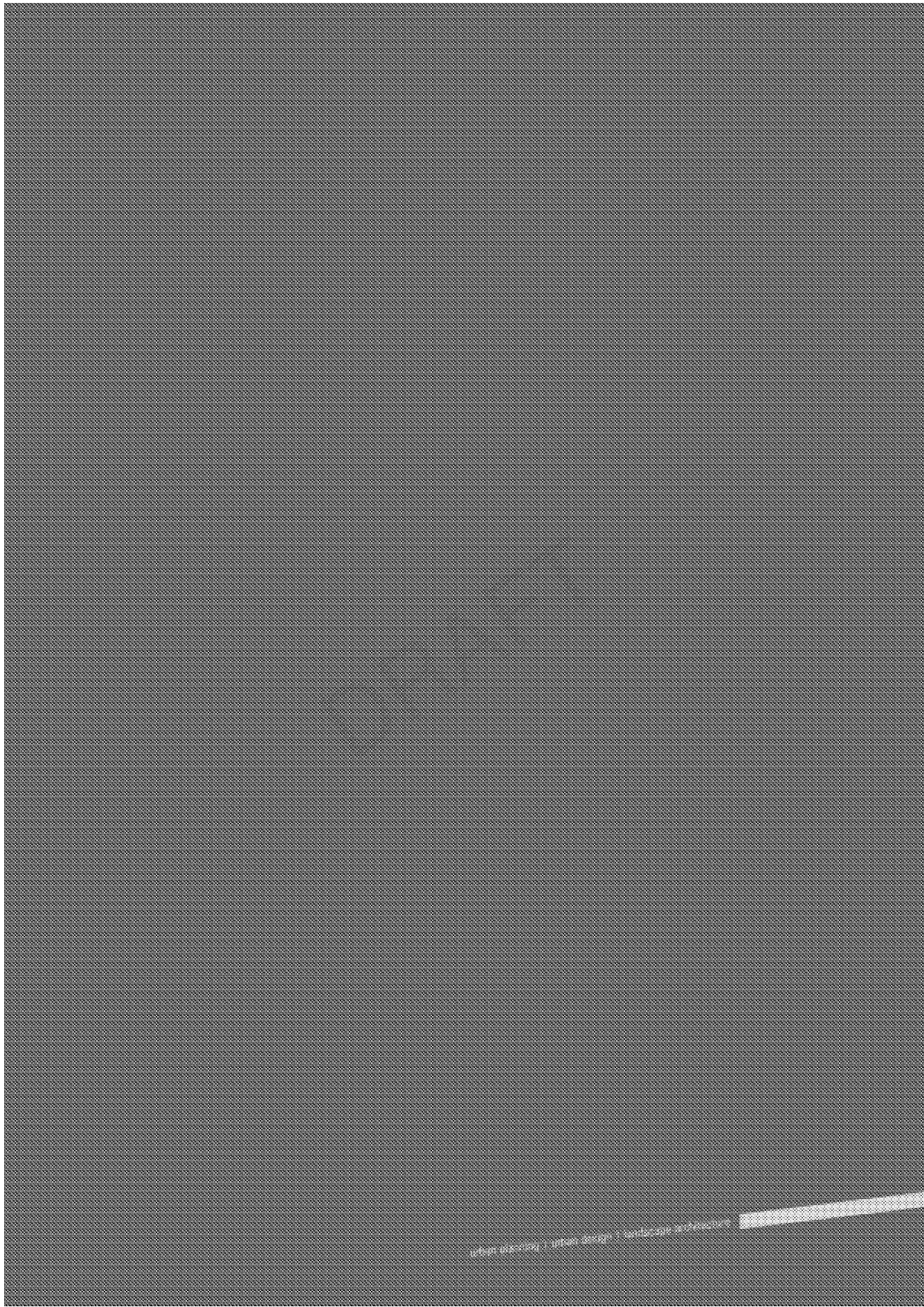
Character Area D



Low Density Residential Area













## acknowledgements

### steering committee

The members of the Birregurra Structure Plan Steering Committee are thanked for their considerable contribution and guidance:

- Cr Brian Crook, Councillor Colac Otway Shire
- Doug McNeill, Manager Planning and Building Colac Otway Shire
- Don Lewis, Senior Strategic Planner Colac Otway Shire
- Gemma Browning, Strategic Planner Colac Otway Shire
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- Sarah Handscomb

- George Johnson

- Vicki Jeffrey

- Phillip Kennon

- Christine West

### project team

- Hansen Partnership

- David Barnes: Project Director and Urban Planner

- Suzannah Bigolin: Project Manager and Urban Planner

### community reference group

Members of the Birregurra Structure Plan Community Reference Group are thanked for their time and contribution to the project as well as their valuable township insights.

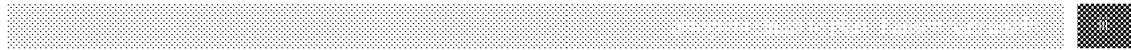
- Gary Battye
- Fiona Brandscheid
- Ian Court
- Paul Dewry
- Geoff Downard
- Peter Falkiner
- Ian Fox

## contents

|      |                                                               |    |                                                          |    |
|------|---------------------------------------------------------------|----|----------------------------------------------------------|----|
| 1    | introduction .....                                            | 1  | 11.3 strategies .....                                    | 27 |
| 1.1  | background .....                                              | 1  | 12 landscape and environment.....                        | 28 |
| 1.2  | draft structure plan 2010 .....                               | 1  | 12.1 discussion.....                                     | 28 |
| 1.3  | what is a structure plan .....                                | 2  | 12.2 objectives.....                                     | 28 |
| 1.4  | purpose .....                                                 | 2  | 12.3 strategies .....                                    | 28 |
| 1.5  | land affected.....                                            | 2  | 13 access and movement.....                              | 31 |
| 1.6  | how the plan will be used.....                                | 4  | 13.1 road network.....                                   | 31 |
| 2    | regional role and context .....                               | 5  | 13.2 walking and cycling.....                            | 31 |
| 3    | community consultation .....                                  | 6  | 13.3 public transport.....                               | 31 |
| 4    | the vision.....                                               | 7  | 13.4 way finding.....                                    | 31 |
| 5    | key elements of the structure plan.....                       | 8  | 13.5 objectives.....                                     | 32 |
| 6    | settlement .....                                              | 11 | 13.6 strategies .....                                    | 32 |
| 6.1  | population.....                                               | 11 | 14 community services and facilities .....               | 36 |
| 6.2  | housing supply and demand .....                               | 11 | 14.1 discussion.....                                     | 36 |
| 6.3  | investigation areas for potential residential expansion ..... | 12 | 14.2 objectives.....                                     | 36 |
| 6.4  | objectives .....                                              | 13 | 14.3 strategies .....                                    | 36 |
| 6.5  | strategies.....                                               | 13 | 15 recreation and open space .....                       | 38 |
| 6.6  | rectifying errors and anomalies .....                         | 14 | 15.1 discussion.....                                     | 38 |
| 7    | housing choice, diversity & affordability .....               | 16 | 15.2 objectives.....                                     | 38 |
| 7.1  | discussion .....                                              | 16 | 15.3 strategies .....                                    | 38 |
| 7.2  | objectives .....                                              | 16 | 16 physical services and utilities.....                  | 39 |
| 7.3  | strategies.....                                               | 16 | 16.1 discussion.....                                     | 39 |
| 8    | character and heritage.....                                   | 17 | 16.2 objectives.....                                     | 39 |
| 8.1  | character .....                                               | 17 | 16.3 strategies .....                                    | 39 |
| 8.2  | heritage .....                                                | 17 | 17 implementation and review .....                       | 40 |
| 8.3  | objectives .....                                              | 17 | 17.1 discussion.....                                     | 40 |
| 8.4  | strategies.....                                               | 18 | 17.2 local planning policy framework.....                | 40 |
| 9    | town centre .....                                             | 21 | 17.3 zoning and overlays.....                            | 40 |
| 9.1  | discussion .....                                              | 21 | 17.4 monitoring and review .....                         | 44 |
| 9.2  | objectives .....                                              | 21 | 17.5 drainage and local road construction strategy ..... | 44 |
| 9.3  | strategies.....                                               | 21 | 17.6 further work.....                                   | 44 |
| 10   | industry .....                                                | 24 |                                                          |    |
| 10.1 | discussion .....                                              | 24 |                                                          |    |
| 10.2 | objectives .....                                              | 24 |                                                          |    |
| 10.3 | strategies.....                                               | 24 |                                                          |    |
| 11   | tourism.....                                                  | 26 |                                                          |    |
| 11.1 | discussion .....                                              | 26 |                                                          |    |
| 11.2 | objectives .....                                              | 27 |                                                          |    |

## appendices

appendix 1: road cross-sections



## figures

figure 1: study area

figure 2: context plan

figure 3: structure plan

figure 4: long term investigation areas

figure 5: land use and activity

figure 6: preferred character areas

figure 7: heritage

figure 8: natural landscape and environment

figure 9: access and movement

figure 10: community node concept plan

figure 11: proposed rezonings and overlays

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## 1 introduction

### 1.1 background

The Birregurra Structure Plan is the key strategic planning document that will assist in the management and monitoring of growth and development in the township of Birregurra. Colac Otway Shire Council engaged Hansen Partnership, a planning, urban design and landscape architecture consultancy, to work with key stakeholders and the community to prepare a structure plan for the town.

Birregurra is a small rural township located in the heart of the Colac Otway Shire. The town is relatively compact and has a strong focus on a traditional Main Street, which accommodates a range of small local commercial and community uses. Birregurra is relatively self-contained in relation to local community facilities with a primary school, churches, public hall, recreation reserve, train station and other well established community assets.

The town has recently been connected to reticulated sewerage, and along with road and rail improvements to Geelong, it is expected that an increased demand for residential development may occur in the future. At the same time the community sees it as important to ensure that an appropriate 'fit' exists between the existing character of the town and new development, in order to retain the valued qualities of Birregurra.

The Birregurra Structure Plan seeks to balance these competing objectives by critically examining potential residential land supply and demand, reviewing opportunities and constraints to urban development in the town, examining the role the town plays in the wider region, and through engagement with Birregurra's highly interested community.

### 1.2 draft structure plan 2010

The Birregurra Structure Plan project was originally commenced by *CPG Planning Consultants* in 2010. A draft structure plan report was prepared and placed on public exhibition that year.

There was considerable community feedback to the 2010 draft Structure Plan, particularly in relation to the possible expansion of the urban boundary of the town. As a consequence, the 2010 draft plan was not adopted by Council. Council resolved to prepare a neighbourhood character study to assist in identifying the potential to accommodate additional residential infill development within the existing urban boundaries of Birregurra. That project was undertaken by *Hansen Partnership* and has now been completed. *Hansen Partnership* was also engaged to finalise the Structure Plan based on the work commenced by *CPG Planning Consultants* and having regard to the findings of the Neighbourhood Character Study and further consultation with the community. The draft Structure Plan and background documentation prepared by *CPG Planning Consultants* has been used, where relevant, in the preparation of this structure plan.

Additional matters addressed in this version of the Structure Plan include:

- An update of State, regional and local policy context.
- A more detailed residential land supply and demand analysis.
- A consideration of retail needs.
- Consideration of infrastructure planning and design principles, particularly in relation to roads and drainage.



### 1.3 what is a structure plan

A structure plan is a strategic planning document that aims to give effect to the policies and objectives set out for the use and development of land in the State Planning Policy Framework. It also seeks to provide effectively for changing community needs. Structure plans provide the framework for the long term development of a place by defining the preferred direction of future growth and by articulating how change will be managed.

Structure plans guide the major changes to land use, built form, access and movement networks, and public spaces that together can achieve environmental, social and economic outcomes for a place.

A coordinated and holistic plan allows a wide range of stakeholders, service authorities, State Government departments and internal Colac Otway Shire departments to all 'read from the same page' when considering development in Birregurra. This produces a coherent outcome and certainty for residents, developers and Council (as the Responsible Authority).

A structure plan also provides the framework for statutory planning controls that can be implemented through the Colac Otway Planning Scheme. Structure plans are informed by extensive public consultation and discussion. While not everyone may agree with every aspect of the plan, it should generally reflect broader community values.

### 1.4 purpose

The purpose of the Birregurra Structure Plan is to:

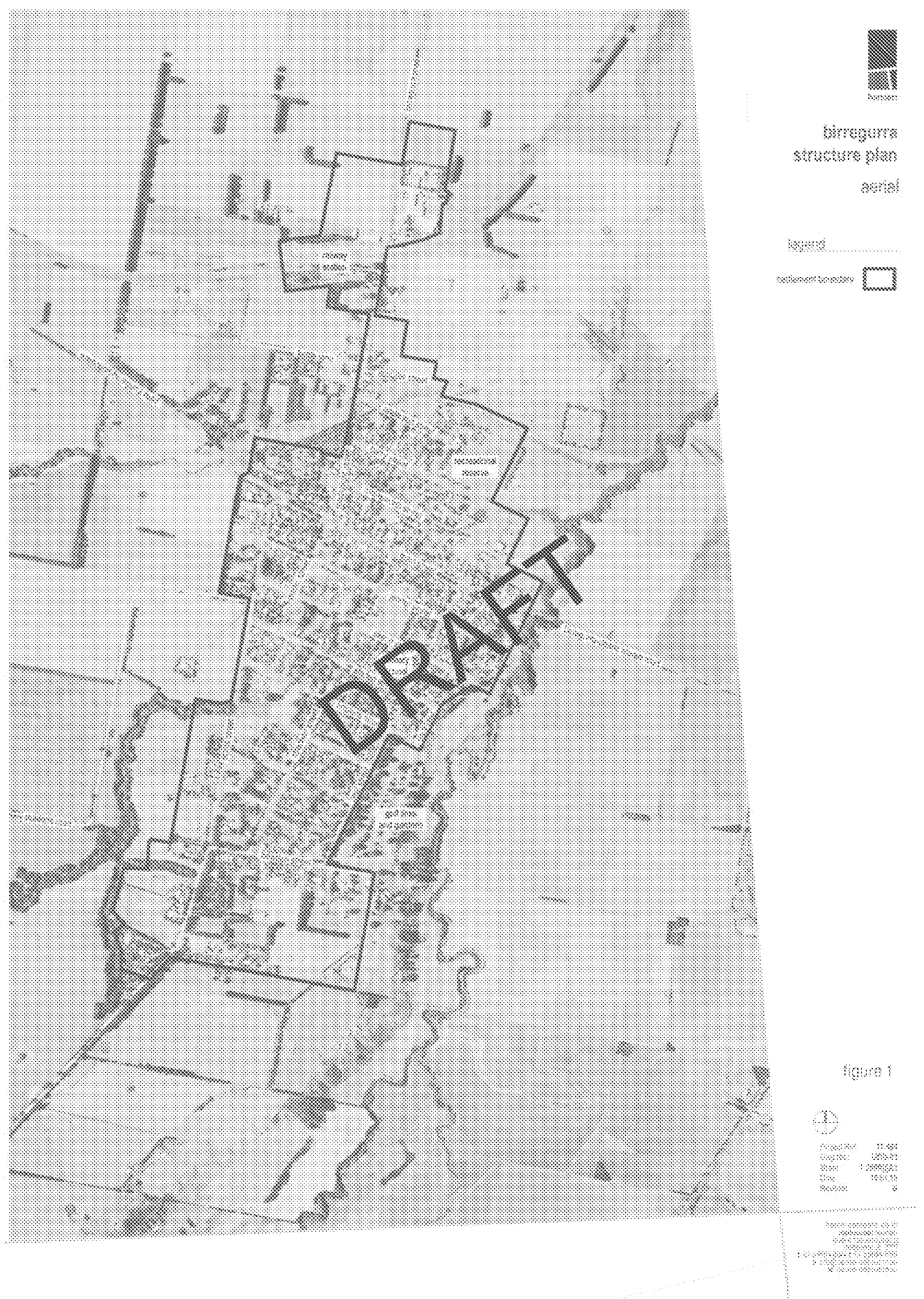
- ✧ Guide land use and development in a coordinated manner over the next 20 years.
- ✧ Provide a long term vision and greater certainty for all stakeholders regarding Birregurra's preferred future.
- ✧ Provide direction relating to management of Birregurra's sense of place, character and identity following connection of the township to the reticulated sewerage network.
- ✧ Establish clear policy directions and important land use and development outcomes related to Birregurra's future settlement patterns, economic development, built form and heritage, natural environment and landscape, and access and movement networks.

### 1.5 land affected

The study area for the Birregurra Structure Plan focuses on the existing township boundary (see Figure 1), which includes:

- ✧ Land within the Township Zone and Low Density Residential Zone.
- ✧ The golf course and other recreation facilities within the township.
- ✧ The railway station and land within the Industrial 1 Zone to the north of the town on Roadknight Street.







## 1.6 how the plan will be used

The Structure Plan will be used to:

- Introduce new planning policies, and zone and overlay controls into the Colac Otway Planning Scheme.
- Guide planning decision-making, including assessment of planning permit applications for development, subdivision and land use, and requests for planning scheme amendments to rezone land.
- Guide non-statutory initiatives, arrangements or partnerships to assist in realising potential future opportunities within the township.
- Assist the community to understand how Birregurra is likely to change in the future.
- Assist community and sporting groups to prioritise future work, seek funding for projects and make long term plans.
- Provide certainty to landowners and / or developers about the future potential of their land and the matters that will be considered by Council in assessing land use and development applications.
- Provide certainty to business operators about opportunities for development and growth in regard to Birregurra's future direction.
- Inform Council's capital works program, including funding needs for recreation, community and health facilities and programs.
- Inform community services groups and physical infrastructure authorities, including Barwon Water, of future growth and the implications of this on forward infrastructure planning and service provision.

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## 2 regional role and context

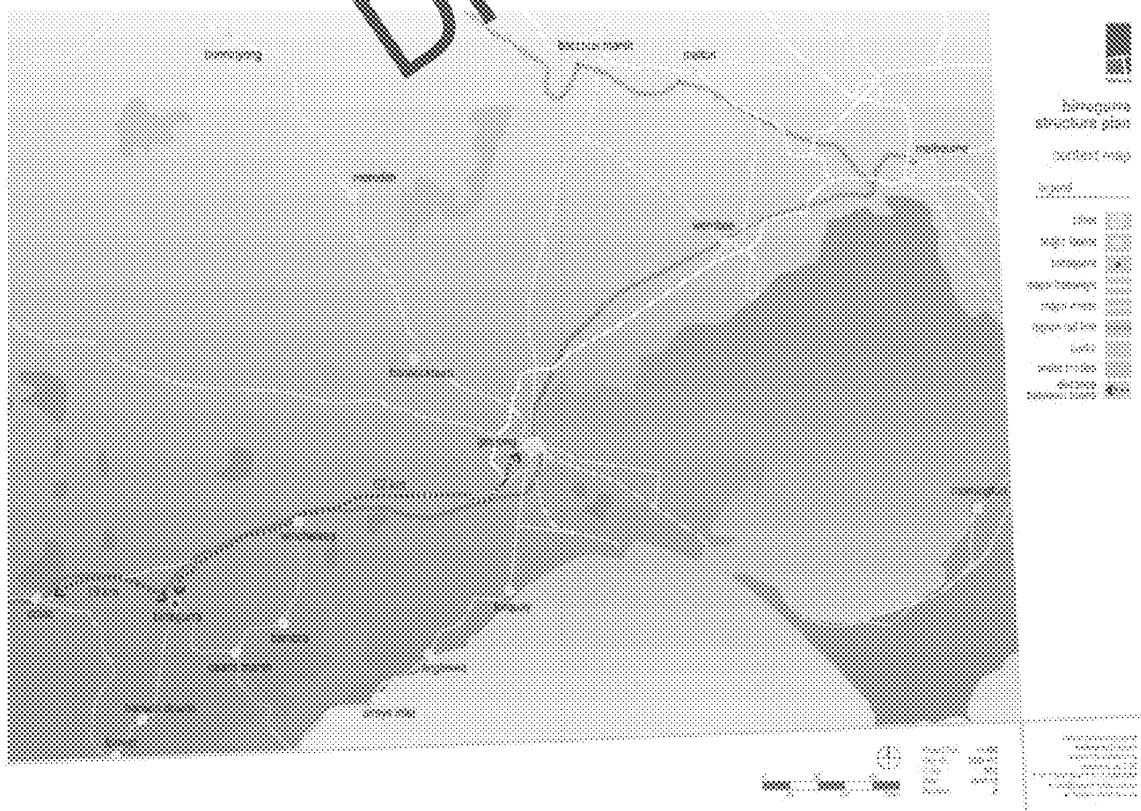
Birregurra's regional role is influenced by its location between Colac and Geelong and within the Geelong G21 Region, which includes the municipalities of Greater Geelong, Colac Otway, Surf Coast, Queenscliffe and Golden Plains.

Within the region, Geelong is identified as a 'Regional City', where urban growth is to be directed (Clause 11.05 of the State Planning Policy Framework and the G21 Regional Growth Plan, 2012). The G21 Regional Growth Plan designates Colac as a 'district town' that provides food production activity and services to settlements within the rural hinterland, including the Otways and Great Ocean Road, and acts as a gateway to the Great South Coast. This aligns with the identification of Colac as a Regional Centre for residential, service and manufacturing industry, retail, office services, recreation and education facilities in the Planning Scheme. Colac is the Shire's main growth node with a target population of 20,000 people by 2050, which is significantly higher than its current population. Growth in Colac is recognised as being essential to ensuring the Centre fulfils its regional role and provides a

range of services to surrounding areas.

With a small population of 475 people, Birregurra currently functions as a small rural settlement with a strong identity and sense of place. The heritage and character elements that define the identity of the town, which include wide rural roads, large vegetated lots, and open views to the surrounding rural hinterland, are important in maintaining a rural feel to the town in the future.

Growth in Birregurra has historically been slow despite the township being recognised as one of the least constrained settlements in the Shire. Whilst Birregurra is not specifically targeted for growth, the Colac Shire Rural Living Strategy, 2011 identifies the town as having moderate potential for future growth. According to the Municipal Strategic Statement future development of townships such as Birregurra should proceed in a manner that contributes to the economic development of the town, acknowledges and responds to environmental constraints, and protects the broader landscapes within which the townships are located.





### 3 community consultation

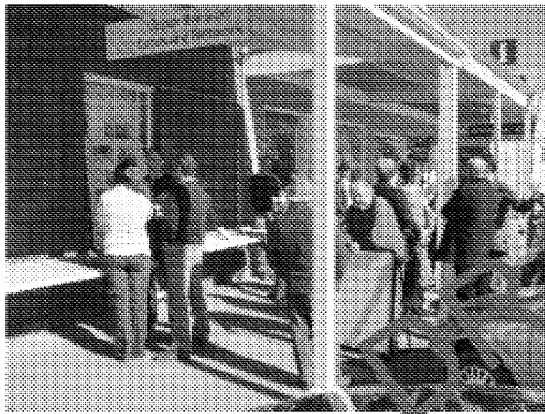
In a town with such a small population, it is vital that the values of the community are heard and included in the planning process. The community is the heart and soul of a small town and has an intimate understanding of the town, its values and opportunities and constraints to growth.

Whilst consultation was undertaken during 2010 as part of the original structure plan process, additional consultation has been undertaken through the preparation of more

recent projects including the Neighbourhood Character Study and the Community Infrastructure Plan.

Recent work has also been undertaken through the Community Reference Group as part of the preparation of the Birregurra Structure Plan.

The resulting information from all consultation sessions has shaped the vision and objectives of the Structure Plan and is summarised in the Background Report.





## 4 the vision

A vision statement has been prepared for Birregurra. The vision seeks to encapsulate the needs and aspirations of the community and other stakeholders, as well as the outcomes sought in this structure plan.

The vision states a preferred future for Birregurra and provides direction as to how this will be achieved. The vision provides directions to achieve the preferred type and function of future urban form, and identifies infrastructure items that will meet a wider regional need.

The vision is derived from the Draft Birregurra Structure Plan (CPG, 2010), but has been modified to reflect the community consultation that has been undertaken since that report was prepared.

### VISION

*Birregurra is a small town offering a village lifestyle in an attractive rural setting to its diverse, creative and active community, which includes young families, couples, single people and older people.*

*The town has a relatively compact urban form based on an attractive and connected network of grid streets and open space links, and sits discretely within its rural surrounds.*

*Housing opportunities provide a range of choices that meet the varied needs of residents, including smaller dwellings close to Main Street which allow people to retire and age in place. Housing is generally characterised by single storey dwellings on relatively generous lots with large gardens, creating a vegetated setting for houses consistent with the traditional character of the town. The size of lots and the amount of landscaping increases, and the intensity of development and potential for resubdivision decreases, moving up the hill to the south of town.*

*Birregurra's historic past is celebrated through its heritage buildings, main street, public art and provision of heritage information. The sense of township identity is in part defined by these elements and by the strong sense of community that is established through the range of community and recreation opportunities in the town.*

*Birregurra contains a consolidated commercial town core and community node that provides retail, community and health services that cater for residents' local needs and provides support to surrounding farming areas.*

*Tourism in Birregurra continues to grow with a range of accommodation, hospitality and other activities emerging to cater for this market.*



## 5 key elements of the structure plan

The Birregurra Structure Plan establishes the key directions that will shape the growth and development of the town over the next 20 years. The plan specifically provides guidance on the township's land use, built form, movement, environmental and open space networks.

Birregurra has recently been connected to reticulated sewerage, and along with road and rail improvements to Geelong, it is expected that an increased demand for residential development may occur in the future. The extent and rate at which this additional growth may occur is uncertain. Preserving Birregurra's valued rural township character and natural setting, whilst allowing for and guiding modest potential future growth, is therefore a key element of the Plan. However, the Plan does not establish detailed directions for the protection of the character of the township. That has been completed in the *Birregurra Neighbourhood Character Study, 2012*.

Birregurra will continue to function as a small rural township with a commercial centre that will cater for the needs of local residents and tourists to the area. In light of modest residential growth, the role of the commercial area is likely to expand incrementally overtime, however non-essential shopping will continue to be undertaken at larger regional centres such as Colac and Geelong. Tourism, health, retail and related services will continue to perform a key role in providing local employment, as will anticipated growth in service based industry which may expand over time to respond to the needs of the population.

Birregurra's character, combined with heritage elements and geographical location proximate to the coast and Colac, create the ingredients for the town to expand its role as a tourist destination. Broadening the range of tourist accommodation and activities is an important part of this role, including potential expansion into temporary accommodation such as camping and caravan sites to meet the changing dynamics of the tourist market.

On this basis, the key elements of the Structure Plan are:

- Moderate population growth and demand for additional residential development over the next 20 years.
- Existing urban boundary of the town to be retained to maintain Birregurra as a compact rural town catering for modest growth relative to its current size.
- Infill development within the boundaries of the existing Township Zone to be given priority and to be strongly encouraged, to make efficient use of existing larger lots now that reticulated sewerage has been provided and to avoid the need for urban expansion (i.e. rezoning), if possible.
- Rate of infill development to be monitored over the next 3 to 5 years to make sure that the substantial infill development opportunities that exist are being realised.
- No urban expansion onto greenfields land to be contemplated as part of any future review of the Structure Plan, unless a review identifies that infill development is not occurring at a sufficient rate to accommodate the demand for new housing.
- The town centre is to be consolidated and strengthened through opportunities to expand commercial uses within a contained retail area.
- Opportunity for an expanded community and health node provided for within the town centre, to cater for the growing and changing needs of the population.
- Existing industrial area to the north of town to be retained and recognised as the primary location for any industries that may seek to locate in Birregurra.
- Whilst allowing existing industrial and related uses in the Township Zone in the Molesworth Street area to continue to operate under existing use provisions, encourage their relocation to industrial zoned land to the north of town, if and when reinvestment in, or expansion of those uses is proposed, to allow the opportunity for infill residential development in the longer term.



- Recognition of the strong tourism role of Birregurra and the opportunities this provides into the future, and the importance of retaining and enhancing the heritage and character qualities of the town in order to realise the tourism opportunities that exist.
- ◀ Establishment of a connected open space network.
- ◀ Support for planned improvements to the Birregurra Recreation Reserve and club facilities.

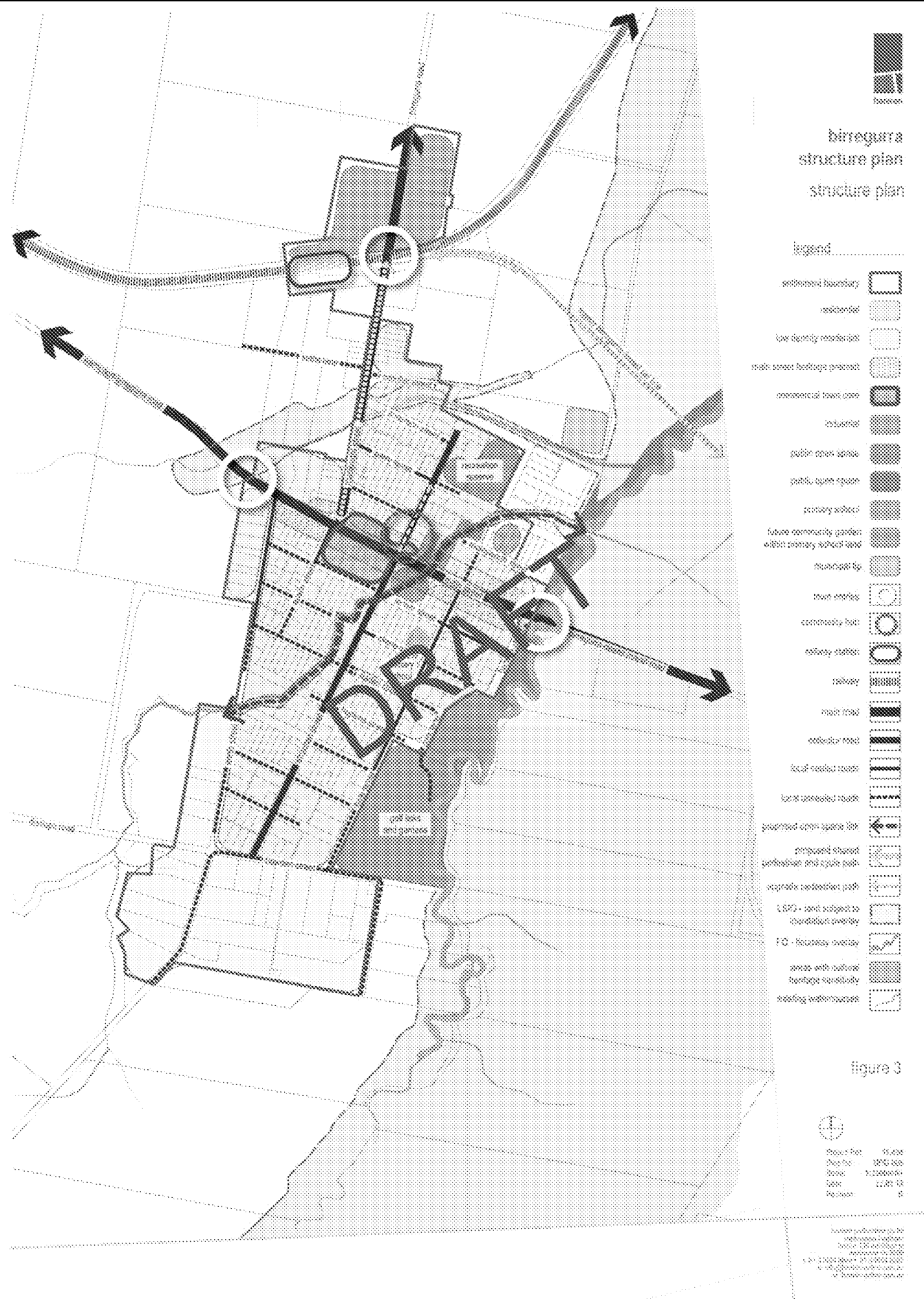
- ◊ Opportunities to increase pedestrian activity through improved movement networks and enhancement of pedestrian amenity.

The structure plan is illustrated in Figure 2.

A description of the key elements of the Structure Plan and the objectives and strategies required to realise them is described in the following sections of this report.

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## 6 settlement

### 6.1 population

Birregurra is a small rural town with modest potential for future residential growth. The advent of reticulated sewer, road and rail improvements to Geelong, and increased pressures for tourism and residential lifestyle opportunities ('tree change') are likely to be key drivers of growth in the future.

The degree to which these factors will influence development in Birregurra is uncertain and the rate of population growth and residential development will need to be monitored over time to identify ongoing trends.

At the time of the 2011 ABS census the population (enumerated) of Birregurra was 475 people. The following table provides population scenarios for the next 20 years based on the residential demand assessment undertaken and presented in the Background Report for this project.

|                                       | Current<br>growth rates | scenario 1 | scenario 2 | scenario 3 |
|---------------------------------------|-------------------------|------------|------------|------------|
| 2031 total<br>persons                 | 683                     | 845        | 1087       | 1329       |
| additional<br>people (2011 –<br>2031) | 208                     | 370        | 612        | 854        |

As can be seen from the above table, the increase in population expected to occur over the next 20 years varies from 208 people to 612 people. Scenario 1 assumes a doubling of the past dwelling approval rates (from a low 4 to 5 new dwellings a year, to 9 dwellings a year). This is considered to form the basis for the minimum level of population increase likely to occur. Scenarios 2 and 3 are based on annual new dwelling construction rates of 15 and 21 dwellings a year.

### 6.2 housing supply and demand

There are presently some 239 dwellings in Birregurra, both in the Township Zone and the Low Density Residential Zone (as of 2011).

The following table identifies the expected number of new dwellings in Birregurra over the next 20 years. As can be seen it is forecast that a demand for between 180 and 420 new dwellings could exist.

|                                     | scenario 1 | scenario 2 | scenario 3 |
|-------------------------------------|------------|------------|------------|
| 2031 total dwellings                | 419        | 539        | 659        |
| additional dwellings<br>(2011-2031) | 180        | 300        | 420        |
| additional dwellings<br>per year    | 9          | 15         | 21         |

The supply and demand assessment presented in the Background Report identified the following:

- That there are presently 107 vacant lots in Birregurra.
- The theoretical number of new dwellings that could be established in Birregurra, both on existing vacant lots and lots occupied by dwellings that may be further subdivided, is between 401 and 678. This is based on the recommended minimum lot sizes for single dwellings and medium density dwellings in the Neighbourhood Character Study.
- Given the difficulty of further subdividing lots with existing houses, and the fact many vacant lots may not actually 'come onto the market', a more realistically estimate of the potential for new dwellings within existing zone boundaries is between 198 to 320 new dwellings. Of these, around 17 are in the Low Density Residential Zone, the remainder being within the Township Zone.
- Based on historic trends there is an estimated average annual demand for around 4 to 5 new dwellings per year. If that trend continues over a 20 year period it equates to demand for between 80 and 100 new dwellings.



- If that rate doubles (Scenario 1), there would be an estimated demand for around 9 dwellings per year and a need for 180 new dwellings to 2031.
- More optimistic scenarios (i.e. Scenarios 2 and 3 - 15 and 21 dwellings per year respectively) would see the need for between 300 to 420 new dwellings to 2031.

Given the significant potential for infill development within current zone boundaries, it is considered that priority should be given to encouraging infill development and avoiding the rezoning of farmland around Birregurra for urban expansion purposes. However, given the uncertainty of the rate of infill development that will occur in the future, it is recommended that Council monitors dwelling approvals and house and vacant land sales over the next 3 to 5 years, to enable it to ascertain what impacts reticulated sewerage provision will have on residential demand.

Anecdotal evidence from other recently sewered towns such as Bannockburn in the Golden Plains Shire, have revealed that infill development post sewer generally takes longer to develop than available greenfield land. This is due to the relative ease of subdividing, developing and bringing to market larger consolidated parcels versus relying on the inclinations of individual owners to subdivide and sell single parcels. Notwithstanding this, in order to preserve Birregurra's rural town character, as well as address the aspirations of the community, no additional residential land is proposed to be included in the township boundary at this time.



### 6.3 investigation areas for potential residential expansion

Despite the priority given to infill development within existing zone boundaries, it is appropriate for this structure plan to consider and identify possible preferred areas for residential expansion. This is required to preserve Birregurra's long term planning options, so that development / subdivision does not occur on such land in the interim, whilst it remains in a Farming Zone, that could prejudice the future long term growth of Birregurra.

Whilst it is important for such areas to be discussed in the structure plan 'report', it is not considered appropriate to identify them on the structure plan itself, so as not to raise expectations about their potential to be rezoned for urban expansion within the timeframe of this structure plan. The formal designation of future residential growth areas is considered beyond the planning horizon of this Plan.

Given the constraints posed by the Barwon River and its flood plain to the east of town, and the topography / escarpment to the south, options for future urban expansion are limited to the north and west.

Land to the west of the town, along Warncoort Birregurra Road, has not been considered due to the potential impact of urban expansion on the visual amenity of this important western entry to the town.

Three areas have been identified for consideration in the future, if and when the need for urban expansion is confirmed (see Figure 4).



#### 6.3.1 area 1

- West of Roadknight Street, either side of Kettle Lane and north of Atkin Creek.
- The area is approximately 9 ha (excluding land along Roadknight Street that is developed with existing dwellings).
- The area provides a logical extension to the township to the north-west. It also integrates the railway station with the existing urban fabric of the township.
- A scattering of existing houses and the vegetation pattern presently existing along Roadknight Street, between the existing boundary of the Township Zone and the railway line, already give this appearance that this area is part of the township. It is noted that the draft Structure Plan report (CPG, 2010) included this area within the designated township boundary.
- The Atkin Creek and associated floodplain could be utilised for environmental and passive open space purposes.
- There are plans for a shared pedestrian / bicycle path along the west side of Roadknight Street to connect the Railway Station with Main Street.

#### 6.3.2 area 2

- Area 2 is east of Roadknight Street and south of the railway line.
- The investigation area is approximately 11 ha.
- The area provides a logical extension to the township. It also integrates the Railway Station with the existing urban fabric of the township.
- The area appears low lying, is less vegetated and is more open to views from Roadknight Street than Area 1 to the west, and is considered to have lower amenity than other potential areas due to the proximity to the tip.

#### 6.3.3 area 3

- Area 3 is west of Ennis Street.
- The area is approximately 12 ha in size.
- This area would have little visual impact on main road approaches to the town if developed.
- It could also be integrated into the existing street grid network through extension of Ennis Street.
- Physical boundaries also define the possible extent of this area, being a road to the north and west, and a creek to the south.

#### 6.4 objectives

- To maintain Birregurra as a small rural township with modest growth potential.
- To manage growth and development in Birregurra in a coordinated and sustainable manner that ensures Birregurra retains its rural township character.
- To encourage infill development on vacant lots within the township boundary.
- To support further subdivision of larger developed lots within the existing township boundary.

#### 6.5 strategies

- Contain urban development within the existing defined township boundary.
- Encourage sensitive infill development as the priority for accommodating growth within Birregurra, in particular the development of dwellings to the second street frontage where existing lots have two street frontages.
- Support subdivision of land and multi-unit development in the Township Zone consistent with the minimum lot sizes recommended in the Birregurra Neighbourhood Character Study, 2011 as follows:



| Character area | Min. lot size<br>Single dwelling | Min. lot size<br>Multi unit dev. |
|----------------|----------------------------------|----------------------------------|
| A              | 1,000sqm                         | 500sqm                           |
| B              | 700sqm                           | 500sqm                           |
| C              | 1,000sqm                         | 600sqm                           |
| D              | 1,000sqm                         | discouraged                      |
| E (LDRZ)       | 4,000sqm                         | -                                |

- Wherever possible, existing laneways and / or roads should be used as a means to provide access to subdivisions in preference to the development of battleaxe block configurations.
- Apply the following decision guidelines to a proposal to create a battleaxe allotment where the 'handle' of the lot provides car access:
  - The availability of alternative access to the new allotments i.e. whether or not there is a made or unmade road reserve adjoining the site.
  - The ease of access for emergency vehicles.
  - The length, layout, width and design of driveways and whether these will have a negative impact on the informal rural township character of Birregurra.
- Avoid the creation of battleaxe lots for service provision (i.e. where the 'handle' is used for services such as water, sewerage or drainage to a road other than the road the lot fronts), where this raises the potential for ongoing property maintenance issues, or detracts from the character of the area.
- Rezone the skate park land from a Township Zone to Public Park and Recreation Zone to reflect that actual land use of the site.
- Rezone non-railway land contained in the Public Use Zone to the Farming Zone, to reflect actual land use.
- Monitor the rate of infill development over the next 3 to 5 years to make sure that the substantial infill development opportunities that exist, are being realised.

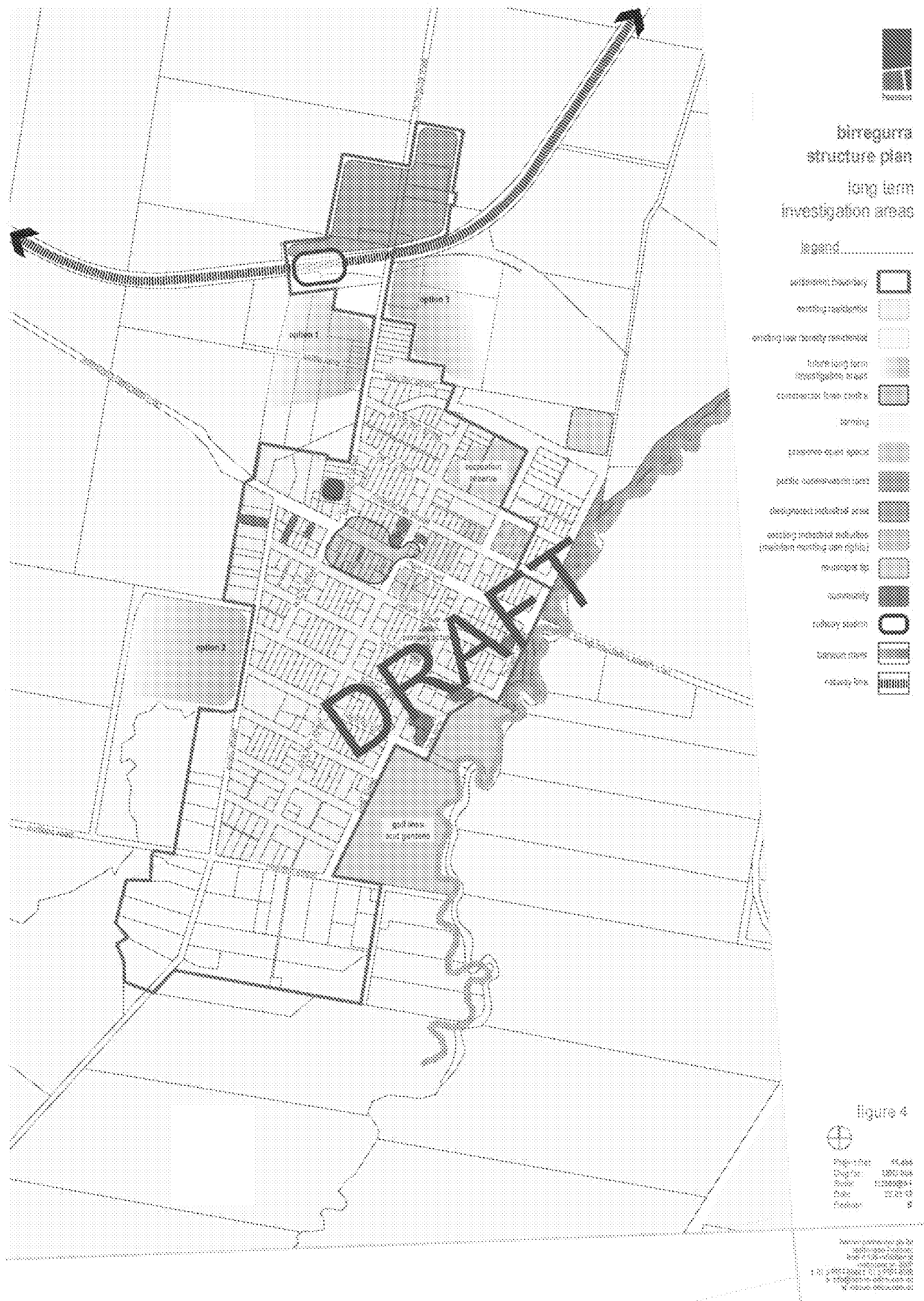
- No urban expansion onto greenfield land is to be contemplated as part of any future review of the structure plan, unless a review identifies that infill development is not occurring at a sufficient rate to accommodate the demand for new housing.

If or when a need is identified for urban expansion, the expansion, the following principles should be applied in identifying and assessing potential areas for future rezoning:

- The land is contiguous to the existing urban boundary and has the ability to be integrated into the existing grid road network to improve overall permeability and movement between new and older areas of town.
- The land is located close to existing services and facilities (station, primary school and Main Street).
- The land is not constrained by slope or flooding / drainage issues.
  - The location will have minimal or no impact on the appearance of main road entries to Birregurra.
- The need to avoid high quality agricultural land.
- The need to avoid impacts on significant vegetation.
- The site has clearly defined and defensible boundaries i.e. physical features such as roads, watercourses etc that form a natural or a clearly defined boundary.
- The land is desirable for residential use.
- The land is not subject to high bushfire risk.
- Development of the land will provide for market choice.
- The area can be efficiently serviced by physical infrastructure with a preference for gravity sewer and gravity fed water supply systems in accordance with Barwon Water's servicing requirements.

## 6.6 rectifying errors and anomalies

A number of zoning errors and anomalies have been identified through preparation of this structure plan which will be rectified via the structure planning process.





## 7 housing choice, diversity and affordability

### 7.1 discussion

Proximate to the coast and Otway Ranges, and to major regional centres, Birregurra provides housing choice in an alternative, easily accessible and high quality rural lifestyle and tourist location. Currently the population profile of Birregurra is mixed, with a large number of older residents as well as young families. Modest population growth will increase the mix of people in Birregurra and will influence the type and style of housing required to meet their needs.

At present, housing stock is wholly single detached dwellings from a mix of eras and a mix of price points. Achieving diversity in housing, through the arrangement of lot sizes and housing types, will increase the mix of people living in the community. A mix of people will help enhance social capital and encourage more sustainable communities.

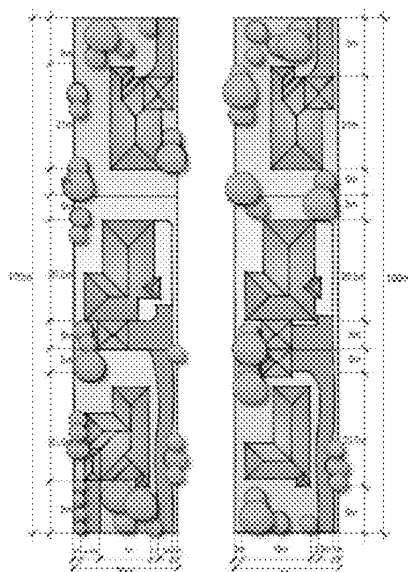
Housing diversity is particularly important for older people in the community who may seek alternatives to the traditional family home as they age. Being able to provide housing options, including smaller dwellings and units or retirement living, is very important to ensure that people can 'age in place' and remain a vital and important part of the community. This housing mix is also important for young families, first home owners and single and shared households.

### 7.2 objectives

- ✧ To encourage housing diversity and affordability.
- ✧ To encourage a mix of housing types and styles.
- ✧ To encourage a housing market that responds to the community's lifecycle needs.
- ✧ To encourage sustainable housing siting and design.

### 7.3 strategies

- ✧ Support multi-unit developments, medium density housing and retirement / aged care living in appropriate locations.
- ✧ Medium density housing to be encouraged at a scale, density and design that respects the preferred character of the town, in areas closest to the town centre, services and facilities, including in Preferred Character Areas A, B and C as identified in the *Birregurra Neighbourhood Character Study, 2011*.
- ✧ Retirement / aged care living should occur in proximity to the community and health node, and Main Street.



urban planning | urban design | landscape architecture



## 8 character and heritage

### 8.1 character

Birregurra's small rural town appeal is very much part of its unique character. A range of landscape character elements, buildings, materials, architectural styles and streetscape elements combine to create the existing informal rural township character of Birregurra. As development occurs and change takes place over time the character qualities of a town such as Birregurra may be jeopardised. As such, the Structure Plan seeks to preserve those elements of Birregurra which contribute to its valued rural township character, and ensure new development does not result in a loss of this character. Primarily this will occur through the implementation of the *Birregurra Neighbourhood Character Study, 2012*.



### 8.2 heritage

The heritage aspects of the town are very prominent in Birregurra, ranging from heritage houses to the historic Main Street, the timber mill and the train station. The ability to retain and celebrate this heritage into the future is an important aspect in maintaining sense of place and the identity of Birregurra.

Recent work initiated by the community at the Birregurra Train Station is an example of the local value of the historical building stock and has re-invigorated the station as a key element of the tourist appeal of the town. The Heritage Walk provides a great opportunity to connect the historical elements in the town and tell the story of Birregurra to locals and visitors alike. Ongoing maintenance and further improvements to the Heritage Walk and interpretative signage is encouraged.

In Main Street the historic nature of the town is represented not only in its building stock but in design features including ornate parapets, antique retailing, historic shop signage, the width of the street (to cater for bullock carts), horse watering areas and the use of heritage colours. Use of heritage style lighting and signage could be sensitively incorporated into Main Street without impacting on authentic heritage elements.

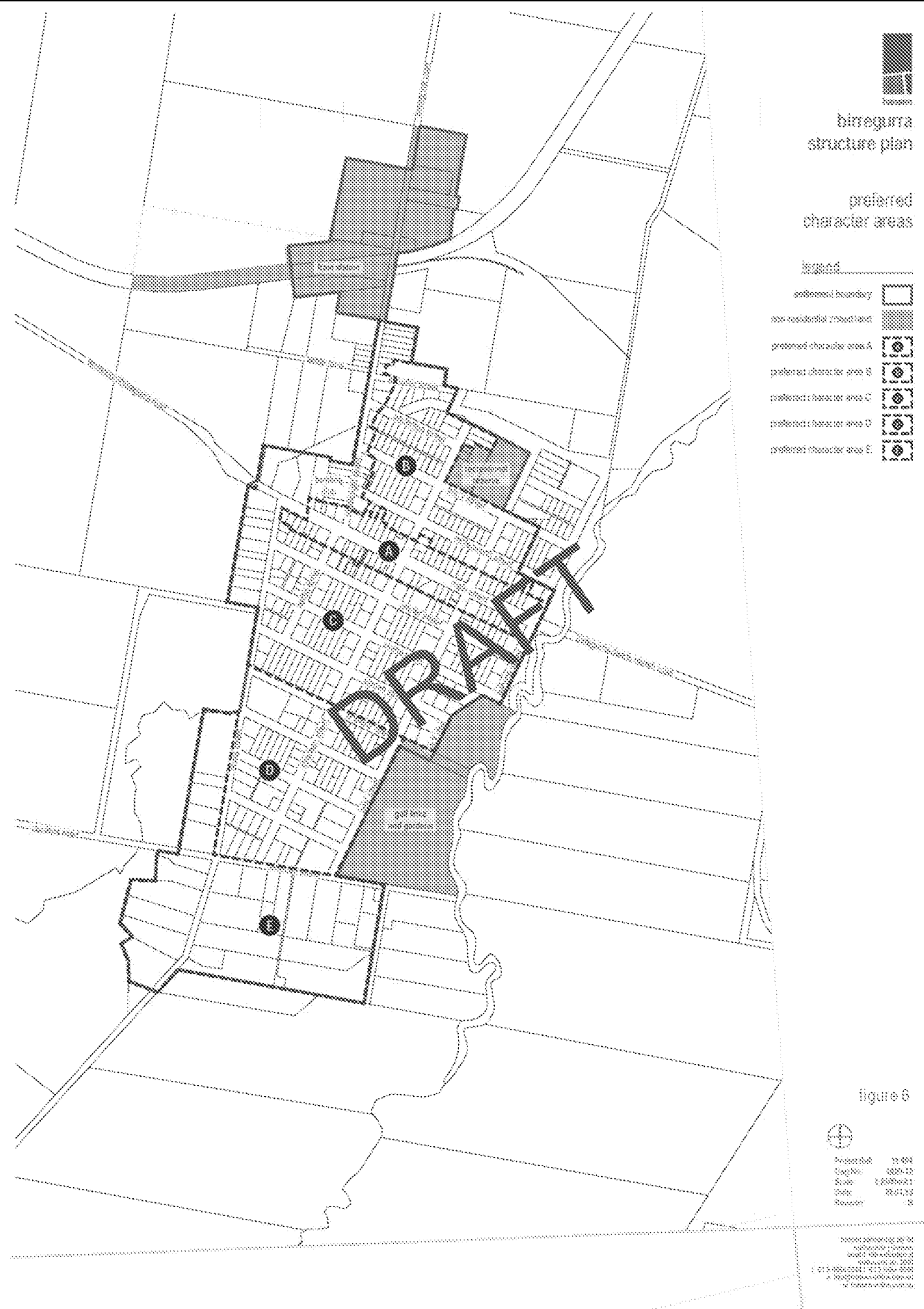
### 8.3 objectives

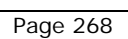
- ✧ To retain and enhance the informal rural township character of Birregurra.
- ✧ To ensure new development does not result in a loss of the rural township character of Birregurra.
- ✧ To retain and protect the township's significant and contributory heritage places.
- ✧ To articulate Birregurra's history in the public realm.

#### 8.4 strategies

- Ensure all new development has regard to the recommendations and guidelines contained in the Birregurra Neighbourhood Character Study, 2012.
- Retain low building heights throughout the township.
- Recognise the role that exotic vegetation, including street trees, play in determining the character of the town.
- Maintain / encourage a dominance of landscape over built form in residential areas.
- Implement the recommendations of the Birregurra Neighbourhood Character Study, 2012 by way of a planning scheme amendment.
- Develop guidelines for public realm and streetscape works to ensure the character of the township is a key consideration in decision-making relating to physical infrastructure.
- Retain the Heritage Overlay where it applies in the township and apply it to additional buildings as appropriate.
- Ensure new development has regard to the Heritage Overlay and provides a sympathetic design response as appropriate.
- Encourage adaption and re-use of heritage buildings, especially in Main Street.
- Complete the Heritage Walk along the Barwon River.
- Share the town's story with visitors through an interactive display in the community centre and the introduction of Main Street history boards.
- Introduce heritage themed public art through key streets as part of a 'way finding' strategy.

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## 9 town centre

### 9.1 discussion

Birregurra's traditional main street town centre is a focus for locals and visitors. Its historical qualities and rural character creates a distinct and unique identity for the town. To reinforce the role of the town centre and respond to modest future population growth, opportunities to provide for additional small scale commercial facilities in and around the town centre need to be retained, in order to avoid the possibility of 'out-of-centre' development undermining the town centre in the long term. This includes expansion of restaurant and café facilities, tourist facilities, and either the expansion of the existing general store or the possibility of a small supermarket in the longer term. It also includes the provision of commercial space for professional services or a possible petrol station.

Currently, retail uses are generally located on the southern side of Main Street, maximising the sunny orientation. The presence of café tables and chairs spilling into the street creates an attractive and inviting atmosphere that is supported. Linear expansion of the town centre should be avoided to maintain its compact form, village charm, walkability and overall retail activity and vibrancy. It is preferable that retail / commercial activities be consolidated on either side of Main Street between Roadknight Street / Austin Street to the west, and the creek / Strachan Street to the east.

The community has expressed a desire to maintain the fine grained, small scale atmosphere and nature of the heritage buildings and shops in Main Street. Notably there has been support for specialty shops such as a butcher or bakery, expansion of the general store and / or establishment of a food co-op. It is considered that there is a need to retain the possibility for expansion of the general store, or for a larger commercial premise such as a small supermarket in the longer term, if and when the need may arise for such a facility. Whilst the current general store offer may meet existing community needs, population increases in the future may demand a higher level of retail services. The ability to provide necessary services and facilities to support potential population

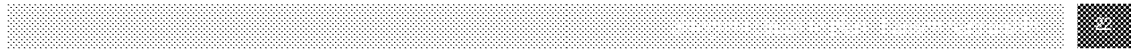
increases within the town centre has a number of benefits in terms of generating activity which leads to an increased range of available goods and services, increased vitality of street life, and a reduced need to travel by vehicle to other towns, all of which will contribute to a sustainable long term future for Birregurra.

### 9.2 objectives

- To reinforce Main Street as the commercial town centre of Birregurra.
- To broaden the commercial, retail and tourism offer in the township.
- To contain linear expansion of the retail centre.

### 9.3 strategies

- Support new commercial uses and re-development of existing premises on both sides of Main Street between Roadknight Street / Austin Street to the west and the creek / Strachan Street to the east. This is referred to as the Commercial Core of Main Street.
- Support commercial activities which build on Birregurra's rural township character such as arts and crafts, health and wellbeing, and food related tourism.
- Support and encourage the establishment of additional shops such as a grocers, bakery or food co-op etc.
- Support the expansion of the general store, if and when demand warrants such.
- Retain the potential for additional retail and commercial businesses that may seek to locate in Birregurra (including either an expanded general store or a small supermarket) in the following locations:
  - North side of Main Street, between Roadknight Street (west) and the creek (east).
  - If a Main Street location is not possible, behind existing shops in Jenner Street, preferably with a main public access from Main Street.



- Consider complementary uses and activities such as bed and breakfasts, civic facilities or medium density housing on the northern side of Main Street, between Roadknight Street and the creek, providing the potential for longer term retail and commercial uses fronting the street is not lost.
- Direct any potential petrol station to locate in or close to the town centre. Appropriate locations for any petrol station include land at the eastern and western edges of the town centre, away from the heritage core and identified township gateways.
- Ensure all new buildings demonstrate a sympathetic design response to the heritage qualities of Main Street.
- Retain the single storey built form of Main Street and discourage second storey elements.
- Ensure new development in Main Street has regard to the design guidelines prepared as part of the *Birregurra Neighbourhood Character Study, 2012*.
- Encourage active street frontages to develop within the Commercial Core to Main Street over time.
- Ensure any new commercial development to the rear of properties on Main Street has regard to sensitive residential interfaces.
- Maintain current street cross-section in Main Street, with more formalised parking areas on the north side of the street as commercial uses expand.
- Prevent visual clutter from advertising or other signage.
- Rezone the 'town centre' to the Business 1 Zone to encourage consolidation of business uses in this area and to manage the intrusion of non-business uses.
- Retain the flexibility provided by the existing Township Zone elsewhere throughout Birregurra, to allow discretion for smaller scale businesses to be considered, provided they are compatible with adjoining residential uses.

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## 10 industry

### 10.1 discussion

The provision of local employment is important in Birregurra, as a way of contributing to overall sustainability of the township in the longer term. Birregurra currently contains two industrial nodes, one is zoned for industry and is centred on the northern gateway to town. It comprises the historic (operational) timber mill. The other location is an informal area occupied by existing uses, in Molesworth Street. That area is included in the Township Zone. Whilst there is no demonstrated need to provide for additional industrial land in Birregurra, it is important to protect the ongoing integrity of industrial activities and provide scope for any appropriate industrial uses that might seek to locate in the town in the future.



The existing industrial zoned land to the north of the town should be maintained as a focus for industrial land use and development into the future. Whilst the Structure Plan seeks to maintain the flexibility provided by the Township Zone for appropriate small scale business uses to locate throughout Birregurra, this does not extend to industrial uses. Any future industrial uses should locate in industrial zoned land. There is also a small parcel of land on the north side of the railway line, which is currently incorrectly zoned Public Use Zone. That land is privately owned and currently being used for light industrial uses. It represents a logical extension of the existing Industrial 1 Zone and should be zoned accordingly. Future development of that

land should have regard to the railway line / station interface and associated heritage matters.

Existing uses in Molesworth Street will be permitted to continue to operate under existing use rights. However, they will be encouraged to relocate to the designated industrial area should there be proposals to reinvest or expand those uses.

The prominent location of the timber mill and its historical structure are important to the community as a reminder of its past. However the current use of the site in terms of storage yards appears unsightly from the road. As a key gateway to town it is considered that opportunities to screen the storage areas through the use of onsite or roadside vegetation, or some form of opaque fencing, would be opportune. Screening should avoid loss of sight lines to the historical built form from Roadknight Street.

The Birregurra tip at the end of Scouller Street is a municipal landfill site. In accordance with EPA Guidelines it requires a 500m buffer and sensitive land uses should be avoided within this area.

### 10.2 objectives

- To encourage local jobs where possible.
- To protect the ongoing integrity of industrial activities in the Industrial 1 zoned land to the north of town.
- To encourage existing industry in Molesworth Street and future industrial uses that might seek to establish in Birregurra to locate in the industrial area to the north of the town.

### 10.3 strategies

- Retain existing industrial zoned land to the north of town, on Birregurra Road, as the focus for industrial activities and direct industrial development and all new industrial uses to that area.
- Encourage any existing industrial uses within the Township Zone to relocate to industrial zoned land, if



and when those uses are looking to expand or reinvest in their activities.

- Support the establishment of service related industries such as plumbers, panel beaters, builders and mechanics etc in the designated industrial area to meet local needs.
- Encourage the screening of storage yards on the timber mill site. Screening in the form of low vegetation or low fencing is encouraged. Screening should avoid impacting on visibility of or sight lines to historical timber structures.
- Apply the following guidelines when considering any application for a development in Industrial 1 zoned land:
  - Encouragement of low scale building heights and building colours and materials that reflect the rural township character of Birregurra, especially along those walls of a building that are visible from Roadknight Street / Birregurra Road.
  - Provision generous building setbacks from front and side boundaries to provide the opportunity for substantial landscaping within the front boundary and along any side boundaries visible from Roadknight Street / Birregurra Road.
  - Provision of landscaping and visual screening of any open storage yards associated with a

development that is visible from Roadknight Street / Birregurra Road.

- Establishment of a grid based subdivision pattern (if subdivision is proposed) to ensure connectivity with Birregurra Road and continuation of the grid based urban structure of the township.
- Provision of appropriate interfaces with the railway line and the historic Birregurra Railway Station to the south.
- Use of sustainability measures such as water reuse and water sensitive urban design treatments.
- Ensure sensitive uses do not encroach into the Birregurra Tip EPA Buffer.
- Correct a zoning anomaly of land in the northern industrial area to ensure that the Industrial Zone 1 boundary matches property boundaries.
- Rezone non-railway land at 452 Birregurra Road currently contained in the Public Use Zone to the Industrial 1 Zone, to reflect that existing use of the land as well as a logical extension of the existing industrial zoning to the north.



## 11 tourism

### 11.1 discussion

The heritage and character qualities of Birregurra and its location proximate to key destinations such as the Great Ocean Road and Otway Ranges attract many tourists. Opportunities to further enhance tourism are important in enhancing the local employment base and are encouraged by the Structure Plan. This includes increasing the availability and range of tourist accommodation, increasing the type of tourism activities in the town, increasing tourism packages capitalising on local events (such as the Birre Festival) or recreation (i.e. golf tournaments), and highlight the strong arts and food and wine interests of the local community.

Maintenance and enhancement of the existing heritage and character of the town is fundamental to retaining and growing tourism. The main street is a strong heritage feature. The community has focussed considerable effort on highlighting and enhancing the heritage qualities of the station and its surrounds, as a major heritage and tourism feature of the town.

Birregurra has a strong and active arts community which contributes significantly to the social and economic dynamic of the town, and to opportunities for tourism into the future.

The community is pro-active in terms of organising events and activities to attract people to Birregurra. The Celtic Festival, Teddy Bear Parachuting from the Church Tower, Open Studio Weekend and Arts Show are examples. The community has identified the need for an art gallery or space to support and showcase the local arts community.

Food and wine, and accommodate are key tourist attractors in any region. Several businesses in Birregurra are actively involved in the Melbourne Food and Wine Festival. The opportunity exists to build on these aspects of tourism in Birregurra.

The monthly Sunday markets from December to April are a regular feature of the town which combine these interests.

It is understood that during the Birre Festival the recreation reserve is used as a camping ground. There may be scope to provide more formal camping facilities within the town or on its outskirts in locations that are accessible to key features such as the Barwon River.

The establishment of a rail trail along the alignment of the former Birregurra to Forrest railway is a major initiative being pursued.

To meet the needs of the tourism market, ongoing opportunities for rural, heritage and tourism based retail and hospitality uses should also be supported.





## 11.2 objectives

- To support an increase and diversification of tourist based activities in Birregurra.
- To increase the type and offer of tourist accommodation.

## 11.3 strategies

- Build upon existing arts and crafts, food, and health and wellbeing tourism related activities.
- Encourage tourist accommodation including bed and breakfasts and small scale hotel / serviced apartments within the township. Opportunities for tourist accommodation along Main Street are encouraged.
- For Council to actively support and facilitate planning permit applications and proposals for well-presented and conceived tourism uses that are consistent with the heritage and character qualities of Birregurra, and which do not have unreasonable amenity impacts.

- Support the continued informal use of the recreation reserve for camping during the Birre Festival is supported.
- Ensure tourism developments are designed to sensitively respond to Birregurra's rural setting and heritage character.
- For Council to investigate the provision of an art gallery or space in Birregurra.
- For Council and the community to vigorously pursue the establishment of a rail trail along the alignment of the former Birregurra to Forrest railway i.e. the Birregurra-Forrest Tiger Rail Trail. A feasibility study is required to determine the viability of this project.

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## 12 landscape and environment

### 12.1 discussion

Birregurra is located on the west bank of the Barwon River and is dissected by two of its tributaries. The township is well recognised for its treed character and topographic diversity associated with flat, low-lying land to the north, and steeper land and escarpments to its south. A range of exotic and native vegetation scattered throughout the township contributes to significant canopy tree cover.

The northern half of the town is relatively flat and has several areas of poorly drained land that is prone to flooding. In comparison the ridgeline along the southern area of the town provides a magnificent setting for housing, with significant views of the Barwon River flood plain and of surrounding rural area extending as far north as Mount Gellibrand.

The three highway entries in Birregurra play an important role in determining the landscape character of the town, as they provide a first impression of the township upon arrival. The visibility of land along these approaches needs to be taken into consideration in making decisions about possible future township expansion and the form which any such expansion might occur.

The importance of these landscape and environmental features means that they must be carefully managed to ensure future development is sympathetic and responds to them.

### 12.2 objectives

- To protect main road entrances to Birregurra from inappropriate and unplanned development.
- To protect key views and vistas to the rural surrounds.
- To encourage the retention of trees where possible and the planting of new canopy trees and understory vegetation.
- To preserve and enhance the Barwon River corridor and connected waterways.
- To recognize flood risks associated with the floodplain of the Barwon River and tributaries.

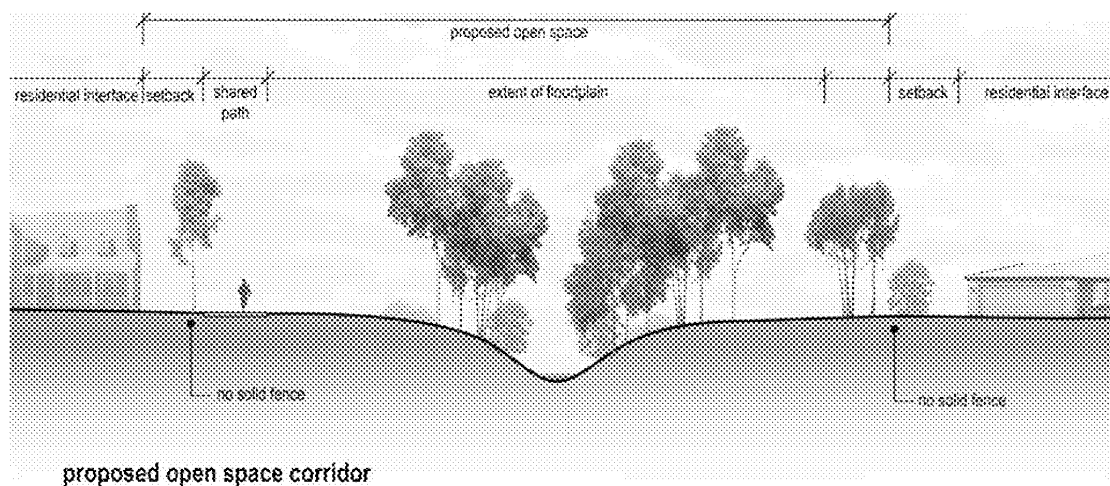
### 12.3 strategies

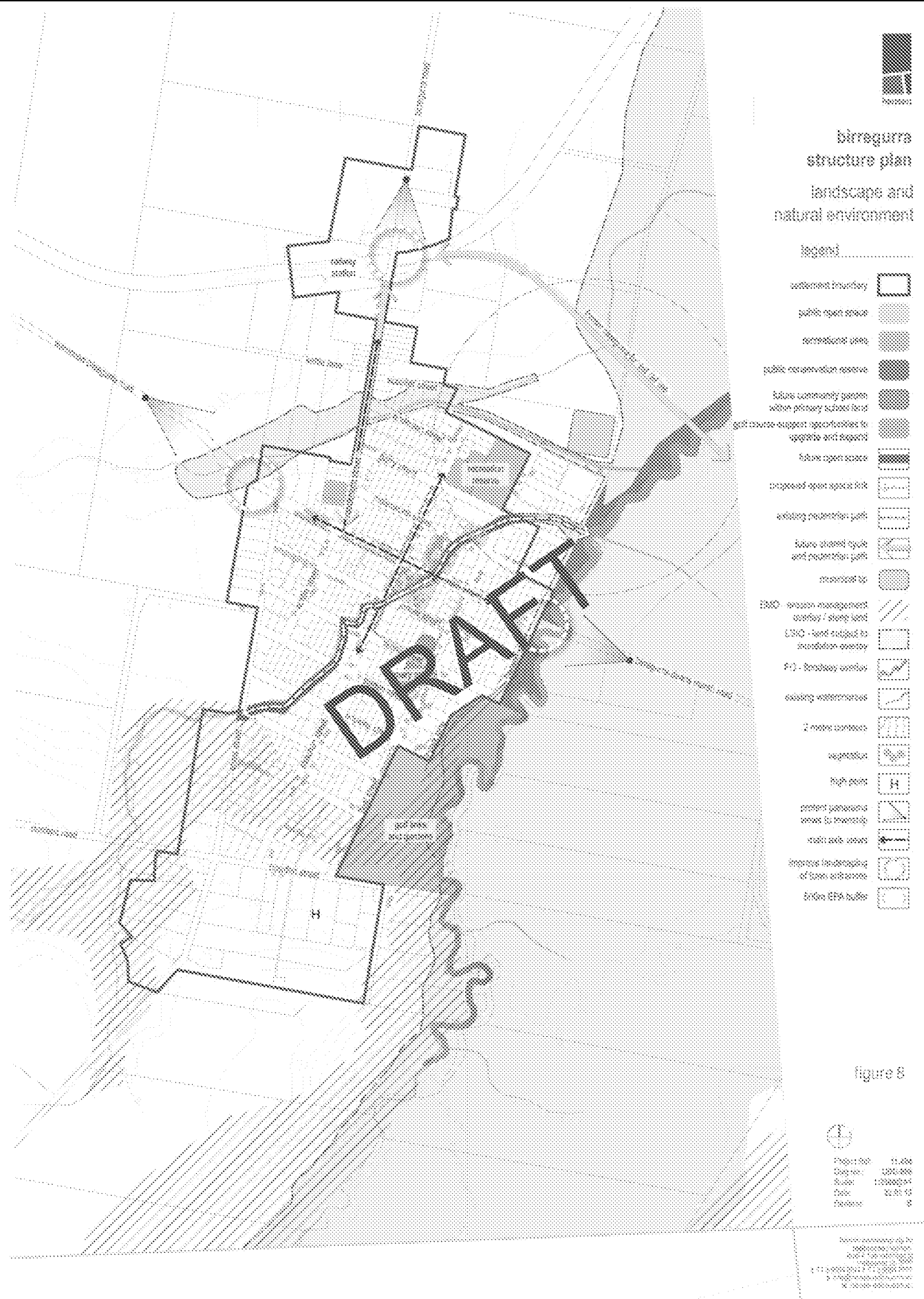
- Retain the existing Farming Zone on main road approaches to the township.
- Protect and enhance the landscape character of township entrances as defining elements of the north, east and west gateways.
- As infill development / subdivision occurs require open space to be provided along the unnamed waterway running south-west to north-east through the middle of the town and develop a linear shared pedestrian /cycle path connecting to parkland adjoining the Barwon River. An indicative cross section of this corridor is provided on the following page.
- Encourage built form along this open space corridor to:
  - Be appropriately setback from the waterway in accordance with Corangamite CMA requirements.
  - Provide an active interface through the provision of windows and no solid fencing to this boundary.
- Provide pedestrian access to the corridor where possible.
- Protect and extend areas of native vegetation, including endangered EVCs along waterways.
- Require the use of building envelopes to protect vegetation on lots that contain significant trees.
- Encourage environmental enhancement of waterways in the township through weed removal, water quality treatments and removal of rubbish.
- Council, in conjunction with landholders and the Corangamite CMA, to conserve, enhance and link patches of endangered Grassy Woodland along Atkin Creek, and the unnamed waterway running south-west as an important local and regional asset which should be conserved.
- Direct future growth of the township away from designated floodplains.



- Retain low building heights across the township. In accordance with the Birregurra Neighbourhood Character Study. Single storey buildings heights are preferred throughout the town and are mandated along the Main Street (Preferred Character Area A). Where a second storey is proposed it should be recessed from the ground floor on all sides or incorporated into the roof space.
- Encourage development to respond to topography, particularly in areas covered by the Erosion Management Overlay.
- Rezone public land at the intersection of Scouller Street and Barwon Street, and east of Skene Street that contains endangered vegetation (EVC 56 Floodplain Riparian Woodland) to a Public Conservation and Resource Zone.

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## 13 access and movement

### 13.1 road network

Like many regional towns, Birregurra is largely reliant on cars for transport. The existing road network has an informal nature, consisting of wide road reserves, some sealed, some gravel (unsealed) and others unmade.

Main Street is currently used by local traffic, regional traffic and heavy vehicles accessing the Otways. Despite the mix of user groups, traffic is distributed throughout the day in a manner that generally minimises impacts on pedestrian movement and access.

With modest future growth some road upgrades are likely to be necessary as vehicle movements increase. This will include improvements to Strachan Street and its intersection with Main Street, as well as Jenner Street associated with the town core.

In addition, as infill development occurs within established township areas, existing gravel and unmade roads will need to be provided or upgraded. The design, type and location of new and improved road infrastructure will play an important role in maintaining Birregurra's rural township character. In addition, the means by which Council requires roads to be upgraded also needs to be carefully managed.



### 13.2 walking and cycling

The Structure Plan seeks to establish a high level of universal accessibility to the community and to maximise opportunities for walking and cycling. Currently, the compact form of town and the grid network enables walking and cycling to key uses and facilities including the primary school, shops, health / community uses and recreation facilities. However, due to the rural character of roads in the township, there are limited footpaths and people often walk on roads. Consultation revealed that this condition was preferred to a more urban street cross-section, although the need for a shared off street path along Roadknight Street has been identified.

### 13.3 public transport

The Warrnambool – Geelong passenger rail service stops at the historic Birregurra Station three times a day. This service connects people to key centres for employment, education, shopping, social outings etc. The historic station has recently been re-opened as a result of efforts by the local community. There is ample room for drop off and pick up of passengers in the car park outside the station. For people choosing to walk to and from the station, there are no footpaths provided along key streets in town.

Bus services to town are limited to a seasonal service linking Colac to Lorne. Opportunities to re-route bus services through the town need to be pursued to improve local public transport options to meet the needs of a growing population.

### 13.4 way finding

To improve overall legibility and safety, as well as enhance the public realm and pedestrian environment, a series of way finding initiatives are proposed. As the name suggests, these initiatives seek to assist people to 'find their way', through the introduction of both physical and natural visual cues linking key destinations and pedestrian routes.

Way finding initiatives will:

- Improve the experience of visitors.
- Improve legibility to the station, town centre, primary school and community node.
- Create a safer environment with opportunities for passive surveillance.
- Introduce public art to create visual cues for pedestrians to key destinations.
- Contribute to the visual appearance of town.

### 13.5 objectives

- To ensure roads provide safe access.
- To ensure roads are designed to provide for all road users.
- To ensure road upgrades retain and enhance the character of Birregurra.
- To provide safe and improved opportunities for walking and cycling throughout the town.
- To encourage walkable neighbourhood design in new developments.
- To maintain the informal nature of road reserves throughout Birregurra.
- To ensure appropriate provision of public transport.
- To provide a shared path to establish a walking / cycling connection to the railway station.
- To encourage way finding treatments to improve legibility and safety of the township.
- To encourage public art to create visual cues for pedestrians, cyclists and others.

## 13.6 strategies

### 13.6.1 road network

- Recognise Strachan Street as the main collector road from residential areas to the north and south of the town, to the town centre and to Main Street. The upgrading of Strachan Street to a 'collector road' standard should be considered if traffic volumes reach 1,000 vehicle movements per day (vpd). The capacity of Strachan Street should be reviewed as part of a structure plan review in 3-5 years. To the north of Main Street this should include upgrades to an urban quality of road with a shared path on one side. To the south of Main Street, the upgrade should minimise impacts on the existing character of the street.
- Sladen Street and Ennis Street are encouraged as alternative routes as traffic increases in the town, subject to population growth. These streets may require upgrading to cater for this role. The capacity of these streets should be reviewed as part of a structure plan review in 3-5 years. Any relevant upgrades should minimise impacts on the existing character of these streets.
- New road and street design should be consistent with cross sections provided in Appendix 1. Flexibility will exist to vary pavement widths etc, if required to cater for existing utilities or street trees. Strachan Street is identified as a collector road. All other streets are identified as local roads.
- All intersections with Birregurra Road and the Birregurra – Deans Marsh Road must be designed and constructed in accordance with the requirements of VicRoads, being the responsible authority.
- New subdivisions should include a grid based road network that easily integrates with the existing surrounding road network.
- Avoid cul-de-sacs and battleaxe driveways as a means of providing access to new residential lots.





- Council is to investigate the possibility of reducing the speed limit on Main Street to 40km/hr, in the commercial core between Roadknight Street and Strachan Street, to improve community safety.
- Maintain the informal nature of roads, with wide open grass verges, maintained where practicable from an engineering and traffic management perspective. There should be a consistent treatment along a street.
- New roads should be aligned to avoid the removal of existing trees, where possible.
- Apply the following principles in the consideration of road upgrades at the time of subdivision. These principles also apply to the provision of drainage, where relevant:
  - Minimise cost to developer so as not to preclude development.
  - Minimise cost burden on Council / community.
  - Require all developments to be provided with all-weather access as required by the Planning Scheme and / or Subdivision Act.
  - Where a constructed road exists but requires upgrading, any road upgrading is to be provided by the landowner of the land being developed.
  - Where an unmade road reserve exists, the first allotment to be subdivided along that road reserve is responsible for constructing the length of the road to the front boundary of the subject allotment.
  - Any development requiring extension of an existing road must match the existing road standard of road construction, to the satisfaction of Council.
- All new roads should have a bitumen seal.
- Extension of exist roads may have a surface treatment and design consistent with the road being extended (i.e. gravel), unless there is a need to upgrade the existing road leading to the extension, to accommodate higher levels of traffic.
- Overtime, as subdivision of existing lots and additional housing occurs, as traffic increases, and as amenity expectations demand, all roads are likely to be required

to have a bitumen seal, whilst retaining an informal design with open grass verges and swale drains.

- Council should monitor rates of subdivision and new housing, and as rates of development increase consider the need to prepare a funding strategy for the upgrading of existing roads / drainage throughout Birregurra. This is likely to be implemented by way of a special charge scheme, development contribution, or combination of the two.

### 13.6.2 walking and cycling

- Introduce shared pedestrian /cycle paths on key streets where possible, including Roadknight Street, Strachan Street north of Main Street, and Sladen Street, as appropriate.
- Develop a shared pedestrian /cycle path within the future linear open space corridor through the township that connects with the Barwon River.
- To vigorously support the development of the Birregurra-Forrest Tiger Rail Trail. A feasibility study is required to determine the viability of this project.
- Improve the pedestrian environment and overall safety / line marking on shared paths and bike lanes throughout the town. Changes in pavement treatment at key intersections should be explored, particularly in higher pedestrian areas such as the near the recreation reserve, the school, the skate park and in the town centre.
- Improve the pedestrian environment along Main Street, including the introduction of seating, lighting, rubbish bins etc.
- Provide bike racks in Main Street in convenient and accessible locations. Bike racks should be functional but also innovative in design.
- Develop a footpath on north side of Main Street, in the town centre.
- Encourage the use of exposed aggregate for new footpaths as a material that best reflects the rural character of the town. The use of plain brushed finish concrete footpaths is discouraged.



- Footpaths are required in accordance with Clause 56 of the Planning Scheme. Where a rural road profile is maintained on existing local streets in the Township Zone, formal footpaths will not be required, unless required for safety reasons.

#### 13.6.3 public transport

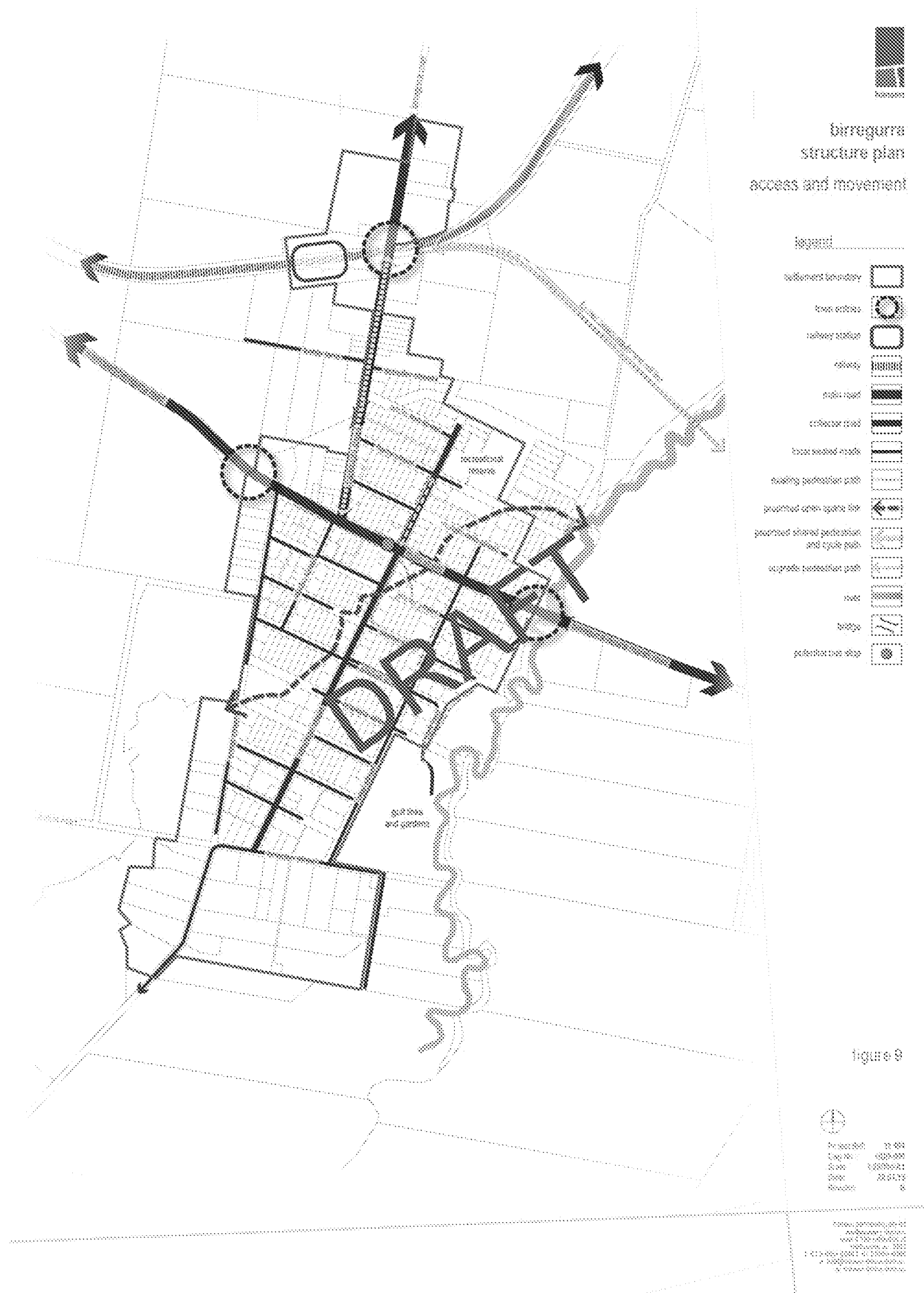
- Council should explore opportunities with local bus service providers to reroute the Colac – Lorne bus route and timetable to divert it through town and provide a local link in the current service.
- In accordance with the recently completed Birregurra Community Infrastructure Plan, pedestrian access to the train station should be improved through the introduction of a footpath along Roadknight Street between Main Street and the station. The footpath should be located on the west side of the road within the road reserve. Lighting should be strategically located along the footpath to improve pedestrian access.

#### 13.6.4 way finding

- Encourage a consistent street lighting theme along key collector streets including Roadknight Street, Strachan Street and Barry Street that create a visual link to key destinations.
- Incorporate a heritage style lighting theme in Main Street which signifies arrival into the town centre.
- Introduce a landscape hierarchy for key streets to create visual cues to key destinations. The landscape hierarchy should be based on the road hierarchy identified in the Access and Movement Plan (see Figure 8).

Incorporate public art and universally accessible street furniture that links key elements of town together in a subtle and innovative manner. Public art should draw links to the historical past, with installations encouraged along Roadknight Street, Strachan Street, Barry Street, Barwon Street, Beal Street and Main Street.

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## 14 community services and facilities

### 14.1 discussion

The Birregurra Community Health Centre is a key location for social interaction and the provision of community and health services and facilities. The multi-purpose centre is well used by members of the community. The Community Health Centre is located proximate to the chemist, providing business synergies. Located at the north-east edge of the town centre, and on a key pedestrian link between the recreation reserve to the north and the primary school to the south, the location provides a key opportunity to expand and consolidate community services in a highly accessible location.

Expansion and enhancement of community services and facilities is likely to be required to support the needs of a growing and ageing population. An expanded community node should incorporate greater connectivity with the park / public amenities, the chemist and town centre. It may include additional health services, a more permanent library, additional community meeting rooms and performance space, and an expanded kindergarten / child care facility. To enhance the overall accessibility and vibrancy of this 'node', existing vacant land on Molesworth Street could be used for retirement living.

More localised community initiatives recently identified in the Birregurra and Forrest Township Community Infrastructure Plan 2012, are also supported by the Structure Plan.

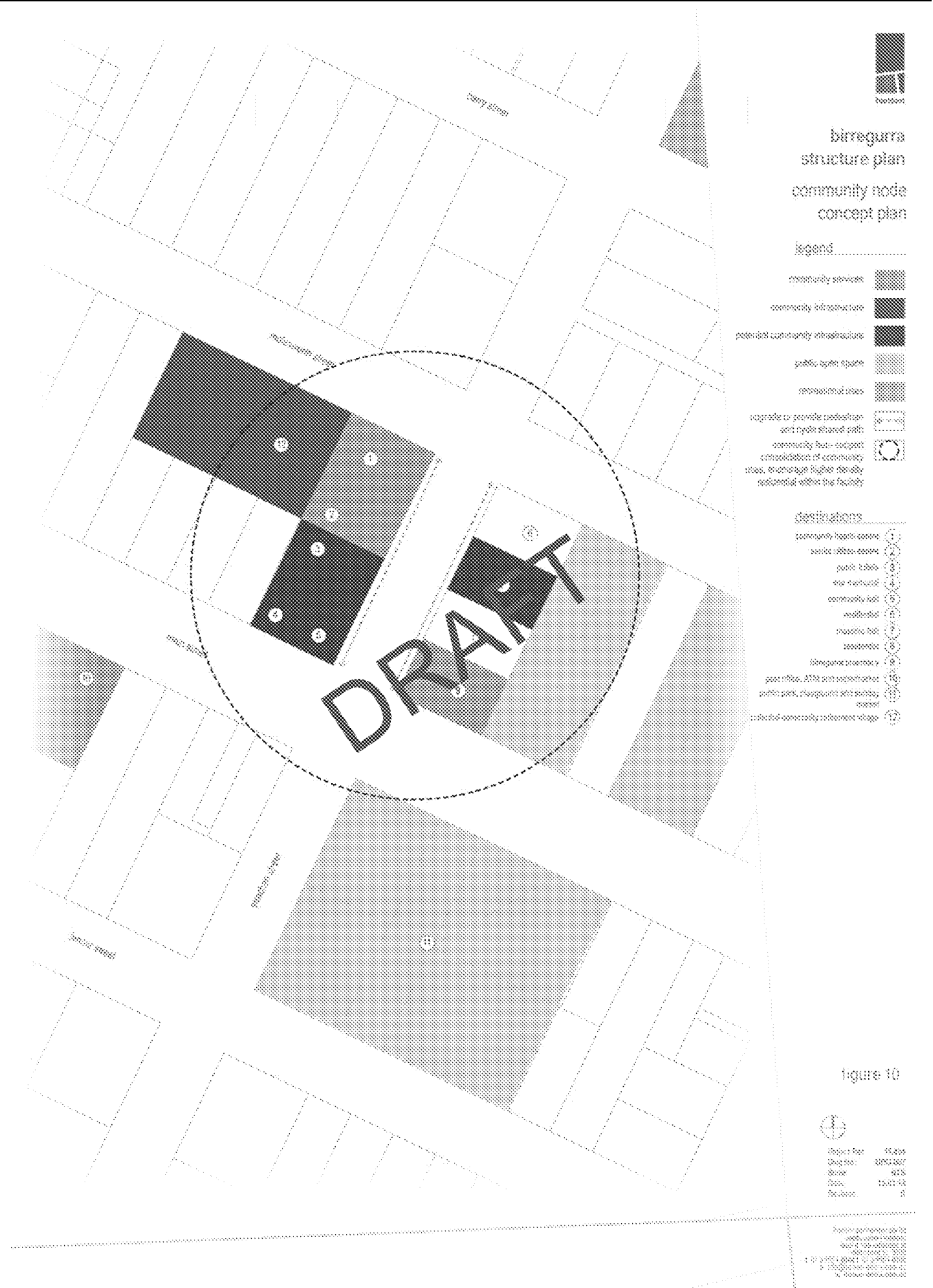
### 14.2 objectives

- To provide a mix of community and health related services and facilities.
- To consolidate civic, community and health facilities in a community node on the north-east edge of the town centre.

### 14.3 strategies

- Encourage consolidation of community, civic and health related services around the located community node. The community node should be limited to the area shown on the Structure Plan, including the northern side of Main Street, extending to Strachan Street. An indicative concept plan for the consolidated community node is shown of Figure 9.
- Support the establishment of consolidated medical and pharmacy facilities within or adjacent the community node, at a scale that meets the needs of the local population.
- Support retirement living on vacant land in Molesworth Street.
- Prepare a detailed master plan for the community node to manage and direct expansion. The master plan should include an assessment of required services, including new and expanded services to meet the needs of a growing population. The master plan should include a concept design that provides: a high level of urban design, including quality, human scale built form; streetscape and landscape treatments including seating and footpaths and canopy trees for weather protection; and a highly walkable environment. The master plan for the community node could be prepared concurrent with any recreation needs assessment that might be prepared, if population growth begins to increase, as identified in the following section.
- Support the community infrastructure initiatives identified in the Birregurra and Forrest Township Community Infrastructure Plan 2012, including establishing a community garden either at the Birregurra Primary School or in a central location within the township.





## 15 recreation and open space

### 15.1 discussion

The need to plan for healthy and active communities has become an increasingly important element of structure planning. The Heart Foundation has established "healthy by design" guidelines to inform the design of cities and spaces to enhance overall opportunities for recreation and more active lifestyles. Those principles are supported by this structure plan.

Birregurra contains a mix of active and passive recreation and open space assets which serve a broad cross-section of the community. These assets include the recreation reserve (for football, netball, tennis and cricket), the bowls club, the golf club, the skate park and the Barwon River.

The Birregurra Recreation Reserve is a highly valued recreation and social hub within the town. A master plan has recently been prepared for this important facility. The master plan identifies a series of future priorities including undertaking detailed planning for the development of a new multi-purpose community sports facility. This may also provide space for expanding cultural activities, and foster more opportunities for social interaction and gatherings in the community.

The Background Report revealed that there are a number of activities that are currently not catered for in town that require people to travel to Colac. With the forecast modest population growth of Birregurra, this condition is likely to remain the same into the future.

Overall, demand for recreation and support for new facilities will depend on the rate of population growth and profile of the population.

### 15.2 objectives

- To provide a range of passive and active recreation opportunities within the township.
- To establish a connected network of accessible public open space and recreation facilities.
- To recognise the Birregurra Recreation Reserve as the primary recreation and sporting precinct in the township.

### 15.3 strategies

- Monitor population growth in the town to determine if a recreation needs assessment is required to determine appropriate provision of facilities in the town, if considerable population growth begins to occur.
- Support the implementation of the recommendations of the Birregurra Recreation Reserve Master Plan, 2012.
- Support the development of additional complementary community and recreation uses around the Birregurra Recreation Reserve.
- Improve walking trails along the Barwon River, including completion of the Heritage Walk.
- Establish linear open space corridors along waterways.

## 16 physical services and utilities

### 16.1 discussion

The key items of physical infrastructure addressed in the Structure Plan are sewerage, water and local roads (see Section 13) and drainage infrastructure.

Barwon Water has recently sewered the town. As a consequence land within the existing Township Zone has access to reticulated sewerage. This will provide greater opportunity for infill residential development as existing large lots with have the potential for resubdivision.

Colac Otway Shire is the responsible authority for local drainage, whilst the Corangamite CMA is responsible for the protection and management of designated waterways throughout the town. The existing local drainage network in Birregurra is in poor condition and / or does not exist. Drainage infrastructure is sporadic and consists of kerb and channel (where it exists), swale drains and grass verges. There are known localised drainage issues and as development occurs these issues, as well as upgrades to existing drainage infrastructure, will need to be addressed. Whilst the sewerage of the town has increased the potential for infill residential development, this potential may well be restricted by a lack of drainage infrastructure and the costs associated with upgrading drainage and road infrastructure throughout the town.

### 16.2 objectives

- To ensure an efficient and cost effective provision of physical infrastructure that addresses the ongoing needs of the community, while protecting the landscape and township character values of Birregurra.

- To ensure that necessary physical infrastructure is adequately funded and delivered in a timely fashion.

### 16.3 strategies

- Requirements of the relevant servicing authority or provider are to be met.
- As part of the structure plan review in 3-5 years, Barwon Water should assess the take up of sewerage infrastructure and determine future service requirements.
- Encourage consistency of drainage treatments with priority given to use of water sensitive urban design treatments such as swale drains throughout the township where appropriate.
- Include guidelines within Council's Infrastructure Design Manual relating to the form of crossovers from residences that will not impact on the functionality of the drainage swales. These guidelines should be consistent with the treatments recommended in the Neighbourhood Character Study.
- Require new developments to optimise on-site stormwater collection and detention.
- All subdivisions must be provided with a legal point of discharge for drainage, approved by Council and must demonstrate that predevelopment stormwater flows can be achieved.
- Ensure water quality and quantity objectives outlined in 'Urban Stormwater – Best Practice Environmental Management Guidelines', 1999 are met.

## 17 implementation and review

### 17.1 discussion

The realisation of the 'vision' for Birregurra and the objectives and strategies presented in this Structure Plan will only occur if the following actions are implemented. This includes a range of statutory and non-statutory implementation actions.

To give greater certainty to the implementation of the vision for the Birregurra, it will be necessary to ensure key elements are included in the Colac Otway Planning Scheme. This Structure Plan will therefore play an important role in supporting Council in its decision-making in relation to planning permit applications and requests for planning scheme amendments.

The first implementation action in realising the objectives of the Structure Plan is the establishment of planning policies and controls. The suite of policies, zones, overlay and design controls recommended as part of this Plan must initially be approved by the Council, and then incorporated into the Colac Otway Planning Scheme. Incorporation in the Scheme requires authorisation by the Minister for Planning.

It should be acknowledged that growth and change in Birregurra will unfold over a long period of time and that the needs and aspirations of the community will change over time. Therefore the Structure Plan and planning controls that implement it need to be sufficiently flexible to be able to adapt to changing circumstances, be they economic, social or environmental considerations.

Continued monitoring and evaluation of the Structure Plan must be undertaken by the Council to ensure that it remains relevant to future planning policies and community needs and expectations. General the plan may need to be reviewed every 3 to 5 years.

### 17.2 local planning policy framework

In conjunction with the proposed zoning and overlay changes recommended below, the Structure Plan should be implemented through changes to local policy within the Colac Otway Planning Scheme. Within the planning scheme, the Municipal Strategic Statement (MSS) at Clause 21 sets out the strategic directions for planning across a range of issues. Clause 22 of the scheme provides more specific direction on a range of matters where additional guidance is required for the exercise of discretion. The following changes are recommended:

- Revise and update the Local Planning Policy Framework, including the Municipal Strategic Statement (specifically Clause 21.03-4), to give immediate effect to the vision, objectives and strategies identified in this report.
- Include the Structure Plan as a Reference Document in Clause 21.06 of the Colac Otway Shire Planning Scheme.
- Set out the further strategic work that should be undertaken to enable the implementation.

### 17.3 zoning and overlays

Proposed zoning and overlay controls are discussed below and are identified on Figure 11.

One important consideration is the proposed introduction of new zones in the Victorian Planning Provisions as proposed by the Minister for Planning. The rezoning recommendations contained in this plan consider only the existing suite of zones given the draft nature of the proposed zones.



## zoning

As part of a future amendment to the Colac Otway Planning Scheme the following rezonings are recommended:

- ✧ Retaining the residential areas of the town within a Township Zone, rather than rezoning them to Residential 1 Zone. This is considered appropriate in order to retain the flexibility provided by the Township Zone for a variety of smaller scale cottage and / or business uses and home based occupations, compared to the Residential 1 Zone.
- ✧ Rezoning the commercial core of the town centre on Main Street to the Business 1 Zone. This will more clearly define the town centre and provide additional control over residential uses, to ensure longer term options for retail and commercial uses fronting Main Street are retained within the town centre.
- ✧ Rezoning of the skate park land from a Township Zone to Public Park and Recreation Zone, to reflect that actual land use on the site.
- ✧ Rezoning of non-railway land contained in the Public Use Zone to the Farming Zone, to reflect that actual use of the land.
- ✧ Rezoning of non-railway land at 452 Birregurra Road contained in the Public Use Zone to the Industrial 1 Zone, to reflect that existing use of the land as well as a logical extension of the existing industrial zoning to the north.
- ✧ Correcting a zoning anomaly of land in the northern industrial node, to ensure the Industrial 1 Zone boundary matches property boundaries.
- ✧ Rezoning public land at the intersection of Scouller Street and Barwon Street, east of Skene Street, that contains endangered vegetation (EVC 56 Floodplain Riparian Woodland) to a Public Conservation and Resource Zone.

## overlays

Overlay controls exist to provide an additional layer of control for specific areas where zone controls are not considered sufficient to manage development. Overlays should be used where appropriate in preference to local policy. As such the following overlay controls are recommended:

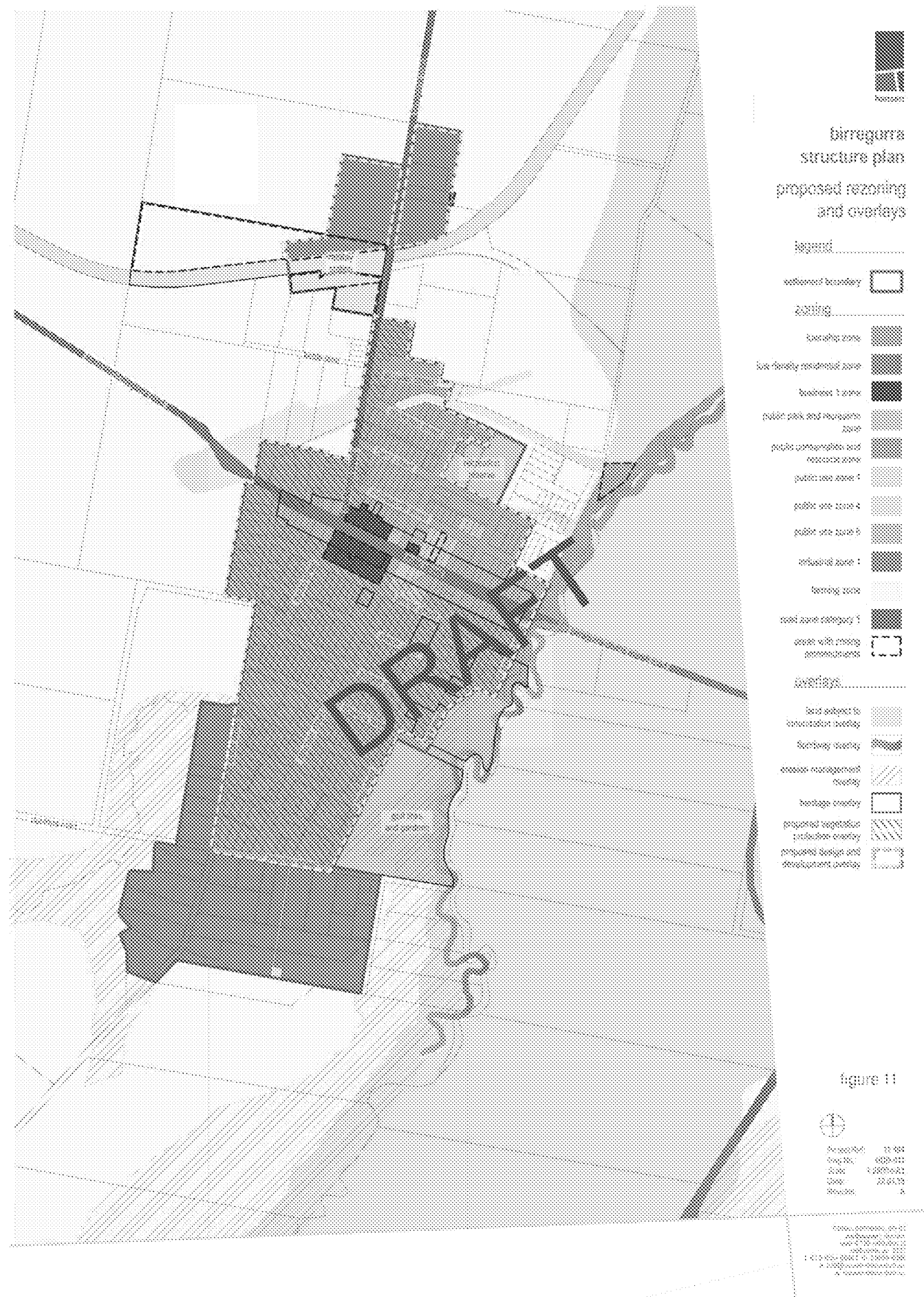
- ✧ Application of the Design and Development Overlay to implement the recommendations of the Neighbourhood Character Study 2012.
- ✧ Application of the Design and Development Overlay to the land in the Industrial 1 Zone on the north side of the railway line. Presentation of industrial land fronting Birregurra Road / Roadknight Road and the Railway Station plays an important role in the overall presentation and image of Birregurra. As such it is important that minimum standards be established for these properties to ensure they appropriately reflect Birregurra's rural image.

This overlay should:

- ✧ Encourage low scale building heights and building colours and materials that reflect the rural township character of Birregurra, especially along those walls of a building that are visible from Roadknight Street / Birregurra Road.
- ✧ Encourage provision generous building setbacks from front and side boundaries to provide the opportunity for substantial landscaping within the front boundary and along any side boundaries visible from Roadknight Street / Birregurra Road.
- ✧ Encourage provision of landscaping and visual screening of any open storage yards associated with a development that is visible from Roadknight Street / Birregurra Road.
- ✧ Encourage grid based subdivision patterns (if subdivision is proposed) to ensure connectivity with Birregurra Road and continuation of the grid based urban structure of the township.

- Encourage appropriate interfaces with the railway line and the historic Birregurra Railway Station to the south.
- Encourage use of sustainability measures such as water reuse and water sensitive urban design treatments.
- × Application of the Design and Development Overlay to the commercial core of the town centre. This overlay should:
  - Ensure all new buildings demonstrate a sympathetic design response to the heritage qualities of Main Street.
  - Seek to encourage low-rise single storey buildings.
  - Implement the design guidelines prepared for Main Street as part of the *Birregurra Neighbourhood Character Study, 2012*.
  - × Encourage active street frontages on Main Street.
  - × Ensure any new commercial development to the rear of properties on Main Street has regard to sensitive residential interfaces.
  - × Discourage visual clutter from advertising or other signage.
  - Be structured to only trigger a planning permit where development is proposed which does not meet established requirements.
- Application of the Vegetation Protection Overlay to part of the town, as recommended in the *Neighbourhood Character Study 2012*.





#### 17.4 monitoring and review

The Birregurra Structure Plan should be reviewed every 3-5 years to ensure that it remains relevant and consistent with Council's strategic policies, MSS and Council Plan. Such a review period will also identify any changes required in response to new development trends, policies or changing circumstances, such as ongoing residential demand and the need for additional retail floorspace.

It is recommended that the first review occur at 3 years, to monitor and review the progress of key recommendations. In particular the first review should assess the take up of land for infill residential development, in order for Council to review the residential land supply and demand outlook, based on actual rates of development that have been achieved after the sewerage of the town.

#### 17.5 drainage and local road construction strategy

In order to address the need for considerable local road and drainage upgrades, as infill development occurs, a strategy for the upgrading of these facilities should be prepared. The strategy should clearly identify:

- The standards of provisions required.
- The source of funds i.e. special charge, development contribution, by way of permit conditions etc.
- The conditions to be placed on planning permits for subdivision and development.
- The priorities and staging of the infrastructure upgrades.

In the interim principles to guide planning permit conditions are included in Sections 13 and 16 of this report.

#### 17.6 further work

In addition to implementing the Structure Plan through the Colac Otway Planning Scheme, there are a number of other actions both the Council, other authorities and local stakeholders can pursue which will play a role in achieving the 'vision' of this plan. Furthermore, there is additional work which has been identified as being required to implement the Structure Plan:

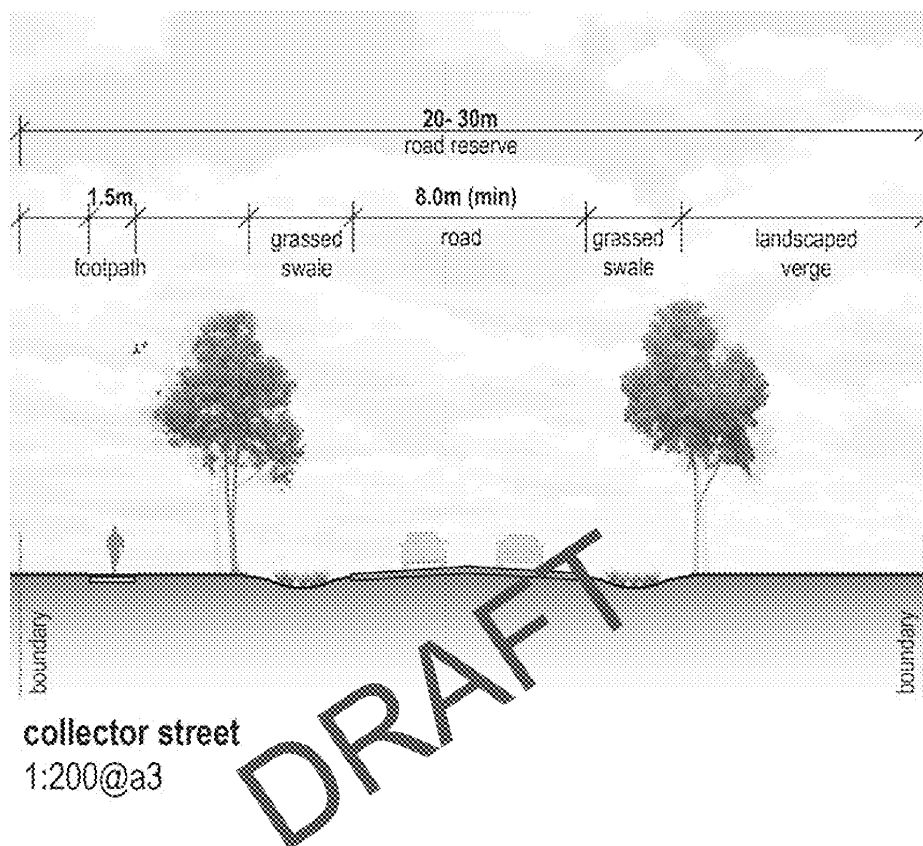
These are outlined in the following table.

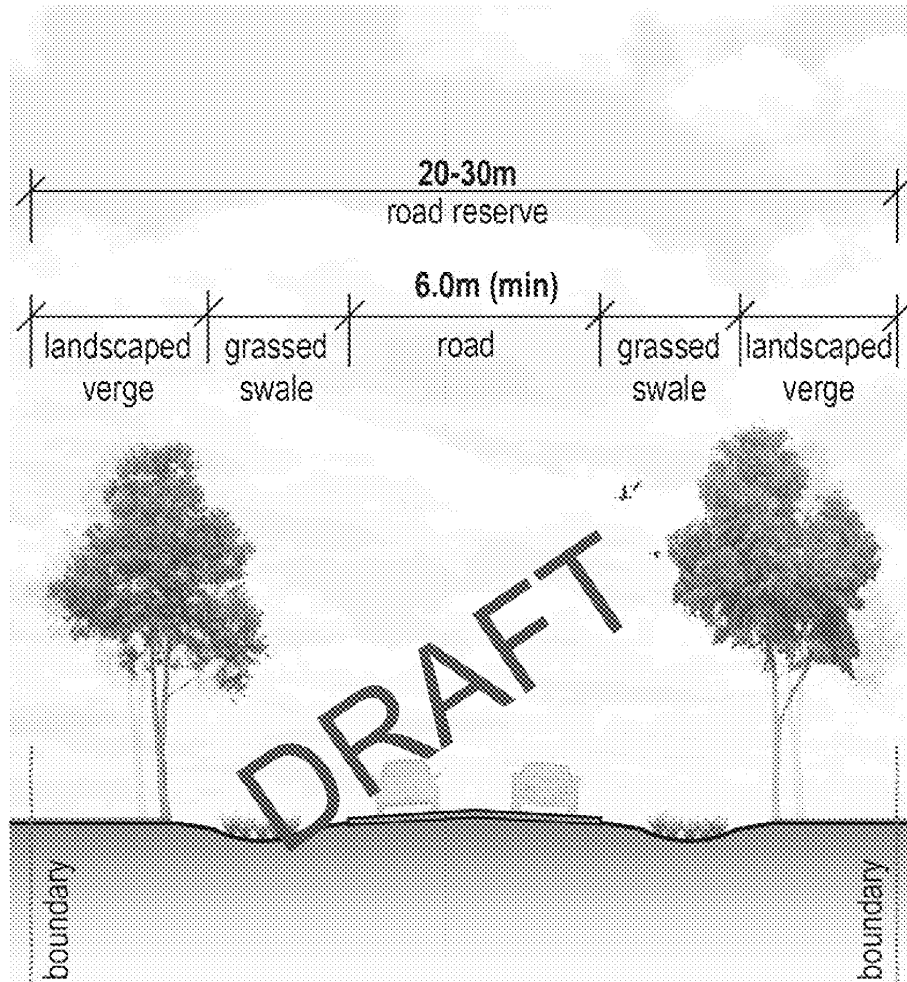


| no. | action                                                                                                                                                                               | responsibility                                          | comment / details if required                                                                                                                                                                                   | priority    | indicative cost                             |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------|
| 1   | Prepare an amendment to the Colac Otway Planning Scheme in order to implement the recommendations of this Structure Plan and also the Birregurra Neighbourhood Character Study, 2012 | Colac Otway Shire Council Strategic Planning Unit       | The amendment should implement the local planning policy, zoning and overlay recommendations made above, as well as introduce the recommendation of the Neighbourhood character Study into the Planning Scheme. | Short term  | \$5,000 - \$25,000 (if a Panel is required) |
| 2   | Establish an ongoing monitoring program to track the rate of residential development and subdivision that is occurring in Birregurra                                                 | Colac Otway Shire Council Strategic Planning Unit       | This work could be undertaken in house by Council's Strategic Planning Unit.                                                                                                                                    | Short term  | n/a                                         |
| 3   | Prepare an integrated road and drainage strategy for Birregurra                                                                                                                      | Colac Otway Shire Council Capital Works Unit            | -                                                                                                                                                                                                               | Short term  | \$50,000                                    |
| 4   | Undertake / facilitate the preparation of a master plan for the community node                                                                                                       | Colac Otway Shire Council Health and Community Services | -                                                                                                                                                                                                               | Medium term | \$15,000                                    |
| 5   | Undertake / facilitate a review of the capacity of Strachan Street as part of the 3-5 year Structure Plan Review                                                                     | Colac Otway Shire Council Capital Works Unit            | -                                                                                                                                                                                                               | Medium term | \$7,500                                     |
| 6   | Monitor population growth to determine if the need arises to undertake a recreation needs assessment to determine appropriate provision of recreation facilities in Birregurra       | Colac Otway Shire Recreation Arts and Culture           | -                                                                                                                                                                                                               | Medium term | \$15,000                                    |
| 7   | Prepare a way finding strategy for Birregurra                                                                                                                                        | Colac Otway Shire Recreation Arts and Culture           | -                                                                                                                                                                                                               | Long term   | \$12,000                                    |

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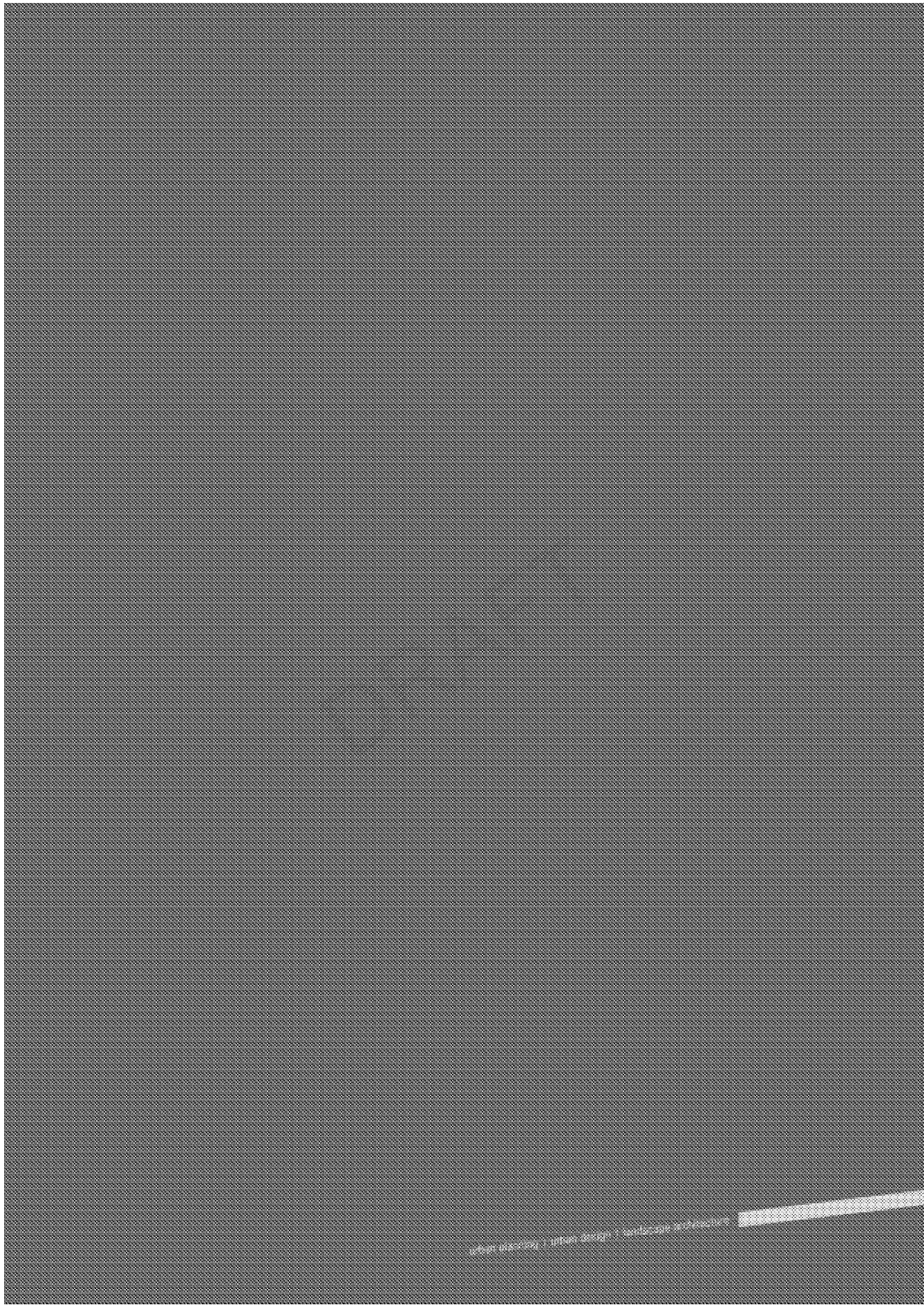
appendix 1  
road cross-sections





**local road**  
1:200@a3



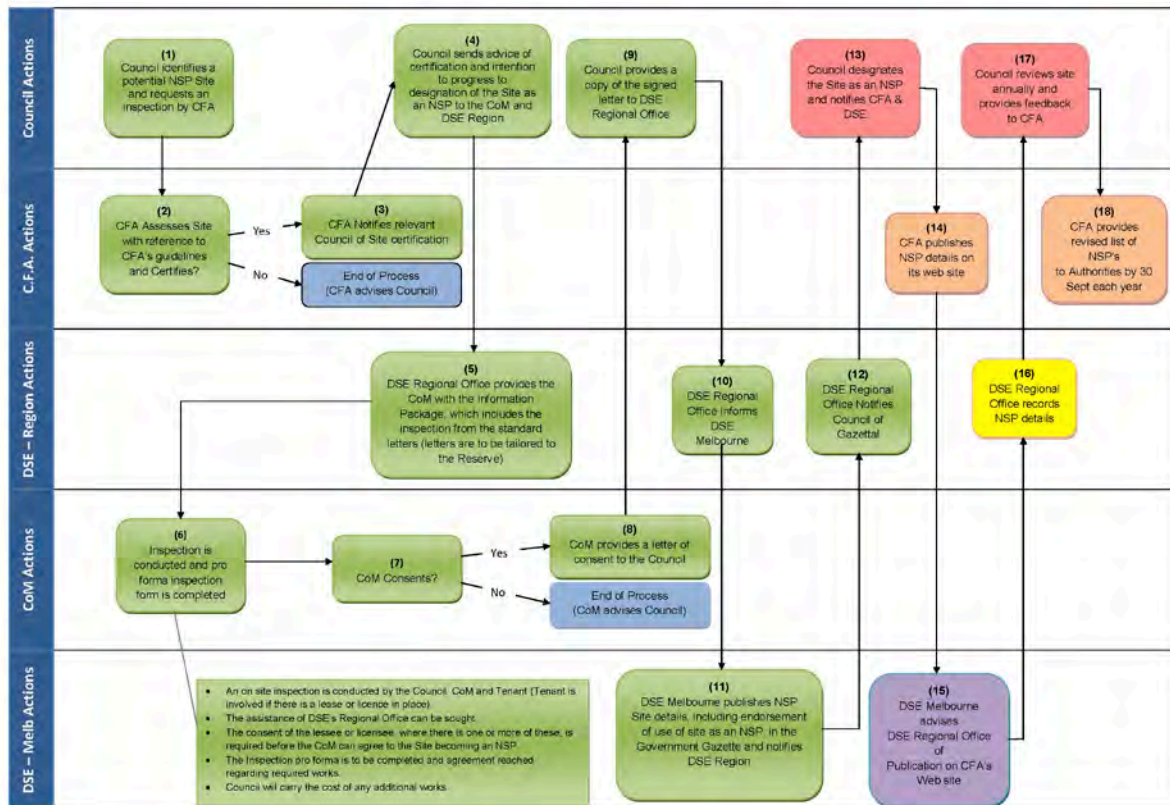








Designation of a Neighbourhood Safer Place (Crown Land Managed by a Committee of Management)







# Neighbourhood Safer Place (Place of Last Resort) Site Assessment Report

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Apollo Bay Foreshore  
Apollo Bay

Reference: Apollo Bay NSP Site Assessment Report  
Colac Otway Shire  
February 2013

D13/6194

## Table of Contents

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|                                                                             |        |
|-----------------------------------------------------------------------------|--------|
| <a href="#">1. Executive Summary</a>                                        | 3      |
| <a href="#">2. Introduction</a>                                             | 4      |
| <a href="#">3. NSP Approval Process</a>                                     | 5      |
| <a href="#">4. Compliance Standards</a>                                     | 6      |
| <a href="#">5. Assessment Approach</a>                                      | 6      |
| <a href="#">6. Site Identification</a>                                      | 8      |
| <a href="#">7. Findings &amp; Discussion</a>                                | 11     |
| <a href="#">8. Recommendations</a>                                          | 14     |
| <br><a href="#">Appendix A</a>                                              | <br>15 |
| <a href="#">CFA Assessment Criteria Compliant Confirmation</a>              | 15     |
| <br><a href="#">Appendix B</a>                                              | <br>22 |
| <a href="#">Consents to Use Site</a>                                        | 22     |
| <br><a href="#">Appendix C</a>                                              | <br>27 |
| <a href="#">Signage Locations Map</a>                                       | 27     |
| <br><a href="#">Appendix D</a>                                              | <br>30 |
| <a href="#">Apollo Bay Foreshore, Apollo Bay NSPP Criteria Audit Report</a> | 30     |

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# **1. Executive Summary**

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In response to the Interim 2009 Bushfires Royal Commission Recommendation 8.5, the Victorian Government has introduced legislation which requires the Country Fire Authority (**CFA**) to certify Neighbourhood Safer Places (**NSPs**) against the CFA's Assessment Guidelines, and Victoria's Councils to identify, designate, establish and maintain suitable sites as NSPs in their municipal districts.

In relation to the potential NSP site known as Apollo Bay Foreshore, Apollo Bay being assessed as a NSP, the Colac Otway Shire with the support of the Municipal Fire Management Planning Committee (**MFMP**C), the Municipal Emergency Management Planning Committee (**MEM**PC), CFA Barwon South West Region, DSE and the Otway Coast Committee has undertaken assessments in line with current guidelines and expected practices.

The results of the CFA Assessment Guidelines and the assessment against the Colac Otway Shire Neighbourhood Safer Places Plan Criteria has shown the site described as Apollo Bay Foreshore, Apollo Bay, at the time of assessment to be compliant against the relevant guidelines and criteria.

Unless Council, on whatever grounds sees fit to decide otherwise, having successfully passed all current NSP criteria that has been established by the State Government, CFA, MAV and the Colac Otway Shire, it is recommended that:

1. The Colac Otway Shire endorse the area as described and detailed within the NSP Site Assessment Report which is located within the Apollo Bay Foreshore, Apollo Bay as a designated Neighbourhood Safer Place.

**On passing the recommendation above it is further recommended:**

1. The Council provides signage at the NSP site in line with the guidelines published from time to time on the internet site of the Office of the Emergency Services Commissioner.
2. The Municipal Fire Prevention Officer provides to the CFA information on the NSP designation of the site with Apollo Bay Foreshore, Apollo Bay.
3. The MFMP C and the MEMPC include this site within a list of NSPs within their respective plans.
4. The Council informs the public of the designation of the site as a NSP and provides information to the public on the purpose and function of the NSP as a place of Last Resort and the fact that there is no guarantee of survival if used during an emergency event.

5. The Council asks the CFA to assist in an annual assessment and review of the NSP site by August 31 each year against the Municipal NSP Plan and the CFA assessment guidelines.
6. The NSP site is maintained to suitable standards and that the Municipal Fire Prevention Officer undertakes routine inspections of the NSP site prior to and during the fire danger period.
7. That a budget is allocated/maintained to provide the site with signage, maintenance and annual inspections in line with the NSP guidelines, legislation and plans.

## **2. Introduction**

In its interim Report, the 2009 Victorian Bushfires Royal Commission recommended that neighbourhood safer places, be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire<sup>1</sup>.

In response to this recommendation, the Victorian Government in late 2009 introduced the *Emergency Services Legislation Amendment Act 2009 (ESLA Act)* which amends the *Country Fire Authority Act 1958 (CFA Act)* and the *Emergency Management Act 1986 (EM Act)*. The effect of these amendments requires the CFA to certify NSPs against the CFA's Assessment Guidelines, and Councils within Victoria to identify, designate, establish, maintain and decommission NSPs in their municipal districts.

NSPs are not community fire refuges or emergency relief centres. NSPs are **places of last resort** during the passage of a bushfire, and are intended to be used by persons whose primary bushfire plans have failed. NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there. Furthermore, there may be serious risks to safety encountered in travelling and seeking access to NSPs during bushfire events. Depending on the direction of a particular fire, it may not be 'a safer place' to assemble than other places within the municipal district. At that point in time it almost certainly will be a matter for individual judgement and decision, as to which if any NSP a person or persons should travel in the presence of fire.

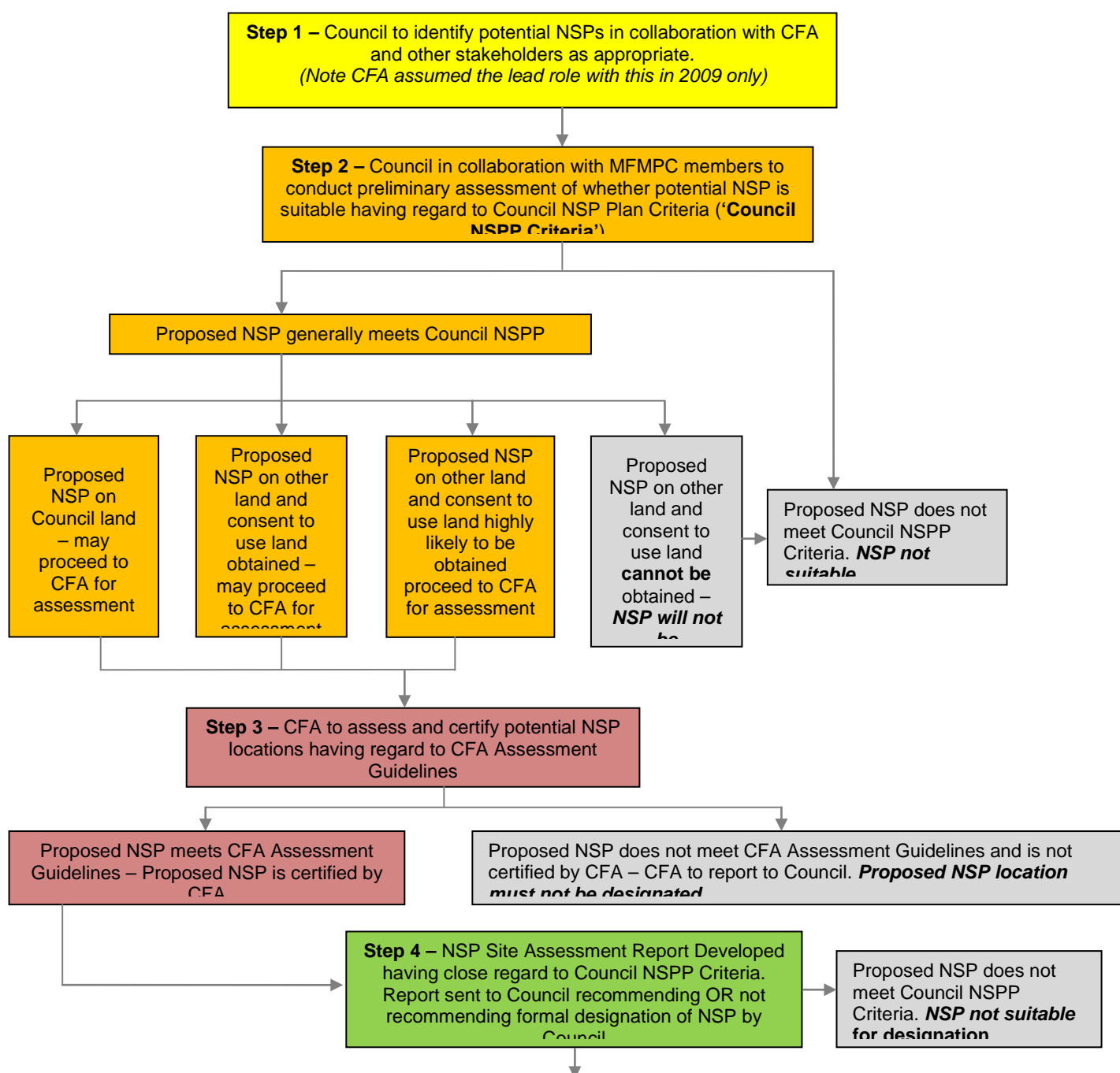
NSPs will be assessed by the CFA as providing some protection from immediate risk of direct fire attack, but not necessarily from other risks, such as flying embers.

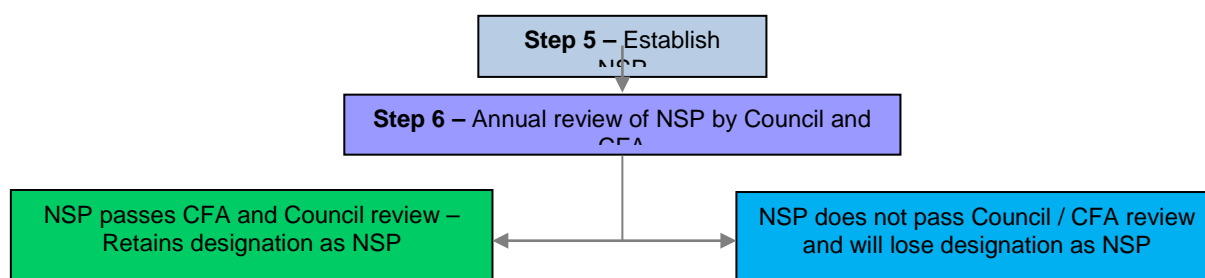
It is impossible to determine the variables of people's behaviour and actions during the stresses of an emergency situation. It is also impossible to precisely determine localised affects of weather during fire events and the resulting impact of fire at any particular location on any given

high risk day. In understanding this, the assessment has included many assumptions in identifying possible sites that may provide some form of protection from radiant heat during the passage of a fire.

1. Recommendation 8.5, 2009 Victorian Bushfires Royal Commission Interim Report

### 3. NSP Approval Process





NB This process is effective from 1 January 2010. Site Assessments prior to this date utilised a previous version, where CFA was the lead agency in Step 1.

## 4. Compliance Standards

The assessment of the site was done in line with the:

- Colac Otway Shire Neighbourhood Safer Places Plan
- Colac Otway Shire NSPP Criteria Auditing Tool
- Bushfire Neighbourhood Safer Places CFA Assessment Guideline June 2012

## 5. Assessment Approach

Seven stages of assessment were made on this site.

1. Council led a process of identification of the site in collaboration with the Municipal Fire Management Planning Committee.
2. The Council conducted an onsite assessment in-line with the criteria in the Colac Otway Shire NSPP Criteria. This assessment was conducted with the assistance of the MFMP. In attendance were representatives from Council, Victoria Police, CFA, Parks Victoria, Department of Sustainability & Environment, and VicRoads.
3. CFA conducted an assessment of the potential NSP site against the Bushfire Neighbourhood Safer Places CFA Assessment Guideline; this was done by appropriately qualified and experienced CFA personnel.
4. Inspections, workshops and meetings were held with the Otway Coast Committee.
5. Concerns regarding the site being designated as a NSP were also sought from Victoria Police, CFA, respective interested and associated parties.
6. The MFMP and MEMPC were briefed and information sought on the site being designated as a NSP.

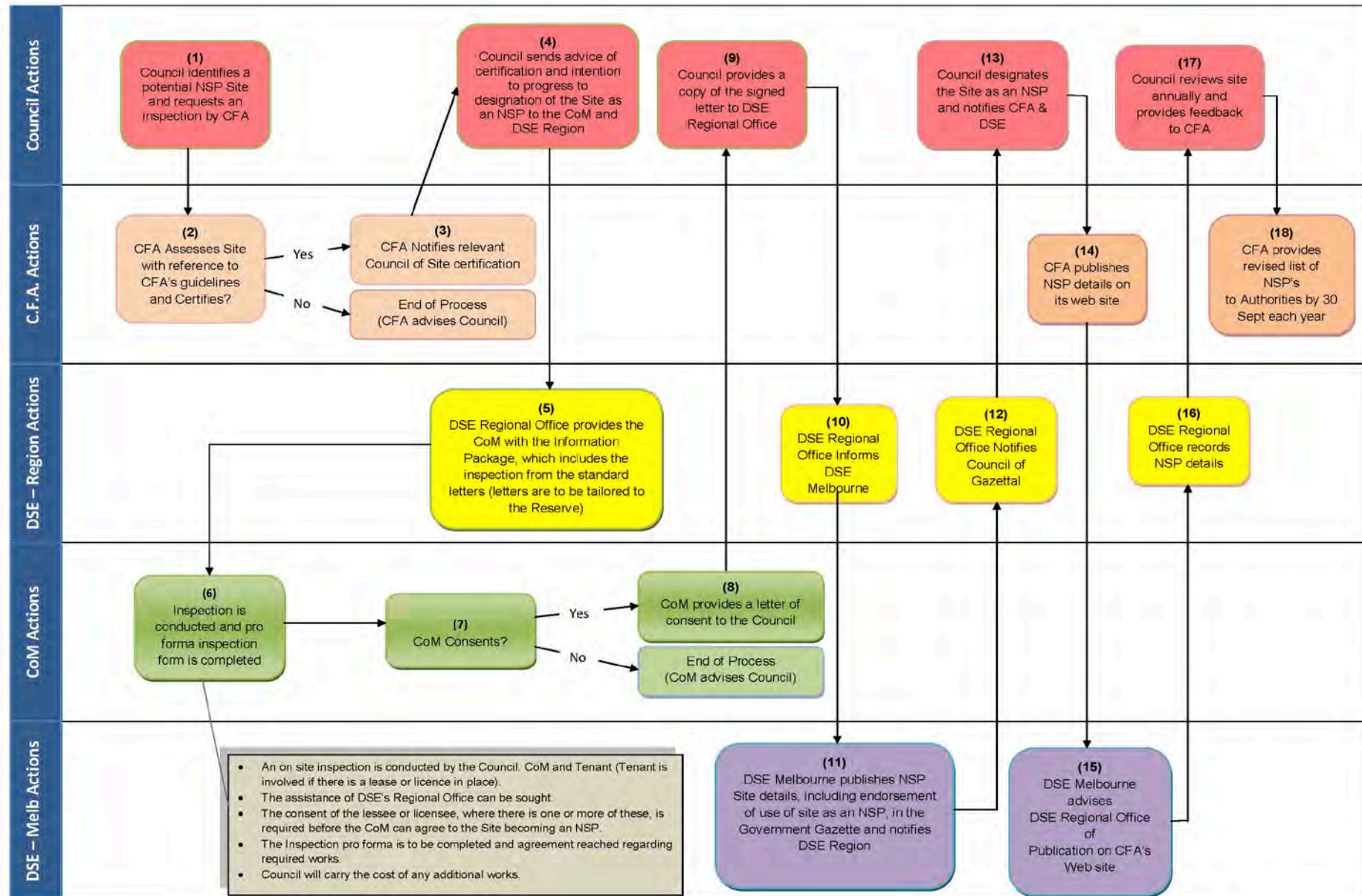
7. Council followed the process developed by DSE and the Municipal Association Victoria for designating NSPs on Crown Land managed by a Committee of Management, a diagram providing an overview of this process can be seen on the following page.

Appendix B contains key documents from this process including:

- Inspection pro forma;
- Letter of Consent from the Otway Coast Committee; and
- Notification from DSE Region of endorsement of the use of the site as an NSP in the Government Gazette.



## Designation of a Neighbourhood Safer Place (Crown Land Managed by a Committee of Management)

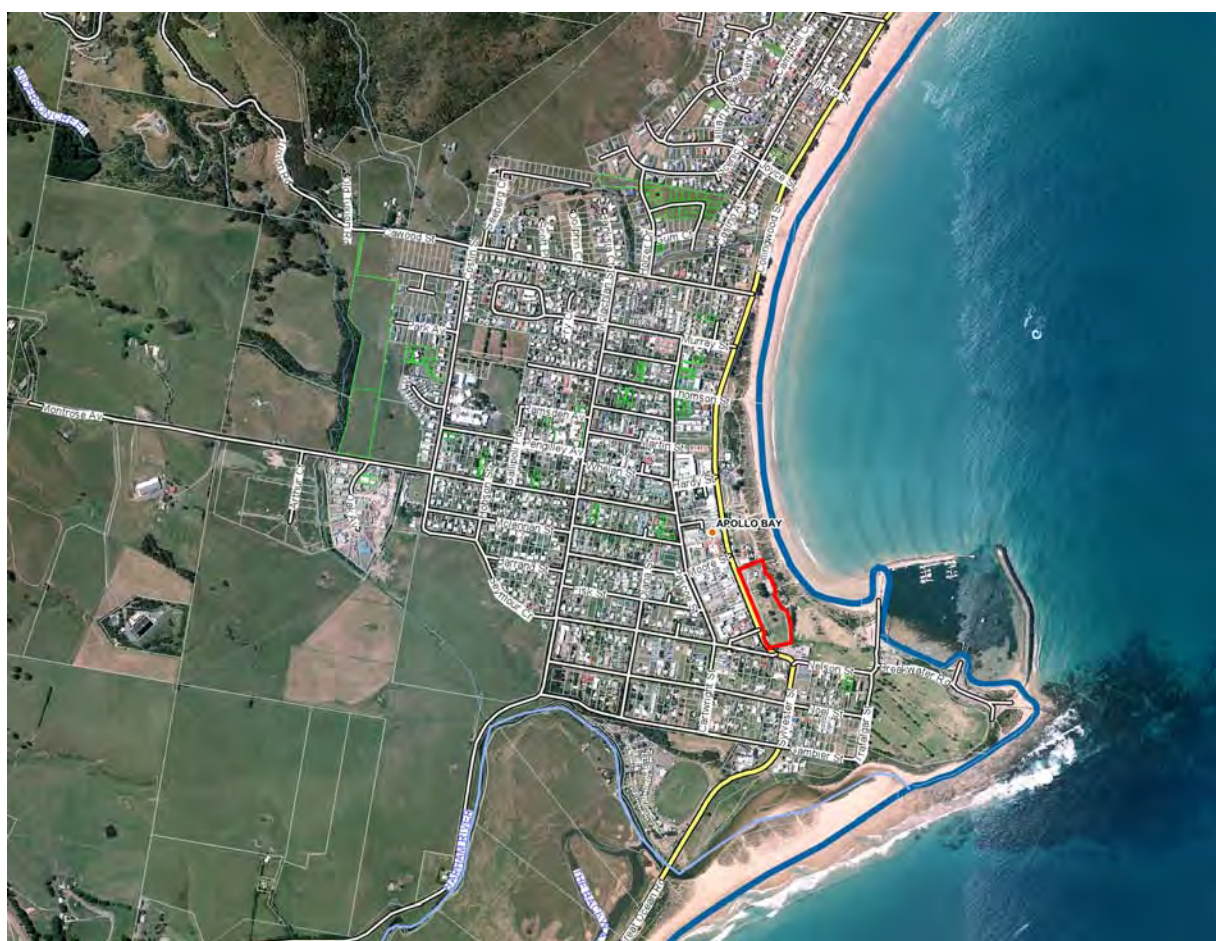


## 6. Site Identification

### Identification of potential NSP site

The potential NSP site was identified by Council in collaboration with the MFMPD in line with the process outlined in Councils Neighbourhood Safer Places Plan (**NSPP**).

This process identified a section of the Apollo Bay Foreshore situated on the Great Ocean Road within the township of Apollo Bay as shown in the locality snapshot, figure 1 below. The potential NSP site is the area within the red line.



**Figure 1.** Locality snapshot of Apollo Bay showing proposed potential NSP Site.

### Locality description

Apollo Bay is a coastal town in south-western Victoria; it is located approximately 190km southwest of Melbourne on the Great Ocean Road.

Historically, the townships major industries were timber, agriculture and fishing however these have declined and the town now relies heavily on tourism. Apollo Bay has a population of



approximately 1,095, which has remained static for over 20 years; however over the busy summer holiday months the population can swell to 15,000.

Whilst Apollo Bay is quieter and smaller than other nearby places such as Lorne, it is host to the annual Apollo Bay Music Festival and the Great Ocean Road Sports Festival.

The township has a range of cafe's, restaurants and accommodation to support the high volume of tourist who visit the town and surrounding area.

The township has a Hospital, Police Station, Preschool and P12 College; the college is a public school with a total student population of approximately 240.

Additional community facilities include:

- Apollo Bay Bowls Club.
- Apollo Bay Mechanics Institute.
- Apollo Bay p12 College Leisure Centre.
- Apollo Bay RSL.
- Apollo Bay Youth Centre.
- Marrar Woon Neighbourhood House.
- Senior Citizens Centre.

Church Halls

- Apollo Bay Catholic Church Hall.
- Apollo Bay Uniting Church Community Hall.
- St Aidans's Church Hall.

The township supports the following community groups:

- Apollo Bay Badminton Club.
- Apollo Bay Ballsports.
- Apollo Bay Bowls Club.
- Otway Ranges Walking Track Association.
- Apollo Bay Aquatic Centre.
- Apollo Bay Boardriders.
- Apollo Bay Fishing Group.
- Apollo Bay Sailing Club.
- Apollo Bay Surf Lifesaving Club.
- Apollo Bay Swimming Pool.
- Apollo Bay target Rifle Club.
- Apollo Bay Playgroup.
- Toy Library.

Apollo Bay has a Taxi Service and a bus service that runs between Apollo Bay and Colac once a week during the majority of the year and more frequently between mid December and late January.



### **NSP Specific Site description**

The Apollo Bay Foreshore is situated on the Great Ocean Road within the township of Apollo Bay. The Apollo Bay Foreshore is a Crown Land Reserve with a Committee of Management, - the Otway Coast Committee.

The section of the Apollo Bay Foreshore to be utilised as a NSP encompasses an area of approximately 1.8 hectare and abuts the Great Ocean Road on the western side and the ocean and golf course on the eastern side as shown in figure 2 below.



**Figure2.** Apollo Bay Foreshore map showing proposed potential NSP Site.

The site is used as a public open space and encompasses the following facilities within the potential NSP site:

- Picnic Shelter.
- Toilets.
- Skate Park.
- Children's Playground.

## **7.**

---

## **Findings & Discussion**

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### **CFA Assessment**

CFA has developed guidelines to assess the suitability of potential sites as NSPs.

The key criteria considered by the CFA under the current CFA NSP assessment for this site were for an open space and therefore the site needed to meet one of the following criteria;

- The appropriate separation distance between the outer edge of the potential NSP and the nearest fire hazard ('Buffer Zone') should be at least 310 metres; or
- An alternative Buffer Zone distance may be prescribed by the CFA, which will ensure that the maximum potential radiant heat impacting on the site is no more than 2kw/m<sup>2</sup>.

The CFA informed the Council on the 4 February 2013 in writing (Appendix A) that the Apollo Bay Foreshore, Apollo Bay site was compliant with the CFA assessment guideline and prescribed an area that the maximum potential radiant heat impacting on the site would be no more than 2kw/m<sup>2</sup>.

### **Survey of Concerns**

The Council sought additional input from relevant agencies and personnel on the suitability of this site as a NSP.

We asked specifically for opinion in relation to:

- The suitability of access and entry to the location or building.
- The suitability of using the site for the congregation of people during an emergency.
- Any other reason for which the site may not be suitable as a NSP.

The request was made of the following agencies; Police, CFA, Council Departments, Otway Coast Committee and other government departments.

### **Site Assessment against NSP Plan Criteria**

An initial onsite inspection took place on 21 June 2010 with representatives from Council, DSE, CFA, Parks Victoria, Victoria Police and VicRoads to discuss and assess the sites potential to be used as a NSP.

The NSPP Criteria Auditing Tool was used to assist in the discussion and ultimate assessment, Appendix D contains a copy of the auditing tool.

The following summary was concluded:

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### Consents and Rights of Access

The potential NSP site – Apollo Bay Foreshore, Apollo Bay, is DSE owned Crown Land managed by a Committee of Management, - the Otway Coast Committee. The DSE representative present at the site inspection provided advice that it was highly likely that consents and rights of access would be able to be obtained.

### Access and Egress

In considering whether access and egress routes are adequate, consideration was given to the following issues:

- Whether there is sufficient access to the potential NSP which will allow for:
  - anticipated potential numbers of people to move to and from the place; and
  - the CFA and other emergency services to attend the place for asset and personal protection activities.
- The condition of the road surface:
- The proximity of the NSP to major roadways and population centres:
- The type and amount of vegetation along any access routes, and whether that vegetation could be affected by fire and pose a risk of harm to those seeking access to the potential NSP, or otherwise block access to the NSP:
- Whether appropriate vegetation management activities can be undertaken and maintained through works that are both possible and practicable having regard to the resources of road owner:
- The capacity of access routes to accommodate potentially large numbers of vehicles, and to accommodate potential breakdowns:
- Parking at the place, taking into account that a separate area or adequate space may need to be available to ensure pedestrians can move away from the areas where vehicles may enter or park:
- Any hazards that may exist for persons accessing the place by foot:
- Any relevant matter contained in Councils Road Management Plan prepared pursuant to the Road Management Act 2004 (Vic).

It was the consensus of the group that existing access and egress routes were sufficient to allow anticipated potential numbers of people to move to and from the site and for CFA and other emergency services to attend the site for asset and personal protection activities. Roads within the immediate area are sealed dual access roads, maintained to an good standard with minimal modified roadside vegetation that would not pose a risk of harm to those seeking access to the potential NSP.

Apollo Bay hosts a Music Festival on the Foreshore in April each year that attracts a large number of people to the town and it was agreed by the group that this was a good indicator that access and egress routes have the capacity to accommodate large numbers of vehicles and potential vehicle breakdowns.

The group also agreed that existing parking adjacent to the site and in nearby streets was adequate and suitably separate from the site to ensure pedestrian safety. No hazards were identified for people accessing the site on foot.

#### Opening of the NSP

As the potential site is an Open Space NSP, this is not deemed to be relevant.

#### Defendable Space

The site is deemed to have sufficient defendable space.

#### Defendability of Buildings

Not applicable as this is an Open Space potential NSP. There was some concern however that buildings adjoining the site may be used inappropriately by individuals to shelter in during a fire event, in particular the Surf Lifesaving Club.

#### Signage

There is sufficient space to erect general NSP signage. A signage location map is provided in Appendix C.

#### Maintenance and Maintainability

Some costs would be incurred by Council in establishing and maintaining the site.

#### Disabled Access

Disabled parking is currently available adjacent to the site.

#### Separation and Demarcation of Area

Much of the potential NSP site has clear boundaries, the western side is clearly defined by the Great Ocean Road and designated car parking, the eastern side by a low fence and it was agreed by the group that the northern and southern boundaries could be clearly defined by signage at the site.

#### Other Conflicting Uses

There are no known current uses of the site that would conflict with the site being used as a NSP.

#### Communication with the Community



The group agreed that it would be possible through a range of media to communicate the location of the NSP to the community and that this communication should include the risks that relate to the use of the NSP and the risks associated with travelling to the NSP in the event of a bushfire.

## **8. Recommendations**

As per the Emergency Service Legislation Bill 2009, municipal councils must identify and designate places as neighbourhood safer places within their municipal district. In regards to this designation the Council must only designate sites that have passed the CFA Assessment Guideline and may have regard to its Municipal Neighbourhood Safer Places Plan.

Having successfully passed all current NSP criteria established by the State Government , CFA, MAV and the Colac Otway Shire, it is recommended that:

1. The Colac Otway Shire endorse the area as described and detailed within the NSP Site Assessment Report which is located within the Apollo Bay Foreshore Reserve, Apollo Bay as a designated Neighbourhood Safer Place.

### **On passing the recommendation above it is further recommended:**

- The Council provides signage at the NSP site in line with the guidelines published from time to time on the internet site of the Office of the Emergency Services Commissioner.
- The Municipal Fire Prevention Officer provides to the CFA information on the NSP designation of the site within the Apollo Bay Foreshore, Apollo Bay.
- The MFMPC and the MEMPC include this site within a list of NSPs within their respective plans.
- The Council informs the public of the designation of the site as a NSP and provides information to the public on the purpose and function of the NSP as a place of Last Resort and the fact that there is no guarantee of survival if used during an emergency event.
- The Council asks the CFA to assist in an annual assessment and review of the NSP site by August 31 each year against the NSP Plan and the CFA assessment guidelines.
- The NSP site is maintained to suitable standards and that the Municipal Fire Prevention Officers undertake routine inspections of the NSP site prior to and during the fire danger period.

- That a budget is allocated/maintained to provide the site with signage, maintenance and annual inspections in line with the NSP guidelines, legislation and plans.

## **Appendix A**

# **CFA Assessment Criteria Compliant Confirmation**

---

**Wendie Fox**

---

**From:** nsp-assessment-process-no-reply@cfa.vic.gov.au  
**Sent:** Monday, 4 February 2013 3:56 PM  
**To:** nspcoordinator  
**Cc:** firesafetybsw@cfa.vic.gov.au  
**Subject:** Compliant NSP Reassessment Result  
**Attachments:** Apollo Bay Face Sheet 22 Jan 2013PW.pdf; Apollo Bay Foreshore NSP Site Plan 220113PW.pdf; Apollo Bay Foreshore NSP Site Plan Council Plan 22.PDF; NSP Compliant Assessment Result - Letter.PDF; Assessment Summary Report.PDF

This email is intended for the Municipal Representative for Neighbourhood Safer Places.

As per the Neighbourhood Safer Place Site Reassessment Request received from Council representative, Wendie Fox on 02.01.2013, CFA completed the reassessment for 1000011785 Apollo Bay Foreshore, Great Ocean Road Apollo Bay 3233 on 04.02.2013.

Please find attached the reassessment documentation for this COMPLIANT location.

Please use the link provided to access the CFA Neighbourhood Safer Places Online Business System to view this location that has been reassessed by CFA, to confirm the designation or decommission.

<http://www.saferplaces.cfa.vic.gov.au/cfa/authen/default.htm?p1=1000011785>

CAUTION - This message is intended for the use of the individual or entity named above and may contain information that is confidential or privileged. If you are not the intended recipient of this message you are hereby notified that any use, dissemination, distribution or reproduction of this message is prohibited and that you must not take any action in reliance on it. If you have received this communication in error, please notify CFA immediately and destroy the original



## Neighbourhood Safer Places – Places of Last Resort

### Preliminary Site Assessment Form

#### Signature Page



#### Location Details:

(Obtain location details from the CRM)

CRM ID Number 1000011785

Municipality Colac Otway Shire

Main Location APOLLO BAY FORE SHORE

Sub Location

Address Great Ocean Road, APOLLO BAY

Postcode 3233

GPS Coordinates Latitude 38452583

Longitude 143401440

Location Type Open Space

(Open Space or Building)

Best access to Site Great Ocean Road

Best Description of Use Public Open Space / Fore shore reserve

High Risk Bushfire

Township Yes

#### Preliminary Site Assessment Officer Details:

Name Phillip Wall

Contact Number 0418 315 324

Date 22 January 2013

Signature

Assessment Result: **COMPLIANT**

☒ YES

**COMPLIANT**

☐

NON-COMPLIANT

☐

PREScriptions OF MANAGEMENT TO BE SECURED FOR COMPLIANCY  
(Option for Grassland areas only)

#### Endorsement Details:

Manager Community Safety

Name

J. Haley

Date

1/2/13

Signature

Operations Manager

N. PARSONS

24-1-13



CFA Region: Barwon South West  
Telephone: 5240 2700  
Fax: 5277 1515

04 FEB 2013

Colac-Otway Shire  
2-6 Rae Street  
Colac 3250

Dear Wendie Fox

Neighbourhood Safer Places - Places of Last Resort Assessment for  
**1000011785 Apollo Bay Foreshore**  
**Great Ocean Road Apollo Bay 3233**

The CFA ACT 1958, Sect 50G (5 a and b), sets out obligations for CFA as follows;

- (5) *On receiving a request (for assessment from Municipal Council), the Authority must-*
- (a) *assess the place; and*
  - (b) *if the place meets the criteria set out in the CFA Assessment Guidelines, certify in writing that the place meets those criteria.*

This letter and the attached report are designed to meet these obligations and provide assistance to Council in its further decision-making for potential Neighbourhood Safer Places - Places of Last Resort.

CFA developed criteria to assist Council in determining the suitability of potential sites for Neighbourhood Safer Places - Places of Last Resort. These criteria have been developed as part of a consultative process, involving other fire agencies, emergency services and stakeholders.

This site assessment has been based on the quantity of vegetation determined at the time of this inspection and under section 50I of the CFA ACT 1958, it is council responsibility to maintain all Neighbourhood Safer Places.

The **1000011785 Apollo Bay Foreshore Great Ocean Road Apollo Bay 3233** has been determined as **Compliant** with the CFA Guidelines.

CFA understands that it is Council's responsibility to designate this site as a Neighbourhood Safer Place - Place of Last Resort and that Council may wish to engage with other Agencies and stakeholders, including CFA as part of any final approval process before a final decision is made.

CFA hopes you find this information of benefit in the final designation process. If you require further assistance on this matter, please contact Phillip Wall at 0418 315 324.

Yours faithfully

(Refer to attached file for authorisation signature)

Operations Manager  
Barwon South West





## NEIGHBOURHOOD SAFER PLACES - Places of Last Resort CFA ASSESSMENT CRITERIA REPORT

**Neighbourhood Safer Place Site Name and Address:**

**1000011785 Apollo Bay Foreshore**

**Great Ocean Road Apollo Bay 3233**

**The site is assessed as:**

- a) ☒ Meeting the CFA assessment criteria on the day of assessment; or
- b) ☐ Not meeting the CFA assessment criteria on the day of assessment; or
- c) ☐ Meeting the assessment criteria provided that prescriptions of management of the grassland over the fire danger period are secured by agreed terms entered into by the landholder (see below)

### Criteria

#### 1) Setback Distances and Radiant Heat Measures

Neighbourhood Safer Places should provide protection to people from lethal levels of radiant heat by providing an appropriate separation distance between fire hazards, particularly vegetation and the site of the Neighbourhood Safer Place.

If a Neighbourhood Safer Place is an open space, the appropriate separation distance should be greater than 310 metres from the outer edge of the NSP to the fire hazard, or should be prescribed to ensure a maximum potential heat impacting on the site of no more than 2kw/m<sup>2</sup>.

If a Neighbourhood Safer Place is a building, the appropriate separation distance greater than 140 metres from the outer edge of the building to the fire hazard or should be prescribed to ensure that the maximum potential heat impacting on the building is no more than 10kw/m<sup>2</sup>.

|                                    | North Aspect | East Aspect | South Aspect | West Aspect |
|------------------------------------|--------------|-------------|--------------|-------------|
| Setback distance (m)               | 310+         | NA          | 310+         | 310+        |
| Radiant Heat (Kw/ m <sup>2</sup> ) | NA           | NA          | NA           | NA          |

#### 2) The following is only to be completed if grassland areas require further and specified management over the fire danger period

| Recommendation                                                                                                                                                                                                                | Y/N |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| There must be prescriptions for management of the grassland over the fire danger period, secured by agreed terms entered into by the landholder.                                                                              | N   |
| The identified treatment of the grassland be included within the MFPP or MFMP (whichever is relevant) and is the responsibility of Council to facilitate and if required enforce the treatment during the fire danger period. | N   |
| Treatments and Prescriptions:                                                                                                                                                                                                 |     |
|                                                                                                                                                                                                                               |     |

**PRINT CFA OFFICER NAME: Pillip Wall**

**DATE: 10.01.2013**





## CFA Neighbourhood Safer Places Assessment Summary Report

NSP ID: 1000011785 Municipality: Colac-Otway Shire  
Location: Apollo Bay Foreshore  
Address: Great Ocean Road Apollo Bay 3233  
Location Type: Open Space CFA Region: Barwon SW  
Assessment Date: 10.01.2013 Assessed By: Phillip Wall  
Result: Compliant

| Assessment Factors                                                                                                                         |                                      | North Aspect                                                                                                                                                                                                                                                                                                                                                                                                                                           | East Aspect                                | South Aspect                               | West Aspect                                |
|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------------|--------------------------------------------|
| Vegetation Type                                                                                                                            |                                      | No Classified Vegetation Type / BAA<br>N/A                                                                                                                                                                                                                                                                                                                                                                                                             | No Classified Vegetation Type / BAA<br>N/A | No Classified Vegetation Type / BAA<br>N/A | No Classified Vegetation Type / BAA<br>N/A |
| Separation Distance to Vegetation (m)                                                                                                      | Actual                               | 310+                                                                                                                                                                                                                                                                                                                                                                                                                                                   | NA                                         | 310+                                       | 310+                                       |
|                                                                                                                                            | Prescribed<br>(Grassland areas only) |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                            |                                            |                                            |
| Vegetation Height (m)                                                                                                                      |                                      | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                     | NA                                         | NA                                         | NA                                         |
| Effective Slope (°)                                                                                                                        |                                      | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0                                          | 0                                          | 0                                          |
| Site Slope (°)                                                                                                                             |                                      | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0                                          | 0                                          | 0                                          |
| Prescribed or Deemed to Satisfy Requirements for distance achieved -<br>(Distance equal to or greater than 140M structure 310M open space) |                                      | Y                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Y                                          | Y                                          | Y                                          |
| Deemed to Satisfy Requirements for slope achieved -<br>(Effective Slope less than 20 degrees)                                              |                                      | Y                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Y                                          | Y                                          | Y                                          |
| Deemed to Satisfy (DtS) Requirements Achieved                                                                                              |                                      | Y                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Y                                          | Y                                          | Y                                          |
| (If DtS not achieved)<br>Calculated Heat Flux (kW/m2)<br>(To be no greater than 2kw for open space or 10kw for a building)                 | Actual                               | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                     | NA                                         | NA                                         | NA                                         |
|                                                                                                                                            | Prescribed<br>(Grassland areas only) |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                            |                                            |                                            |
| Treatments & Prescriptions<br>(For Grassland areas ONLY)                                                                                   |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                            |                                            |                                            |
| Overall NSP Criteria Achieved                                                                                                              |                                      | Y                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Y                                          | Y                                          | Y                                          |
| Result                                                                                                                                     |                                      | <b>Compliant</b><br><input checked="" type="checkbox"/> Meeting the CFA assessment criteria on the day of assessment.<br><input type="checkbox"/> Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.<br><b>Non Compliant</b><br><input type="checkbox"/> Not meeting the CFA assessment criteria on the day of assessment. |                                            |                                            |                                            |



APOLLO BAY FORESHORE NSP - SITE PLAN (Council Plan)



APOLLO BAY FORESHORE NSP - SITE PLAN



## **Appendix B**

# **Consents to Use Site**

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## Inspection pro forma

Date of site inspection: **22 / 10 / 2012**

Name of Reserve: **Apollo Bay Foreshore**

Reserve ID #: **Crown Allotment; 11B, Section 8, Township of Apollo Bay**

Committee of Management: **Otway Coast Committee (OCC)**

Local council representative: **Wendie Fox; Municipal Emergency Management Coordinator; Colac Otway Shire (COS)**

CFA representative: **Not Present; however NSP has been previously discussed**

Committee of Management representative: **Gary McPike; Executive Officer**

DSE regional representative (optional): **Not Present; however NSP has been previously discussed**

Describe the nominated Neighbourhood Safer Place (NSP): **The proposed area is the main Apollo Bay foreshore opposite the retail centre of the town. It is also the largest public open space available, and easily accessible and identifiable.**

Is the nominated NSP a building? **No**

If it is a building, how is it proposed to gain access?

What are the maintenance requirements agreed between the local council and Committee of Management (Committees of management are not to undertake any maintenance beyond regular, scheduled maintenance. All additional requirements are the responsibility of the local council.)

**The OCC and COS, agree that all infrastructures associated with the establishment and maintenance of the NSP will be the responsibility of the COS. That the installation and any future changes to the provision of necessary infrastructure will only be made with the consent of the OCC.**

Are any other access arrangements required eg unlocked gates? **None applicable**

Note any concerns or questions raised during the site inspection: **None raised; both COS & OCC are committed to & supportive of the establishment of the NSP.**





16 November 2012

Mr Rob Small  
CEO  
Colac Otway Shire  
P.O. Box 283  
COLAC VIC 3250

D12/82555



PO Box 146, Apollo Bay, Victoria 3233  
phone 0419 301 311 · fax (03) 5237 6751  
occadmin@otwaycoast.org.au

Dear Rob,

Re: Designation of premises as a 'Neighbourhood Safer Place'

Premises: Apollo Bay Foreshore (the "Premises")

Consent

I confirm that Colac Otway Shire has requested the consent of Otway Coast Committee ("CoM") to use the Premises as indicated on the attached plan as a Neighbourhood Safer Place (NSP) for the bushfire season commencing 2012, pursuant to section 50G of the Country Fire Authority Act 1958.

The Committee of Management ("CoM") consents to the use of the Premises for this purpose and notes that the use of the Premises as a Neighbourhood Safer Place will be governed by all relevant legislation.

Maintenance

The CoM intends to undertake the following maintenance works at the Premises:

- Continue to mow the grass to the same standard it has maintained for many years as needed for the purpose of maintaining the area as open public space.

The CoM confirms that Council will undertake the following maintenance works at the Premises, to a reasonable standard at its own cost and risk:

- Will install and maintain the signage required for the purpose of designating the specified area as a NSP; and any other thing/s required to maintain the area as a NSP.

Acknowledgement

If the above terms are acceptable, please sign the attached copy letter and return it to the CoM as soon as possible.

If you wish to discuss the matter further, please contact me on 0419 301 311.

Yours truly,

Handwritten signature of Gary McPike in black ink.

Gary McPike  
Executive Officer

Countersigned,

Handwritten signature of Rob Small in black ink.  
Rob Small

As CEO  
Colac Otway Shire



Otway Coast Committee







Department of  
Sustainability and Environment

402-406 Mair Street  
Ballarat Victoria 3350  
Telephone: (03) 5336 6812  
Facsimile: (03) 5336 6885  
ABN 90 719 052 204

Your Ref: F11/4983  
Our Ref: 0511871

31<sup>st</sup> January 2013

Colac Otway Shire  
Wendy Fox, Municipal Emergency Management Coordinator  
PO Box 283  
COLAC 3250



Dear Wendy

**NEIGHBOURHOOD SAFER PLACE – APOLLO BAY FORESHORE**

I refer to previous dealings concerning the proposed Neighbourhood Safer Place at the Apollo Bay Foreshore Reserve.

The Department has recently arranged for notification of the identified area to be published in the Victorian Government Gazette. Attached is a copy of the Gazette for your records. Council may now proceed to designate the site as a Neighbourhood Safer Place.

Upon designation, Council is required to inform the Country Fire Authority so as the information can be published on their website.

If you require any additional information or wish to discuss further please contact me on 03 5336 6812.

Yours sincerely

Katie Gleisner  
Property Officer - Ballarat

**Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Information Privacy Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Sustainability & Environment, PO Box 500, East Melbourne, 3002.





0511871

Victoria Government Gazette

G 1 3 January 2013

11

Sustainability and Environment, hereby declare the following periods to be the Fire Danger Period in the municipal districts of the municipalities or parts of municipalities specified, commencing on the dates shown and, unless varied by subsequent declaration, ending at 0100 hours on 1 May 2013.

To commence from 0100 hours on 7 January 2013:

- Yarra Ranges Shire Council (those portions not included in the Metropolitan Fire District)
- Knox City Council
- Manningham City Council (those portions not included in the Metropolitan Fire District)
- Maroondah City Council (those portions not included in the Metropolitan Fire District)
- Baw Baw Shire Council
- South Gippsland Shire Council
- Bass Coast Shire Council
- Cardinia Shire Council
- Casey City Council
- Frankston City Council
- Greater Dandenong City Council
- Kingston City Council (those portions not included in the Metropolitan Fire District)
- Mornington Peninsula Shire Council
- French Island.

MICK BOURKE  
Chief Executive Officer

#### PUBLIC NOTICE CONCERNING NEIGHBOURHOOD SAFER PLACES

Two public land reserves established under the Crown Land (Reserves) Act 1978 have been identified as meeting the Country Fire Authority Assessment Guidelines for neighbourhood safer places. As the Minister responsible for the Crown Land (Reserves) Act 1978, I consent to the use of the following reserves as Neighbourhood Safer Places.

| Reserve No. | Municipality            | Township Name | General Location               | Description          |
|-------------|-------------------------|---------------|--------------------------------|----------------------|
| 0511871     | Colac Otway Shire       | Apollo Bay    | Nelson Street, Apollo Bay 3233 | Apollo Bay Foreshore |
| P020160     | Hindmarsh Shire Council | Dimboola      | 204 High Street, Dimboola 3414 | Apex Park, Dimboola  |

Dated 10 December 2012

JENNY PEQUIGNOT  
Executive Director, Land Division

Portal updated -  
21/1/2013  
Katie Glewiler

## **Appendix C**

# **Signage Locations Map**

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## **Appendix D**

# **Apollo Bay Foreshore, Apollo Bay NSPP Criteria Audit Report**

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# Neighbourhood Safer Places Plan Criteria – Auditing Tool

**Location:** Apollo Bay Foreshore – Apollo Bay  
**Date:** 21/06/2010

Date: 21/06/2010

Time: 4.00pm

## NSP PLAN CRITERIA – ASSESSMENT TOOL

**Potential NSP:** Apollo Bay Foreshore

**Address:** Great Ocean Road, Apollo Bay

**Map Reference:**

## ASSESSMENT TEAM MEMBERS

| Name             | Position                                   | Agency            | Phone | Email |
|------------------|--------------------------------------------|-------------------|-------|-------|
| Stewart Anderson | Manager Environment & Community Safety     | Colac Otway Shire |       |       |
| Wendie Fox       | Municipal Emergency Management Coordinator | Colac Otway Shire |       |       |
| Dean Manson      | Operations Officer – Otway Catchment       | CFA               |       |       |
| Stephanie Ryan   | District Fire Manager – Otway District     | DSE               |       |       |
| Tim Gazzard      | Fire Operations Officer                    | Parks Victoria    |       |       |
| David Hand       | Sergeant & Deputy MERC                     | Victoria Police   |       |       |
| Brendan Hall     |                                            | Vic Roads         |       |       |

## OWNERSHIP DETAILS

| SITE OWNERSHIP DETAILS | Yes/No | Name | Address                                                  | Phone                             | Email |
|------------------------|--------|------|----------------------------------------------------------|-----------------------------------|-------|
| Site Owner             |        | DSE  | 70 A Camp Road,<br>Anglesea<br>402 Mair Street, Ballarat | Michael Noelker<br>Daniel McMahon |       |
| Private Landholder     |        |      |                                                          |                                   |       |
| Is the land Leased     |        |      |                                                          |                                   |       |

|                         |  |                                                    |                                   |             |                                                          |
|-------------------------|--|----------------------------------------------------|-----------------------------------|-------------|----------------------------------------------------------|
| Occupier/Tenant Details |  | Committee of Management<br>– Otway Coast Committee | 70 Great Ocean Road<br>Apollo Bay | Gary McPike | <a href="mailto:gmcpike@vicnet.au">gmcpike@vicnet.au</a> |
|-------------------------|--|----------------------------------------------------|-----------------------------------|-------------|----------------------------------------------------------|

## CONSENTS AND RIGHTS OF ACCESS – DEED OF CONSENT

|                                                                 | Yes / No / Highly likely | Comments |
|-----------------------------------------------------------------|--------------------------|----------|
| Consent to use site as NSP                                      | Highly likely            |          |
| Consent to access the site and surrounding area for maintenance | Highly likely            |          |
| Consent to erect signage at site                                | Highly likely            |          |
| Consent to erect signage on Private Land                        | N/A                      |          |

## SITE DETAILS

### POTENTIAL NSP VEGETATION SEPARATION DISTANCE

| Open Space – Greater than 310 metres |              |              |              | Building – Greater than 140 metres |              |              |              |
|--------------------------------------|--------------|--------------|--------------|------------------------------------|--------------|--------------|--------------|
| North                                | East         | South        | West         | North                              | East         | South        | West         |
| ..... Metres                         | ..... Metres | ..... Metres | ..... Metres | ..... Metres                       | ..... Metres | ..... Metres | ..... Metres |

**Comments:** Site is within the central township of Apollo Bay, between the main shopping centre and the beach.

### OPENING OF BUILDING

|                                                                                                                           |                      |           |
|---------------------------------------------------------------------------------------------------------------------------|----------------------|-----------|
| Is it practicable to make the potential NSP available for use on a 24 hour basis during the declared FDP?                 | N/A - Open Space NSP | Comments: |
| Is there potential for damage to the NSP during times that it is open and available for use, but not being used as a NSP? | N/A - Open Space NSP | Comments: |
| Is there the possibility that the NSP could be used for unintended purposes, such as a refuge?                            | N/A - Open Space NSP | Comments: |

|                                                                                                                              |                      |                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------|
| Estimated potential cost to Council in making the NSP available on a 24 hours basis?                                         | N/A - Open Space NSP | Comments:                                                                                                                 |
| Are these costs reasonable and capable of being borne by Council?                                                            | N/A - Open Space NSP | Comments:                                                                                                                 |
| <b>DEFENDABILITY – Building</b>                                                                                              |                      |                                                                                                                           |
| Is there sufficient open space to enable CFA to conduct asset protection and fire suppression activities?                    | N/A - Open Space NSP | Comments:                                                                                                                 |
| Has Council sought expert advice from CFA to determine whether the building is likely to be subject to extreme ember attack? | N/A - Open Space NSP | Comments:                                                                                                                 |
| Can this risk be safely managed?                                                                                             | N/A - Open Space NSP | Comments:                                                                                                                 |
| <b>SURROUNDING OPEN SPACE</b>                                                                                                |                      |                                                                                                                           |
| Is the surrounding open space free of obstacles (eg. fences, buildings, other)?                                              | YES                  | Comments:                                                                                                                 |
| Is there adequate parking available at the site?                                                                             | YES                  | Comments: Possible shortage of parking available during school holiday period and weekends during the peak summer season. |
| Are there any hazards that may exist for persons accessing the place by foot?                                                | NO                   | Comments:                                                                                                                 |
| <b>SIGNAGE</b>                                                                                                               |                      |                                                                                                                           |
| Can appropriate signage be erected at the entry to the potential NSP?                                                        | YES                  | Location: At agreed locations around the perimeter of the NSP site.                                                       |
| Can appropriate signage be erected in the vicinity?                                                                          | Highly likely        | Location:                                                                                                                 |
| <b>MAINTENANCE &amp; MAINTAINABILITY</b>                                                                                     |                      |                                                                                                                           |
| Is the potential NSP capable of being maintained to ensure continuing compliance with CFAs Assessment Guidelines?            | YES                  | Comments: Site is currently maintained to a high standard by the Otway Coast Committee.                                   |

|                                                                                                                |     |                                |
|----------------------------------------------------------------------------------------------------------------|-----|--------------------------------|
| Is the potential NSP capable of being maintained to ensure continuing compliance with Council's NSPP Criteria? | YES | Comments: refer above comment. |
| Would adjoining landowners be required to provide a level of maintenance to their land to achieve compliance?  | NO  | Comments:                      |

#### DISABLED ACCESS

|                                                                                                 |     |                                                                        |
|-------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------|
| Is there clear means of access to the potential NSP for disabled and mobility impaired persons? | YES | Comments: Existing disabled parking space available close to the site. |
| Is there clear vehicle access to drop of people with disabilities?                              | YES | Comments: Existing disabled parking space available close to the site. |

#### SEPARATION & DEMARCATION OF AREA

|                                                                       |               |                                                           |
|-----------------------------------------------------------------------|---------------|-----------------------------------------------------------|
| If the potential NSP is located in an open area?                      | YES           | Comments:                                                 |
| Is it possible to demarcate the boundaries of the potential NSP?      | Highly likely | Comments: This could possibly be done via visual signage. |
| Is it necessary to erect barriers around or within the potential NSP? | NO            | Comments:                                                 |

#### COMMUNITY COMMUNICATION

|                                                                                                                                 |     |           |
|---------------------------------------------------------------------------------------------------------------------------------|-----|-----------|
| Will it be possible to ensure that there will be good community awareness of the location of the potential NSP?                 | YES | Comments: |
| Will it be possible to ensure that there will be good community awareness of the risks associated with using the potential NSP? | YES | Comments: |

#### ACCESS & EGRESS

Council must assess whether there is sufficient access to the potential NSP which will allow:

- Anticipated potential numbers of people to move to and from the place; and
- CFA and other emergency services to attend the place for asset and personal protection activities and operations.

## ACCESS ROADS

|                                                                                                                      |                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Road Name: Great Ocean Road – Township Zone                                                                          | Road Owner: Vic Roads                                                                                                   |
| Surface Condition/Type: Sealed main road/ dual access                                                                | Type & Amount of Vegetation: Minimal / modified vegetation                                                              |
| Estimated Surface Fuel Load: Low                                                                                     | Estimated Elevated Fuel Load: Low                                                                                       |
| Estimated Bark Hazard: Low                                                                                           | Estimated Overall Fuel Load:                                                                                            |
| Capacity of Road to accommodate potential large numbers of vehicles, and to accommodate potential vehicle breakdowns | Yes<br>Comments: Whilst not ideal, it is felt that the road has the capacity to accommodate a large number of vehicles. |

|                                                                                                                      |                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Road Name: Various township Streets – Township zone                                                                  | Road Owner: Council                                                                                                              |
| Surface Condition/Type: Generally sealed roads                                                                       | Type & Amount of Vegetation: Minimal /modified vegetation                                                                        |
| Estimated Surface Fuel Load: Low                                                                                     | Estimated Elevated Fuel Load: Low                                                                                                |
| Estimated Bark Hazard: Low                                                                                           | Estimated Overall Fuel Load:                                                                                                     |
| Capacity of Road to accommodate potential large numbers of vehicles, and to accommodate potential vehicle breakdowns | Yes<br>Comments: Whilst not ideal, it is felt that these roads have the capacity to accommodate the expected number of vehicles. |
| Road Name:                                                                                                           | Road Owner:                                                                                                                      |
| Surface Condition/Type:                                                                                              | Type & Amount of Vegetation:                                                                                                     |
| Estimated Surface Fuel Load:                                                                                         | Estimated Elevated Fuel Load:                                                                                                    |
| Estimated Bark Hazard:                                                                                               | Estimated Overall Fuel Load:                                                                                                     |
| Capacity of Road to accommodate potential large numbers of vehicles, and to accommodate potential vehicle breakdowns | Yes/No<br>Comments:                                                                                                              |







## 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: 13, 12, 12

Time: 7.30 am/pm

Assembly Location: B Futton Street, Colac

(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

Neil Allen

Officer/s: Laurence Towers

Matter/s Discussed: Friends of Colac Botanic Gardens

(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)

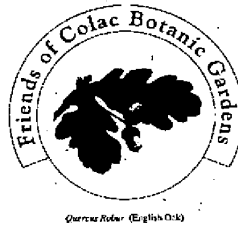
Councillors:

Officer/s:

Left meeting at:

Completed by: L. Brooker

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## MINUTES

7:30pm Thurs 13<sup>th</sup> December 2012 – at 18 Fulton St, Colac

**PRESENT:** Anne Mercer (AM) IN CHAIR, Roslyn Scanlan (RS) secretary, Chris Bell (CB) treasurer, Mary Eaton (ME), Pauline Maunsell (PM), Jan McMahon (JM), Helen Paatsch, Jen Todorovic (JT), Laurence Towers (LT), Cr Chris Smith (CS), Neil Allen (NA)

**APOLOGIES:** France Doak, Anthea Merewether  
*Accepted PM 2<sup>nd</sup> CB*

**MINUTES OF PREVIOUS MEETING:** *confirmed PM, seconded CB*  
Business arising: Nil

### CORRESPONDENCE:

**Out:** Cr Chris Smith – congratulations on re-election  
Hamilton Friends re visit next autumn – details in new year

**In:** Cr Chris Smith – Thanks; he will be continuing as Council rep on this committee  
Campsis – Assoc of Friends of Botanic Gardens – Nov issue  
News from Friends Ballarat BG Inc  
GPCAA – New committee elected at special general meeting. Richard Barley: President  
The Gardens – magazine of the Foundation & Friends RBG Sydney

*Correspondence received: 1. CB 2. JT*

**TREASURER'S REPORT: CB** Plant sales continuing strongly. Term deposit of \$5,000.00 has been lodged for 5 months at 4% interest.

*Proposed CB, Seconded HP, Accepted*

**GARDENER'S REPORT: LT** Pictorial report tabled and commented on.

### POTTING REPORT: JM

Larger pots are in flower and have been selling well.

**Motion:** That we should take Potting Group to lunch. 1. CB 2. JT Carried

### GENERAL BUSINESS

*Report from NA, Mgr Infrastructure COS:*

Masterplan items have been included in the budget for consideration. The Gardens are seen as an asset and LT's expertise is valued. It is pleasing that CS can continue as the Council representative on this committee. It will be a tight year coming up.

**Motion:** That we write to the COS requesting that they consider modification of the Botanic Cafe house to provide accommodation for the Friends of the Colac Botanic Gardens. The room would not need to be for the Friends' exclusive use but would provide space for bookshelves, a filing cabinet & other equipment that may be required and should be accessible by the Friends.

A separate building, as currently planned, will be expensive and would probably not be included in the shire budget for many years. 1. HP 2. JT Carried.

Current accommodation arrangements should continue regardless of lack of mention in the lease.

*Motion:* That the Shire be asked to write to St Laurence concerning the use of the Botanic Cafe meeting room by this committee. Defeated

*150<sup>th</sup> anniversary sub-committee:*

- Discussed suggestions for guest speaker
- There have been meetings with shire staff to plan and propose budget items
- PM is continuing to consider the calendars
- HP is considering the type of book we want for The History
- There will be a maximum of 150 invitations to the dinner to launch The History
- The dinner date commemorates the 'setting aside' of the land for the Gardens. There was no grand opening of the Gardens.
- Memorabilia to be considered eg a biscuit tin with a print of the Gardens on the lid

An Asset List to be completed next month. JM has a list of this committee's books.

**RAFFLE** was won by CB

The President wished everyone Merry Christmas and a Happy New Year.

**NEXT MEETING:** THURSDAY 14<sup>th</sup> February, 7:30pm, at the Botanic Cafe



# Agenda

## Councillor Workshop

Wednesday, 16 January 2013  
COPACC Meeting Room  
9.00 am to 5.00 pm

### ATTENDEES:

Cr Lyn Russell, Cr Stephen Hart, Cr Mick McCrickard (absent between 9.55am to 10.25am), Cr Terry Woodcroft (absent between 9.45am to 10.05am & 2.00pm to 2.30pm), Cr Michael Delahunty, Cr Brian Crook, Cr Chris Smith (from 4.25pm)

Rob Small (CEO)  
Colin Hayman (GM, Corporate & Community Services)  
Jack Green (GM, Sustainable Planning & Development)  
Neil Allen (GM, Infrastructure & Services)

### Part:

Doug McNeill, Mike Barrow, Dave Merrett, Wayne Wilkie, Ian Seuren, Jodie Fincham, Stewart Anderson, Wendie Fox, Mark Gunning, Brett Exelby, Gemma Browning, Tract Consultants & Terramatrix, Chris Harty, Jonathan Daly (GHD), Grant Jansen, Paula Gardiner, Travis Riches

| Agenda Topics       |                                                                |                                                                        |
|---------------------|----------------------------------------------------------------|------------------------------------------------------------------------|
| 9.00 am             | Declaration of Interest                                        |                                                                        |
| 9.00 am – 9.50 am   | Apollo Bay Harbour Master Plan Planning Scheme Amendment       | Doug McNeill/Mike Barrow/Dave Merrett                                  |
| 9.50 am – 10.30 am  | Breach of Planning and Building Regulations                    | Doug McNeill/Grant Jansen                                              |
| 10.30 am – 11.00 am | Places of Public Entertainment (PoPE) Occupancy Permits        | Doug McNeill/ Wayne Wilkie                                             |
| 11.00 am – 11.30 am | Councillor Code of Conduct                                     | Rob Small/Colin Hayman                                                 |
| 11.30 am – 12.00 pm | Active Transport Strategy                                      | Ian Seuren/Jodie Fincham/ Jonathan Daly (GHD)                          |
| 12.00 pm – 12.30 pm | Lunch                                                          |                                                                        |
| 12.30 pm – 2.05 pm  | Fire and Emergency Management Plan                             | Stewart Anderson/Wendie Fox/Mark Gunning                               |
| 2.05 pm – 2.45 pm   | Finance Update                                                 | Brett Exelby/Paula Gardiner                                            |
| 2.45 pm – 3.30 pm   | Local Bushfire Planning Policy                                 | Doug McNeill/Gemma Browning/Don Lewis & Tract Consultants & Terrmatrix |
| 3.30 pm – 3.55 pm   | Planning Scheme Amendment C70 – Updated Mapping of VPOs & ESOs | Doug McNeill/Gemma Browning/Chris Harty/Stewart Anderson/Travis Riches |
| 3.55 pm – 4.30 pm   | Planning Scheme Amendment C67 – Salinity                       | Doug McNeill/Gemma                                                     |

|                          |                                         |                                                                                         |
|--------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------|
|                          | <b>Management Overlay - Submissions</b> | Browning/Chris<br>Harty/Stewart Anderson<br>/Travis Riches                              |
| <b>4.30 pm – 5.00 pm</b> | <b>Otway Business Inc.</b>              | Mike Barrow/Tony<br>Baldwin/Troy<br>Parker/Max<br>Arnott/Lynette Genua &<br>Kerri Bauer |
| <b>5.00 pm – 5.35 pm</b> | <b>Councillor Code of Conduct</b>       | Rob Small/Colin<br>Hayman                                                               |



## Assembly of Councillors Record

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### Assembly Details:

Date:

18 / 1 / 13

Time:

9.00 am/pm

Assembly Location:

Livestock Selling Centre

(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 8 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

### In Attendance:

Councillors:

C. C. Smith

Officer/s:

Neil Allen, Graeme Riches

Leanne Brooker

Matter/s Discussed:

Advisory Committee 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:

Officer/s:

Left meeting at:

10.30am

Completed by:

L. Brooker

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## COLAC LIVESTOCK SELLING CENTRE ADVISORY COMMITTEE

**COPY**

MINUTES of the Colac Livestock Selling Centre Advisory Committee  
held on Friday 18 January 2013, 9.00am  
at Colac Livestock Selling Centre  
TRIM Ref: F12/915 (D13/3257)

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | RESPONSIBLE OFFICER | ACTION DUE DATE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>1. ATTENDEES:</b><br>Phil Douglas, Terry Dove, Karl Fish, Jeff Johnson, Jamie McConachy, Graeme Riches, Neil Allen (COS); Cr C Smith<br>Minute Taker: Leanne Brooker (COS)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |                 |
| <b>2. APOLOGIES:</b><br>Received - Greg Anderton,<br>Not in attendance - Craig Wheadon, Allan Osborne, Jamie Dennis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |                 |
| <b>3. WELCOME TO CR SMITH</b><br>Neil Allen welcomed Cr Chris Smith as the Councillor Representative on the Colac Livestock Selling Centre Advisory Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |                 |
| <b>4. SALES ON CODE RED DAYS</b><br>Neil Allen advised that this issue had been raised with him about sales on Code Red Days at the Saleyards and also housing of 'animals' (domestic and otherwise) at the Saleyards.<br><br>Graeme Riches advised that cattle could have already been onsite for a couple of days previous to a Declared Code Red Day so sale must go ahead. If temperature is 30°C and over, Graeme organises extra staff so staff get a break every 10 minutes. Neil advised Graeme is to ensure there are sufficient staff numbers and plenty of water (for animals and people), that he sees no issue in Sales going ahead. Agents were in agreeance with sales continuing. Cr Smith thought the main reason this issue was raised with Neil, was where do the community take their own 'domestic animals' on a Code Red Day and could they be housed at the Saleyards. Neil advised this is not an appropriate location and that Council were looking at other options, such as Showgrounds.<br><br><b>Recommendation:</b> <i>That the Colac Livestock Selling Centre continues to conduct sales on Code Red Days ensuring there are sufficient staff numbers to give staff a break every 10 minutes and ensuring there is sufficient water for both animals and people.</i><br><br><b>Moved:</b> Terry Dove<br><b>Seconded:</b> Graeme Riches<br><b>Carried:</b> 8:0 |                     |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | RESPONSIBLE OFFICER | ACTION DUE DATE |
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| <p><b>5. FEES FOR NEXT BUDGET CYCLE</b></p> <p>Neil Allen distributed a copy of 2013/14 User Fees and Charges and sought a view from the Advisory Committee. The proposed fee increase from 1 July 2013 is 3.6%. A question was raised is there any need for the fees to go up every year. Neil advised that the Saleyards is down on throughput numbers, approximately \$60,000 and that he believed the fee increase was warranted. Cr Smith felt that with the new roof coming on, it would be better to put fees up after this, which would then be a good case to justify the fee increase. Cr Smith and others present were all against putting the fees up this year. They felt it could only be detrimental to the future sales figures. Neil advised that the fee increase will have to be discussed at Executive level first and then Council. Cr Smith said as an Advisory Committee, we need to make a recommendation to not increase fees this year. Neil will take this recommendation to Executive.</p> <p><b>Recommendation:</b> <i>That the Colac Livestock Selling Centre Advisory Committee is against any fee increase for the current year and that the fees remain the same as they are at present.</i></p> <p><b>Moved:</b> Jeff Johnson<br/> <b>Seconded:</b> Phil Douglas<br/> <b>Carried:</b> 8:0</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |                 |
| <p><b>6. SALEYARDS ROOF UPDATE</b></p> <p>Neil Allen advised that the tenders for the Saleyards Roof have closed and they will be evaluated on Monday 21 January 2013. The tenders received looked positive. A question was asked at the meeting, "the whole roof is being covered isn't it?" Neil advised that as was discussed and agreed at a previous Advisory Committee meeting last year, there will be a section which is not roofed. The budget does not cover the whole area. There was much discussion then held around this and agents present were adamant that they were unaware that the whole roof was <b>not</b> being covered. At present the tender shows roofing to last 14 pens but those present are keen for the first 14 pens to be covered. Neil will discuss this change with the tenderers about changing their tender to reflect this. Jamie McConachy requested that Neil forward to him the Design drawings from last year and minutes which state which pens were to be roofed. Cr Smith enquired about the PA system. Neil advised this was a provisional item in the tender specification to upgrade the current PA system. Agents would be happy though to not spend money on this if it meant money saved could go towards the roof. Phil Douglas said he received feedback from a plumber about the need for ultraviolet lighting in the water tanks and why was this needed. Neil advised this is required for health and safety reasons.</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li><i>1. That the Colac Livestock Selling Centre Advisory Committee recommends that as a priority to roof the first 14 pens even if it comes at the expense of the last 14 pens being uncovered.</i></li> <li><i>2. That Neil Allen speaks to those who have submitted a tender about changing their tender to reflect this.</i></li> </ol> <p><b>Moved:</b> Jeff Johnson<br/> <b>Seconded:</b> Carl Fish<br/> <b>Moved:</b> 8:0</p> | Neil Allen          |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | RESPONSIBLE OFFICER | ACTION DUE DATE |
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| <p><b>7. ADVERTISING OF TWO (2) COMMUNITY MEMBERS TO THE ADVISORY COMMITTEE</b></p> <p>Neil Allen advised that the Nomination Form for seeking expression of interest to join the Advisory Committee has been distributed and advertised in the newspaper. The Nomination period closes on 22 February 2013. The question was asked why it was advertised that Council is seeking two (2) new members to the Advisory Committee, when the Advisory Committee put a recommendation forward for only one (1) new member. Cr Smith advised that he put forward to Council the recommendation to have two (2) new members on the Advisory Committee. He was unaware the current Committee had recommended only one (1). He apologised if this caused any concern with Committee. Neil advised the Advisory Committee that they are the ones whom evaluate the Nominations received and can forward their recommendation of either one or two to Council.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |                 |
| <p><b>8. WORKING ALONE AFTERHOURS</b></p> <p>Neil Allen advised this was raised after a recent Audit on the Livestock Selling Centre. Leanne distributed a memo to those present on Reporting of Incidents at the Colac Livestock Selling Centre. If an injury/incident occurs at the Saleyards, it must be reported to Graeme Riche immediately after becoming aware that an incident has occurred. Graeme advised that there have recently been a couple of incidents which were not reported to him. One incident was cattle being shifted 'after hours' from pen to pen, after they had already been sorted into one pen. Graeme suspects it was a truck driver. Currently the gates are kept open for trucks to enter to/from without having to leave their vehicle. Another incident was a driver washing inside his truck, slipping and injured his leg which then required another person to drive his truck home. The incident occurred on 8 January and Graeme being informed of the incident on 14 January because the injured person requires surgery and has taken to the matter to his solicitor. In this case, Neil advised that Council would not be responsible as the driver was in his own truck. Regarding the incident of trucks entering afterhours, Neil advised for Graeme to monitor this and it may mean that the gates are locked afterhours.</p> <p>Information provided from Worksafe is to be displayed on noticeboards at Saleyards and agents are to display in their offices. Agents are to ensure they speak to all their buyers/sellers about safe Workplace measures and the importance of reporting any incidents immediately to Graeme Riches.</p> |                     |                 |
| <p><b>9. Q FEVER IMMUNISATION</b></p> <p>Neil Allen raised this with Graeme Riches recently. Graeme advised that all current staff have received the immunisation and will ensure that any new staff will be immunised. Agents are to ensure that all persons working with animals should be immunised against Q Fever.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |                 |
| <p><b>10. OTHER BUSINESS</b></p> <p><b>a) SafetyMAP Audit</b></p> <p>Neil Allen advised that a recent SafetyMAP Audit was undertaken at the Saleyards. A couple of issues which came out of the Audit were:</p> <ul style="list-style-type: none"> <li>Barwon Water must have two (2) staff present when taking</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | RESPONSIBLE OFFICER                                                                       | ACTION DUE DATE |
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| <p>sample from the settling ponds.</p> <ul style="list-style-type: none"> <li>The walkway needs upgrading. An engineer is presently checking the walkway to ascertain what is required. Cr Smith mentioned there is piece of grating on the new walkway which is sticking up and requires fixing. Cr Smith to show Graeme Riches where this is.</li> </ul> <p><b>b) Charging for cattle being dropped off (refer previous minutes Tim Gore coming to Saleyards to 'unload')</b><br/> Neil Allen asked what was the outcome of this. Graeme Riches has spoken to Tim Gore about 'unloading' and that he and anyone else will be charged to 'unload' cattle that are not intended to be sold through the Saleyards'. Tim has ignored this and is still 'unloading' but in another area at the Saleyards. It needs to be made clear that cattle 'unloaded' onto the Livestock Selling Centre site will be charged at a fee of \$11.50 per head (standard rate), at the discretion of the Saleyards Superintendent. Graeme Riches to contact Tim Gore again.</p> <p><b>Recommendation: That the Colac Livestock Selling Centre will charge a fee for cattle that are not intended to be sold through the Saleyards, and only using the yards for 'unloading' be charged a fee of \$11.50 per head.</b></p> <p><b>Moved: Jeff Johnson</b><br/> <b>Seconded: Graeme Riches</b><br/> <b>Carried: 8:0</b></p> <p><b>c) Advisory Committee – Truck driver representative/s</b><br/> Jamie McConachy said that trucking representative/s should be on the Advisory Committee and that attendance is mandatory. Neil advised as per the updated Terms of Reference, it now clearly states that if any Advisory Committee member does not attend 3 consecutive meeting, they will be removed from the Committee. The Advisory Committee recommended that Neil write to all Advisory Committee members advising them of these terms.</p> <p><b>Recommendation: That Neil Allen, General Manager Infrastructure &amp; Services write to all members of the Colac Livestock Selling Centre Advisory Committee reminding them of the Terms of Reference, specifically Item 4 – Procedures – which states – "Any member may at the discretion of the Advisory Committee and subject to a majority vote be removed from the Advisory Committee for undertaking any of the following:</b></p> <p><b>a) Missing representation at three (3) consecutive meetings by either the Committee Member or their Delegate.</b></p> <p><b>Moved: Jamie McConachy</b><br/> <b>Seconded: Terry Dove</b><br/> <b>Carried: 8:0</b></p> <p><b>d) HF Richardson Representative</b><br/> Carl Fish wanted noted at the meeting that he is the representative from HR Richardson on the Colac Livestock Selling Centre Advisory Committee and that William Richardson to be removed.</p> <p><b>Moved: Jeff Johnson</b><br/> <b>Seconded: Terry Dove</b><br/> <b>Carried: 8:0</b></p> | <p>Cr Smith/Graeme Riches</p> <p>Graeme Riches to write to Tim Gore</p> <p>Neil Allen</p> |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RESPONSIBLE OFFICER | ACTION DUE DATE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <p><b>e) Future Advisory Committee meetings</b><br/>           Cr Smith asked does the Advisory Committee set a future meeting date at this meeting? Neil advised they are normally set on a needs basis, but as the Terms of Reference states, the Committee will meet at least four (4) times per year. Cr Smith suggested another meeting should be held in about a fortnight's time so Neil Allen can provide feedback to the Committee about status/outcome of the roof tender (pens to be roofed).</p> <p>Neil agreed to advise Committee members about the roof when he was in a position to do so.</p> |                     |                 |
| <p>There being no further business, the meeting closed at 10.30am. Advisory Committee members will be notified of the next meeting to be held.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |                 |

## Councillor Briefing Session

Wednesday, 23 January 2013

### Venue – COPACC Meeting Rooms, Colac

**Present:** Cr Russell (Mayor), Cr Hart, Cr Woodcroft, Cr McCrickard, Cr Delahunty, Cr McCrickard

**Staff:** Rob Small, Doug McNeill, Colin Hayman, Neil Allen, Rick Morrow

**Part:** Mike Barrow, Don Lewis, Gemma Browning, Dave Merrett, Greg Fletcher, Rhonda Deigan

**Conflict of Interest:**

Cr Hart: Items OM132301-9, OM132301-10 and OM132301-13

Cr Delahunty: Items OM132301-9 and OM132301-13

C Hayman: Item OM132301-6

D McNeill: Item OM132301-10

**Apology:** Jack Green

|                 |                                                                                                                                                                                                                                     |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>11:00 am</b> | <b>G21 Economic Development Strategy – Mike Barrow</b>                                                                                                                                                                              |
| <b>11.30 am</b> | <b>Planning Scheme Amendment C72 – Car Parking Strategy and Colac CBD &amp; Entrances Strategy Implementation – Doug McNeill, Don Lewis, Gemma Browning and Dave Merrett</b>                                                        |
| <b>12.30 pm</b> | <b>Lunch</b>                                                                                                                                                                                                                        |
| <b>1.00 pm</b>  | <b>Health &amp; Community Services Update – Greg Fletcher</b>                                                                                                                                                                       |
| <b>3.00 pm</b>  | <b>Councillor Briefing Session</b><br><b>Conflict of Interest (as above):</b><br>Cr Hart left the meeting between 3.25pm – 3.56pm and 4.08pm – 4.12pm<br>Cr Delahunty left the meeting between 3.25pm – 3.27pm and 4.08pm – 4.12pm. |

## **COUNCILLOR TOUR OF THE SHIRE**

### **Wednesday 6 February 2013**

| TIME                                                | LOCATION                                          | TOPICS/FACILITIES/ISSUE                                                                                      | UNIT TO BE INVOLVED/PRESENTING                                                 |
|-----------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 8.30am Depart from Rae Street Staff Car Park, Colac |                                                   |                                                                                                              |                                                                                |
| 9.00am                                              | Arrive Stoneyford Hall                            | Halls Program                                                                                                | Infrastructure Services – Adam Lehmann. Presentation of Hall before and after. |
| 9.15 am                                             | Depart Stoneyford Hall for Pirron Yallock Reserve | Inspect problems associated with buildings                                                                   | Infrastructure Services – Adam Lehmann.                                        |
| 9.30 am                                             | Arrive Pirron Yallock Reserve                     |                                                                                                              |                                                                                |
| 9.45 am Depart for Pound                            |                                                   |                                                                                                              |                                                                                |
| 10.15 am                                            | Arrive Pound                                      | Shire Pound                                                                                                  | Local Laws - Graeme Murphy                                                     |
| 10.30 am Depart for Cororooke                       |                                                   |                                                                                                              |                                                                                |
| 10.45 am                                            | Arrive Cororooke<br>Morning Tea                   | Morning Tea at the cafe<br>Halls and new Arts Centre                                                         |                                                                                |
| 11.20am Depart for Alvie                            |                                                   |                                                                                                              |                                                                                |
| 11.30am                                             | Alvie                                             | Inspect new facilities at Recreation Reserve                                                                 |                                                                                |
|                                                     | Red Rock Lookout                                  |                                                                                                              |                                                                                |
|                                                     | Alvie Transfer Station                            |                                                                                                              | Infrastructure Services – Janet Forbes to meet us there.                       |
| 12.00 am Depart for Beeac                           |                                                   |                                                                                                              |                                                                                |
| 12.30am                                             | Beeac<br>Beeac Hotel                              | BBQ Lunch<br>Playground<br>Windmill Park<br>Tennis courts<br>Recreation Ground<br>Transaction Centre         |                                                                                |
| 1.15 pm Depart for Irrewarra Airfield               |                                                   |                                                                                                              |                                                                                |
| 1.30 pm                                             | Irrewarra Airfield                                | Facilities & Services                                                                                        | Infrastructure Services – Ranjani Jha                                          |
| 1.45 pm Depart for Colac Saleyards                  |                                                   |                                                                                                              |                                                                                |
| 2.00 pm                                             | Colac Saleyards                                   | Facilities & Services                                                                                        | Infrastructure Services – Greg Anderton and Graeme Riches to meet us there.    |
| 2.20pm Depart for Beechy Precinct                   |                                                   |                                                                                                              |                                                                                |
| 2.30 pm                                             | Beechy Precinct<br>Afternoon Tea                  | Bluewater Fitness Centre & Central Reserve<br>Beechy Precinct – Colac<br>Community Library & Learning Centre |                                                                                |
| 3.15 pm Depart for Rae Street                       |                                                   |                                                                                                              |                                                                                |

**Attendees:**

**Cr Russell, Cr Crook, Cr Woodcroft, Cr Hart, Cr McCrickard (met at Cororooke Café), Cr Delahunty (afternoon only)**

**Cr Smith - apology**

**Rob Small, Neil Allen, Doug McNeill, Rick Morrow, Ian Seuren, Carmen Lawrence, Adam Lehmann, Stewart Anderson, Mike Barrow**





# Councillor Workshop

Wednesday, 13 February 2013  
COPACC Meeting Room  
9.00 am to 4.00 pm

## Agenda

### ATTENDEES:

Cr Lyn Russell (Mayor), Cr Stephen Hart, Cr Chris Smith (10.30am to 11.30am & 1.00pm to 1.05pm), Cr Mick McCrickard (11.30am – 3.05pm), Cr Terry Woodcroft (until 3.05pm), Cr Michael Delahunty, Cr Brian Crook

Rob Small (CEO)  
Neil Allen (GM, Infrastructure & Services)  
Rick Morrow (Acting General Manager Corporate & Community Services)  
Doug McNeill (Acting General Manager Sustainable Planning & Development)

### Part:

Roger Fox (Contracts Coordinator)  
Gemma Browning (Strategic Planner)  
Don Lewis (Senior Strategic Planner)  
David Barnes (Hansen Partnerships)  
Mike Barrow (Manager Economic Development)  
Brett Exelby (Manager Finance & Customer Service)  
Paul Carmichael (Revenue Coordinator)  
Paula Gardiner (Manager Capital Works)  
Stewart Anderson (Manager Environment & Community Safety)  
Gary McPike (Otway Coast Committee)

### Apology:

Jack Green (GM, Sustainable Planning & Development)  
Colin Hayman (GM, Corporate & Community Services)

## Agenda Topics

|                     |                                                                                                                                                   |                                                                                         |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 9.05 am             | Declaration of Interest<br>Cr Delahunty – Saleyards Roof Tender (Indirect)<br>Cr Delahunty – PC131302-2 Subdivision of Land at Forrest (Indirect) |                                                                                         |
| 9.05 am – 9.45 am   | Planning Committee Briefing Session<br>Cr Delahunty – declared conflict of interest and left briefing session between 9.16am – 9.45am             |                                                                                         |
| 9.45 am – 10.25am   | Apollo Bay Aquatic Centre                                                                                                                         | Ian Seuren, John Riches, Jane Gross & Gary McPike (Apollo Bay Aquatic Centre Committee) |
| 10.30 am – 11.28am  | Planning Committee Meeting<br>(refer to minutes of the meeting)                                                                                   |                                                                                         |
| 11.35 am – 12.00 pm | Draft Birregurra Structure Plan                                                                                                                   | Doug McNeill/Gemma Browning/Don Lewis/David Barnes (Hansen Partnerships)                |
| 12.00 pm – 12.30 pm | Lunch                                                                                                                                             |                                                                                         |
| 12.30pm – 12.55pm   | Otway Coast Committee MOU                                                                                                                         | Doug McNeill/Gary McPike                                                                |
| 1.00 pm – 1.05pm    | Special Council Meeting (Declaration of Road as                                                                                                   |                                                                                         |

|                          |                                                                                                                               |                      |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------|
|                          | <b>Unused – Road Abutting 190 Springs Rd, Yeo)<br/>(refer to minutes of the meeting)</b>                                      |                      |
| <b>1.10pm – 1.20pm</b>   | <b>Saleyards Roof Tenders<br/>Cr Delahunty – declared conflict of interest and<br/>left meeting between 1.10pm and 1.20pm</b> | Neil Allen/Roger Fox |
| <b>1.20 pm – 1.50 pm</b> | <b>Strategic Planning Update</b>                                                                                              | Doug McNeill         |
| <b>1.50 pm – 2.00 pm</b> | <b>Genetically Modified Canola Trial</b>                                                                                      | Rob Small            |
| <b>2.00 pm – 3.05 pm</b> | <b>Finance Update</b>                                                                                                         | Brett Exelby         |
| <b>3.05 pm – 3.30 pm</b> | <b>Capital Works Evaluation</b>                                                                                               | Paula Gardiner       |
| <b>3.30 pm – 4.00 pm</b> | <b>Apollo Bay Neighbourhood Safer Place</b>                                                                                   | Stewart Anderson     |



## Old Beechy Rail Trail Committee Meeting

MINUTES of the Old Beechy Rail Trail Committee  
held on Monday 3 December 2012  
at 10.00 am – 12.30 pm

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RESPONSIBLE OFFICER | ACTION DUE DATE |
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| <p><b>1. ATTENDEES:</b><br/>Tony Grogan (Chair), Jodie Fincham (COS), Chris Smith, John Wilson (COS), Noel Barry, Anthony Zappelli, Kim Vince (LHDP), Allis Deppler (DSE), Tricia Jukes</p> <p>Minutes: Melanie Duvè</p> <p><b>2. APOLOGIES:</b><br/>Christine Humphris, Craig Clifford, Cyril Marriner, Phil Dandy, Bernard Jordan.</p> <p><b>3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING:</b></p> <ul style="list-style-type: none"> <li>Minutes taken as read</li> </ul> <p>Moved – Tony Grogan<br/>Sec – Anthony Zappelli<br/>Carried</p> <p><b>Welcoming of new/re-appointed representatives</b></p> <ul style="list-style-type: none"> <li>Tony welcomed Kim from Lavers Hill &amp; District Progress Association. A letter was sent inviting a representative from the Progress Association to attend meetings as a non participating observer until such time as positions become available.</li> <li>June 2013 is due date for nominations of Committee members, 2 positions will be requested for Lavers Hill &amp; District Progress Association at this time.</li> <li>Tony introduced Committee members to Kim.</li> <li>Tony congratulated Chris Smith on his renomination and successful appointment to OBRT.</li> <li>A new member from Council has been nominated and appointed, Cr Terry Woodcroft (did not attend meeting)</li> </ul> <p><b>4. BUSINESS ARISING:</b></p> <p><b>Central Reserve Advisory Committee Meeting</b></p> <ul style="list-style-type: none"> <li>To be held on Wednesday 5 December</li> <li>Jodie will be attending meeting to raise issues of easement</li> </ul> <p><b>Land Title exchange in relation to Humphris property</b></p> <ul style="list-style-type: none"> <li>Land has been exchanged from DSE to Council land</li> <li>Land was previously DSE controlled, now approved as a road for access to Humphris dairy.</li> <li>Road has been named a public road for Council to manage.</li> </ul> | <p>Tony Grogan</p>  |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RESPONSIBLE OFFICER                     | ACTION DUE DATE |
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| <p><b>Towers family</b></p> <ul style="list-style-type: none"> <li>Towers family are satisfied with proposals for trail, Anthony and John attended a meeting.</li> </ul> <p><b>ACTION: John Wilson to peg out development and access to land.</b></p> <ul style="list-style-type: none"> <li>Suggestion to write a letter to extend appreciation – include Leon Szulick and Towers family.</li> <li>This ensures a paper trail of negotiations and agreements.</li> </ul> <p><b>ACTION: Jodie to write letters to each landowner once details have been agreed to with each, include copy of blank licence agreement for signing.</b></p> <p><b>Certificates of recognition</b></p> <ul style="list-style-type: none"> <li>Council would also like to recognise volunteers across the Shire.</li> <li>Jodie has brought in 2 samples of certificates.</li> <li>Tony was to sign but as a S86 Committee of Management it would be appropriate for the Mayor to sign – All agreed.</li> <li>Discussion of appropriate time to hand out Certificates <ul style="list-style-type: none"> <li>It was agreed to present the certificates when the next section of trail in Colac is opened.</li> <li>John Wilson has advised the next expected completion date is April.</li> </ul> </li> </ul> <p><b>Moved: Chris Smith</b><br/><b>Second: Tricia Jukes</b><br/><b>Carried</b></p> | <p>John Wilson</p> <p>Jodie Fincham</p> |                 |
| <p><b>Current Term of Committee</b></p> <ul style="list-style-type: none"> <li>Last committee election was 24 June 2010</li> <li>June 2013 is next election</li> <li>New positions will be created for Lavers Hill &amp; District Progress Association</li> <li>Current positions will remain:</li> </ul> <p>Two representatives of each:</p> <ul style="list-style-type: none"> <li>Gellibrand/Kawarren</li> <li>Beech Forest progress Association</li> <li>the Colac area; and</li> <li>Council (one Councillor and one members of Council staff) and</li> </ul> <p>One representative from each of:</p> <ul style="list-style-type: none"> <li>Midway plantations;</li> <li>Parks Victoria;</li> <li>Department Sustainability and Environment;</li> <li>Otway Scenic Circle Association;</li> <li>Landowner;</li> <li>Friends of the Old Beechy Rail Trail; and</li> <li>User groups such as walking and cycling groups</li> </ul> <p><b>Invite representative from Lavers Hill &amp; District Progress Association</b></p> <ul style="list-style-type: none"> <li>Letter was sent to PA – Kim Vince has attended</li> </ul>                                                                                                                                                                                                                                              | <p>Tony Grogan</p>                      |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | RESPONSIBLE OFFICER | ACTION DUE DATE |
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| <p><b>Photo display at Routleys Bakery</b></p> <ul style="list-style-type: none"> <li>• A Committee member to approach bakery to discuss cost and who will cover – no one was nominated at last meeting.</li> <li>• Suggestion Phil Dandy continue to liaise with the Bakery.</li> </ul> <p><b>ACTION: Tony Grogan to discuss with Bakery after meeting</b></p> <p><b>Repairs to Trail along Jukes section</b></p> <ul style="list-style-type: none"> <li>• Jukes property (section in where trail crosses land) in need of repair. Is in the process of completing works.</li> <li>• Repairs getting done quite quickly, Tricia is very happy with progress.</li> <li>• Queries were raised if there will be other sections of the Trail that require repair from water erosion.</li> <li>• John believes there definitely will be but trail hasn't been inspected for this yet.</li> <li>• Kawarren toilet area, something is jammed under bridge – potential for this to reoccur. Needs to be looked at.</li> <li>• Feedback recently that some bike riders have ceased using the Trail due to its condition. Overgrown, no room to pass other riders and extremely muddy in parts.</li> <li>• Suggestion to do a full inspection of the Trail and identify problem areas</li> <li>• With the Active Transport Strategy promoting human transport, the trail needs to be in good condition.</li> </ul> <p><b>Trail Inspection</b></p> <ul style="list-style-type: none"> <li>• A full trail inspection has been proposed for Thursday 13 December. Committee members keen to attend: <ul style="list-style-type: none"> <li>- John Wilson</li> <li>- Noel Barry</li> <li>- Chris Smith</li> <li>- Tony Grogan</li> </ul> </li> <li>• A risk assessment will need to be completed, similar to train use.</li> <li>• Aim to meet 8.30am, meet at COS, car has been booked through Council.</li> </ul> <p><b>Annual CoM Inspection proposal</b></p> <ul style="list-style-type: none"> <li>• Suggestion that an annual inspection after Winter rain be undertaken.</li> <li>• Suggestion to undertake an inspection prior to Winter also, this is when drains not working properly will be easily identifiable.</li> <li>• 2 full inspections of the trail proposed each year <ul style="list-style-type: none"> <li>- March and October</li> </ul> </li> </ul> <p><b>Clarification of Cosworks Role in trail</b></p> <ul style="list-style-type: none"> <li>• Clarification needed of who is responsible for inspection – Cosworks or Committee?</li> <li>• Do COSworks do quarterly weed growth inspections? COSworks staff have been seen doing inspections.</li> <li>• Contact should be made with COSworks and arrange for a Committee member to attend an inspection.</li> </ul> | <p>John Wilson</p>  |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | RESPONSIBLE OFFICER | ACTION DUE DATE |
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| <ul style="list-style-type: none"> <li>• Meet with COSworks at problem areas as identified.</li> <li>• Kevin O'Gorman possibly provide a report to the Committee when inspection is done.</li> <li>• Keep an eye on trail – especially to maintain assets etc on a regular basis.</li> </ul> <p><b>ACTION: John Wilson to follow up with Cosworks to clarify roles/inspections.</b></p> <p><b>Landowners/COS – works on sections of trail.</b></p> <ul style="list-style-type: none"> <li>• There was some confusion over what landowners can and cannot do in relation to completing works on their own land sections where the trail crosses.</li> <li>• It was suggested that small works i.e., cutting a section of tree across the trail ok, however cutting a whole tree away from the trail is Council's responsibility.</li> <li>• This should be handled carefully, a landowner should be able to carry out private land works however providing that : <ul style="list-style-type: none"> <li>- COS is notified (through the Committee)</li> <li>- Possibly close the trail</li> <li>- COS inspect works before opening the trail</li> </ul> </li> <li>• All faults with the trail are the responsibility of Council to repair.</li> </ul> <p>❖ Kim shown a copy of the proposed future trail.</p> <p><b>5. CORRESPONDENCE</b></p> <p><b>IN:</b></p> <ul style="list-style-type: none"> <li>• Email response from planning consultants</li> </ul> <p>Trestle bridge cannot be tampered with and fallen trees must remain in place. The trail is relatively clear where the tree has fallen into the bridge.</p> <p>Tree will be removed from the path but not in bridge. Works have been completed according to Planning/Heritage recommendations.</p> <p>Email has been forwarded to all Committee members advising of the above.</p> <p>Concerns raised from Committee that the tree needs to be cleared properly or it will burn out in the event of a fire. (Inspect next Thursday)</p> <p>It was noted more trees around bridge have potential to fall.</p> <ul style="list-style-type: none"> <li>• Signage – Midway</li> </ul> <p>Midway requested signage to be erected indicating harvesting works in progress.</p> <ul style="list-style-type: none"> <li>• Letter from Otway District Historical Society seeking support from Rail Trail Committee for names in</li> </ul> |                     |                 |



| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | RESPONSIBLE OFFICER | ACTION DUE DATE |
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| <p>memoriam on Wyelangta Cemetery</p> <ul style="list-style-type: none"> <li>Brochures – quote obtained for reprint of current brochure as supply is running very low. Colac VIC has suggested changes to listings of businesses as they are no longer current and have provided details of new businesses. Quoted \$1621.40 which includes update of information, reprint, fold and delivery.</li> <li>More brochures need to be printed, go ahead.</li> </ul> <p>Moved Tony Grogan<br/>Second Tricia Jukes<br/>Carried.</p> <ul style="list-style-type: none"> <li>Develop Council Business Case to cover the cost of the new brochure design. New brochure needed to reflect changes in trail a as result of funded physical changes.</li> <li>Rail Trails Australia newsletter</li> <li>Camperdown/Timboon rail trail, email received re, creation of trails.</li> <li>Tiger Rail Trail – Tony Grogan advised an invitation was accepted to attend a meeting to discuss issues/advice in development of a Rail Trail. The following discussion points/suggestions were made: <ul style="list-style-type: none"> <li>Landowner agreements</li> <li>OBRT landowners perhaps chat with Birregurra trail landowners regarding trail issues.</li> <li>Approach Birregurra businesses</li> <li>Land management authorities need to be notified asap to incorporate future easements.</li> </ul> </li> <li>Email from Chris Harkin regarding Kim's attendance</li> </ul> <p><b>OUT:</b></p> <ul style="list-style-type: none"> <li>Tony Grogan's email to Lavers Hill &amp; District Progress Association</li> </ul> <p><b>Financial Report:</b></p> <ul style="list-style-type: none"> <li>31 October balance \$4141.52 – this includes \$300 outstanding to Michael Menzies (cheque not cashed)</li> <li>Expenditure includes: <ul style="list-style-type: none"> <li>\$48.66 – Calco</li> <li>\$29.95 – DVD's</li> <li>\$1000 – donation</li> </ul> </li> </ul> <p><b>Beechy Train Proposal for 2013/13:</b></p> <ul style="list-style-type: none"> <li>Proposal slightly different this year with request to extend service to May 2014. The train will complete 10 trips maximum and provide a current risk assessment which is updated yearly.</li> </ul> <p>❖ Chris Smith left the room whilst the Committee discussed proposal</p> |                     |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | RESPONSIBLE OFFICER | ACTION DUE DATE |
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| <p>All supported the proposal to extend the service to May, subject to appropriate weather conditions</p> <p>Moved Anthony Zappelli<br/>Seconded Tricia Jukes<br/>Carried</p> <p>❖ Chris Smith invited back to the room and informed of the decision.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |                 |
| <p><b>6. WORKS REPORT</b></p> <p><b>Presented by John Wilson</b></p> <ul style="list-style-type: none"> <li>Humphris section (Dinmont – Ditchley) is now being overseen by Manager Capital Works (Paula Gardiner) Progress is being made with information being compiled to be submitted as part of a Planning permit application.</li> <li>Priority is to complete the trail to Beech Forest followed by Beech Forest – Ferguson then will work on Lavers Hill – Crowes.</li> </ul> <p><b>Friends Report:</b></p> <ul style="list-style-type: none"> <li>All 15 cross arms are installed</li> <li>3 more components for cross arms are in storage ready to use when needed.</li> <li>Colac Station Section - Work for OBRT signage at footbridge has commenced <ul style="list-style-type: none"> <li>Black background, white lettering</li> <li>Perhaps a better location for the sign is behind the cyclone fence (possibly railway land)</li> </ul> </li> <li>Sign to be erected prior to opening of Wilson St section and include the official unveiling on this day</li> <li>Signage planning application in progress</li> </ul> <p><b>Executive Officer's Report:</b></p> <ul style="list-style-type: none"> <li>Refer to attached report</li> <li>Pedestrian counters report distributed to Committee</li> <li>2013 Meeting dates distributed to Committee</li> <li>Query which sections of trail is the Rotary Fun Run for 2013?</li> </ul> <p><b>ACTION: Jodie Fincham to confirm at next meeting</b></p> | Jodie Fincham       |                 |
| <p><b>7. GENERAL BUSINESS</b></p> <ul style="list-style-type: none"> <li>Inspection of trail is scheduled for Monday 17 December 2012 – RAV Council car has been booked</li> <li>Property at Wimba has gone to Auction but not sold – just something to keep in mind.</li> <li>Open trail from Dinmont .Open with appropriate signage advising it is a loop section – no through access to Gellibrand signage</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Jodie Fincham       |                 |
| <p><b>8. ITEMS FOR FUTURE MEETING</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |                 |

| ITEMS & ACTIONS | RESPONSIBLE<br>OFFICER | ACTION<br>DUE DATE |
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|-----------------|------------------------|--------------------|

Time Meeting Concluded: 12.30pm

**NEXT MEETING** – Monday, 4 February 10.00am COPACC

### **RIDF Funding (Regional Infrastructure Development Funding)**

- Ongoing monitoring of works progress. Regular team meetings with Capital Works Co-ordinator and Manager Capital Works.
- Next report due to Regional Development Victoria May 2013.

### **OBRT Brochure**

- Further requests for brochures 2 boxes were requested this month we only have one box remaining.
- Colac VIC has made suggested changes to the brochure. Brochure needs updating to reflect current tourism members and most relevant information.
- Quote for print run of 2,500 (including suggested changes) is \$1621.40 incl. GST
- Brochure will require significant updating once works are complete on the trail.

### **OBRT Survey**

- Survey currently featured on the following websites: Colac Otway Shire, Otways Tourism and Rail Trails Australia.
- Results from survey conducted at Easter 2012 by La Trobe Business School have still not been completed.

### **Pedestrian Counters**

- Data report presented with figures recorded from Friday 30 November 2012.
- Report with figures to be distributed to Committee

## Creation of easement

Section 45(1) Transfer of Land Act 1958

### Form 13

Lodged at the Office of Titles by:

Name: Harwood Andrews Lawyers  
Phone: 03 5226 85  
Address: 70 Gheringhap Street Geelong 3220  
Ref: Deborah Mann:21203226  
Customer Code: 2235J

#### Privacy Collection Statement

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COPY

The grantor being registered as the proprietor of the estate specified in the servient land transfers and grants to the grantee the registered proprietor of the dominant land for the consideration expressed the easement specified subject to the encumbrances affecting the servient land including any created by dealings lodged for registration before the lodging of this creation of easement.

Servient land 1: All that land marked E-1 on Plan for Creation of Easement drawn by M Majic and approved by D Moore dated 7th day of May 2012 (Plan for Creation of Easement) and being part of the land contained in certificate of title volume 6701 folio 028

Servient land 2: All that land marked E-1 on Plan for Creation of Easement drawn by M Majic and approved by D Moore dated 7th day of May 2012 (Plan for Creation of Easement) and being part of the land contained in certificate of title volume 8652 folio 259

Servient land 3: All that land marked E-1 on Plan for Creation of Easement drawn by M Majic and approved by D Moore dated 4th day of May 2012 (Plan for Creation of Easement) and being part of the land contained in certificate of title volume 7106 folio 186

Dominant land: Easement in gross in favour of Barwon Region Water Corporation.

Grantor: Colac Otway Shire Council of 2-6 Rae Street Colac 3250

Grantee: Barwon Region Water Corporation of 61-67 Ryrie Street, Geelong 3220.

Estate: In fee simple.

Consideration: \$1.00

Easement:

The Grantor grants an easement over the land in E-1 on the Plan for Creation of Easement (**servient land**) to the Grantee for sewerage purposes, subject to the following conditions:

1. The Grantee and its employees, agents and contractors have the following rights at all times in relation to the servient land in E-1:
  - 1.1. full and free access to enter upon and pass over the servient land (with or without vehicles and equipment);
  - 1.2. to take onto and remove equipment from the land;
  - 1.3. to clear and excavate the land;
  - 1.4. to construct, build, lay or place sewer pipe works on, over or under the land;



- 2 -

- 1.5. to use and operate the sewer pipes and works on the land;
  - 1.6. to inspect, maintain, change, replace or renew, the sewer pipes or works on the land (including a change in their size or number);
  - 1.7. to remove any matter from or deposit any matter on the land; and
  - 1.8. to use such sewer or sewers or other works on the land for sewerage purposes.
2. In the exercise of the rights granted to the Grantee, the Grantee must do as little damage as possible to the servient land, surrounding land and any vegetation on the servient land and must properly fill in any excavations and restore the surface of the servient land in as near as reasonably possible to the condition which it was in immediately prior to the commencement of any works by the Grantee.
  3. The Grantor covenants not to erect, extend or permit the construction of any structure within the servient land nor allow any other person to erect or extend any such structure without the prior written approval of the Grantee.
  4. Nothing contained in this Creation of Easement will be deemed in any way to restrict, limit or detract from any right, power or authority of the Grantee by virtue of any Act or any amendment to any Act.

Date:

**THE COMMON SEAL of BARWON REGION  
WATER CORPORATION** was hereunto affixed  
in the presence of:

.....  
Director

.....  
Secretary

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

.....  
Chief Executive Officer

To the Registrar of Titles

Please register this creation of easement and on  
completion return certificate of title volume 6701  
folio 028, volume 8652 folio 259 & volume 7106  
folio 186 to

.....



