



**Colac Otway  
SHIRE**

**AGENDA**

**ORDINARY COUNCIL MEETING  
OF THE  
COLAC-OTWAY SHIRE  
COUNCIL**

**28 AUGUST 2013**

**at 5:00 PM**

**Birregurra Public Hall**

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings. Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission. Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting..



# **COLAC-OTWAY SHIRE COUNCIL MEETING**

**28 AUGUST 2013**

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NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in Birregurra Public Hall on 28 August 2013 at 5.00pm.

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## **AGENDA**

### **1. OPENING PRAYER**

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

### **2. PRESENT**

### **3. APOLOGIES**

### **4. MAYORAL STATEMENT**

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

Colac Otway Shire encourages 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 24/07/13.

**Recommendation**

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



## **OFFICERS' REPORTS**

### **Chief Executive Officer**

OM132808-1 CEO'S PROGRESS REPORT TO COUNCIL

### **Corporate and Community Services**

OM132808-2 COUNCILLOR SUPPORT POLICY REVIEW

### **Infrastructure and Services**

OM132808-3 ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE,  
COLAC

### **Sustainable Planning and Development**

OM132808-4 SALINITY MANAGEMENT OVERLAY - ADOPTION OF AMENDMENT  
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OM132808-5 GREAT OCEAN ROAD REGIONAL TOURISM BOARD

OM132808-6 REVIEW OF LOCAL LAWS 1, 2 & 3

OM132808-7 PIRRON YALLOCK RECREATION RESERVE AND SWAN MARSH  
TENNIS RESERVE MASTER PLAN

OM132808-8 PLANNING SCHEME AMENDMENT C73 - APOLLO BAY HARBOUR  
MASTER PLAN

### **General Business**

OM132808-9 ASSEMBLY OF COUNCILLORS

OM132808-10 MINUTES FROM YOUTH COUNCIL MEETINGS

OM132808-11 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

OM132808-12 ITEM FOR SIGNING AND SEALING - CONFIDENTIALITY DEED -  
CITIPower/POWERCOR

OM132808-13 MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING  
CENTRE JOINT COMMITTEE MEETING

### **Notices of Motion**

OM132808-14 C67 PLANNING SCHEME AMENDMENT

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







**CHIEF EXECUTIVE OFFICER**

ITEM	
<b><u>OM132808-1</u></b>	<b><u>CEO'S PROGRESS REPORT TO COUNCIL</u></b>







**OM132808-1****CEO'S PROGRESS REPORT TO COUNCIL**

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

**EXECUTIVE****G21 Regional Alliance****G21 Board**

The Mayor and Acting CEO attended a meeting of the G21 Board in Torquay on 26 August 2013. Items discussed at that meeting included:

- Presentation – Geelong Performing Arts Centre
- Draft G21 Business Plan
- G21 Board Directors' Attendance Register
- G21 Chair and Board succession
- G21's Relationships
- G21 Stakeholder Forum
- Barwon South West Regional Development Australia update
- Barwon South West Regional Management Forum update
- G21 Pillar updates.

**G21 Regional Justice Reference Group**

The CEO attended the G21 Regional Justice Reference Group meeting held in Colac on 5 August 2013. The group discussed:

- Community Safety and Crime Prevention Presentation, "The Journey So Far"
- Launch of G21 Community Crime Prevention Reference Group Strategy
- G21 Community Safety and Crime Prevention Evidence Framework
- Local Government Area in Profile, City of Greater Geelong Safety Strategy
- Recent Crime Trends
- Priority 1 - Family Violence
- Priority 2 - Youth
- Priority 3 - Perceptions of Safety.

**G21 Disadvantage Taskforce Meeting**

The Mayor and CEO attended a meeting of the G21 Disadvantage Taskforce on 7 August 2013 in Geelong. Agenda items included:

- Addressing Disadvantage in the G21 Region: Using Place-based Investment Approaches Discussion on the circulated paper by Dr Ingrid Burkett
- Discussion on proposed strategies:
  - Social Procurement
  - Place-based Impact Investments
  - Demand-led Employment Brokerage
  - Tracking and Measuring Job outcomes.

**G21 Sport and Recreation Pillar**

The CEO chaired a meeting of the G21 Sport and Recreation Pillar in Torquay on 8 August 2013 which included:

- Summary of the G21 Sport & Recreation Pillar activities
  - AFL and Netball Strategic Plans



- Updates on Regional Projects:
  - Beechy Precinct
  - Regional Trails Project
  - Regional Soccer Strategy
  - Regional Tennis Strategy
  - Physical Activity Strategy
- Request for a letter of support for the Geelong Galaxy bid
- Planning for G21 Recreation Pillar projects.

**Great South Coast Group****Great South Coast Board**

The CEO hosted a meeting of the Great South Coast Board in Colac on 9 August 2013.

Agenda items included:

- High-speed Broadband update
- Constitutional recognition of local government
- Canberra delegation
- Informal discussion regarding Great South Coast priorities and the Opposition's aspirations with Jacinta Allan MP
- Executive Officer recruitment update
- Roads: The 2+1 system
- Year 12 or Equivalent Attainment Project
- Regional development discussion paper.

**Great South Coast Regional Growth Plan**

The Great South Coast Regional Growth Plan Project Steering Committee met in Warrnambool on 16 August 2013. The CEO attended the meeting which was held to:

- consider the response to submissions and subsequent changes to the draft Regional Growth Plan
- endorse the Regional Growth Plan.

The response to submitters has been considered by the Project Team, a Statewide Technical Working Group and further informed by individual discussions with each council. Submissions were positive with requests for minor emphasis changes, improvements to maps and recognition of further regional assets.

While Colac Otway Shire is not included in this plan, because we have been included in the G21 plan, the CEO has maintained a watching brief during this process.

The ongoing contribution and support from the Great South Coast Councils has resulted in the Great South Coast Regional Growth Plan recognising and potentially enabling regional opportunities.

**Regional Development Australia Barwon South West**

The Regional Development Australia Barwon South West Committee invited the Mayor and CEO to its August meeting at the Trade Training Centre located at the Colac Secondary College on 8 August 2013. The General Manager Sustainable Planning and Development attended in the CEO's place. The Committee were interested in hearing and discussing the Shire's priority projects which included the Central Business District and Entrances, Beechy Precinct, Apollo Bay Harbour Precinct, Forrest Mountain Bike Trails, the Pirron Yallock Recreation Reserve and Skenes Creek to Apollo Bay Coastal Trail projects.



The meeting also included a tour of the new Trade Training Centre.

### **Planning Stakeholder Forums**

As part of Council's commitment to continuous improvement, the CEO convened two forums with planning consultants and regular users of the services provided by Council's Planning and Building Unit.

As major stakeholders in this aspect of Council's services, representatives from these organisations were asked to provide feedback on their interaction with Council with respect to planning and building issues.

Due to the success of the first forum held on 8 August 2013, a second forum was held on 20 August 2013 to build on the positive discussions held and to work through any remaining issues.

The general consensus from the consultants present was that the current Statutory Planning staff are very professional, helpful and competent. A consultant at the meeting, with wider experience across the region, expressed the view that none of the planning issues raised at the two forums were any different than those you would find in surrounding shires or indeed, in larger councils.

### **Federal Elections**

In the lead up to the Federal Elections, the Mayor and CEO have been holding discussions with candidates for the Federal Seat of Corangamite. Each of these candidates have been given a copy of Colac Otway Shire's priority project listing.

Council is pleased to note that both the Labor Party and Liberal Party candidates have announced \$2.5 million support for the Central Reserve Upgrade which is one of the projects on this list.

## **CORPORATE & COMMUNITY SERVICES**

### **HEALTH & COMMUNITY SERVICES**

#### **Maternal & Child Health**

A survey of the Maternal and Child Health (MCH) Service is currently underway and has been promoted with a number of media releases across the shire. The online and paper copies of the survey will be accepted until mid-September 2013, and then collated.

A number of families have been using the MCH service during the last month for advice in relation to sick children, as a number of viral illnesses have been affecting the community.

The MCH Annual Report for 2012/13 has been sent to the Department of Education and Early Childhood Development (DEECD) which shows an increase in the participation rates for Key Ages and Stages Visits in 6 of the 10 age groups. This reflects the effort being made by our maternal and child health nurses to increase these visit rates.



Statistics – July 2013

- 18 infants enrolled from birth notifications
- 10 First time mothers

<u>Key Ages and Stages Consultations</u>					
Home visits 24					
<b>2wks</b>	26	<b>4wks</b>	24	<b>8wks</b>	16
<b>4mths</b>	15	<b>8mths</b>	25	<b>12mths</b>	15
<b>18mths</b>	11	<b>2yrs</b>	19	<b>3.5yrs</b>	8

Other services provided include:

- 88 additional consultations
- 40 phone consultations
- 28 referrals
- 61 counselling sessions provided
- New Parents Groups - 4 sessions in Colac
- 43 families currently enrolled under Enhanced Home Visiting service (vulnerable and at risk families). 5 new families were enrolled this month and 18 cases were closed.

**Rural Access Community Services**

Project planning has commenced for the development of an Access, Equity and Inclusion Plan. The intended outcome is a document that will provide a guide for all staff on how to remove barriers to services and improve accessibility of information provided by Council. The Access, Equity and Inclusion Plan will support interaction with the diverse groups within our community including people with a disability, people of Aboriginal or Torres Strait Islander origins, people from culturally and linguistically diverse backgrounds and gay lesbian, transgender and intersex communities.

The project will go through several standard phases including research and consultation before action planning and drafting for Council approval. It is also hoped that an ongoing consultative group will be established through the process, representative of the diverse community groups within our shire that will act as an advisory group to Council.

**Older Persons & Ability Support Services (OPASS)****Service Delivery:**

The Older Persons & Ability Support Services Unit has had a very busy 2012-2013 in Service Delivery.

The following data illustrates the range of services that are delivered by community care workers and volunteers.



**OPASS Services 2012-2013**

Type of Service	Number of Clients	Hours-Numbers
In-Home Assessment/ Reviews	496	2,242 Hours
Care Co-ordination	523	690 Hours
General Home Care	695	17,163 Hours
Personal Care	179	11,427 Hours
Respite Care	73	5,069 Hours
Property Maintenance	229	1,239 Hours
Meals on Wheels & Centre Based Meals	334	19,091 Meals
Community Activities	120	6,119 Hours
Community Transport	291	6,185 Hours

The total number of hours delivered for General Home Care, Personal Care, Respite Care and Property Maintenance in 2012-2013 was 34,898 hours by comparison to 32,783 in 2011-2012.

**Meals on Wheels and Centre Based Meals**

There has been an increase in demand by 3,513 delivered meals during the 2012-2013 year. The number of home delivered meals in 2011-2012 was 15,578 which rose to 19,091 in 2012-2013. Centre based meals have remained consistent. There are no clear indicators why the demand for an increase in meals is occurring.

**Personal Care Activities**

Personal Care Activities during 2012-2013 included:

- 80 clients requiring medication support and assistance on a daily basis, 7 days per week
- 62 clients requiring safety checks in the home on a daily basis, 7 days per week
- 68 clients needing full assistance with showering and dressing/undressing.

The complexity of personal care tasks will require further specific training in personal care for all community care workers which will be delivered through the Home & Community Care (HACC) subsidised training funded by the Department of Health.

**Home Care Packages Program, (formally Community Aged Care Packages)**

Colac Otway Shire currently holds 16 Community Aged Care Packages. The Department of Health and Ageing Home Care Packages Program replaces the existing Community Aged Care Programs.

As of July 2013, there are now four levels of Home Care Packages, which include two new levels. In the recent allocation round we were successful in obtaining three more Home Care Packages. We will need to deliver these packages under the Consumer Directed Care model which allows for greater flexibility.

The objectives of the Home Care Packages Program are to assist people to remain living at home for as long as possible and to enable consumers to have choice and flexibility in the way that care and support is provided at home.

The Home Care Packages Program is targeted at frail, older people who have been assessed as having needs that can only be met by a coordinated package of care services



for individual needs on an ongoing basis. In preparing for these new packages the OPASS Unit is reviewing current documentation and developing a financial plan.

### **Community Based Respite**

The National Disability Insurance Scheme was launched in the Barwon South West area, including Colac Otway, on 1 July, 2013.

Colac Otway Shire has registered with DisabilityCare Australia as a Service Provider for the following Support Clusters:

- Assistance in Coordinating/Managing Life Stages, Transitions and Supports
- Development of Daily Living and Life Skills
- Household Tasks
- Assistance with Daily Personal Activities
- Participation in Community, Social and Civic Activities
- Training for Independence in Travel and Transport.

There are a variety of support types within these categories, each with an hourly fee set by DisabilityCare Australia. We will now charge clients, as services are provided, then claim reimbursement through DisabilityCare Australia's business services Provider Portal. The key difference for Service Providers in the National Disability Insurance Scheme compared to our previous arrangements is that payment is received after services are provided compared to previous block funding arrangements that allocated money in advance.

Whilst there have been some challenges in this change process, Colac Otway Shire now has the required systems in place to accept client service requests and make claims for payment. Some local families have already begun the process of meeting with DisabilityCare Australia Planners to determine the level of support and funding to meet their needs. We anticipate several existing clients transferring to the National Disability Insurance Scheme over the coming weeks and have made a commitment to support this process with continuity of service. It is anticipated that about 80 existing clients will be affected by the introduction of the National Disability Insurance Scheme.

DisabilityCare Australia officially opened its Colac office on Wednesday 31 July, 2013. This is temporarily co-located with Centrelink and Medicare in Bromfield St., with plans underway for a new office to be purpose built in 2014.

DisabilityCare Australia has developed a Phasing Schedule that identifies anticipated dates for each funded service type to transition to DisabilityCare. The Colac Otway Shire funded services included in this transition are the Department of Human Services funded *Community Based Respite program* (phasing in September 2013) and the Department of Health *Home and Community Care service* for people under 65, with a significant and permanent disability (phasing in April 2014). Other existing clients may be phased in at earlier times, due to funded services they receive through other service providers.

OPASS will continue to gather information and communicate with all the relevant parties; including the Department of Human Services, Department of Health, DisabilityCare Australia, National Disability Services, Colac Disability Network and other Service Providers in the launch site to interpret the practical implications for service delivery and business operations. New information and how it impacts upon service providers is constantly being updated. OPASS is communicating appropriate information to service users and Colac Otway Shire employees as it becomes relevant to them.

OPASS is committed to work with people with a disability and their families in alignment with the principles of DisabilityCare Australia:



- *to support people to identify their goals and enable people to achieve a better quality of life and increased social and economic participation*
  - *to ensure sustainable care arrangements for families*
- ([www.disabilitycareaustralia.gov.au](http://www.disabilitycareaustralia.gov.au) 2013).

The Disability Service Standards accreditation achieved by OPASS in June 2013 has set an achievable Best Practice Framework for our Unit to operate within. This is strengthened by the proactive approach of the Community Based Respite Program, working sensitively with individuals and families and building a skilled team of disability support workers. Colac Otway Shire Disability Service provision is ready for transition into DisabilityCare Australia, and is placed in a positive position to provide quality and person focused services.

### **Family & Children Services**

#### **Early Years Directory**

The Colac Otway Early Years Directory has been updated for 2013. The directory outlines all services in the Colac and surrounding area that provide support to families with young children. The directory is available on the Colac Otway Shire website at [http://www.colacotway.vic.gov.au/Files/Colac-Otway\\_Early\\_Years\\_Directory\\_2013.pdf](http://www.colacotway.vic.gov.au/Files/Colac-Otway_Early_Years_Directory_2013.pdf), as well as a quick reference guide of Early Years Services which has been passed on to support services within Colac Otway Shire. This information is also being included in our new residents' packs.

#### **Blue Water Fitness Crèche**

Council officers have been assessing the relocation of the Blue Water Fitness Crèche program to the Colac Youth Club. An application will be submitted to the Department of Education & Early Childhood Development for approval.

#### **Training Opportunities**

Family & Children Services has been very fortunate over the last couple of weeks to participate in some great training opportunities.

FKA Children's Services Inc. provided training to our Family Day Care (FDC) Educators around engaging children through sustainable play spaces while Gowrie Victoria provided training around sustainability and the physical environment. These 2 training sessions were provided to our Educators to help embed sustainable practices into care environments. This was identified in our last Rating and Assessment Visit as an area for potential improvement.

Council's Family Day Care officers attended the Geelong Early Years Conference which included two very informative key note speakers' presentations. Marc Armitage's "*We all want more playing in our settings – so what is putting us off?*" outlined that we have fears around safety and lawsuits and this dissuades us from providing interactive play areas for children. Jo Lange's "*Can I have a sticker now? – the Problem with Praise*" covered the different models of motivation and reward, and highlights the problems with praise, and the importance of encouragement.

Family Day Care Educators have recently received training on fire extinguishers and fire blankets that they use in their care environments. These will be tested and tagged as part of their annual home safety check. An officer from the Geelong Fire Authority demonstrated to the educators how to use a fire extinguisher correctly and how to put out a fire successfully. This was conducted in the Colac Otway Shire car park and was a most enjoyable hands-on part of the training.



## RECREATION ARTS AND CULTURE

### EVENTS

#### **Development of Events policy**

An events policy is currently being developed which will outline Council's position on events and set out our approach to support the development of events within the municipality. The policy will contain objectives which will provide information on how Council supports events and clarify the responsibility of event organisers. The development of the event policy aims to support the proposed new Local Law for events. A review of the Colac Otway Shire Event Application form and information on Guidelines for Events is also currently under review.

#### **Beeac 150 Year Anniversary – 4 August 2013**

The Beeac Primary School children took an active role in their 150 year celebration by leading school tours. A sausage sizzle, soup and scones were a welcome winter treat for visitors. Proceeds from a special recipe book will contribute towards the school's swimming program. The book features recipes from families and friends of pupils, as well as celebrities and politicians.

#### **Cressy Railway Anniversary – 10 August 2013**

A vital railway line linking the Western District with Geelong and Melbourne reached its 100<sup>th</sup> birthday on 4 August 2013. The Geelong and South Western Rail Heritage Society groups arranged historic displays and tours to commemorate the centenary. There were displays at the Cressy Historical Centre and model trains at the Cressy Public Hall.

#### **Amy Gran Fondo Launch – 13 August 2013**

The launch of the Amy Gran Fondo for 2013 was held at 'The Freedom Machine' bike shop in Port Melbourne on 13 August 2013. The Honourable Hugh Delahunty (Minister for Sport and Veteran's Affairs), Colac Otway Shire Mayor, Cr Lyn Russell, dignitaries and biking enthusiasts celebrated the upcoming third year of this very successful event which highlights the beauty of our region and the Great Ocean Road. The Amy Gran Fondo continues to strive towards the standard as a ride experience with an ultimate focus on safety.

#### **Upcoming Events**

Events which will be held throughout the Colac Otway Shire in the next few weeks will be the Volcano Dreaming (5 to 8 September at the Red Rock Theatre), the Amy Gran Fondo (15 September), The 'Cool' Awards and The Young Ambassador Awards (20 September) and the Colac Garden & Lifestyle Expo (21 September).

## RECREATION

#### **Elliminyt Playspace**

Colac Otway Shire has been successful in obtaining funding through the State Government to rejuvenate and improve the existing open space. The project will enhance the recently installed playground at Elliminyt Memorial Park to include new community infrastructure and create access to additional open space in a growing residential area.

The project will result in:

- Pathways
- BBQ, shelter and picnic facilities
- Landscaping, plantings, and revegetation of the surrounding area
- Lawn areas for passive recreation and informal play
- Bicycle racks
- Drink fountain



- Directional and interpretative signage
- Waste/recycle bins.

Council is currently seeking input from the local community regarding the preferred choices and location of shelters, furniture, BBQ's and landscaping elements. The project is expected to commence in October 2013.

### **Beeac Tennis Courts Redevelopment**

New fencing is being installed to complement the recent construction of three new asphalt courts at Beeac Tennis Club. An official opening to celebrate the redeveloped facility has been scheduled for Sunday 6 October 2013. The project has been funded by Council, the Beeac Tennis Club and Sport and Recreation Victoria.

### **Sport and Recreation Victoria's 2014/2015 Community Facility Funding Program**

Council recently submitted six Expressions of Interest to Sport and Recreation Victoria's 2014/2015 Community Facility Funding Program. Council has recently received feedback that we have been invited to submit full applications for three projects, these being:

- Pirron Yallock Recreation Reserve Clubrooms Redevelopment – Soccer Category (\$100,000)
- Apollo Bay Foreshore Playground Redevelopment – Minors Category (\$60,000)
- Cororooke Tennis Courts Redevelopment – Minors Category (\$70,000)

Applications are due to be submitted by 21 August 2013. Outcomes on the success of the applications will be known by December 2013.

## **COPACC**

### **Business Events**

COPACC hosted 58 business events during July 2013 which attracted more than 1,700 people to the centre. For the month of August 2013, 55 events were booked.

### **Visual Arts**

#### ***CrossXpollination***

COPACC partnered with Red Rock Regional Theatre and Art Gallery (RRRTAG) in presenting a textile and fibre art series of exhibitions, master classes and workshops in July and August 2013. The exhibition at COPACC featured work by two Victorian artists who have exhibited their work extensively both in Australia and overseas, plus award-winning Victorian artists, and dozens of emerging and community artists. The exhibition generated positive feedback from the visual arts community, the Colac Otway community and from people who travelled from as far away as Melbourne, Horsham and the Dandenongs.

A programme of 11 workshops and master classes was offered at COPACC in connection with CrossXpollinationN. CrossXpollinationN also included a touring exhibition of art quilts, entitled *Art Without Borders*, which chronicled nine migrants' stories of their journey to Australia. *Grafted*, a CrossXpollinationN exhibition of mixed media work, is open at RRRTAG until August 25 2013. One visitor wrote in the exhibition book: "The equal of anything the big regional galleries produce, stunning work, awesomely displayed....Bravo COPACC."

More than 65 people attended the floor-talk delivered by Barongarook photographer Tim Lucas, at the launch of his photographic exhibition *Cold Comfort* resulting from his Antarctic safari.



### Season Update

The Melbourne Comedy Festival Roadshow sold out in July 2013. Audiences responded positively to the other four shows presented as part of COPACC's season.

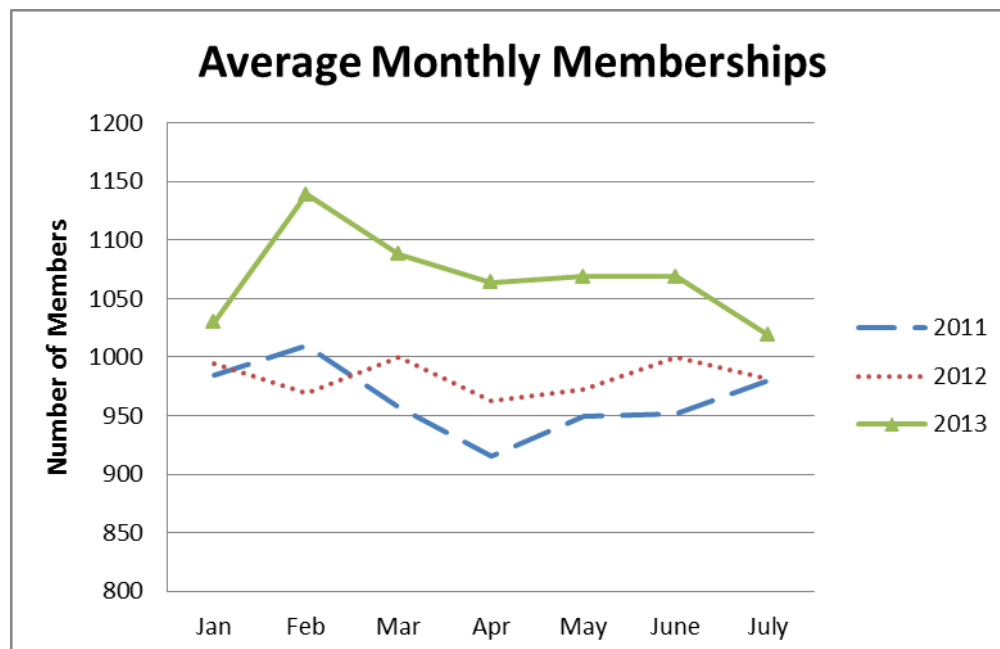
### BLUEWATER FITNESS CENTRE

#### Redevelopment Project

Council has completed detailed design and tender documentation for the Bluewater Fitness Centre Redevelopment Project and has now invited the short-listed contractors to submit tenders for the construction works. It is anticipated that the tender will be awarded by the end of October 2013 with works to commence sometime in November 2013. Council will relocate the Bluewater Fitness Centre gym and dry program services to the Colac Youth and Recreation Centre (located at Central Reserve) in November 2013. Exact dates will be communicated to the community once they come to hand.

#### Membership

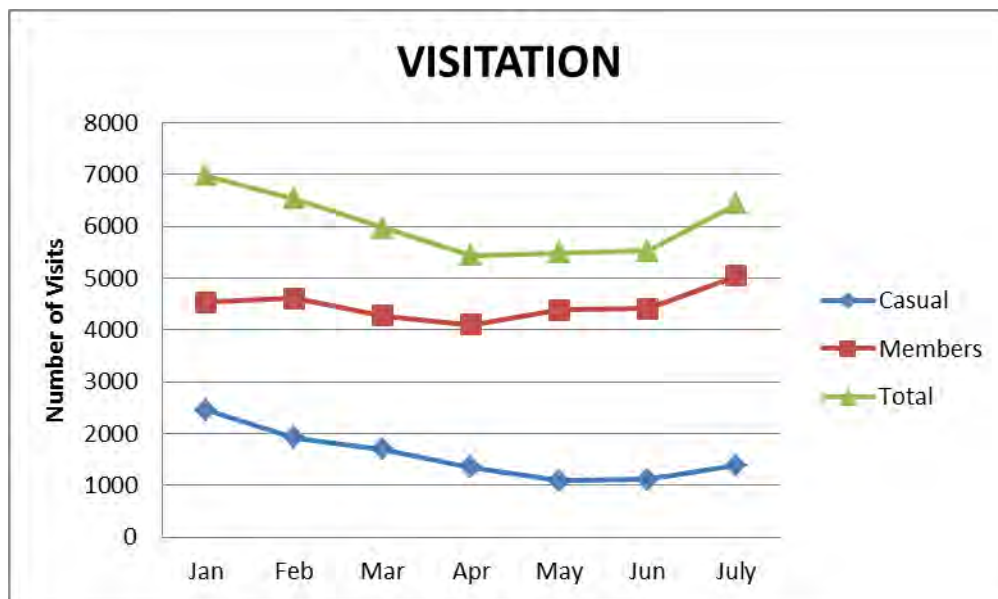
The average membership number for the month of July was 1,019 (see graph below). We are currently still experiencing higher membership numbers than previous years.



#### Visitation

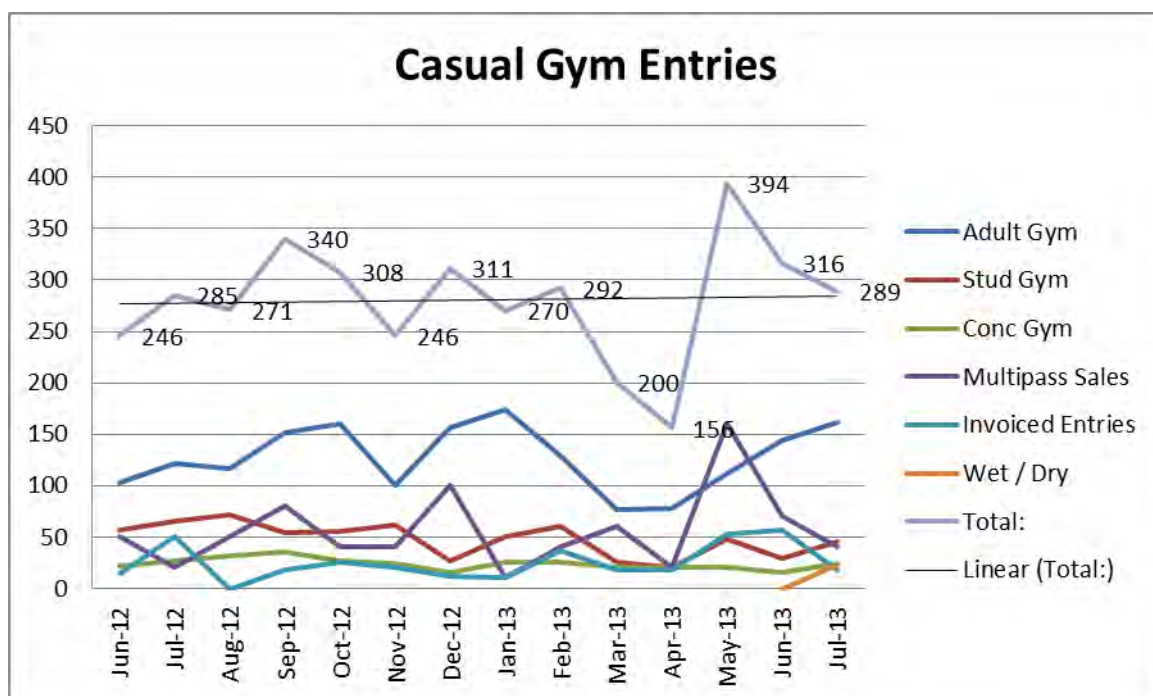
Visitation increased for both members and casual patrons to 5,048 member visits and 1,392 casual visits for the month of July with Tuesdays attracting the highest number of visitors.





### Dry Programs

Casual gym entries have shown a slight increase over the past 12 months which is indicated by the trend line in the graph below. This is a good result considering the membership numbers and membership visitation have both also been high. The number of casual adult gym purchases was the second highest it has been for the previous 12 months with a total of 162, which is a great result for winter.

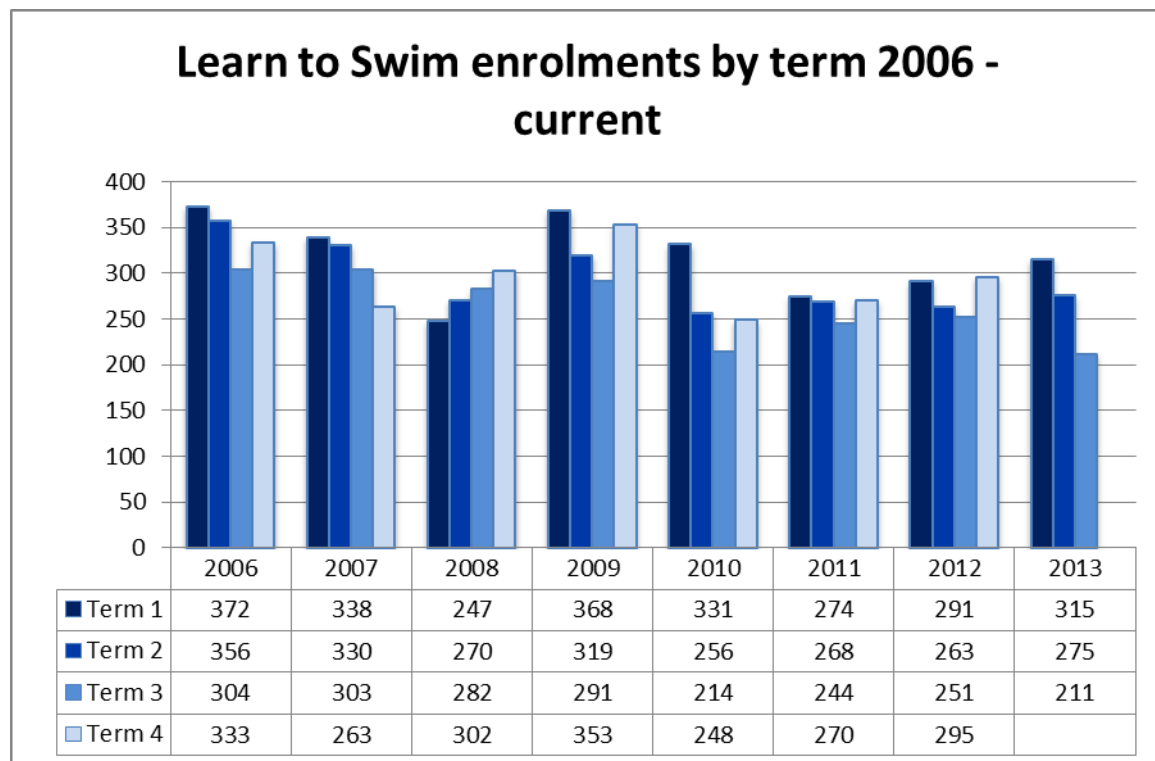


A new program has been introduced for Council employees as part of the Health and Wellbeing program. The four week trial program called Up-Start is a stretch and relaxation program which takes place at COPACC. If the program is well received then we will investigate making it ongoing or introducing the program at Bluewater for members.



### Aquatic Programs

We are currently five weeks into Term 3 Learn to Swim with enrolment numbers the lowest recorded in the past six years. The uncertainty surrounding the Bluewater Fitness Centre closure seems to have put off some of our regular patrons, with some participants preferring to secure a place with other swim schools rather than risk the chance of missing out all together when the Centre closes down.



### Stadium

The Otway Derby Dolls have been training in the Bluewater Fitness Centre stadium two nights per week in preparation for their next bout which will take place on 24 August 2013 and is expected to attract up to 400 people to the event.

## **INFRASTRUCTURE & SERVICES**

### **CAPITAL WORKS UNIT**

#### **Old Beechy Rail Trail**

##### *Colac Station section*

Global Contracting Pty Ltd has been awarded the contract to construct a section of Trail from the pedestrian railway bridge at Produce Lane (near the Colac Railway Station) through to the Mercy Place property boundary. Global Contracting are currently awaiting final approvals from VicTrack and V/Line to conduct works within their property. Global Contracting indicate works will commence as soon as approvals have been obtained, the indicative date being the end of September 2013.

##### *Ditchley Park section (Dinmont to Ditchley)*

The newly constructed section of trail through the Ditchley gully remains closed as minor drainage works, involving the installation of additional culverts is yet to be completed. These works will be carried out in the summer construction period. Quotation documentation is



being compiled for the construction of the remaining section from the Ditchley gully through to the Dinmont Station. Works are programmed to be completed during the summer construction period.

*Beech Forest to Ferguson section*

An application for a planning permit has been made, in advance of trail construction from Beech Forest through to Ferguson. The permit is required due to vegetation removal as the area is within an Environmental Management Overlay (EMO). A geotechnical investigation has been completed, and a report produced which will support the planning permit application.

Construction of this section of trail is programmed for the summer construction period.

**Project Development and Design**

Project detailed design and development is on schedule for the 2013/14 reconstruction program, with construction due to commence in late October 2013. The reconstruction program includes renewal works on Warrowie Road, Weering School Road, Murray Street (Apollo Bay) and Division Road.

**Breakwater Road Realignment, Apollo Bay**

Plans for the inclusion of the Breakwater Road Realignment into the lease documents between the Department of Environment and Primary Industries (DEPI) and the Apollo Bay Golf Club have been produced by surveyors. The plans are for lease purposes only and are not the final realignment plans, which require an on-site survey. After these plans are included in the lease, the actual boundary adjustment can occur at a later time, when required, for road construction purposes.

**Colac CBD & Entrances**

Funding has been received for detailed design of the Colac CBD & Entrances Strategy. The funding allocation for this project is \$250,000. In-house survey for the design area is being conducted, with key areas being surveyed including the Murray Street / Queen Street bridge, Memorial Square, and Murray Street from Queen Street to Corangamite Street.

**CCTV Cameras**

Council's contractors, Stevcom, are awaiting approval for power connection from Powercor. Once approval for power connection is obtained it is expected the installation of cameras along Murray Street will be carried out in early September 2013. All other works associated with the project including the installation of underground cabling and pole installation at the Skate Park and Memorial Square have been completed.

**Stock Underpass Installation**

Council has received applications for the installation of a stock underpass in Rossmoyne Road, Colac West and Rattrays Road, Ondit. Property owners undertake to install underpasses to improve stock movement and management, and remain in the ownership of the property owner. Council provides a subsidy of \$3,000 to each property owner to assist with the costs associated with guard rail installation and road reinstatement required for the construction of the underpasses.

Construction of the Rattrays Road underpass is expected to begin in late September with the Rossmoyne Road construction beginning in October 2013.



**SUSTAINABLE ASSETS**

Progress in relation to key asset management Business Plan actions for the next 12 months are as follows:

<b>ACTIONS</b>	<b>STATUS</b>	<b>% COMPLETION</b>	<b>PROGRESS COMMENTS</b>
Work with the Finance Unit to complete Stage 1 of the Authority Asset Management Module implementation.	In Progress	10%	Initial scoping documents are being finalised with this project due to commence in early September 2013. This is an important enhancement to the management of data relating to Council's various assets and will have significant benefits in the long term.
Asbestos Register Update.	Not Started	0%	
Monitor the performance and condition of Council's various asset types through programmed inspections and data collection.	In Progress	10%	Scoping documents are being prepared to undertake a condition audit of Council's footpath assets. Such audits are completed using specialised contractors and it is anticipated that these services will go out to tender during September 2013. Condition audits for other asset types are presently being scheduled.
Develop a long term asset renewal funding plan for Council buildings.	Not Started	0%	This is normally carried out in the lead up to the budget process.
Community infrastructure and asset renewal plan.	In Progress	20%	Asset Management Plans are presently being developed for all Council's infrastructure asset categories. This will also incorporate the assessment of asset renewal needs for inclusion in Council's long term financial plan.
Complete road and footpath network inspections to meet frequencies prescribed by Council's Road Management Plan.	In Progress	8%	All routine road and footpath inspections have been completed as required for July 2013. Areas, or road categories, inspected over this period include; Rural Link Roads, Gellibrand and Carlisle Valley area Rural Access Roads. Footpaths in the central activity areas of Apollo Bay and Colac were also inspected over this time.
Complete specific incident inspections to identify and address safety/risk issues associated with elements of Council's road and footpath networks; including rail	In Progress	8%	Incident inspections are completed as required in line with Council's Road Management Plan.



crossings and in response to reported incidents.			
Implement the 2013/14 Kerb & Channel Renewal Programme.	Not Started	0%	Work is normally programmed over the summer months when the weather improves.
Manage building maintenance programme to address programmed and reactive maintenance needs.	In Progress	8%	Reactive building maintenance requests are responded to as required. The list of programmed building activities is currently being prepared.
Coordinate inspections and reporting of Essential Safety Measures relating to nominated Council buildings.	In Progress	5%	Preliminary planning work has commenced on developing the Inspection Program.
Footpath Renewal Program	In Progress	5%	Development of a list of projects to be included on the 2013/14 programme has been finalised. Packages of work have been assigned to contractors listed on Council's annual supply panel with works to commence within the next four (4) weeks.
Annual Road Resealing Program	In Progress	5%	Designs are in the process of being completed and works marked out with a view to putting the sealing programme out to tender in late August 2013.
Bridge Reconstruction Program	In Progress	5%	Major works are programmed to be completed on two (2) more of Council's ageing timber structures. These include the Sand Road Bridge at Glenaire and the bridge over the Gellibrand River located on Lyness Access, Carlisle River. Detailed surveys have been completed and site plans have been prepared for each bridge. Preliminary environmental assessments are being conducted.
Building Renewal Program	Not started	0%	The list of projects to be included on this year's Building Renewal Programme is being developed. A detailed listing of projects will be given in future reports.

## OTHER HIGHLIGHTS FOR THE PERIOD

### Vegetation Clearance Under Powerlines

Council officers have recently met with representatives of Powercor to discuss an approach to the management of Council street trees under powerlines in townships outside of Colac. These discussions are very preliminary at this point, however Energy Safe Victoria have advised Powercor that it is possible to obtain an exemption from the stringent powerline



clearance requirements as set down in the relevant regulations and potentially allow annual maintenance programs to be developed in some areas. This would involve the preparation of a Street Tree Management Plan that would enable Council to identify and document street trees in low bushfire risk areas which it would like to see protected. This would mean that those trees that Council considers to be of local value within townships across the Shire would be trimmed more frequently by Powercor in order to maintain aesthetics. Further reporting will be provided to Council at a later date once the framework for this approach is established.

**Rae Street Office Redevelopment**

This project is nearly complete with minor works to be completed in the area now being occupied by OPASS and Environmental Health Staff. All staff who were operating at 6 Murray Street have now been relocated to the Rae Street Office.

**COSWORKS**

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

**Minor Patching**

Minor patching works are ongoing on sealed road with repairs to potholes and edge breaks with granular materials.

**Storm Damage**

Over the past month there has been a large increase in the volume of fallen, hanging and dangerous trees resulting from the damage caused by strong winds. This has been widespread throughout the whole of the shire. Cosworks has been very active in ensuring the safety of Council's road network.

**Road Regrading**

Road regrading has been ongoing due to more favourable conditions in all sections of the shire.

**Gravel Road Resheeting**

Gravel road resheeting was undertaken over the last month on Upper Gellibrand, Mahers, McCalls, Stones, Adams, MacDonalds, Frys, Kents Access, Bull Hill, Old Colac and Egans Track Roads. Approximately 15km of resheeting works have been completed.

**Routine Drainage Works**

Routine Drainage works were completed in the last month in Apollo Bay, Wye River, Kennett River, Separation Creek, Skene Creek and Marengo townships. Also works have been undertaken on Binns, Grey River, Springs, Old Beech Forest, Adams, Gellibrand East, Carlisle - Gellibrand, Moomoowrong, Lucas, Hennigan Crescent and Tuckers Orchard Roads.

**Sport Ovals**

Mowing of sports ovals continues as per Council's program. Western Reserve and Joiner Reserve ovals have also been fertilized.

**Tree Maintenance**

Tree maintenance works have been undertaken on Beatties Lane, Knights Road, Polleys Road, Wineshanty Road and Robilliards Road. Approx 5km of tree maintenance works were completed.

**Street Tree Clearance Under Powerlines**

Tree pruning works in Colac are 70% completed.



**Township Mowing**

Township mowing continues in accordance with the mowing program around Carlisle, Loves Creek, Barwon Downs, Beeac Colac and the Memorial Square.

**Reach Arm Mowing**

Reach Arm mowing works were undertaken on Binns, Hopetoun Falls, Beauchamp Falls, Kents Access, Grey River, The Rise, Beatties Lane, Kenneadys Access, Jones, Sunnyside, Henrys, Tomahawk Creek, Pipeline, Old Irrewillipe, Wilsons, Larsons and Tindish Roads.

**Landslip Repairs**

Landslip repairs were completed and sealed on Wild Dog Road.

**Old Beechy Rail Trail**

Removal of fallen trees from the trail at various locations was undertaken during the month.

**Bridge Maintenance**

Level 1 Bridge inspection was commenced mainly in the Otways area. Replacement of Gravel Beams was undertaken on Daffys Bridge. End walls were repaired on the Conns Lane and Christies Road bridges. Repairs to beaching on Tuckers Orchard Road were also completed.

**Guard Rail Replacement**

Works have commenced on Guard Rail replacement on Wild Dog Road.

**Guide Post Installation**

Guide post installation works have been installed on Frys and Binns Roads.

**MAJOR CONTRACTS/WASTE UNIT****Regional Aviation Fund (RAF) – Aviation**

A letter has been received from The Hon. Gordon Rich-Phillips MLC, Minister for the Aviation Industry providing information on the Regional Aviation Fund (RAF) funding opportunity. It has been advised that in addition to the currently available infrastructure stream of funds, another “Operational Stream” will be provided for funding assistance associated with the following:

- Installation, upgrading or relocating of aerodrome lighting
- Aviation Fuel Storage and distribution facilities
- Automated Weather Information System (AWIS)
- Initial Non-Precision Departure and Approach Procedure Design.

Applications under the Operational Stream may be eligible for up to 100% of funding.

As Council is aware we are currently in the process of developing the Colac Aerodrome Business Plan with the use of State Government Funds.

The RAF funding information received from the Minister will be taken into account while finalising the Business Plan in order to maximise chances of qualifying for future funding.

**Barwon Region Waste Management Group (BRWMG) – Technical Tour 25 July 2013**

A technical tour with Barwon Regional Waste Management Group (BRWMG) members was held on 25 July 2013 to visit the major waste management facilities within the Barwon Region.



The following facilities were visited:

1. SKM Recycling – South Geelong – Colac Otway Shire’s recycling material is currently transported to the SKM facility.
2. GT Recycling – Specialising in recovery of plastic material of various types together with processing and packaging for supply to manufacturers.
3. Point Henry Transfer Station – Processing of green waste and timber recycling.
4. Drysdale Landfill – City of Greater Geelong’s putrescible landfill site. The construction of a new cell in accordance with new EPA guidelines incorporating installation of a cell liner was demonstrated together with the Drysdale Transfer Station operations.
5. Encompass Community Services – Demonstration of the “On Farm” Green Waste Composting Program – it was explained how processed green waste from local farms could be used for increasing soil fertility and enrichment leading to better plant development and production.

### **Proposed changes to the Regional Waste Management Groups (RWMG), Victoria**

The State Government of Victoria has proposed the following changes to the structure of RWMG in Victoria based on the advice received from the Ministerial Advisory Committee (MAC). The information is based on the briefing of Chairpersons and Executive officers of the RWMG.

As part of a range of recommendations, changes to the RWMGs will be implemented to strengthen and build their capacity. Restructuring of the RWMGs will improve delivery of the Getting Full Value.

The detailed structural changes proposed are as follows:

- The Calder, Mildura and Central Murray RWMGs will be replaced by a new Murray Waste Group
- The Barwon and South West Groups will be replaced by a new South West Waste Group
- The Highlands, Grampians and Desert Fringe RWMGs will be replaced by a new Central West Waste Group
- The MWMG will be expanded to include the Mornington Peninsula Shire Council municipal district and renamed the Melbourne Waste Group.
- The North East, Gippsland and Goulburn Valley Regional Groups’ boundaries will not be changed.

Subject to the passing of amendments to the Environment Protection Act 1970, planned for April 2014, it is intended that the new Waste Groups will be established by 1 July 2014.

It is proposed that future Boards will comprise 4 Council nominated directors and 4 skilled directors. The Chair, being one of the appointed Councillors, and all appointed being made by the Minister.

Councils will no longer be liable for the Groups. The full report is available on the DEPI website.



**Tenders**

Tenders opened since the last reporting period:

1320 – Consultancy Services – Workforce & Industry Development.

Tenders awarded since the last reporting period:

1317 – Forrest Mountain Bike Trails Strategic Plan – to Thompson Berrill Landscape Designs.

1320 – Consultancy Services – Workforce & Industry Development – to Grant Thornton Australia.

Tenders advertised since the last reporting period:

1325 – Supply & Deliver Street Sweeper, closing 11 September 2013

1326 – Supply & Deliver Tip Truck & Dog Trailer, closing 11 September 2013

1327 – Supply & Deliver Backhoe/Loader, closing 11 September 2013

1328 – Supply & Deliver Wood Chipper, closing 11 September 2013

1329 – Supply & Deliver Tow Behind Work Broom, closing 11 September 2013

Major Quotations opened since the last reporting period:

No Major Quotations have been opened since the last reporting period.

Major Quotations awarded since the last reporting period:

Q2012/13-47 – Alvie Landfill Rehabilitation Plan – to URS.

Major Quotations advertised since the last reporting period:

No Major Quotations have been advertised since the last reporting period.

**Subdivision Works**

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

<b>Subdivision</b>	<b>Status</b>
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)	Construction is currently continuing with road pavement and kerb and channel placed. Underground drainage is complete with sub-surface drains not currently installed.
Wyuna Estate Stage 12 (18 Lots)	Civil works have been completed for stage 12 of the Wyuna subdivision and extension of Scanlon Drive, Elliminyt.
98 Beal Street Birregurra (6 Lots)	Work is expected to be completed in August 2013 on the road extension and turning circle in Edmundson Street, Birregurra.
Mingawalla Road, Beeac Stage 3 (reserve & 21 lots)	The contractors will complete remaining sealing works on the main road in coming months when drier weather conditions prevail.

**Colac Livestock Selling Centre Roof Construction**

A delay in approval of the final design and the building surveyor requiring further structural design checking has meant steel fabrication will begin in late August 2013 following issue of the building permit. Site establishment and excavation for footings is expected to follow shortly.



The successful contractor is preparing to establish a site compound on an open grassed area abutting the pens. All construction activities will be coordinated with saleyards operations to ensure the safety of the public and saleyards staff.

## **SUSTAINABLE PLANNING and DEVELOPMENT**

### **Planning & Building**

#### **Development of Bushfire Local Planning Policy**

The consultant has prepared an early draft of the report for this project, and has met with the CFA and other stakeholders at a recent Project Steering Committee. The CFA is undertaking some on-ground truthing of the bushfire assessments for the eight towns being examined in the project before finalising its feedback on the report. It is anticipated that the draft report will be finalised and presented to Council around October/November of this year.

#### **Planning Scheme Amendment C72 (Part 1)**

A panel has been appointed to hear submissions to Part 1 of Amendment C72 relating to implementation of the Colac CBD and Entrances Project, with the panel electing to accept submissions, without a formal hearing, following consultation with the submitters. The Panel will provide Council with its independent consideration of the submissions and make a recommendation on how Council should proceed with the amendment.

#### **G21 Regional Growth Plan - Draft Implementation Plan**

The draft Implementation Plan for the G21 Regional Growth Plan (RGP) was on public exhibition from 1 July 2013 to 9 August 2013. The plan incorporates:

- a regional level Infrastructure Plan, identifying projects important to supporting the region's growth and provision of jobs
- a strategic housing incentives action plan and residential and industrial land supply analysis for the region and key centres
- analysis of the two Further Investigation Areas identified in the G21 Growth Plan for medium to longer term growth of Geelong.

One of five open houses being provided for the public to find out more about the Plan was held in Colac on 31 July 2013 at COPACC. The project team is now considering submissions and will prepare a final report for the project.

#### **Amendment C62 (Changes to Environmental Significance Overlay 3 & 5 – Apollo Bay)**

The State Government has approved and gazetted Planning Scheme Amendment C62. The amendment had been prepared and exhibited by Barwon Water as Planning Authority for the amendment, and affects land located in the Barham River Special Water Supply Catchment, declared under the *Catchment and Land Protection Act 1994*. The catchment is the source of drinking water for the townships of Apollo Bay, Marengo and Skenes Creek.

The amendment replaces an interim Environmental Significance Overlay Schedule 5 (ES05) over part of the catchment with a permanent control (Environmental Significance Overlay Schedule 3 – ESO3), and removes the ESO3 from the former Skenes Creek water supply catchment. The change ensures that planning controls over water catchment areas in the Shire are consistent, and introduces greater permit exemptions through the ESO3 for various activities than applied under the former ESO5.

#### **Amendment C74 (Implementation of Open Space Strategy)**

Officers are currently finalising the preparation of Planning Scheme Amendment C74 which seeks to make changes to Clause 52.01 of the Planning Scheme to specify the amount of public open space which is to be provided for new subdivisions. Council has previously relied on the provisions of the *Subdivision Act 1988* which allow it to require up to a



maximum of 5% of land in a subdivision to be provided as open space (or as a cash contribution in lieu).

The Public Open Space Strategy adopted by Council in 2011 highlighted the lack of public open space in Apollo Bay and parts of Colac, and recommended that up to 10% of subdivisions be provided as open space depending on the size of the subdivision for these towns or alternatively, an equivalent cash in lieu payment. The amendment implements these recommendations. Officers have sought authorisation from the Minister to prepare the amendment, and public exhibition is expected to occur in September/October 2013. The amendment is being facilitated using funds from the State Government Rural Planning Flying Squad.

#### **Birregurra Structure Plan & Neighbourhood Character Study**

Officers are currently preparing draft amendment documentation that gives effect to the outcomes of both the 2012 Birregurra Neighbourhood Character Study and 2013 Birregurra Structure Plan which was adopted by Council at the June 2013 meeting. This documentation will be considered by the Community Reference Group before being finalised and placed on exhibition over the coming months.

#### **State Government Changes to Bushfire Prone Area Mapping**

The State Government has introduced changes to the mapping of Bushfire Prone Areas across the State following a recent review. Bushfire Prone Areas (BPAs) apply under the Building Regulations, and are distinct from areas contained in the Bushfire Management Overlay (BMO) under the Planning Scheme. The BPA applies to a broader area than the BMO (which is only applied to the highest risk areas), and includes parts of Colac. The changes were gazetted on 8 August 2013 and indicate that some parts of urban Colac and Elliminyt have been removed from the mapping, whilst other parts to the east of Colac have been included. Council officers had provided input into the State Government's review of the mapping earlier this year – the changes only partially respond to issues raised by officers.

#### **DRAFT State Government 'VicSmart' Provisions**

The State Government has released draft new provisions for the introduction of a new fast track process for simple types of planning permit applications, titled 'VicSmart'. Council will have ten business days to determine applications that are within the guidelines for VicSmart. Unlike the current system for all planning application types (subject to the 60 day time frame), there will be no ability to 'stop the clock' for provision of additional information. The categories of applications proposed to be subject to the streamlined approach include:

- boundary re-alignments
- subdivision of existing buildings
- removal of a single tree
- certain types of advertising signs
- fences in certain instances
- buildings under \$50,000 in commercial and industrial zones
- works in the Heritage Overlay which currently do not require public notice (including outbuildings, verandahs, swimming pools, crossovers, signs, rainwater tanks and tennis courts)
- reductions to car parking requirements (where that is the only matter subject to approval).

The CEO will be delegated authority under the changes to determine these types of applications, without any ability for Council consideration. The changes are expected to take effect when finalised early in 2014.



**Planning & Environment Act Changes**

The State Government is implementing changes to the Planning and Environment Act in two phases, the first having taken effect on 22 July 2013 and the second in October. These will require changes to internal planning processes and templates, and will require changes to delegations and officer training. The following are some key changes relevant to this Shire:

- Greater flexibility for Council to amend permits issued by VCAT. Amendments to VCAT issued permits had previously required VCAT consideration.
- Extensions of time requests can be made up to 6 months after expiry of a planning permit where development or use has not started (previously 3 months), and within 12 months after expiry if the development had lawfully commenced. Neither Council nor VCAT can consider requests lodged outside of these time frames – previously an applicant could seek VCAT support for an extension of time of a permit at any time, well after the expiry.
- Section 173 agreements no longer need to be lodged with the Minister.
- The duties of referral authorities are listed, including requirements for reporting of their performance on meeting statutory time frames for referral responses to the Minister.
- Requirement that referral authorities act expeditiously when responding to referrals from Councils.
- VCAT will now be able to confine consideration of issues in a review hearing to those matters in dispute if all parties agree. This should reduce time taken for officer attendance and preparation at appeals.
- VCAT is now able to make a declaration in regards to interpreting a Section 173 legal agreement requirement.

Officers are now implementing these changes, and will begin preparing for changes taking effect later this year.

**Economic Development****Colac Marketing Strategy**

A review of the Google Analytics for the 'Colac – Life, your way' website identified that visitors to the site are mainly interested in jobs within the Colac Otway area. Work will be done on the Colac website to ensure that visitors are gathering the right information or being led to the right information from the site in regards to jobs. Contact with the local recruitment agencies will assist in making sure that updates to the site are effectively implemented. Council is currently investigating the cost of attaching a 'realestate.com.au' and 'seek.com.au' widget to the Colac website which will assist in helping potential new residents find housing and jobs.

The 2013/14 year for the Colac Marketing Strategy will see a cafés and restaurants campaign and a housing and jobs campaign which is highly targeted to Melbourne and Geelong residents. Attendance at major events within the Shire will also be included as part of the marketing for Colac.

**Business Development**

EDU have been involved in a number of meetings regarding business development. One meeting involved the CEO of Sustain Data company who is planning to set up a super farm in Colac and a number of towns within Victoria. The development proposal is very complex and includes a number of environmentally sustainable practices such as wind, solar and biogas. The next meeting with the company is proposed to include members of Sustain Data's executive team to continue talks on the development and Council is awaiting contact from the company to arrange this meeting.



**Grants**

Member for Corangamite, Mr Darren Cheeseman MP, announced the RDAF Round 5 funding in Colac on Wednesday 14 August 2013. Mr Cheeseman stated that the funding of \$343,989 from the Federal Government to be spent on beautifying Colac's CBD inner eastern entrance, was the first step in implementing streetscape works contained in the Council's Colac CBD & Entrances Project master plan.

This funding will allow for the construction of footbridges across Barongarook Creek which are separated from the traffic along the existing bridge, including links to the Colac Visitor Information Centre and landscaping within Queen and Murray Streets. It will be matched by \$344,000 grant funding from the LGIP program which had already been received by Council, for a total project cost of \$688,000.

Council has also been successful in attracting a grant of \$100,000 from Regional Development Victoria to match Council funding of \$100,000 (total of \$200,000) to fund the preparation of detailed designs for streetscape upgrades throughout the Colac CBD in accordance with the CBD and Entrances Project. This work will put Council in a better position to attract further Government funding for streetscape improvements specified in the Plan in the future.

An application to the State Government through the 'Streetlife Program' was submitted in July 2013 focusing on marketing and social media for retail businesses. The application for \$4,800 will be matched with a contribution of \$1,200 from EDU's Business Development Events budget. The training and development events are planned to be held before the end of the December 2013.

**Tourism**

In July 2013 Colac Visitor Information Centre serviced 2,329 visitors which was an increase of 14% on the previous year. We continue to see more locals visiting our centre to obtain the new Otways Tourism 'Love Our Region' membership card. Currently Colac has issued 290 cards.

Our international trends have shown more visitors arriving from Singapore, United Kingdom and New Zealand. Interstate trends suggest an increase in travellers from New South Wales, Queensland and Western Australia.

During July 2013 the Colac Visitor Information Centre hosted the Working Women's Networking Group meeting, which was a great opportunity to showcase our local tourism product and promote the 'Love Our Region' campaign.

Centre staff have been assisting Camperdown volunteers in the setup of a new Camperdown Visitor Information Centre which opened 2 August 2013.

Visitor Information Centre Coordinators attended the Visitor Information Centre Summit held in Lakes Entrance.

The Great Ocean Road Visitor Information Centre had a total of 8,933 visitors in July 2013, very similar numbers to the previous year. Both phone and email statistics were down slightly with main enquiries being for accommodation as well as general Great Ocean Road information. Retail sales were again very similar compared to the previous year.

The Centre has recently had an electronic V-Line ticketing system installed making ticket sales much more efficient than the previous method of hand writing tickets. This involved two V-Line representatives training staff over two days. The new system has seen the V-Line sales up 20% for July 2013.



General visitation has been steady with a good combination of both domestic and international visitors primarily from the UK, South Australia and New South Wales. An increase of local visitation could be due to the recently launched 'Love Our Region' campaign with over 150 members joining up via the Centre.

Whale sightings, walks & waterfalls, accommodation enquiries and Free WiFi were amongst the most commonly sought information by our visitors coming into the Centre.

### **Forrest Mountain Bike Strategy**

Thompson Berrill Landscape Design has been appointed to develop the Forrest Mountain Bike Strategy Project <http://www.tbld.com.au/>.

An inception meeting was held on 26 August 2013 for the consultants to meet with the project steering group, and to undertake an initial site visit.

### **STIP**

Three projects from this year's Small Town Improvement Program have been proposed to Regional Development Victoria seeking matching grants. Initial discussions have been positive and projects will be staged to balance the workload. These are to include:

- Redevelopment of the old Kwarren Primary School as the Kwarren Community Centre
- Roadknight Street Pathway in Birregurra
- Apollo Bay Foreshore Gazebo on the Apollo Bay Foreshore.

The new Kwarren Community Centre project will upgrade the old primary school building to cater to larger group activities. The upgrade will include the construction of a new kitchen to a registered standard, improvements to access, upgrades to the power supply as well as painting both inside and out.

The Roadknight Street Pathway in Birregurra will be a shared pathway from the railway station to the pedestrian bridge at Atkins Creek. This project is one of the key elements from the recently developed Birregurra Community Infrastructure Plan and will assist with linking the railway station to the main street of Birregurra for both local and visiting cyclists and pedestrians.

The final project is the reconstruction of a gazebo on the Apollo Bay foreshore. The project will require consultation with the local community to identify the priority elements however it is anticipated that the new space will be able to cater for events such as the Apollo Bay Music Festival, the Great Ocean Road Marathon as well as smaller community events. It will also provide access to an upgraded BBQ and picnic area on the foreshore. It is anticipated that there will be significant community input into the project which will showcase the local timber and fishing heritage.

Projects from last year's STIP have all been completed with the exception of the Barwon Downs Combined Community Centre, which is ongoing, and the final installation of the beach shower at the Apollo Bay harbour. Community feedback to the wind break shelter at the Apollo Bay harbour has been very positive.

This year's other projects include the development of a Vegetation and Street Tree Management Plan for Carlisle River, upgrades to heritage signs at Cressy and the carving of two old Cyprus trees in Beech Forrest.



**Advancing Country Towns (ACT)**

Three submissions have been received for the tender for the Skills and Workforce Audit and Workforce Development Planning project. Grant Thornton Australia Limited has been appointed. This company is a national company that provides chartered accountancy and audit services but also has a strong HR consultancy that specialises in workforce development planning.

A partnership agreement has been signed between Colac Otway Shire and Glastonbury Child and Family Services, for the Better Services Early Years and Families initiative.

The launch of the ACT projects will be conducted on 30 August 2013 at COPACC with The Honourable Terry Mulder MP, Minister for Public Transport and Roads.

**Environment & Community Safety****Street Furniture Permits**

Street Furniture renewal forms have been sent to approximately 170 business operators throughout the municipality who take advantage of the ability to display their goods or set up additional tables and chairs on Council owned or managed land for a nominal fee. There is a list of conditions that apply to street furniture to ensure clear pedestrian access is maintained at all times whilst affording traders the opportunity to expand their business operating areas. The annual permits apply from September 1 through to 31 August each year.

**Relief and Recovery Project**

Council received a \$30,000 grant through the National Disaster Resilience Scheme to undertake a project across three municipalities to help improve Relief and Recovery planning and capacity. The grant will help the three Councils review and enhance their respective Relief and Recovery Plans and undertake a joint training exercise involving the activation of an Emergency Relief Centre. Two training events have been run with over forty staff from the three Councils involved. This training has been undertaken to help prepare staff for an Emergency Relief Centre Exercise that will be run in Anglesea on 12 September 2013. The lessons learnt through the exercise will help inform the development of a set of standard operating guidelines for Emergency Relief Centres across the three municipalities. The project is expected to be completed in early 2014.

**Solar Hot Water System Grant**

Council was recently advised that a grant application for \$25,000 under the Local Government Energy Efficiency programme was successful. This funding will enable Council to upgrade the solar hot water services at the Blue Water Fitness Centre as part of the redevelopment. The solar hot water systems will provide significant savings for the operation of the centre and help further reduce Council's carbon output into the future.

**Attachments**

Nil

**Recommendation(s)**

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

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**CORPORATE AND COMMUNITY SERVICES**

| ITEM                     |                                                |
|--------------------------|------------------------------------------------|
| <b><u>OM132808-2</u></b> | <b><u>COUNCILLOR SUPPORT POLICY REVIEW</u></b> |







**OM132808-2****COUNCILLOR SUPPORT POLICY REVIEW**

|             |                                |           |           |
|-------------|--------------------------------|-----------|-----------|
| AUTHOR:     | Colin Hayman                   | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | 11/96037  |

**Purpose**

The purpose of this report is for Council to consider and adopt the revised Councillor Support Policy.

**Declaration of Interests**

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

**Background**

Over a number of months a thorough review has been undertaken of a number of Council policies.

This report includes the review of the Councillor Support Policy that was deferred from the July 2013 Council meeting.

At the July 2013 Council Meeting it was resolved:

***“That Council notes that Policy 18.5 – Councillor Support is to be brought back to Council once clarification has been received regarding the reimbursement of travel allowances.”***

Attached to this report is the revised policy.

**Council Plan / Other Strategies / Policy****Good Governance**

means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

***Our Goal:***

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

The review of Council policies was included in the Council Plan 2009/2013 as a key action and is also included in the 2013/2014 Operations Plan.

**Issues / Options****Change to Policies**

A number of changes have been made to all policies:

- (a) Council Policy header
- (b) Council Plan reference has been deleted as not required
- (c) A table has been added to the end of each policy which provides details of the date of adoption and the date of any amendments to the policy.



As well as these changes, there have been formatting changes made to improve readability of the policies.

Clause 10.2 of the Councillor Support Policy has been amended:

*All claims for allowances or reimbursements including travelling shall be made on a monthly basis. This is to ensure transparency and accountability.*

*Claims for reimbursement of claims for the months of July to May shall be submitted by the close of business of the last business day of the following month.*

*Claims for reimbursement of expenses during the month of June shall be submitted within 7 working days of the end of the financial year.*

*It is the responsibility of Councillors to ensure that claims for reimbursement occur within the stated timelines. Where the timelines are not met, information will be provided to the Mayor and Chief Executive Officer for consideration as to the payment of the claim.*

#### Balance of Council Policies

The balance of Council policies are currently being reviewed prior to further consideration by officers. The policies will then be provided to Councillors for further discussion prior to being presented to Council for adoption.

#### **Proposal**

That Council adopts the revised Councillor Support Policy.

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

There are no additional financial implications in adopting the revised policy.

Requiring the claims to be submitted on a regular basis will ensure the accuracy of information that is included in financial reports and ensure transparency and accountability.

#### **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 review of the Council policy has involved consultation with managers as part of the process of reviewing the policies prior to their being further considered by the Executive.

Feedback was also sought from Councillors on the policy and the amended clause.

As part of the review, policies of other Councils were also taken into account where applicable.

#### **Implementation**

Once adopted Council records and website will be updated with the new policies.



**Conclusion**

The review of Council policies has been undertaken over a period of time.

**Attachments**

1. Policy 18.5 - Councillor Support

**Recommendation(s)**

***That Council adopts the revised Policy 18.5 – Councillor Support.***

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**INFRASTRUCTURE AND SERVICES**

| ITEM                     |   |
|--------------------------|---|
| <b><u>OM132808-3</u></b> | <b><u>ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE,<br/>COLAC</u></b> |







OM132808-3

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

|             |                           |           |           |
|-------------|---------------------------|-----------|-----------|
| AUTHOR:     | Adam Lehmann              | ENDORSED: | Rob Small |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/759   |

**Purpose**

The purpose of this report is to complete the statutory procedure to finalise the discontinuance of a section of right of way to an abutting owner.

**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 below).



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.

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.

Council at its Ordinary meeting of 27 February 2013 resolved the following with respect to this matter:

***“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, instructs 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.”***

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

### **Good Governance**

means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

#### ***Our Goal:***

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

The proposal accords with the Council Policy for Closure of Unused Government Roads, Licencing of an Unused Road or Water Frontage.

### **Issues / Options**

The proposed discontinuance is the preferred option for the following reasons:



- The proposal is in accordance with Council policy
- It is considered that the land is not reasonably required as part of a road
- Council is able to rectify an anomalous situation.
- No objections were received following public notification.

Council could decide to refuse the proposal. However, as the subject parcel of land is presently enclosed it is not feasible to open the road for general public access.

### **Proposal**

It is proposed that Council now make a decision to complete the statutory procedure to execute the road discontinuance. This will involve publishing a notice in the Victoria Government Gazette stating Council's intention to discontinue the subject portion of road. This will occur immediately following the Council resolution.

### **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 for 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 costs incurred will be recovered from the purchaser and 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**

The proposal has no sustainability considerations as there are no environmental impacts.

### **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.

Following the Council meeting on 27 February 2013, the community has been consulted through a public notice published in the Colac Herald on 15 March 2013 inviting submissions in accordance with the statutory procedures described in section 223 of the *Local Government Act 1989*. Relevant Council departments have been notified by way of internal referral. Service authorities have been consulted to determine any requirements for easements. No public submissions were received in response to the public notice.

### **Implementation**

The following is the sequence of actions to occur should the proposed road discontinuance be approved:

- A surveyor will be engaged to prepare a title plan and gazettal plan.
- A notice will be published in the Victoria Government Gazette to formally discontinue the section of road.
- The sale of land will be initiated following Council's *Sale and Exchange of Council Land Policy* and the relevant statutory procedures. This will involve obtaining a current valuation of the land.
- Further reporting will be provided to Council specific to the land sale process.

The proponent will be advised of Council decision.



**Conclusion**

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. As no objections were received, Council should formally discontinue the road and then initiate the land sale process.

**Attachments**

Nil

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

- 1. Determines that the section of road to the north of 1 Bryan Avenue, Colac (Lot 1 TP944155R), shown on the plan included in this report is not reasonably required as a road for public use and therefore resolves to discontinue the road.***
- 2. Directs that a notice pursuant to the provisions of clause 3(a) of schedule 10 of the Local Government Act 1989 be published in the Victoria Government Gazette, to discontinue the section of road to the north of 1 Bryan Avenue Colac (Lot 1 TP944155R) shown on the plan included in this report.***

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**SUSTAINABLE PLANNING AND DEVELOPMENT**

| ITEM                     |                                                                                           |
|--------------------------|-------------------------------------------------------------------------------------------|
| <b><u>OM132808-4</u></b> | <b><u>SALINITY MANAGEMENT OVERLAY - ADOPTION OF AMENDMENT C67</u></b>                     |
| <b><u>OM132808-5</u></b> | <b><u>GREAT OCEAN ROAD REGIONAL TOURISM BOARD</u></b>                                     |
| <b><u>OM132808-6</u></b> | <b><u>REVIEW OF LOCAL LAWS 1, 2 &amp; 3</u></b>                                           |
| <b><u>OM132808-7</u></b> | <b><u>PIRRON YALLOCK RECREATION RESERVE AND SWAN MARSH TENNIS RESERVE MASTER PLAN</u></b> |
| <b><u>OM132808-8</u></b> | <b><u>PLANNING SCHEME AMENDMENT C73 - APOLLO BAY HARBOUR MASTER PLAN</u></b>              |







OM132808-4

**SALINITY MANAGEMENT OVERLAY - ADOPTION OF AMENDMENT C67**

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

This item was deferred from the 24 July 2013 Council meeting as follows:

***“In accordance with casting vote guidelines, the Mayor used her casting vote to vote in the negative and deferred the item to the 28 August 2013 Ordinary Council meeting.”***

**Purpose**

The purpose of this report is for Council to consider the recommendations of the independent Planning Panel for Amendment C67 (Salinity Management Overlay) which considered submissions to the amendment, and for Council to adopt the amendment. The item was unable to be determined at the July meeting due to a 3-3 tied Councillor vote on an alternative motion by a Councillor.

**Declaration of Interests**

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

**Background**

Amendment C67 seeks to introduce the Salinity Management Overlay (SMO) to areas of the Shire that have been mapped as at risk from the effects of salinity by the Corangamite Catchment Management Authority (CCMA) and the former Department of Primary Industries (DPI) through a regional salinity mapping project.

**What does Amendment C67 propose to do?**

Amendment C67 introduces the SMO and Schedule at Clause 44.02 and the associated maps into the Colac Otway Planning Scheme. The mapped area identifies:

- Naturally occurring saline lakes and wetlands;
- Areas of secondary salinity where salinity is a threat to land productivity and built structures; and
- Buffer areas where salinity has the potential to impact on future development due to the presence of shallow groundwater tables.

The Amendment proposes to change the Planning Scheme by:

- Amending Clause 21.04 – “Environment” and Clause 21.04-4 – “Salinity” specifically by adding additional references to the extent of salinity in the Shire within the “Overview”. It also proposes the inclusion of additional “Objectives and Strategies” that seek to avoid salinity impacting on development and development impacting on the extent of salinity as well as ensuring that major land use change does not expand the impacts of salinity. A map showing “Areas of Potential Salinity Impacts” is also introduced at the end of Clause 21.04.



- Amending Clause 21.06 by deleting the reference to considering the need for a Salinity Management Overlay in the Planning Scheme as this amendment responds to this action.
- Amending Clause 21.07 – “Reference Documents” to include the following reports and documents under “Environment”:
  - Salinity Management Overlay Project Report, EnPlan-DBA with Dahlhaus Environmental Geology and Chris Harty Planning and Environmental Management, Corangamite CMA, 2006.
  - Colac Otway Shire – Salinity Management Overlay Salinity Occurrences and Mapping Background Report No 2, Dahlhaus Environmental Geology Pty Ltd, 2006.
  - Colac Otway Shire - Salinity Management Overlay Review of Mapping Boundaries, Dahlhaus Environmental Geology Pty Ltd, 2012.
  - Permit Application Requirements for Development Proposals where a Salinity Management Overlay Applies. EnPlan, 2006.
- Introducing Clause 44.02 “Salinity Management Overlay” and a Schedule to the Clause. The Schedule provides permit exemptions relating to vegetation removal and construction or extension of small non-habitable buildings.
- Introducing new SMO overlay maps identifying salinity affected areas and buffers.

#### Why is Amendment C67 required?

Amendment C67 is required to introduce the SMO. The SMO is an important tool to identify areas that experience salinity or have the potential to be affected by salinity within the lifetime of a development (usually 30-50 years) due to rising groundwater tables. Salinity can be a serious threat to assets, such as buildings, roads, underground infrastructure and gardens, can reduce the productivity of farming land, or can affect the quality of waterways.

The introduction of the SMO into the Planning Scheme is founded on Council obligations, as a planning authority, under both the *Planning and Environment Act 1987* and the State Planning Policy Framework.

Section 12(1)(c) of the Act states that the duties and powers of a planning authority include regularly reviewing the provisions of the planning scheme for which it is responsible. Salinity is a land management hazard that can impact upon land productivity and development. Given that Council is now aware of the presence of salinity risk within areas of its municipality it is obligated to act to plan and manage salinity as a land management hazard under its planning scheme.

The requirement for Council to act, under its planning scheme is further supported by the State Planning Policy Framework under:

“Clause 13.03-3 Salinity – The policy encourages the identification of areas subject to salinity in the preparation of planning schemes to minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance.”

The SMO is the planning tool developed by the State Government for this purpose and is used in other municipalities such as Surf Coast Shire, City of Ballarat and Golden Plains Shire.



### History of the Amendment Development

The Project was commissioned by the Corangamite CMA as part of its responsibility for implementation of the *Corangamite Regional Catchment Strategy* and the *Corangamite Salinity Action Plan*. The CCMA is responsible for strategic planning and advice on land and water resources, the monitoring of and reporting on resource condition, and undertaking statutory responsibility for waterways and floodplain management under the Water Act (1989).

The CCMA secured \$260,000 from the National Action Plan for Salinity and Water Quality to develop planning tools to combat the impact of salinity in the regional landscape.

The *Corangamite Salinity Action Plan* outlines the need to alert local government planners of salinity risk within their municipality. The Plan recommends the introduction of SMOs where:

- local government has identified future growth corridors
- salinity currently exists or it is predicted to appear in the future (Corangamite Salinity Action Plan, p67)

By 2005 the CCMA developed plans with local government to guide infrastructure placement and urban subdivision, and in 2006 baseline mapping on all urban salinity was undertaken to provide information to local government and other asset managers.

Colac Otway Shire accepted a proposal to partner with the CCMA to develop and implement a SMO that supports Council with:

- Appropriate municipal planning in identified high risk saline areas
- Protecting municipal assets from the impact of salinity
- Providing a consistent framework throughout the Corangamite region to manage both primary and secondary salinity.

The purpose of the project was to guide decision making in any development in salinity prone areas. The project effectively assists Council to protect community infrastructure and assets including roads, buildings and agricultural production whilst reducing potential exposure to litigation.

A consortium of EnPlan-DBA with Dahlhaus Environmental Geology Pty Ltd and Chris Harty Planning and Environmental Management was engaged to conduct the project. The establishment of a project sub-committee involved strategic planners from the four participating councils (Colac Otway Shire, Surf Coast Shire, Golden Plains Shire and Corangamite Shire) representatives from the former Department of Primary Industries (DPI) and the appointed consultants.

Mapping of salinity has involved a combination of past work by Government agencies that ranges in age from the 1970s to 2005. In 2005 staff from the DPI interrogated existing salinity databases and identified and mapped salinity discharge areas across the Colac Otway Shire using a range of methods, including review of previous mapping studies, aerial photograph interpretation and ground truthing (through visual inspection of sites, identification of vegetation indicators and limited soil tests). DPI mapped the location and boundaries of saline areas, identified whether they are primary or secondary in nature and determined the degree of severity. This mapping process was undertaken in the second half of 2005.

Mapping of salinity and areas to which the SMO is proposed to be applied under the amendment has been through a number of iterations. Initial salinity mapping was compiled by DPI in 2005, followed by mapping for application of the SMO and definition of buffers



around saline areas to which the SMO is applied by Dr Peter Dahlhaus of Dahlhaus Environmental Geology Pty Ltd in 2006.

The mapping has been further reviewed over a period from 2010 to 2012 following the acquisition of more detailed mapping derived from high resolution terrain data collected for the Shire using airborne light detection and ranging (LiDAR).

This data was used to develop a high resolution digital elevation model (DEM) for use in refining the boundaries of the buffer for the SMO. DPI, CCMA and Dahlhaus Environmental Geology Pty Ltd have all worked on this refined mapping over the last few years to improve the accuracy of not only the sites of saline ground and its extent but also that of the buffers around areas of salinity.

The resulting SMO 'product' consists of overlay maps that apply to both primary and secondary salinity areas and a buffer zone around these areas to allow for the possible expansion of salinity over the next 30-50 years due to rising shallow groundwater tables. The width of the buffer areas is based on the slope of the land, using a high resolution DEM that utilises airborne LiDAR and groundwater level records from the past 25 years.

The identification and mapping of sites of salinity has been specific, resulting in the application of the SMO in a targeted, site specific manner. The appearance of the application of the SMO is similar to a series of spots which reflects how targeted the overlay is proposed to be applied within the Shire.

On land covered by the SMO a permit is required to construct a building or carry out works, to remove some forms of vegetation and to subdivide land. Avoiding building in a saline area is the preferred strategy. Where alternative development sites are available they should be used. Where building in a saline environment cannot be avoided various building standards and products can be used, such as damp proof slabs, salt resistant bricks and concrete, non-metal pipes, and sites can be revegetated to reduce groundwater recharge. The overlay does not necessarily prevent the use and development of land, but rather ensures that the risks associated with salinity are properly taken into consideration. The overlay will inform future planning and enable better land use decisions by ensuring landowners, developers and Council are aware of any potential salinity problems.

Importantly Surf Coast and Golden Plains Shires have already been successful in implementing a SMO based on mapping developed through the same project and using the same methodology. Senior officers from both Shires have indicated that the overlay has operated smoothly with no evident impacts on agricultural activities. Surf Coast Shire has advised that the overlay at best triggers between 5-10 permit applications per year, representing a very minimal burden on land owners.

#### Amendment Status

On 23 September 2009, Council resolved to request the Minister for Planning to authorise Council as the Planning Authority to prepare Amendment C67. The resolution was subject to updated mapping being provided to Council by the CCMA. As noted above, the mapping was updated by applying the use of higher resolution terrain data (LiDAR<sup>1</sup>) and improved Geographic Information System (GIS) and Digital Elevation Modelling (DEM) methods to more accurately reflect the extent of salinity hazard. The updated mapping was received early in 2012 and the planning amendment maps were prepared to form part of Amendment C67.

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<sup>1</sup> Light Detection and Ranging – an aircraft based laser system for accurately measuring elevation.



On 23 October 2012, the Minister for Planning authorised Council as the Planning Authority to prepare the Amendment (Authorisation No. A02414). Amendment C67 was exhibited for 7 weeks between 1 November 2012 and 20 December 2012 and received 12 submissions, including:

- Four (4) submissions from statutory/referral authorities offering no objection to the Amendment
- One (1) submission in agreement with the Amendment
- Seven (7) submissions objecting to the Amendment.

The primary issues raised in the submissions can be summarised as follows:

- The accuracy and extent of the mapped areas, particularly the width of the applied buffer zones.
- The appropriateness of the overlay in addressing salinity with respect to building construction.
- Impacts on Council resources and liability.
- The potential reduction in property values and the potential effect on development opportunities.

Council resolved on 23 January 2013 to refer all submissions to an independent planning panel. The panel sat for one day on 19 April 2013 and heard from Council including its expert witness Dr Peter Dahlhaus from Dahlhaus Environmental Geology Pty Ltd and one submitter who had requested to be heard (Mr Robert Missen). Council received the panel report dated 6 June 2013 (**Attachment 2**) and it was released publicly on 17 June 2013.

As noted later in the report 9 land owners lodged a written submission after the notification period and the independent panel hearing. Issues raised in these submissions are discussed in the report below.

### **Council Plan / Other Strategies / Policy** **A Healthy Community and Environment**

Actively connects and includes people of all ages and backgrounds and promotes a healthy and vibrant community life in a clean, safe and sustainable environment.

#### *Our Goal:*

Respect cultural differences, support a diverse range of healthy and creative activities, foster community safety and promote environmental sustainability.

This amendment also relates to the former 2009-13 Council Plan (Land Use and Development). In making the proposed changes the amendment has supported the actions in that Plan:

- *“Regularly update and improve the Colac Otway Planning Scheme through Planning Scheme amendments”.*
- *“Ensure that environmental risks are adequately addressed for new development and land use”.*
- *“Introduce a Salinity Management Overlay to affected areas”.*

It is considered that Amendment C67 will assist in the achievement of the Council Plan’s directions.

The application of a Salinity Management Overlay is also one of the key actions of the Two Year Action Plan adopted by Council to implement its Environment Strategy.



**Issues / Options**

Overall, the Panel supports Amendment C67 and recommended it should be adopted generally as exhibited subject to the following recommendation:

*“Adopt the changes to the Salinity Management Overlay as shown in the submitter casebook in the Hearing with the exception of Mr Missen’s property at 140 Eurack Road, Beeac. At this property the final boundaries of the overlay should be determined after a further review; but using the same methodology as used elsewhere in the Amendment.”*

The further review of Mr Missen’s property was conducted on 1 July 2013 and revised mapping is shown in the report developed by Dr Dahlhaus (**Attachment 3**). The following changes have been made to the SMO boundaries:

- 1) Removal of the SMO covering the small land depression north of Eurack Road. The depression was originally mapped as a semi-permanent saline wetland (salt pan) by Andrew Corrick (1982) and included in the 1994 Corrick Wetlands GIS layer (DSE 2004). Corrick’s mapping relied heavily on aerial photograph interpretation (1970s & 1980s) and it is unlikely that the classification of this particular feature was validated on the ground at the time.
- 2) The salinity mapping south of Eurack Road has been adjusted to better fit with the topography, soil texture and field observations, and consequently, the SMO boundary has also been slightly changed.

In its consideration of Amendment C67, the Panel identified the following key issues in its report:

- Planning Context
- Methodology behind the SMO
- Individual properties subject to submissions.

**Planning Context**

The Panel was supportive of the strategic basis to Amendment C67 and its support for implementing sound planning in Victoria. The Panel concluded:

*“The Panel considers that the Amendment is supported in State policy by identifying areas at risk of salinity and then seeking to develop appropriate local policy to support the application of the specific tool, the SMO.*

*The Panel notes the long history of development of the strategic and technical studies behind the Amendment and considers that the approach in principle is sound. The exemptions in the SMO head clause and schedule should help to ensure that minor planning proposals are not subject to unreasonable assessment.*

*The Panel also notes that Council has included a reference document that is a guide for applicants and Council officers. Whilst not a statutory part of the Planning Scheme, this should assist with the requirements for where a permit is required.*

*The Panel has reviewed the clauses to be changed and/or included in the planning scheme and considers that the drafting is acceptable.”*



Methodology behind the SMO

The methodology used to produce the mapping for the SMO and the accuracy of the mapping was questioned at the Panel Hearing and was considered by the Panel. The Panel concluded:

*“The Panel considers the methodology used should be considered as best practice and accepted as the basis of the SMO. Where the methodology has been challenged on individual properties, only minor changes have resulted which do not, in the Panel’s view, go to the integrity of the methodology in general.*

*Based on the evidence of Dr Dahlhaus, Council should consider a review of some of the mapping at Mr Missen’s property.”*

The Panel directly responded to the question raised by submitters as to the need to revisit and re-map all areas affected by the proposed SMO mapping because of the small changes to some of the mapped SMO areas when investigated in response to submissions on the amendment. The Panel did not accept this view for the following reasons:

*“Firstly it was feasible to review a very small number of properties in response to submissions, but it would not be financially viable or in the broader public interest to undertake such a review of all mapped properties for such a ‘small return’ in terms of changes.*

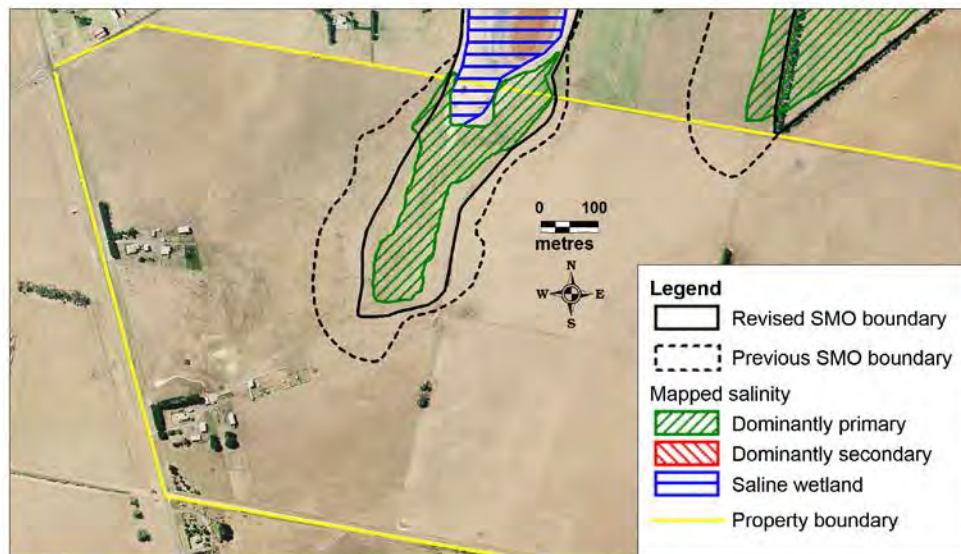
*Secondly, there is not any particular technical evidence that the methodology is flawed to the extent that such a review is warranted. Indeed to the contrary, the Panel was presented with evidence that the methodology is sound in principle and the best available at this time.*

*Thirdly, the Panel is satisfied that there is adequate discretion and flexibility through the planning permit process to address any proposals on the margins of the mapped salinity areas.*

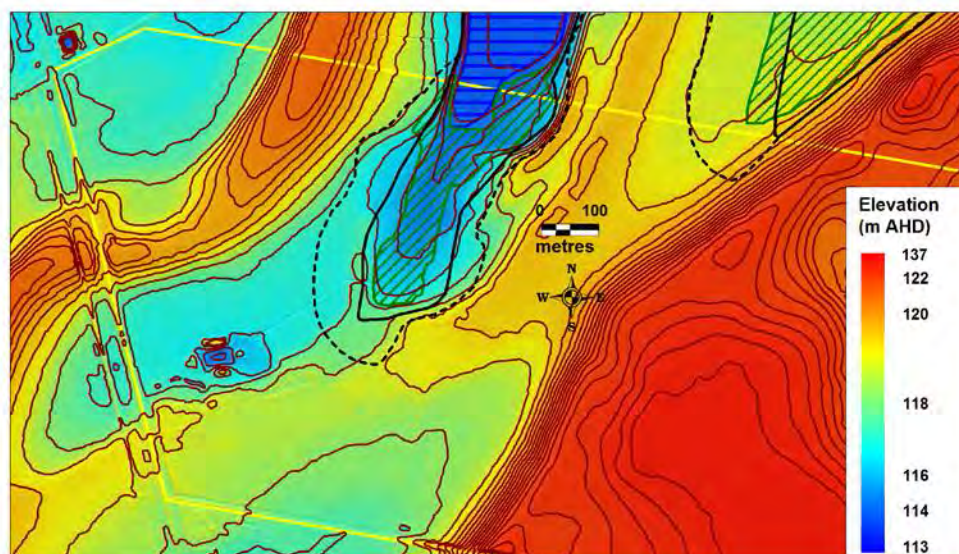
*The review of properties of submitters who raised concerns about the accuracy and extent of the overlays on their properties led to very small changes to the proposed SMO boundaries. This was based on observations made at the time of the inspection and the outcomes of salinity management works undertaken by landowners. The changes also reflected changes to the groundwater table that have occurred. To a large extent the actions taken by land owners to manage secondary salinity have been successful but there is a question as to whether they will continue to manage the issue if there is a run of above average wet years. The SMO would provide a risk management framework to manage such impacts.”*

It is considered the above reasoning of the Panel is sound and confirms that the methodology used to develop the SMO mapping is best practice. Further to the panel’s comment regarding the financial viability of a review of all mapped areas, the cost of completing this work has been estimated at \$250,000. The Panel has clearly indicated that there is not the public benefit required to justify this expenditure. Secondly Council does not have the budget available to undertake this work. An example of the minor changes recommended by Dr Dahlhaus as a part of his assessment of submitters property is shown in Figure 1.





2007 aerial image (Corangamite CMA - DSE)



2007 LiDAR digital elevation model (Corangamite CMA - DSE)  
50cm contour interval  
Histogram equalisation colour stretch

Figure 1. Revised SMO boundaries on a Beeac property following inspection and review by Dr Dahlhaus.



Individual properties subject to submissions

In response to submitters who expressed concern over the mapping of the SMO and the boundaries of the Overlay on their respective properties, Council appointed Dr Peter Dahlhaus to conduct individual site inspections and revisit the SMO mapping as required. The outcome in all cases was that salinity was present and that changes to the mapping were small and generally associated with the application of buffers.

The Panel concluded that the changes recommended by Dr Dahlhaus were acceptable and should be adopted as part of Amendment C67. The Panel further recommended that Mr Missen's property be revisited to review the SMO boundaries, using the same mapping methodology, to determine final boundaries of the Overlay.

Matters that have arisen since the Panel Hearing

Since the Panel Hearing in April, 9 landowners affected by the proposed SMO have raised concerns that the application of the SMO is inaccurate and will prevent the on-going use of the land for agriculture without the requirement for a permit.

The following addresses issues raised with Council after the Panel hearing that have not been addressed in detail earlier in the report:

- ***Negligible Impacts on Agriculture***

It is important to note that the application of the SMO does not prevent the on-going use of the land for agricultural purposes and in particular does not affect the use of the land for irrigation. The SMO is an overlay control that is limited to a permit trigger for buildings and works, some vegetation removal and subdivision. This does not include the use of land for irrigation or the planting of deep rooted perennial pasture plant species. Traditional agricultural activities such as cropping, grazing, ploughing, deep ripping and delving of the soil do not trigger a planning permit under the overlay, nor would removal of vegetation which has been grown for animal fodder.

Following discussions with land owners officers have agreed to further modify the SMO Schedule to exempt the need for a permit for any earthworks which do not increase the height of the topography of the land by more than 200mm, and to allow cutting or removal of vegetation associated with agriculture within 30m of a waterway. Both changes will remove unnecessary planning permit requirements which do not have any impact on the intent of application of the overlay, and respond to concerns that permits may have been required for holes dug as part of irrigation or silage storage practices, and that farmers would not have been permitted to continue grazing or cropping adjacent to waterways without a permit. These changes are reflected in the officer recommendation associated with this report.

The role of the SMO is to ensure that salinity is considered through a permit process and it cannot prohibit outright any development. The application of the SMO is targeted in nature; hence there is significant opportunity for potential applicants to avoid triggering a permit by siting development outside of SMO affected areas.

One farmer has also expressed concern that his cropping associated with agricultural research and trialling of new seed varieties may be jeopardised by the application of the overlay. Officers do not agree however that the overlay in itself will determine whether these activities can occur, rather it will be the capacity of the land and soils on a property which influence whether these activities are supported by companies undertaking this work.



- ***Negligible Additional Permit Requirements***

It is important to note that the application of the SMO is largely directed to low lying and flood prone areas where there is often an existing Land Subject to Inundation Overlay (LSIO) and/or Environmental Significance Overlay Schedule 2 (ESO2) – although there is not a direct correlation between these overlays. A permit trigger for buildings and works already exists under these overlays, hence the SMO is unlikely to trigger many additional permits but instead it will ensure that salinity is considered through the existing permit process.

The SMO is accompanied by a local Schedule which includes additional permit exemptions to ensure that minor works do not require a permit. As noted earlier, officers are recommending further exemptions from permit requirements relating to earthworks and cutting grass adjacent to waterways as a result of land owner discussions. This Schedule has more exemptions than neighbouring municipalities which have the SMO in place, Golden Plains Shire (which has no permit exemptions in a Schedule), and Surf Coast Shire. A wider review of SMO Schedules across the State has revealed that the proposed Schedule for Colac Otway Shire has more exemptions from permit requirements than most other Councils. Importantly, Surf Coast Shire, which is most comparable in its geography and land use, as well as the SMO Schedule in place, has advised of a very low number of permits triggered under the SMO since it was introduced, indicating its success in only triggering permits for those things where there is a legitimate interest in avoiding salinity impacts (such as houses and larger buildings).

The new permit exemption being recommended for earthworks will bring it into line with the same exemption currently in place across many of the submitter's properties in the Land Subject to Inundation Overlay, further minimising the need for planning permits under the SMO beyond what are already triggered through other overlays.

The amendment also includes a “ready reckoner” to further assist in reducing onerous permit application requirements for more simple forms of development. The SMO schedule has been designed to minimise unnecessary complications whilst retaining a process under which serious impacts either from, or on salinity, can be planned for, considered and assessed by both an applicant and Council. Referral authorities are involved to support Council with expertise in the permit application assessment process.

- ***Inadequacy of Building Act to Appropriately Consider Salinity***

One late submitter (who had lodged an original submission during the exhibition process which was considered by the Panel, but who did not attend the panel hearing) has claimed that there is no need for an SMO due to the alleged ability of the Building legislation to ensure salinity is considered at the building permit stage. The Panel, whilst not dealing with this issue in any great detail in its report, did not support this person's views.

It is both the Council officers' opinion (including that of the current Municipal Building Surveyor), and that of the Panel, that the building permit system does not appropriately respond to the risk of salinity. This issue was considered in depth by Shire officers before recommending that Council proceed with an amendment to introduce the SMO given the desire to avoid unnecessary planning controls over land. In addition, the overlay encourages siting of buildings outside saline areas in the first instance, which is a preferable outcome, and contains requirements relating to subdivision and vegetation removal which are not addressed through building permit processes.



- ***Accuracy of Mapping***

As indicated earlier, one of the key concerns raised by land owners after the Panel hearing has been the accuracy of the mapping. It is acknowledged there could be minor inaccuracies in mapping of the overlay (this cannot be avoided in a project undertaken at such a broad level), and this was reflected in the comments of the Panel which considered submissions to the amendment. As noted earlier in the report, Council does not have the financial capacity to undertake further on-site review of individual's properties, and it is obvious from the small number of on-ground inspections undertaken for submitter properties to date that only minor inaccuracies have been identified.

The Panel clearly indicated that the methodology used to generate the mapping is considered best practice, and has been accepted by it as the basis for the SMO. The Panel concluded it would not be in the public interest to undertake more on-ground inspections of land due to the significant financial cost of investigating every property in the area.

Officers have relied upon information and advice from an expert in salinity and soil science (ie Peter Dahlhaus) when considering submissions and issues raised in regards to the proposed SMO mapping. Data sourced to determine ground water levels in the region has included water readings from bores on submitter's properties and nearby land obtained from the 'Valuing Victoria's Groundwater' (VVG) web site. Whilst submitters have queried the need for an SMO on land which is cropped and grazed successfully in the past and does not show evidence of salt, officers (supported by advice from Mr Dahlhaus) are confident the overlay is generally being applied to areas of shallow ground water, where there is a future risk of rising water tables dependent on use and management of the land. The SMO mapping project relied on data indicating that water tables in mapped areas are less than 5m from the surface.

It is accepted that many of the areas subject to the new SMO have been farmed productively for many years, and salt intolerant species have been established. This does not mean that given the shallow water tables, there is not some risk of future changes in the water level and potential for damage to structures or the environment which at least warrants consideration through a planning permit process.

It is not unexpected that the water being used by property owners for irrigation is fresh water, and that some of the wetlands mapped in the SMO contain fresh water. Such places have been included in the SMO due to the relatively shallow water tables which raise the risk of future salinity hazard.

- ***Impact on land values***

One of the key concerns has been in relation to the impact of the overlay on land values for farming properties. This is not a valid consideration for the amendment, but in any case, there is no evidence that the amendment would have any significant impact on values. Persons purchasing land with an SMO will investigate the agricultural capacity of the land and the income derived from it, rather than making decisions to purchase or not based solely on a single planning control, which exists on the site amongst others.



- **Public Notice Adequate**

Regarding persons now expressing concerns post Panel Hearing, it is considered Council has acted in a fair and transparent manner and beyond legislated requirements in exhibiting Amendment C67.

Council gave 7 weeks instead of 4 weeks' notice and sent notices to all affected landowners when under normal circumstances, it would have been sufficient to have published additional notices in local newspapers given the number of properties affected by the amendment. Persons affected by the amendment had an opportunity to make a submission and be heard by the independent Panel appointed by the Minister for Planning. All persons who have claimed not to have received notice of the amendment were sent a notice at the beginning of the submission period.

Council has the options of:

- a) Adopting the amendment as exhibited
- b) Adopting the amendment with changes
- c) Abandoning the amendment.

Amendment C67 has been processed in a fair and transparent way in accordance with Council policy and State legislation. Given the support of the Panel Report, the considerable time and financial investment thus far and the associated risk to Council it is not recommended to consider abandoning the amendment.

### **Proposal**

It is proposed that Council, having considered the recommendations of the Panel Report, adopts the amendment with minor changes that respond to the Panel's findings and minor refinements suggested by officers in response to land owner concerns, and requests the Minister for Planning to approve the amendment.

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

Costs associated with Amendment C67 were funded in the 2012/13 Strategic Planning Programme budget, including an amount set aside for Panel fees. The cost of staff time administering the amendment is mostly being borne by the State Department of Transport, Planning and Local Infrastructure (DTPLI) through the Rural Planning Flying Squad program, which has reduced the cost to Council of the amendment.

It should be emphasised that Council planning staff and senior management have spent significant hours talking to members of the community on this amendment, and in liaising with Councillors, consultants and other agencies to address land owner concerns, particularly in the period since receipt of the Panel report.

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

The Council received grant funding from the CCMA in 2004 under the federally funded National Action Plan for Salinity and Water Quality and agreed as part of the project to undertake a planning scheme amendment to implement a SMO. Council has an obligation to uphold this agreement, and whilst it could resolve not to proceed, Council would risk damaging its relationship with the CCMA and the potential for future funding from that agency.

If Council chooses not to introduce a SMO, there is potential that Council could be held liable in the future if built structures such as dwellings are damaged by salinity, and it is found by a court that Council had knowledge of the land being salinity affected and didn't introduce a



planning control to appropriately recognise this risk, and ensure that appropriate measures are undertaken to address the issue.

There has been an instance in a nearby municipality where residential development has been permitted in an area affected by salinity, raising questions by land owners of why they were not advised of the risk to future buildings on that land. The longer that Council is in possession of salinity mapping that sits outside of the Planning Scheme, the risk of later actions being brought against Council is increased.

There is a risk of adverse reaction from the community to increased planning controls over their land as demonstrated by the response to the amendment. Whilst this is understood, it is important that Council appropriately manages its risks as noted above and fulfils its responsibility as a Planning Authority.

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

The introduction of an SMO would have positive effects on the environment by discouraging development in salinity affected areas, and encouraging the planting of vegetation and other measures associated with development applications that would aim to minimise environmental damage from salt rising to the ground surface.

There are already indications that climate change is changing ground water levels through prolonged periods of dry weather and unseasonal flooding and it is unclear how this will impact on salinity of the soil in the long term if these trends continue.

### **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 consult, through public exhibition of the amendment. Amendment C67 was exhibited for 7 weeks between 1 November 2012 and 20 December 2012. Advertising of the amendment included:

- Notices sent to affected landowners (approximately 586 individual notifications)
- Advertisements were placed in the Colac Herald, Birregurra Mail and Apollo Bay News sheet
- Media releases at various times.

There were 12 submissions received prior to the independent Panel hearing. Site inspections were conducted with submitters who expressed concerns regarding the accuracy of the mapping with a view to ameliorating concerns. The submitters were given the further opportunity to have their issues heard and considered by the planning panel. Only one submitter requested to be heard at the Panel Hearing. This Panel has now delivered its report and recommendations.

As noted earlier in the report a total of 9 persons, who had not previously lodged a submission, have written submissions to Council opposing the amendment since the Panel Hearing in April. Whilst these persons missed the opportunity to have their concerns heard by the Panel, officers have investigated issues raised and responded to many of the individual submitters.

### **Implementation**

The Minister for Planning will be requested to approve Amendment C67 with changes. Following this the changes will then become part of the Colac Otway Planning Scheme. Submitters to the amendment will be notified of Council's decision.



**Conclusion**

This report represents the conclusion of a comprehensive strategic planning process, commencing in 2006 through the CCMA's Salinity Management Overlay Project, followed by the 2012 mapping review and update, and concluding with this amendment. All submissions have been considered by an independent Planning Panel. The Planning Panel Report has been received and confirms the strength of the amendment, the requirement for the SMO and supports the methodology for the associated mapping.

It is understandable that land owners are seeking to avoid the application of an overlay over their land relating to salinity. It is considered however that the overlay is necessary to appropriately address salinity risk in terms of damage to the environment, buildings and infrastructure. Every effort has been made to arrive at a control which will have least impact on farming operations and which will have even more permit exemptions than the SMOs in neighbouring Shires where the control has operated with minimum impact for several years. The recommendation to Council is to support the Panel recommendations and adopt the amendment with minor changes.

**Attachments**

1. Amendment C67 Exp Report Ordinances Maps
2. Colac Otway C67 Panel Report
3. Missen SMO Changes Report Dahlhaus July 2013

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

1. ***Adopts Amendment C67 with the following changes:***
  - a. ***Mapping alterations proposed by the Panel that adopt the changes to the Salinity Management Overlay as shown in the Amendment C67 Expert Report Ordinances Maps and include the post exhibition changes presented to the panel and the post panel changes identified for Mr Missen's property.***
  - b. ***Changes to the Salinity Management Overlay Schedule to:***
    - i. ***Remove the permit requirement for removing, destroying or cutting grass associated with use of land for agriculture within 30m of a waterway; and***
    - ii. ***Insert an additional permit exemption for earthworks that do not raise the ground level topography by more than 200mm.***
2. ***Forwards the adopted amendment to the Minister for Planning for approval.***

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**OM132808-5****GREAT OCEAN ROAD REGIONAL TOURISM BOARD**

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

**Purpose**

The purpose of this report is to seek Council's endorsement of an agreement reached between the Chief Executive Officers (CEOs) of the local government areas that make up the Great Ocean Road Tourism Region, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board in regard to the formation of the Great Ocean Road Regional Tourism Board (RTB).

**Declaration of Interests**

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

**Background**

During 2007/08 Tourism Victoria undertook a review of Regional Tourism that included extensive consultation with the industry and Local Government stakeholders. The review resulted in the release in December 2008 of the State Government Regional Tourism Action Plan (RTAP) 2009 – 2012.

The key focus of the RTAP is to establish Regional Tourism Boards (RTBs) to address the following areas:

- Improve Regional Industry Structures
- Improve supply and quality of regional tourism experiences
- Increase consumer demand for regional tourism experiences
- Address skills, service standards and environmental sustainability

The method of determining the structure of the RTB was to be through an Implementation Committee consisting of Local Government and Tourism Industry representatives with Tourism Victoria. Over a period of months, many meetings and a number of proposed options, the Implementation Committee was not able to come up with an option supported by the whole Committee. To resolve the matter it was agreed that an Interim Great Ocean RTB be set up representative of the municipalities and peak industry bodies in the region. This Board was charged with the preparation of a draft Strategic Business Plan for the establishment, strategic objectives, priorities, governance and operation of a Great Ocean Road RTB.

In December 2012, the Interim RTB delivered its final report. The majority of Great Ocean Road regional Councils did not endorse this report. Colac Otway Shire Council adopted the following resolution:

***“That Council does not endorse the Great Ocean Road Tourism Interim Regional Tourism Board, Report to Stakeholders’ Dec 2012 and writes to Tourism Victoria with the following recommendations:***



- *That Local Government funding contributions are set at current levels and costs to Council do not increase. Any increase over these levels be through collective negotiation with the member Councils along with associated levels of service increases.*
- *That all staff of current regional tourism organisations be seconded to the new structure without loss of entitlements.*
- *That the CEO be appointed through an independent open and competitive recruitment process.*
- *That Colac Otway Shire retains the Colac and Great Ocean Road Visitor Information Centre at Apollo Bay and their respective staff.*
- *That Colac Otway Shire retains the Tourism Development Officer position.*
- *That, if established, the RTB undergo a process to evaluate the benefits of discarding the traditional membership subscriptions model of industry and that it consults with member municipalities before a final recommendation is made.*
- *That if established the RTB, in response to local demand, strengthen the Great Ocean Road brand by limiting its use to appropriate areas within the wider region e.g. Surf Coast, Colac Otway and Corangamite Shires and allocate substantial funds for the marketing of the Great Ocean Road/Otways region.*
- *That the overall funding model be adjusted to allow for a decrease in the City of Greater Geelong's contribution to a level that excludes their events and marketing budget.*
- *That this shortfall in the budget be made up through an increased contribution by Tourism Victoria."*

Following the rejection of the 'Great Ocean Road Tourism Interim Regional Tourism Board, Report to Stakeholders', by the majority of regional Councils, a further process involving the CEOs of the local governments in the Great Ocean Road Region, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board was set in place. This report articulates the agreement reached by this group and the changes this has made to the proposal for a new Great Ocean Road RTB.

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

#### **A Planned Future**

creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

#### *Our Goal:*

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

#### **Issues / Options**

The process for the establishment of a Great Ocean Road RTB has been lengthy and difficult. This has been due to a number of factors but most significantly the failure to propose a structure for the board and an operational model on which the respective regional Councils could agree and the failure of Tourism Victoria to provide a satisfactory financial model to sustain the Boards operations.

Colac Otway Shire has consistently put the position that the Regional Tourism Board should be:

- Representative of not only the tourism industry through skills based appointees but also of the local governments that would provide a major proportion of the funding



- Supported by a long term State Government funding agreement
- Sustainable without unduly increasing the burden on local government
- Led by a Chief Executive appointed through an independent open recruitment process.

The Interim Great Ocean Road Tourism Board recommendations were as follows:

| <b>Recommendation</b>   |
|---|
| 1. That a new Regional Tourism Organisation (RTO) and Board be established for the geographic area of South West Victoria incorporating the Local Government Areas (LGA's) of Greater Geelong, Queenscliffe, Golden Plains, Surf Coast, Colac Otway, Corangamite, Warrnambool, Moyne and Glenelg.   |
| 2. That the RTB be established as a Company Limited by Guarantee with the LGA Councils as its shareholders.   |
| 3. That Structure Option 2 (Fully Integrated) be implemented.   |
| 4. That the name of the RTB be South West Victoria Regional Tourism Pty Ltd (SWVRT) to represent the geographic reach of the region beyond the Great Ocean Road.  |
| 5. That the board of SWVRT be as follows: <ul style="list-style-type: none"> <li>• LGA x 4 (2 x G21 Councils &amp; 2 x GSC Councils) - Councillors or Officers</li> <li>• Industry/Skill based x 5</li> <li>• Independent Chair x 1</li> <li>• Tourism Victoria, Parks Victoria and Regional Development Victoria be invited to nominate a senior executive as ex officio representatives</li> <li>• The independent Chair and industry/skill based Directors be appropriately remunerated.</li> <li>• All positions to be for 3 years with 3 members retiring annually to provide for continuity and renewal. Skill and industry positions to be appointed via an expression of interest process. The Independent Chair to be appointed by Tourism Victoria in consultation with Local Government shareholders.</li> </ul> |
| 6. That formal 3 Year Agreements between SWVRT and its shareholders/stakeholders (performance based) be negotiated, to provide for both ongoing (BASE) and value added resourcing contributions.  |
| 7. That the Competitive Financial Model contributions be applied in year 1, in addition to transferred resources, with progression to the Optimum Model over 3 years.   |
| 8. That the RTB prepare a Strategic Business Plan for the region, based on the vision, mission, objectives and strategic goals developed by the Interim Regional Tourism Board. The plan to incorporate the Great Ocean Road Destination Management Plan and the progressive preparation of Tourism Destination Plans for the regions' specific local destinations.   |



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|---|
| <p>9. That the core roles of the RTB be:</p> <ul style="list-style-type: none"> <li>• Strategic tourism planning for the development, marketing and management of the region.</li> <li>• Cooperative marketing for the region and its destinations.</li> <li>• Identification and facilitation of infrastructure, product and industry development priorities and initiatives for the region and specific destinations, in collaboration with stakeholders.</li> <li>• Advocacy for the sustainable tourism development, marketing and management of the region.</li> <li>• Discretionary tourism development, marketing and management functions, services and projects for LGA shareholders as delegated and agreed.</li> <li>• Prepare and maintain a risk management plan for the region and its destinations.</li> </ul> |
| <p>10. That Local Governments consider what functions be retained or transferred to the RTB and the relevant resourcing mix (staffing, funding, facilities and support).</p>  |
| <p>11. That the current total staffing and funding contributions by Local Governments for tourism be maintained as a minimum for the 2013-14 year.</p>  |
| <p>12. That Shipwreck Coast Tourism be wound up and its functions, funding contributions and staffing be transferred to the Regional Tourism Board.</p>   |
| <p>13. That Geelong Otway Tourism be wound up and its functions, funding contributions and staffing be transferred to the Regional Tourism Board.</p>   |
| <p>14. That the RTB prepares a 3-year Operational Business Plan for 2013-15 based on the staffing and funding outcomes as determined by its foundation shareholders, Tourism Victoria cooperative marketing funding and industry contributions. The Business Plan to include a management and staffing organisation plan.</p>   |
| <p>15. That the RTB give consideration to the concept of industry contributions via a business services model rather than traditional membership subscriptions (i.e. a prospectus of marketing services with free digital online presence as its base to maximise business participation).</p>  |
| <p>16. That SWVRT negotiate formal strategic alliance agreements with Tourism Victoria, Parks Victoria, Regional Development Victoria, G21, Great South Coast, neighbouring Regional Tourism Organisations and the Victoria Tourism Industry Council.</p>   |
| <p>17. That SWVRT negotiate cooperative agreements with Local Tourism Organisations regarding industry contributions/ membership funding share arrangements to encourage business participation and support at the local level. The agreements to also facilitate destination development, community participation and communication. This may include regular "Regional Tourism Forums".</p>   |
| <p>18. That Local Governments continue to support Visitor Information Centres (VICs) and services for the first term of the new RTB (3 years). During this period a process be agreed to enhance collaboration between VICs across the region and to consider the possible transfer of management responsibility for VICs to the RTB over time.</p>   |



19. That the process to establish SWVRT be:
- a) Stakeholders to consider the Interim Regional Tourism Board recommendations and confirm decisions by 29 March 2013.
  - b) Continue the Interim Regional Tourism Board for the period January - June 2013 to consult with stakeholders as required and to facilitate the establishment of SWVRT Pty Ltd.

Following the rejection of the 'Great Ocean Road Tourism Interim Regional Tourism Board, Report to Stakeholders', by the majority of regional Councils, the CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board resolved the following matters:

### 1. Council Representation

#### Agreed:

To have a Council stakeholder group as part of the structure where all Councils have a seat at the table and are represented by either Councillors or Staff.

Agree to 6 Council representatives on the Board. The method of selection or appointment to be determined.

### \$500,000 Tourism Victoria Funding

#### Agreed:

That this level of funding is guaranteed for three years. It cannot be guaranteed beyond 2016 because of elections but may well continue.

Regional Development Victoria (RDV) has indicated that they are keen to lend additional support once the Board is established.

### 2. Agreements

#### Agreed:

Subject to Council's individual endorsement of an agreement, all Councils to enter into a three year Memorandum of Understanding on this basis, with any Council having the right to opt out after one year's notice. Aim for a starting date of 1 September 2013.

### 3. Equitable Contributions

Geelong's position is that in accordance with the current proposal, it is being disadvantaged.

According to the proposed formula, it will meet 86-87% of the costs of the Board but on a per capita basis, this should be more like 53%.

In considering contributions on this basis:

| Shire         | Population Basis<br>Move to this<br>over the 3<br>years | Amount    | Bed nights<br>Not favoured | Original<br>Proposed for<br>2013/2014 |
|---------------|---|-----------|----------------------------|---------------------------------------|
| Geelong       | 58%   | \$908,000 | 34%                        | \$926,552                             |
| Surf Coast    | 7 %   | \$110,000 | 23%                        | \$ 75,000                             |
| Colac Otway   | 6%  | \$ 94,500 | 12%                        | \$ 75,000                             |
| Queenscliffe  | 1%  | \$ 9,000  | 6%                         | \$ 15,000                             |
| Golden Plains | 5%  | \$ 78,500 | 0.5%                       | \$ 8,000                              |
| Glenelg       | 5%  | \$ 78,500 | 5%                         | \$ 41,000                             |



|             |    |                        |             |                        |
|-------------|----|------------------------|-------------|------------------------|
| Moyne       | 4% | \$ 63,000              | 6%          | \$ 94,000              |
| Corangamite | 4% | \$ 63,000              | 4%          | \$ 80,000              |
| Warrnambool | 9% | \$141,000              | 9%          | \$167,000              |
|             |    | <b>\$1.567 million</b> | <b>100%</b> | <b>\$1.482 million</b> |

**Agreed:**

To stay with the current rate of local government contributions for this year and move to a per capita formula in two steps over the following two years. CPI increases to apply.

**4. Performance Indicators****Agreed:**

There needs to be a set of tourism performance indicators developed to which the Board must be accountable. A formal performance agreement is to be developed.

**5. Staffing**

Wayne Kayler-Thomson, is to be appointed as the Board Chair for an interim period. He has agreed that there needs to be a transparent process for staff selection through the Board.

**Agreed:**

The Board's obligation is to recruit the best staff for the process.

The resolution of these matters now enables an amended list of recommendations for the establishment of a new Great Ocean Road RTB to be proposed for Council endorsement.

| <b>Recommendation</b>  |
|--|
| 1. That a new Regional Tourism Organisation (RTO) and Board be established for the geographic area of South West Victoria incorporating the Local Government Areas (LGA's) of Greater Geelong, Queenscliffe, Golden Plains, Surf Coast, Colac Otway, Corangamite, Warrnambool, Moyne and Glenelg.  |
| 2. That the RTB be established as a Company Limited by Guarantee with the LGA Councils as its shareholders.  |
| 3. That Structure Option 2 (Fully Integrated) be implemented.  |
| 4. That the name of the RTB be South West Victoria Regional Tourism Pty Ltd (SWVRT) to represent the geographic reach of the region beyond the Great Ocean Road.   |
| 5. That the board of SWVRT be as follows: <ul style="list-style-type: none"> <li>• LGA x 6 (process to be determined) – Councillors or Officers</li> <li>• Industry/Skill based x 5</li> <li>• Independent Chair x 1</li> <li>• Tourism Victoria, Parks Victoria and Regional Development Victoria be invited to nominate a senior executive as ex officio representatives</li> <li>• The independent Chair and industry/skill based Directors be appropriately remunerated.</li> <li>• All positions to be for 3 years with 3 members retiring annually to provide for continuity and renewal. Skill and industry positions to be appointed via an expression of interest process. The Independent Chair to be appointed by Tourism Victoria in consultation with Local government shareholders.</li> </ul> |



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| 6. That the a stakeholder group including representatives of all Local Government Areas – Greater Geelong, Queenscliffe, Golden Plains, Surf Coast, Colac Otway, Corangamite, Warrnambool, Moyne and Glenelg. That the representative be either a Councillor or Officer.  |
| 7. That a formal 3 year memorandum of Understanding between SWVRT and its shareholders/stakeholders (performance based) be negotiated, to provide for both ongoing (BASE) and value added resourcing contributions.   |
| 8. That the local government contributions remain at the current rate for the first year moving to a per capita formula in two steps over the following two years. CPI increases will apply.  |
| 9. That the RTB prepare a Strategic Business Plan for the region, based on the vision, mission, objectives and strategic goals developed by the Interim Regional Tourism Board. The plan to incorporate the Great Ocean Road Destination Management Plan and the progressive preparation of Tourism Destination Plans for the regions' specific local destinations.   |
| 10. That the core roles of the RTB be: <ul style="list-style-type: none"> <li>• Strategic tourism planning for the development, marketing and management of the region.</li> <li>• Cooperative marketing for the region and its destinations.</li> <li>• Identification and facilitation of infrastructure, product and industry development priorities and initiatives for the region and specific destinations, in collaboration with stakeholders.</li> <li>• Advocacy for the sustainable tourism development, marketing and management of the region.</li> <li>• Discretionary tourism development, marketing and management functions, services and projects for LGA shareholders as delegated and agreed.</li> <li>• Prepare and maintain a risk management plan for the region and its destinations.</li> </ul> |
| 11. That Local Governments consider what functions be retained or transferred to the RTB and the relevant resourcing mix (staffing, funding, facilities and support).   |
| 12. That the current total staffing and funding contributions by Local Governments for tourism be maintained as a minimum for the 2013-14 year.   |
| 13. That Shipwreck Coast Tourism be wound up and its functions, funding contributions and staffing be transferred to the Regional Tourism Board.  |
| 14. That Geelong Otway Tourism be wound up and its functions, funding contributions and staffing be transferred to the Regional Tourism Board.  |
| 15. That the RTB prepares a 3-year Operational Business Plan for 2013-15 based on the staffing and funding outcomes as determined by its foundation shareholders, Tourism Victoria cooperative marketing funding and industry contributions. The Business Plan to include a management and staffing organisation plan.  |
| 16. That the RTB give consideration to the concept of industry contributions via a business services model rather than traditional membership subscriptions (i.e. a prospectus of marketing services with free digital online presence as its base to maximise business participation).   |



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| 17. That SWVRT negotiate formal strategic alliance agreements with Tourism Victoria, Parks Victoria, Regional Development Victoria, G21, Great South Coast, neighbouring Regional Tourism Organisations and the Victoria Tourism Industry Council.   |
| 18. That SWVRT negotiate cooperative agreements with Local Tourism Organisations regarding industry contributions/ membership funding share arrangements to encourage business participation and support at the local level. The agreements to also facilitate destination development, community participation and communication. This may include regular "Regional Tourism Forums". |
| 19. That Local Governments continue to support Visitor Information Centres (VICs) and services for the first term of the new RTB (3 years). During this period a process be agreed to enhance collaboration between VICs across the region and to consider the possible transfer of management responsibility for VICs to the RTB over time.   |
| 20. That the process to establish SWVRT be:<br>Stakeholders to consider the agreement reached between the CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board and confirm decisions by 30 August 2013.   |

Council has three options. The first option is to endorse the agreement of CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim RTB and the amended recommendations as listed above.

The second option is to endorse the agreement of CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim RTB and the amended recommendations as listed above with the addition of points in the resolution of the 27 March 2013 meeting of Council that are not covered by the agreement or recommendations:

- That all staff of current regional tourism organisations be seconded to the new structure without loss of entitlements.
- That the CEO be appointed through an independent open and competitive recruitment process.
- That Colac Otway Shire retains the Colac and Great Ocean Road Visitor Information Centre at Apollo Bay and their respective staff.
- That Colac Otway Shire retains the Tourism Development Officer position.
- That, if established, the RTB undergo a process to evaluate the benefits of discarding the traditional membership subscriptions model of industry and that it consults with member municipalities before a final recommendation is made.
- That if established the RTB, in response to local demand, strengthen the Great Ocean Road brand by limiting its use to appropriate areas within the wider region e.g. Surf Coast, Colac Otway and Corangamite Shires and allocate substantial funds for the marketing of the Great Ocean Road/Otways region.

The third option is to not endorse the agreement or the recommendations listed above.

The second option is the preferred option as it includes all of the agreement of the CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim RTB. This high level group was convened to reach an agreement that would bring the protracted process of the to end. It also includes all of the recommendations of the Interim RTB that were not contested by Colac Otway Shire or other regional Councils.



Finally, this recommendation includes those resolutions of Council that articulate the specific requirements of Council in respect to regional and local staffing, ownership of the VICs, a process for consideration of future industry revenue raising and strengthening efforts in marketing that section of the Great Ocean Road region that is actually on the Great Ocean Road.

### **Proposal**

That Council endorses the agreement of CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board and the amended recommendations as listed above with the addition of points in the resolution of the 27 March 2013 meeting of Council that are not covered by the agreement or recommendations:

- That all staff of current regional tourism organisations be seconded to the new structure without loss of entitlements.
- That the CEO be appointed through an independent open and competitive recruitment process.
- That Colac Otway Shire retains the Colac and Great Ocean Road Visitor Information Centre at Apollo Bay and their respective staff.
- That Colac Otway Shire retains the Tourism Development Officer position.
- That, if established, the RTB undergo a process to evaluate the benefits of discarding the traditional membership subscriptions model of industry and that it consults with member municipalities before a final recommendation is made.
- That if established the RTB, in response to local demand, strengthen the Great Ocean Road brand by limiting its use to appropriate areas within the wider region e.g. Surf Coast, Colac Otway and Corangamite Shires and allocate substantial funds for the marketing of the Great Ocean Road/Otways region.

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

There are no financial resource implications related to this report in the 2013/14 financial year. Local government contributions are to remain at the current rate for the first year and then move to a per capita formula in two steps over the following two years. CPI increases will apply.

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

There are no risk management or compliance issues related to this report or any action from the report.

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

There are no environmental or climate change considerations related to this report or any action from the report.

### **Community Engagement**

The community engagement strategy 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 in the initial stage of providing information about Council's decision.

Once the new Board begins to operate there would be phases of further engaging with the community as to be determined by the Board.



**Implementation**

It is proposed that Council write to the Chief Executive of Tourism Victoria to advise of Council's resolution.

**Conclusion**

The tourism industry is an important emerging industry for Colac Otway Shire producing \$116m in direct economic output. It provides direct employment for 693 people and the economic multiplier effect of tourism is another 937 indirect jobs.

While Colac Otway Shire holds some of the most scenic sections of the Great Ocean Road, one of Australia's key international attractions and the beauty of the Otways with its forest walks, waterfalls and historic townships, most of our tourism operations are small or micro businesses.

It has long been recognised in the tourism industry that independent business marketing can have only limited effect and that cooperative action is the only way to achieve sustainability and growth. This is true at the Shire level and at the regional level and is why organisations like Otways Tourism and Geelong Otway Tourism exist.

In the State Government model of regional tourism, Colac Otway Shire along with City of Greater Geelong, Borough of Queenscliffe, Golden Plains, Surf Coast, Corangamite, Moyne and Glenelg Shires and Warrnambool City Council, have been in the Great Ocean Road Region. Apart from Geelong Otway Tourism, operating at the eastern end of the region there has also been Shipwreck Tourism operating in Corangamite and Moyne Shires and Warrnambool City Council and Discovery Coast in Glenelg Shire.

The State Government 'Regional Tourism Action Plan' recognises the importance of regional structures and directed that tourism organisations, and local government in the Great Ocean Road region cooperate in the development a new organisation that would encompass the entire region.

The process to establish the new regional body has been protracted with firstly an Implementation Committee, then an Interim Board and finally an agreement reached through a meeting of regional CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board.

The agreement overcomes the final barriers to Council endorsement of the Great Ocean Road Tourism Board.

**Attachments**

Nil



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

1. ***Endorses the agreement of CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board and the amended recommendations as listed below:***
  1. ***That a new Regional Tourism Organisation (RTO) and Board be established for the geographic area of South West Victoria incorporating the Local Government Areas (LGA's) of Greater Geelong, Queenscliffe, Golden Plains, Surf Coast, Colac Otway, Corangamite, Warrnambool, Moyne and Glenelg.***
  2. ***That the RTB be established as a Company Limited by Guarantee with the LGA Councils as its shareholders.***
  3. ***That Structure Option 2 (Fully Integrated) be implemented.***
  4. ***That the name of the RTB be South West Victoria Regional Tourism Pty Ltd (SWVRT) to represent the geographic reach of the region beyond the Great Ocean Road.***
  5. ***That the board of SWVRT be as follows:***
    - ***LGA x 6 (process to be determined) – Councillors or Officers***
    - ***Industry/Skill based x 5***
    - ***Independent Chair x 1***
    - ***Tourism Victoria, Parks Victoria and Regional Development Victoria be invited to nominate a senior executive as ex officio representatives***
    - ***The independent Chair and industry/skill based Directors be appropriately remunerated.***
    - ***All positions to be for 3 years with 3 members retiring annually to provide for continuity and renewal. Skill and industry positions to be appointed via an expression of interest process. The Independent Chair to be appointed by Tourism Victoria in consultation with Local government shareholders.***
  6. ***That the a stakeholder group including representatives of all Local Government Areas – Greater Geelong, Queenscliffe, Golden Plains, Surf Coast, Colac Otway, Corangamite, Warrnambool, Moyne and Glenelg. That the representative be either a Councillor or Officer.***
  7. ***That a formal 3 year memorandum of Understanding between SWVRT and its shareholders/stakeholders (performance based) be negotiated, to provide for both ongoing (BASE) and value added resourcing contributions.***
  8. ***That the local government contributions remain at the current rate for the first year moving to a per capita formula in two steps over the following two years. CPI increases will apply.***
  9. ***That the RTB prepare a Strategic Business Plan for the region, based on the vision, mission, objectives and strategic goals developed by the Interim Regional Tourism Board. The plan to incorporate the Great Ocean Road Destination Management Plan and the progressive preparation of Tourism Destination Plans for the regions' specific local destinations.***
10. ***That the core roles of the RTB be:***
  - ***Strategic tourism planning for the development, marketing and management of the region.***
  - ***Cooperative marketing for the region and its destinations.***
  - ***Identification and facilitation of infrastructure, product and industry development priorities and initiatives for the region and specific destinations, in collaboration with stakeholders.***
  - ***Advocacy for the sustainable tourism development, marketing and***



*management of the region.*

- *Discretionary tourism development, marketing and management functions, services and projects for LGA shareholders as delegated and agreed.*
  - *Prepare and maintain a risk management plan for the region and its destinations.*
11. *That Local Governments consider what functions be retained or transferred to the RTB and the relevant resourcing mix (staffing, funding, facilities and support).*
  12. *That the current total staffing and funding contributions by Local Governments for tourism be maintained as a minimum for the 2013-14 year.*
  13. *That Shipwreck Coast Tourism be wound up and its functions, funding contributions and staffing be transferred to the Regional Tourism Board.*
  14. *That Geelong Otway Tourism be wound up and its functions, funding contributions and staffing be transferred to the Regional Tourism Board.*
  15. *That the RTB prepares a 3-year Operational Business Plan for 2013-15 based on the staffing and funding outcomes as determined by its foundation shareholders, Tourism Victoria cooperative marketing funding and industry contributions. The Business Plan to include a management and staffing organisation plan.*
  16. *That the RTB give consideration to the concept of industry contributions via a business services model rather than traditional membership subscriptions (i.e. a prospectus of marketing services with free digital online presence as its base to maximise business participation).*
  17. *That SWVRT negotiate formal strategic alliance agreements with Tourism Victoria, Parks Victoria, Regional Development Victoria, G21, Great South Coast, neighbouring Regional Tourism Organisations and the Victoria Tourism Industry Council.*
  18. *That SWVRT negotiate cooperative agreements with Local Tourism Organisations regarding industry contributions/ membership funding share arrangements to encourage business participation and support at the local level. The agreements to also facilitate destination development, community participation and communication. This may include regular "Regional Tourism Forums".*
  19. *That Local Governments continue to support Visitor Information Centres (VICs) and services for the first term of the new RTB (3 years). During this period a process be agreed to enhance collaboration between VICs across the region and to consider the possible transfer of management responsibility for VICs to the RTB over time.*
  20. *That the process to establish SWVRT be:*  
*Stakeholders to consider the agreement reached between the CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board and confirm decisions by 30 August 2013.*
2. *Endorses the addition of the following points from the resolution of the 27 March 2013 meeting of Council that are not covered by the agreement or recommendations:*
- *That all staff of current regional tourism organisations be seconded to the new structure without loss of entitlements with the exceptions of existing CEOs.*
  - *That the CEO be appointed through an independent open and competitive recruitment process.*
  - *That Colac Otway Shire retains the Colac and Great Ocean Road Visitor Information Centre at Apollo Bay and their respective staff.*



- *That Colac Otway Shire retains the Tourism Development Officer position.*
- *That, if established, the RTB undergo a process to evaluate the benefits of discarding the traditional membership subscriptions model of industry and that it consults with member municipalities before a final recommendation is made.*
- *That if established the RTB, in response to local demand, strengthens the Great Ocean Road brand by limiting its use to appropriate areas within the wider region e.g. Surf Coast, Colac Otway and Corangamite Shires and allocates substantial funds for the marketing of the Great Ocean Road/Otways region.*

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**OM132808-6****REVIEW OF LOCAL LAWS 1, 2 & 3**

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

**Purpose**

The purpose of this report is to explain the process undertaken to review Local Laws 1, 2 and 3 and to seek Council's endorsement for the adoption of the revised versions of Local Laws 1, 2 & 3.

**Declaration of Interests**

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

**Background**

A motion was passed at the Council Meeting held in September 2011 for a Steering Committee to be formed to oversee the review of Local Laws 1, 2 and 3. Council resolved that Councillor Stephen Hart would be its representative on the Steering Committee.

Local Laws 1, 2 and 3 relate to:

- *Local Law Number 1 – 2005 – Consumption of Liquor in a Public Place.*
- *Local Law Number 2 – 2005 – General Local Law.*
- *Local Law Number 3 – 2007 – Livestock Local Law.*

Legislation requires Council to review its Local Laws every 10 years. Council deliberately started this Local Law review process well before the sunset period to allow enough time for the process to be done carefully. The objective of the review was to ensure that the three Local Laws remain relevant to the general expectations of the community. The community was informed that the review process was being undertaken and invited to make initial comments on the Local Laws in November 2011.

At Council's Statutory Meeting of 7 November 2012, Council resolved that Councillor Michael Delahunty would be the new councillor representative on the Local Law Review Steering Committee.

At the Council meeting held on 27 March 2013 Council endorsed the Draft Local Laws 1, 2 and 3 to be released for public comment for a period of six weeks. Council also requested that a further report be provided to Council following an analysis of the consultation process.

Subsequent to Council endorsing the release of the Draft Local Laws for public comment in March 2013 media releases were issued advising the public of the main changes made to the local laws and inviting comment for a six week period from 12 April 2013 to 24 May 2013. Copies of the Draft Local Laws were also placed at Council offices, public libraries and on Council's website.

Under section 223 of the *Local Government Act 1989* the Council must consider all the public submissions. Accordingly, all submissions received were afforded the opportunity to be heard at the Special Council Meeting being held on 12 June 2013.



In total there were thirteen written submissions made to Council that raised issues regarding Local Laws 1 & 2. No submissions were received in relation to Local Law 3. Of the thirteen submissions received there were two that identified issues relating to Local Law 1 and twelve that identified issues relating to Local Law 2. There was only one submitter that made a request to be heard by Council at the Special Meeting on 12 June 2013. A report was provided to Council in preparation for the Special Meeting that provided more detailed analysis of the submissions received and the associated consultation process.

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

#### **Good Governance**

means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

#### *Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

#### **Issues / Options**

All submissions received in relation to the Draft Local Laws were carefully considered and assessed by the Local Law Review Steering Committee and presented for discussion at the Special Council Meeting held on 12 June 2013.

The major issues identified in the submissions related to:

- Events and the application of the local law on private property.
- The number and type of animals that are permitted relative to land size.
- The application and enforcement of the consumption of alcohol in public places.
- The provisions for open air burning relative to fire prevention activity.

#### **Events**

A number of submissions received raised concerns about the definition of an 'Event' applying to private land. Accordingly, the Local Law Review Steering Committee agreed to exclude private property from the event process by altering the definition of an event. The definition of an event now reads, an "*Event*" means:

*Any planned activity open to the public held on Council owned or managed land where any structure (permanent or temporary), open area, or road, (fenced or unfenced) will contain a number of persons greater than that normally surrounding the area prior to, during or after the activity, and includes:*

- *sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed and organised sporting competition at a venue built for that sport).*
- *one off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events and the like.*
- *live performances and concerts.*
- *festivals.*

Excluding private property from the definition of an 'Event' addresses the majority of concerns raised in the public submissions. Other issues raised regarding event management related to the operational aspects of event management that should not be addressed in the Local Law (e.g. what agencies will be given an opportunity to comment on



event applications). These operational matters will be addressed through the development of a new set of operational documents.

To ensure the new documents address the concerns raised in the public submissions received in relation to the Draft Local Laws extensive discussions will be undertaken with key stakeholders, including event organisers in September 2013 following the making of the local laws.

### **Keeping of Animals**

At the commencement of the Local Law review process it was highlighted that Council did not have the capacity within the existing local laws to regulate and control the number of animals, both domestic and non-domestic that could be kept on properties throughout the municipality. Benchmarking with other Councils revealed that the Colac Otway Shire was the only Shire in the State of Victoria that did not have any restrictions on animal numbers within their local laws.

Initially the Local Law Review Steering Committee looked closely at examples from other municipalities and as a result proposed to restrict the number of animals by using planning scheme zoning. In attempting to apply this approach in Colac Otway Shire it was clear that it would not be workable because a large number of properties would require permits to keep the numbers of animals they currently have. Therefore due to the rural character of our community another approach was required. Accordingly, further analysis was undertaken to determine what method was being used by other rural Councils in Victoria. The alternative was to develop a system that determined animal numbers relative to the size of the land.

Taking the varying characteristics of the Colac Otway Shire into account the Local Laws Steering Committee developed a table that prescribed the maximum numbers of certain animals that could be kept on properties of three different land sizes. It is important to highlight that a permit can be obtained from Council for more animals and permits will be issued where there are no grounds for refusal. To minimise the impact to members of the community who will need to make application for a permit in respect to this aspect of the Local Law, the permits will not require a fee to be paid at this stage.

When the Draft Local Laws were released for comment there were two written submissions received relating to the keeping of animals. The submissions raised concerns about the provisions that applied to Pigeons and Poultry. In order to address these concerns a provision has been added in the relevant section of Local Law 2 to exclude current members of a recognised Pigeon or Poultry Club who abide by the relevant Code of Practice for their clubs, from the need to obtain a permit. In addition the Local Law Review Steering committee had received some concerns about the fact that the table indicated that horses and pigs were not permitted on properties less than 0.25ha. Although this is not considered desirable there may be some instances where this could occur without causing a problem. Accordingly, as shown in the Table 1 below the Local Law Review Steering committee adjusted sections **g** and **h** to allow for a permit to be given for large animals in a situation where it is not causing a nuisance.

In July 2013 Council resolved to adopt a new Domestic Animal Management Plan. The Colac Otway Shire Domestic Animal Management Plan 2013 was developed to meet Council's statutory obligations under the provision of section 68 A – *Domestic Animals Act 1994*. Council is required to have a current plan but the recently approved Domestic Animal Management Plan included a copy of the table prescribing number of animals for different property sizes prior to recent alterations being made by the Local Laws Review Steering Committee. If Council adopts the proposed changes regarding the keeping of animals as shown in the table below the Domestic Animal Management Plan will be amended to ensure it is consistent with the Local Law.



**Table 1: Keeping of Animal Conditions**

|   | <i>Animal</i>                          | <i>Property Size<br/>up to .25 (ha)</i>                                                                           | <i>Property Size .25<br/>(ha) to 1(ha)</i> | <i>Property Size<br/>1 (ha) and above</i>                     |
|---|----------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------|
| a | Dogs                                   | 3                                                                                                                 | 4                                          | 5 (other than dogs kept for working stock/primary production) |
| b | Cats                                   | 3                                                                                                                 | 4                                          | 5                                                             |
| c | Poultry                                | 10                                                                                                                | 20                                         | No Permit Required                                            |
| d | Roosters                               | Permit Required                                                                                                   | Permit Required                            | No Permit Required                                            |
| e | Pigeons                                | 10                                                                                                                | 20                                         | No Permit Required                                            |
| f | Sheep or Goats                         | Permit Required                                                                                                   | 8                                          | No Permit Required                                            |
| g | Cattle/Horses &<br>other large animals | Permit Required                                                                                                   | 4                                          | No Permit Required                                            |
| h | Pigs                                   | Permit Required                                                                                                   | Permit Required                            | No permit required                                            |
| i | Reptiles                               | Subject to the issuing of a license by the Department of Sustainability & Environment (DSE) or relevant authority |                                            |                                                               |

**Consumption of Alcohol**

The only major change in the Consumption of Alcohol in Public Places - Local Law 1 was the increase from one penalty unit to two penalty units (\$100 to \$200) in the offence section. Two public submissions received raised concerns about the provisions in Local Law 1 preventing people from having a beer at a family picnic in the park or a glass of champagne after a wedding ceremony. The purpose of this Local Law is to prevent behaviour which constitutes or may constitute a nuisance; may be detrimental to health or safety; or affects the enjoyment of public and other places. Accordingly, under the provisions of the Local Law the type of activities raised in the public submissions would not be prohibited. This Local Law has been in force since 2005 and has been applied by Victoria Police members in a fair and equitable manner.

**Open Air Burning**

Two public submissions were made in relation to the provisions for open air burning in Local Law 2. The two submissions presented two perspectives at opposite ends of the spectrum. One submission called for a total ban on open air burning throughout the municipality whilst the other submission made by a group of CFA brigade captains called for restrictions on burning off to be limited to Colac, Elliminyt and Apollo Bay.

The Local Law Review Steering Committee discussed the matter and although it recognised the importance of protecting people's amenity inside townships from excessive burning off it also recognised the need to enable appropriate fire prevention activity particularly in high fire danger areas. The matter was discussed at the Municipal Fire Management Planning committee held on 4 July 2013. This discussion highlighted that there needed to be a clearer definition of where the conditions apply and consideration given to the restrictions on which days people can burn off to address fire prevention needs.

In order to address the confusion about where the provisions apply the wording was changed from "areas other than a *rural zone*", to the Designated Township Areas. Designated Township Area means the following settlement areas of Alvie, Apollo Bay, Barwon Downs, Beeac, Beech Forest, Birregurra, Carlisle River, Colac, Coragulac, Cororooke, Cressy, Elliminyt, Forrest, Gellibrand, Kennett River, Lavers Hill, Marengo, Pirron Yallock, Separation Creek, Skenes Creek, Warrion, Wye River and boundaries as defined in the Colac Otway Shire Rural Living Strategy.



The Local Law Review Steering Committee resolved that the prescribed days for burning off would not change but the revised provisions shown below enable an Authorised Officer to give permission for burning to occur outside of Friday and Saturday in an exceptional circumstance.

***Fire In Open Air and Incinerators Specifically***

1. Subject to clause 66, a person must not, in a *Designated Township Area* unless given permission to do so by an *Authorised Officer*,
  - 1.1. light
  - 1.2. allow to be lit
  - 1.3. allow to remain alight.a fire in the *open air* or in an *incinerator* on any day, other than a Friday or Saturday between the hours of 10.00am and sunset.

Maps of each township area will be distributed to relevant Brigade Captains to ensure a better understanding of the relevant areas where burning is restricted to Friday and Saturday. Council will work closely with the CFA to ensure burning off is carried out in a manner that is both safe and respectful of both fire prevention needs and local amenity values. This is a positive action that will allow a bilateral educative approach to open air burning requirements.

**Proposal**

That Council:

1. Makes the following local laws:
  - Local Law No.1 - 2013 - Consumption of Alcohol in Public Places
  - Local Law No.2 - 2013 - General Local Law
  - Local Law No.3 - 2013 – Livestockeffective from 28 August 2013.
2. Advertises in the Government Gazette and local media the making of:
  - Local Law No.1 - 2013 - Consumption of Alcohol in Public Places
  - Local Law No.2 - 2013 - General Local Law
  - Local Law No.3 - 2013 – Livestock.
3. Forwards a copy of:
  - Local Law No.1 - 2013 - Consumption of Alcohol in Public Places
  - Local Law No.2 - 2013 - General Local Law
  - Local Law No.3 - 2013 – Livestockto the Minister for Local Government.

**Financial and Other Resource Implications**

There are limited financial issues associated with the making of Local Laws 1, 2 and 3.

The increased penalty fee for consumption of alcohol from \$100 to \$200 is not expected to have a significant financial impact due to the relatively small number of these fines that are issued by Victoria Police.

The limits on the number of animals people can keep without getting a permit is expected to create a slight increase in workload for Local Laws Officers but this will be managed within existing resource capacity. There will be no fee charged to applicants for a permit as required for this aspect of the Local Law at this stage.



**Risk Management & Compliance Issues**

There are no significant risk management issues associated with the making of Local Laws 1, 2 and 3. The Local Law review has been conducted well before the 10 year sunset period applies to ensure there was ample time to effectively complete all the steps required. There was significant consultation with major stakeholders during the development process and the relevant public consultation period of six weeks was applied. Further Local Law Review Steering Committee meetings have been held after the six week public comment period to carefully consider all submissions and to ensure general understanding and acceptance of the resulting changes.

**Environmental and Climate Change Considerations**

There are no major environmental considerations associated with the making of Local Laws 1, 2 and 3.

**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 consult with the community and included seeking written comment on the Draft Local Laws 1, 2 and 3. Council Officers were also available to meet with members of the community upon request to discuss any issues they may have had.

As previously stated, the Draft of Local Laws 1, 2 and 3 were released for a six week public comment period in March. Media releases were issued advising the public of the main changes made to the local laws and inviting comment for a six week period. Copies of the Draft Local Laws were placed at Council Offices, public libraries and on the Council website.

Under section 223 of the *Local Government Act 1989*, the Council must consider all the public submissions. Accordingly, all submissions received were afforded the opportunity to be heard at the Special Council Meeting being held on 12 June 2013.

It is worth highlighting that the community was informed that the review process was to be undertaken and invited to make initial comments on the Local Laws in November 2011. This enabled consideration to be given to some issues in the preparation of the first draft of the revised Local Laws in March 2012.

**Implementation**

If the recommendation made in the report is supported, Local Laws 1, 2 and 3 will be forwarded for notification in the Victoria Government Gazette and Public Notices will be placed in the Local Paper. Copies of the sealed Local Laws will be sent to the Minister for Local Government and copies will be made available on Council's website and customer service centres.

**Conclusion**

Council has undertaken a rigorous and timely review of Local Laws 1, 2 and 3. The major changes that have occurred relate to Local Law 2. All written submissions were carefully considered by the Local Law Steering Committee and subject to discussion at the Special Council Meeting on 12 June 2013. All written public submissions have been considered carefully by the Local Law Steering Committee and a detailed written response will be provided to each submitter after Council considers the recommendations in this report.



**Attachments**

1. Local Law No.1 2013 Consumption of Alcohol in a Public Place
2. Local Law No.2 2013 General Local Law
3. Local Law No.3 2013 Livestock

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

1. ***Makes the following local laws:***
  - ***Local Law No.1 - 2013 - Consumption of Alcohol in Public Places***
  - ***Local Law No.2 - 2013 - General Local Law***
  - ***Local Law No.3 - 2013 – Livestock***  
***effective from 28 August 2013.***
2. ***Advertises in the Government Gazette and local media the making of:***
  - ***Local Law No.1 - 2013 - Consumption of Alcohol in Public Places***
  - ***Local Law No.2 - 2013 - General Local Law***
  - ***Local Law No.3 - 2013 – Livestock.***
3. ***Forwards a copy of:***
  - ***Local Law No.1 - 2013 - Consumption of Alcohol in Public Places***
  - ***Local Law No.2 - 2013 - General Local Law***
  - ***Local Law No.3 - 2013 – Livestock***  
***to the Minister for Local Government.***

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**OM132808-7****PIRRON YALLOCK RECREATION RESERVE AND SWAN MARSH TENNIS RESERVE MASTER PLAN**

AUTHOR:	Michael Cosgriff	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F12/7699

**Purpose**

The purpose of this report is to seek Council endorsement of the Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve Master Plan.

**Declaration of Interests**

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

**Background**

The Swan Marsh area has a functioning recreation reserve which services the needs of Swan Marsh, Pirron Yallock and Stoneyford. The reserve is home to the Stoneyford Cricket Club, which fields five teams in the Colac and District Cricket Association competition, and is also a location for district finals matches within the local competition. During the winter months the reserve is the home to the local soccer club, the Colac Otway Rovers AFC which plays in the Football Federation Victoria Geelong Region competition.

Swan Marsh also has a tennis reserve opposite the Swan Marsh Public Hall. The Colac Otway Shire Public Open Space Strategy (POSS) identified deficiencies with the current Swan Marsh tennis courts in terms of the size of the site and ability to meet player runoff standards required for competition. The strategy also recognises that the site would be unable to expand due to the courts already using all available space within the current boundaries.

Due to these deficiencies, the Colac Otway Shire POSS suggests investigations be undertaken into other facilities that could meet the needs of the Swan Marsh Tennis Club and Swan Marsh residents. It also recognises the lack of available public open space in Swan Marsh and suggests the courts could be decommissioned, with the space reconfigured to provide for informal ball play, children's bike riding and picnic facilities.

Further discussions with members of the Swan Marsh Tennis Club, Swan Marsh Hall Committee and Pirron Yallock Recreation Reserve Committee of Management have revealed that a suitable solution would be the construction of new courts at the Pirron Yallock Recreation Reserve. This would provide benefits of centralised sporting facilities and increased public open space in the Swan Marsh Township.

The Swan Marsh Hall Committee put forward a proposal to the 2012/13 Small Town Improvement Program to fund a master planning process for both the Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Courts, which was subsequently supported by Council.

In September 2012, consultant 'Inside Edge Sport & Leisure Planning' was engaged to prepare the Master Plan. An inception meeting was held in November 2012 to discuss the project and elaborate on the desktop work that had been completed.



Present were key stakeholders representing Council, the Pirron Yallock Recreation Reserve Committee of Management, Stoneyford Cricket Club, Swan Marsh Hall Committee, Swan Marsh Tennis Club and the Colac and District Cricket Association.

The process to develop the Master Plan involved analysis of the local demographic profile and projections, a review of relevant strategies and policies and a review of the current user groups. Several forms of consultation were initiated including meetings with key stakeholders, site visits, phone interviews and sub-committee meetings. A drop in session open to the community was also held which attracted more than 20 local residents.

The Master Plan outlines improvements to the Pirron Yallock Recreation Reserve including:

- Improvements to the pavilion/clubrooms
- Construction of new tennis courts inclusive of the removal of vegetation to facilitate the new tennis courts
- Installation of children's play equipment
- Improvements to the oval surface
- Seating and enhanced spectator areas and general landscaping improvements
- BBQ and picnic facilities.

The draft plan was on public exhibition for a period of six weeks and no further comments were received.

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

#### **A Planned Future**

creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

#### *Our Goal:*

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

#### **A Place to Live and Grow**

is a community where people feel cared for and supported; where buildings and spaces facilitate creativity, social activity and enrichment of life, and people have access to gain the skills and education needed to reach their potential.

#### *Our Goal:*

Improve access to buildings, spaces, services and education to support and enable quality of life.

### **Issues / Options**

#### **Swan Marsh**

The Colac Otway Shire POSS identifies several deficiencies with the current Swan Marsh tennis courts and also recognises that there is not enough space at the current site for adequate player runoff. It also recognises that there is no potential for further development of club rooms or similar facilities. This could jeopardise the potential of the club to maintain competition levels, which in turn would reduce the viability of the club and overall sustainability of the courts. The existing tennis courts are in poor condition and an independent assessment identifies that they need a complete reconstruction.



The Colac Otway Shire POSS also notes the lack of public open space in Swan Marsh itself. Because of these issues the strategy recommends that investigations be undertaken to identify and assess other sites that could provide for the needs of the Swan Marsh Tennis Club and Swan Marsh residents. It also recommends the assessment of the site of the existing courts for redevelopment to provide informal ball play, children's bike riding and picnic facilities.

Initially there was some resistance to the relocation of the tennis courts to the recreation reserve by members of the local tennis club. The full details relating to the lack of space for courts and player runoff as well as the limited potential for future development of clubrooms have been discussed with the local tennis club and they now agree with the plan.

### **Pirron Yallock Recreation Reserve**

The Pirron Yallock Recreation Reserve Committee of Management recognises the need to ensure all user groups are well catered for and that planning for this is required for the sustainability of the recreation reserve. Because of this, improvements to the playing surface have been recommended to ensure that the needs of the Soccer Club have been met. It is anticipated that the Soccer Club will remain at the venue for at least the medium term future.

Following an inspection of the Pirron Yallock Recreation Reserve Clubrooms by Council officers in September 2012 for intended maintenance works, a number of risks were identified with the existing clubrooms building.

The premises were then inspected by Council's Municipal Building Surveyor who served an emergency order on the clubrooms prohibiting public use due to concerns about the condition of the building. Subsequent to this a Building Notice was also issued which required Council to show cause as to why the facility should not be pulled down, removed or demolished.

It appears that some building work had been carried out on the facility without a permit in previous years which had only recently been discovered. That work has rendered the building unsafe and under the regulations, Council cannot allow people back into the building until the building has been restored to a safe and compliant condition.

The existing building requires significant work to remedy the associated issues. Following further investigations by a structural engineer, it was recommended that Council give serious consideration to replacing the existing facility due to the structural issues.

The Master Plan recognises the issues associated with the clubrooms however the scope and budget prevent it from undertaking the detailed investigations required. These investigations are being undertaken separately and are noted in the Master Plan as a high priority. The Master Plan does however provide evidence of the need for new or refurbished clubroom facilities to encourage and facilitate participation.

### **Proposal**

The draft plan has been on public exhibition for a period of six weeks and no submissions were received during this period. It is proposed that the Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve Master Plan now be endorsed by Council.

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

The Master Plan includes a total cost estimate for all proposed works of \$1,275,000. The Reserve provides significant benefits to the community and therefore it is not unrealistic to expect future contributions from Council to the improvement to the facilities. Funding will be sought from both State and Federal government sources to ensure minimal impact on



Council. Many State and Federal funding programs require matching contributions from Local Government and/or local communities. Any contributions from Council would be considered as part of annual budget processes.

**Risk Management & Compliance Issues**

There are no risk management or compliance issues associated with the endorsement of this Master Plan. Works undertaken as direct actions from the Master Plan will be subject to Council's risk assessment process and will adhere to the relevant OH&S requirements.

**Environmental and Climate Change Considerations**

No environmental or climate change considerations were identified in the development of the Master Plan.

**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 development of the draft Master Plan employed the involve level of engagement and included several meetings with the Master Plan sub-committee, individual meetings with sporting groups - Stoneyford Cricket Club, Colac Otway Rovers FC and the Swan Marsh Tennis Club, on site meetings with both facilities' Committees of Management, phone interviews with relevant stakeholders and a drop in session for the broader community. The plan has been available for public comment for a period of six weeks and no comments were received.

Following Council's endorsement of the Master Plan copies will be made available at the customer service centres of Rae Street and Gellibrand Street, Colac and Nelson Street in Apollo Bay. A copy will also be placed on the Colac Otway Shire website.

**Implementation**

The Master Plan outlines an implementation plan including priorities and costings. Council Officers will work with the community and seek external funding to incrementally complete these actions over time.

**Conclusion**

The Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve Master Plan has been developed with extensive input from a range of key stakeholders through community meeting and stakeholder meetings, one on one interviews and phone surveys as well as consultation with the Swan Marsh Community. The plan will play an important role in achieving funding for projects from local levels as well as State and Federal governments. The plan has been on public exhibition for comment for a period of six weeks and no comments were received during this period.

**Attachments**

1. Final Draft - Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve - Master Plan - May 2013



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

- 1. Endorses the Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve Master Plan.***
- 2. Considers the proposed capital works program for prioritisation in the future capital works program***

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**OM132808-8****PLANNING SCHEME AMENDMENT C73 - APOLLO BAY  
HARBOUR MASTER PLAN**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Doug McNeill                          | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | F11/3291   |

**Purpose**

To inform Council of the Apollo Bay Harbour Master Plan 2013 and seek its support to prepare and publicly exhibit Planning Scheme Amendment C73 which aims to introduce planning controls which give effect to the Master Plan through the Colac Otway Planning Scheme. The revised Master Plan is based on Council's adopted plan for the Harbour but has a greater level of detail, and would be placed on exhibition at the same time as the amendment.

**Declaration of Interests**

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

**Background**

The redevelopment of the Apollo Bay Harbour has been listed as a Council priority in all Council Plans since 2005. Council has worked over this period with a range of State Government Departments and/or agencies represented on a high level Interdepartmental Steering Committee that included representation from Colac Otway Shire, Department of Treasury and Finance, Regional Development Victoria (RDV), Tourism Victoria, former Department of Planning and Community Development (DPCD) and former Department of Sustainability and Environment (DSE). The project was given high prominence at State Government level with the harbour redevelopment placed as one of the State's highest priority tourism development projects. The State Government's Boating Coastal Action Plan 2007 seeks to elevate the harbour's recreational facilities from a district to a regional level facility, and the G21 Regional Alliance has identified the Harbour re-development as one of its economic development Pillar Projects.

Some of the key milestones since 2005 have been:

|           |                                                                                                                                                                                                                                             |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2006      | DSE Harbour Capacity Study that identified the need to upgrade facilities at the Harbour to attract tourists.                                                                                                                               |
| June 2007 | Draft Master Plan prepared by consultant firm Meinhardt that included a new Harbour entrance road and a hotel and wellbeing centre.                                                                                                         |
| Sep 2008  | Enquiry by Design (EbD) to review the 2007 Master Plan. This ultimately retained the hotel and wellbeing centre in a scaled down proposal, but retained the golf course and removed the contentious new road through the foreshore reserve. |
| Oct 2008  | Council adopted the EbD Master Plan, and resolved to exhibit a planning scheme amendment which translates the key outcomes into planning controls.                                                                                          |



|                |                                                                                                                                                                                                |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aug 2009       | Steering Committee decision to proceed with amendment to Planning Scheme as a precursor to redevelopment funds being sought, to provide certainty about the outcome intended to be achieved.   |
| May 2010       | Funding received from Tourism Victoria to undertake planning scheme amendment (\$160,000).                                                                                                     |
| Oct 2010       | Further funding received from DPCD under Creating Better Places Program to undertake planning scheme amendment (\$95,000).                                                                     |
| Early 2011     | Council received criticism from some in the community about hotel element of the proposal.                                                                                                     |
| April/May 2011 | Council sent comprehensive information to Apollo Bay residents to better inform them of the Master Plan.                                                                                       |
| June/Aug 2011  | Council engaged Vawser & Associates to undertake an independent telephone survey to accurately gauge community opinion on the Master Plan.                                                     |
| Sep 2011       | Council considered results of telephone survey and deferred resolution until the views of State Government were sought about the dependence of funding for the project on the hotel component. |
| Oct 2012       | Council wrote to Tourism Victoria seeking its views about whether harbour redevelopment funds were dependant on the hotel.                                                                     |
| Dec 2012       | Response from Tourism Victoria that did not categorically link the hotel component to future funding of the harbour.                                                                           |
| Feb 2012       | Council resolved to remove the hotel component of the development from the adopted EbD Master Plan.                                                                                            |
| March 2012     | Council wrote to, and met with, senior State Government representatives seeking reassurance that funds for the Planning Scheme Amendment were still available.                                 |
| July 2012      | Confirmation from both DPCD & Tourism Victoria that Council could proceed with the amendment using their funds.                                                                                |
| July 2012      | Council appointed project manager (Isis Planning) for the planning scheme amendment and to manage the finalisation of a more detailed Master Plan.                                             |
| Dec 2012       | Council engaged Meinhardt to finalise the revised Master Plan.                                                                                                                                 |

Meinhardt has now prepared a revised Master Plan including development guidelines in a single report, consistent with Council's February 2012 resolution. The key elements of this Apollo Bay Harbour Master Plan 2013, as shown in Figure 1, are:

1. Upgraded Entry Road to improve safety
2. Improved Road Treatments
3. New & improved pedestrian / cycle paths
4. Expanded Fisherman's Co-op building
5. Small harbourside commercial / community buildings
6. Recreational Marina on Eastern Breakwater
7. Formalised & upgraded boat ramp and trailer parking
8. Relocated Port Operations yard



9. New Sailing Club
10. Aboriginal Cultural Centre
11. Floating commercial site
12. Extended Eastern Breakwater
13. Formalised Mother's Beach Car Park.



**Figure 1 Apollo Bay Harbour Master Plan**

Council has been briefed on the draft versions of the Master Plan in January, May and August 2013 respectively. Further briefings were provided to the Interdepartmental Steering Committee on 6 May 2013 and the Community Reference Group on 30 July 2013. The Apollo Bay Golf Club has also been briefed.

A Coastal Hazard Vulnerability Assessment (CHVA) has confirmed the Harbour will be affected by sea level rise, be buffered from storm surges by the breakwater and that any new buildings should take this into consideration.

At the Steering Committee meeting there was some concern over the prohibition of any form of accommodation within the Harbour. There was a preference from Tourism Victoria that the merits of this element be tested through a planning permit process instead of being prohibited, however Council staff reconfirmed the Council's resolution of February 2012 to remove this element from the Master Plan, and have proceeded on the basis that this be a prohibited use in the precinct to avoid a risk that this component of the Plan is resurrected in the future.

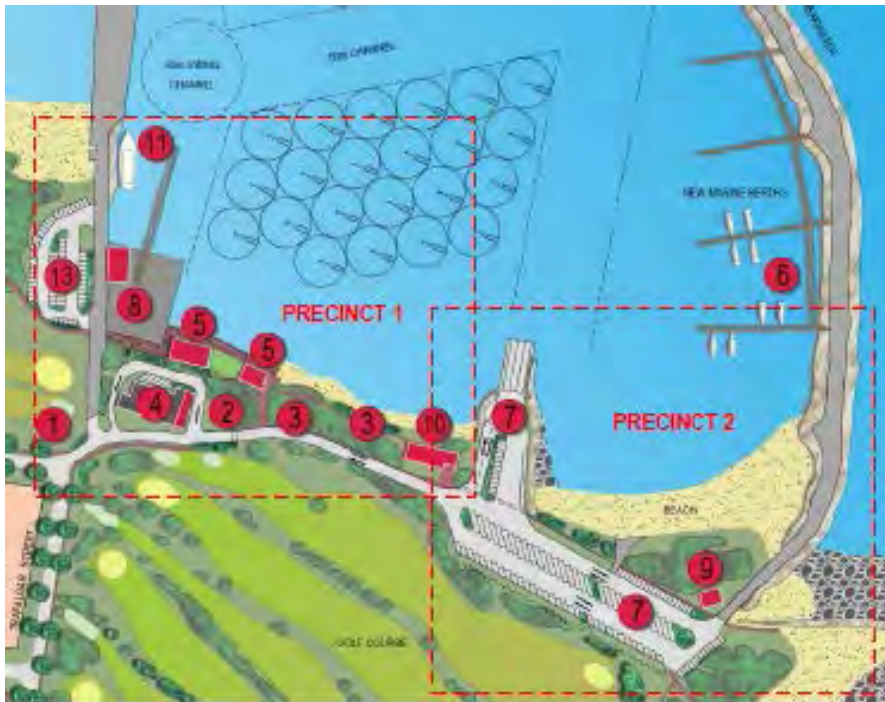
At the Community Reference Group briefing there was acknowledgment that Council had implemented its February 2012 resolution to remove the hotel and wellbeing centre component, however there was concern from one member that the 2013 Master Plan was being reported to Council without an opportunity for further general community input/feedback. It was noted by officers however (and supported by other Reference Group members) that the preparation of the various versions of the Master Plan / Enquiry by Design plan has involved extensive opportunities for community involvement/feedback. The



2013 version of the Master Plan is entirely consistent with the adopted 2008 Enquiry by Design plan, and the February 2012 resolution of Council to remove the hotel. There will be a further formal opportunity for community feedback on the Master Plan through the planning scheme amendment process to implement the Master Plan in the Colac Otway Planning Scheme.

The Master Plan has been divided into the following two precincts as shown in Figure 2:

- Precinct 1 – Harbour entry and central precinct; and
- Precinct 2 – Boating and sailing precinct.



**Figure 2 Apollo Bay Harbour Precinct Plan**

### Implementation of the Master Plan in the Colac Otway Planning Scheme

Amendment C73 proposes to introduce the 2013 Master Plan into the Colac Otway Planning Scheme. It does this by:

- Rezoning the Harbour from the Public Park and Recreation Zone (PPRZ) to the Special Use Zone (SUZ) and introducing Schedule 2 of the SUZ (SUZ2).
- Amending the Schedule to Clause 81 by listing the Apollo Bay Harbour Master Plan 2013 as an Incorporated Document in the planning scheme.
- Amending the Schedule to the Heritage Overlay for item HO300 (Pier Precinct Apollo Bay) by listing the Apollo Bay Harbour Master Plan 2013 as an incorporated document.

The effect of Amendment C73 will be as follows:

- The SUZ2 allows Council to prepare specific use and development controls for the Harbour. Schedule 2 to the SUZ has been structured to:
  - Require a Development Plan for Precinct 1 (Harbour entry and central precinct) to address the complex nature of this area (ie Port operations, public access, commercial development etc.)



- Not require a planning permit for any use of the land that is consistent with the Master Plan, allow Council to consider some uses with a permit and prohibit other uses (eg accommodation)
- Require a permit for buildings and works for all but:
  - Car / boat parking redevelopments
  - Minor public works such as pathways, bbqs, shelters, picnic tables and the like
  - Dredging works to maintain navigable depths; and
  - Repair or removal of navigation aids.

The SUZ2, once forming part of the Planning Scheme, cannot be altered without a Planning Scheme Amendment.

- The Incorporated Document is a summary of the key planning related elements of the 2013 Master Plan and contains some guidance for Section 1 uses identified by the SUZ2, the Precinct 1 Development Plan preparation requirements and the Development Guidelines. The requirements of this document must be complied with and it can only be changed through a Planning Scheme Amendment.

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

#### **A Planned Future**

creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

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is a community where people feel cared for and supported; where buildings and spaces facilitate creativity, social activity and enrichment of life, and people have access to gain the skills and education needed to reach their potential.

#### *Our Goal:*

Improve access to buildings, spaces, services and education to support and enable quality of life.

### **Issues / Options**

Council now has the opportunity to consider a Master Plan that is entirely consistent with its February 2012 resolution to delete the hotel and wellbeing component, and which provides greater direction for decision making than the 2008 Enquiry by Design plan. This 2013 Master Plan provides the basis for deciding how best to reflect the Harbour's future in Council's planning scheme.

This officer report recommends a planning scheme amendment process to introduce a planning framework at the Harbour to specifically guide future development outcomes. It will provide a transparent and inclusive process to ensure:

- There is certainty with regard to Council's resolution of February 2012 to delete reference to the hotel and wellbeing centre component. Use of land at the harbour for accommodation would be prohibited under the proposed amendment C73, and the only way this component could be considered in the future would be to amend the planning controls via another amendment process.



- It otherwise confirms the outcomes of the Enquiry by Design community engagement process.
- The Master Plan is tested and open to scrutiny/comment.
- Any unresolved issues would then be considered by an Independent Planning Panel.

Without a planning scheme amendment there would be no detailed guidelines or parameters to limit the scale or nature of proposed use or development or to give Council officers or the State Government solid grounds to encourage or refuse any kind of proposal. A Planning Scheme Amendment which introduces specific controls linked to the 2013 Master Plan is needed for this.

It is worth noting there has always been, through this current 8 year process to plan for the redevelopment of the Harbour, opposing voices in the local community who have not agreed with one or more elements of the concept. The most contentious element has now been removed, however it is likely that whatever is planned or developed in the Harbour will continue to attract both supporters and detractors. What is important to bear in mind are two important questions. The first is whether or not the Master Plan delivers on its objectives and secondly whether it has enough community support to justify proceeding.

The Vision for the Apollo Bay Harbour Precinct Master Plan is as follows:

*“The Apollo Bay Harbour Precinct will be a new focal point for the town and surrounding region and a ‘must see’ development on the Great Ocean Road.*

*The precinct will be developed with a tourism, fishing, boating, commercial and recreational focus, strengthening links to the town centre of Apollo Bay and providing improved community benefits.*

*The Apollo Bay Harbour Precinct will demonstrate best practice in its design and management and contain a range of high quality community and tourist facilities, services and public spaces that will provide enjoyable experiences for residents and visitors year round.*

*Components of the new development will showcase the fishing/maritime and indigenous cultural heritage of the town and respect and enhance the surrounding natural environment”.*

The 2013 Master Plan delivers on Council’s February 2012 resolution, and Council’s consideration of it over the years has demonstrated a willingness to adjust it in accordance with feedback from the community. It proposes upgraded port facilities, new areas for the public domain and opportunities for architectural inspiration in the built form. There is no doubt that the Harbour is already a focal point in Apollo Bay but it could not be argued that it is a ‘must see’ destination for tourists. The proposed Master Plan will provide planning certainty for redevelopment that would provide far greater incentive for visitors to stay and explore the Harbour and potentially spend more money in the local economy.

Tourism, fishing and boating, commercial and recreational activities are all included in the Master Plan and the walking/cycling trails from the town centre and through the foreshore to the Harbour would strengthen the links between both areas. Improved boat trailer and car parking would also enhance the flow of traffic around the Harbour.

It is important to recognise that adoption of the Master Plan, whilst providing planning certainty for what can and equally cannot be undertaken in the Harbour precinct, is simply a planning document and does not actually mean that all or any of the elements will



necessarily occur. It does however provide a clear blueprint for Council, the community and other levels of government to achieve funding and work with the development industry in a positive environment to develop the Harbour in line with the Master Plan over time.

**Proposal**

It is proposed that Council:

- Receives the Apollo Bay Harbour Master Plan 2013 report
- Implements the Master Plan in the planning scheme by introducing a Special Use Zone and associated provisions via a Planning Scheme Amendment
- Seeks Ministerial Authorisation to prepare the amendment
- Exhibits the amendment, including the Master Plan, for a period of 6 weeks.

**Financial and Other Resource Implications**

The State Government has contributed approximately \$265,000 to the Apollo Bay Harbour project thus far, compared to a contribution by Council of \$23,000. This does not include significant officer time at the most senior levels of Council.

The State Government has provided a further \$255,000 to complete the Planning Scheme Amendment. This includes engagement of the current Project Manager, Isis Planning, and the consultants required to revise the Master Plan. All costs associated with Amendment C73 are being funded from the Government grants and contributions.

**Risk Management & Compliance Issues**

The risk in Council not proceeding with the planning scheme amendment is that it will not resolve the uncertainty around the Harbour and its Master Plan. As the planning scheme amendment process is a forerunner to a bid for State Government funds and private investment for implementation of the Plan, not proceeding would also send a message to the State Government that despite the funds spent on the Master plan to date Council does not support redevelopment of the Harbour.

Without a Planning Scheme Amendment, under the current planning scheme provisions Council does not have much control over the size, scale and design of any future development that may occur in the Harbour precinct. The planning scheme amendment aims to put in place clear safeguards that guide the preferred scale and intensity of development through the introduction of specific planning controls, offering a greater level of long term protection to the community.

The recent development of the 2013 Master Plan and preparation of amendment documentation has been undertaken using State Government funds. There is a risk of reputational damage given the level of grant funds, and other support, that has been provided for this project if Council chose not to exhibit Amendment C73.

**Environmental and Climate Change Considerations**

The Apollo Bay Harbour Master Plan 2013 has been informed by a Coastal Hazard Vulnerability Assessment (CHVA). This assessment found that the proposed infrastructure in the Master Plan is at low risk of being adversely affected by future sea level rise, stronger storm surge activity or coastal erosion, but that any new buildings and works would need to ensure they are sited and designed to be protected from rising sea levels and storm surge events.



**Community Engagement**

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

The method selected would be ‘Consult’, and include a letter sent to the Community Reference Group, a notice of amendment delivered to all residents and ratepayers in Apollo Bay and the surrounding hinterland, advertisements in the local newspapers and a media release. The community will have an opportunity to make written submissions to the amendment, and have the option of presenting directly before an independent panel that would be appointed by the State Government to advise Council on the final amendment.

**Implementation**

Amendment C73 has been prepared to implement the Apollo Bay Harbour Master Plan 2013 into the Colac Otway Planning Scheme. Officers will finalise the amendment documentation and seek authorisation to exhibit the amendment from the State Planning Minister.

**Conclusion**

The Apollo Bay Harbour Master Plan 2013 identifies a number of important projects to increase the tourist appeal of the Harbour, provide more appropriate infrastructure for the Port Operations, provide better facilities for other stakeholders and a range of public realm initiatives for improved pedestrian linkages, public facilities such as toilet facilities and boat trailer and car parking areas. All of this can occur within a Master Plan that integrates with the main shopping area and is designed to identify and fit the unique local character of Apollo Bay.

The Apollo Bay Harbour Master Plan 2013 is consistent with the adopted Enquiry by Design plan from 2008 and Council’s resolution of February 2012 to remove the contentious hotel and health and ‘well being’ component. The 2013 Plan has also been informed by extensive community consultation and feedback since the project started in 2005. The planning scheme amendment will provide the certainty that both Council and the community seek.

It is recommended that Council receive the Apollo Bay Harbour Master Plan 2013, and exhibit specific changes to planning controls for the precinct via Amendment C73. Feedback on the 2013 version of the Master Plan will also be sought concurrently with the amendment.

**Attachments**

1. Apollo Bay Harbour Master Plan 2013
2. Draft C73 Special Use Zone Schedule 2
3. Draft C73 Apollo Bay Harbour Incorporated Document



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

- 1. Receives the Apollo Bay Harbour Master Plan 2013.***
- 2. Seeks authorisation from the State Planning Minister to prepare Planning Scheme Amendment C73 to introduce site specific changes to the harbour precinct by way of:***
  - a. Minor changes to the Municipal Strategic Statement.***
  - b. Replacement of the Public Park and Recreation Zone over the harbour precinct with a Special Use Zone and Schedule.***
  - c. Introduction of an Incorporated Plan.***
  - d. Modification to the Heritage Overlay to exempt permit requirements for works consistent with the Incorporated Plan.***
- 3. Exhibits the amendment and Apollo Bay Harbour Master Plan 2013 for a minimum period of six weeks seeking written submissions.***

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**GENERAL BUSINESS**

| ITEM                      |  |
|---------------------------|--|
| <b><u>OM132808-9</u></b>  | <b><u>ASSEMBLY OF COUNCILLORS</u></b>  |
| <b><u>OM132808-10</u></b> | <b><u>MINUTES FROM YOUTH COUNCIL MEETINGS</u></b>  |
| <b><u>OM132808-11</u></b> | <b><u>MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</u></b>   |
| <b><u>OM132808-12</u></b> | <b><u>ITEM FOR SIGNING AND SEALING - CONFIDENTIALITY DEED - CITIPOWER/POWERCOR</u></b>               |
| <b><u>OM132808-13</u></b> | <b><u>MINUTES FROM THE COLAC COMMUNITY LIBRARY &amp; LEARNING CENTRE JOINT COMMITTEE MEETING</u></b> |







**OM132808-9****ASSEMBLY OF COUNCILLORS**

|             |               |           |           |
|-------------|---------------|-----------|-----------|
| AUTHOR:     | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive     | FILE REF: | F13/6530  |

**Introduction**

The *Local Government Act 1989* (the Act) requires that records of meetings, which constitute an Assembly of Councillors, be tabled at the next practicable meeting of Council and incorporated in the minutes of the Council meeting.

**Definition**

An “assembly of Councillors” is a defined term under section 3(1) 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.

As part of decision making processes at Colac Otway, it is essential that Councillors are briefed on a range of issues which come before Council for consideration. As a means of providing this information, Assembly of Councillors briefings are conducted.

Assemblies are also attended by Council Officers, and sometimes other specific advisors, to provide Councillors with a detailed knowledge and understanding of issues under consideration to a level of detail that would inhibit timely decision-making, that would not be possible in an open council meeting, where decision-making related debate is governed by strict meeting procedures.

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 names of all Councillors and members of Council staff attending;
- the matters considered;
- conflict of interest disclosures made by a Councillor (if any are made); and
- whether a Councillor who has disclosed a conflict of interest leaves the assembly.

It is a requirement that the record of an assembly is to be reported to the next practicable ordinary meeting of Council and be incorporated in the minutes of that Council meeting.

**Assemblies of Councillors**

The following Assemblies of Councillors have been held:

- |   |                |
|---|----------------|
| • Friends of the Botanic Gardens          | 11 July 2013   |
| • Colac Livestock Selling Centre          | 19 July 2013   |
| • Colac Aerodrome Committee of Management | 22 July 2013   |
| • Councillor Briefing Session             | 24 July 2013   |
| • Councillor Workshop                     | 14 August 2013 |

**Attachments**

1. Friends of Botanic Gardens - 11 July 2013
2. Colac Livestock Selling Centre - 19 July 2013
3. Colac Aerodrome Committee of Management - 22 July 2013
4. Councillor Briefing Session - 24 July 2013
5. Councillor Workshop - 14 August 2013

**Recommendation(s)**

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

- |   |                              |
|---|------------------------------|
| • <b><i>Friends of the Botanic Gardens</i></b>          | <b><i>11 July 2013</i></b>   |
| • <b><i>Colac Livestock Selling Centre</i></b>          | <b><i>19 July 2013</i></b>   |
| • <b><i>Colac Aerodrome Committee of Management</i></b> | <b><i>22 July 2013</i></b>   |
| • <b><i>Councillor Briefing Session</i></b>             | <b><i>24 July 2013</i></b>   |
| • <b><i>Councillor Workshop</i></b>                     | <b><i>14 August 2013</i></b> |

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**OM132808-10****MINUTES FROM YOUTH COUNCIL MEETINGS**

|             |               |           |           |
|-------------|---------------|-----------|-----------|
| AUTHOR:     | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive     | FILE REF: | 11/96640  |

It has been previously agreed to by Council that the minutes of Youth Council meetings 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 of Youth Council meetings held on:

- 15 July 2013
- 29 July 2013.

**Attachments**

1. Minutes - Colac Youth Council - 15 July 2013
2. Minutes - Colac Youth Council - 29 July 2013

**Recommendation(s)**

***That Council notes the minutes arising from Youth Council meetings held on:***

- ***15 July 2013***
- ***29 July 2013.***

~~~~~v~~~~~







**OM132808-11****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 June 2013.

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

**Attachments**

1. Meeting Minutes Old Beechy Rail Trail 3 June 2013
2. Executive Officer Report 3 June 2013

**Recommendation(s)**

***That Council notes the Minutes and Executive Officer report of the Old Beechy Rail Trail Committee for 3 June 2013.***

~~~~~v~~~~~







**OM132808-12****ITEM FOR SIGNING AND SEALING - CONFIDENTIALITY DEED - CITIPOWER/POWERCOR**

|             |                                    |           |           |
|-------------|------------------------------------|-----------|-----------|
| AUTHOR:     | Jack Green                         | ENDORSED: | Rob Small |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | 11/96581  |

**Purpose**

To seek Council's endorsement of the signing and sealing of a Confidentiality Deed with Powercor with regard to the provision of confidential mapping data for use in the Community Resilient Communities Project that Colac Otway Shire is project managing for all of the councils across the Barwon South West Region, which encompasses the G21 and Great South West Regions of the state.

**Declaration of Interests**

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

**Background**

The Colac Otway Shire supported an application for funding to the State Government Department of Environment and Primary Industries (DEPI) through the Victorian Adaptation and Sustainability Partnership (VASP) funding program to undertake a Climate Resilient Communities project across the Barwon South West Region. The primary focus of the project is to identify risks to the councils operations, which will be brought about by future extreme weather events. Through this process councils will be able to implement a range of climate adaptation measures, which will assist them to prepare for and respond to these events into the future. Council is project managing this project on behalf of the ten represented municipalities

**Council Plan / Other Strategies / Policy****A Healthy Community and Environment**

actively connects and includes people of all ages and backgrounds and promotes a healthy and vibrant community life in a clean, safe and sustainable environment.

*Our Goal:*

Respect cultural differences, support a diverse range of healthy and creative activities, foster community safety and promote environmental sustainability.

**Issues / Options**

In order to ensure that the consultants have access to all relevant data to complete this project it is necessary to negotiate with all relevant service providers, including Powercor, to ensure that the most up to date and accurate data is incorporated into the assessment process. Powercor has requested Council to sign a Confidentiality Deed to enable their mapping data to be provided for use in this project.

**Proposal**

The document provided by Powercor required the signing and sealing of the document by Council and this report is seeking Council's endorsement of the affixing of the Council Seal and the signing of that document by the Chief Executive Officer.



**Financial and Other Resource Implications**

There are no financial implications for Council in agreeing that the Confidentiality Deed with Powercor for this purpose be entered into.

**Risk Management & Compliance Issues**

There are no risk issues associated with this recommendation.

**Environmental and Climate Change Considerations**

This project will provide Council with detailed information in relation to climate adaptation measures that will enhance the environment into the future.

**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 would include: extensive media coverage would occur throughout the stages of the project and when the final report is released.

As this report is requesting Council's approval to execute a data sharing agreement, no community consultation is being proposed.

It is important to note that from the larger project perspective, a Communication Strategy has been developed. This strategy provides guidance for the communication actions to various stakeholders, including the broader community. As the primary focus of the project is to identify risks to Council's operations, which will be brought about by future extreme weather events, broader community consultation is not being proposed at this stage.

However, it is recognised that there are many benefits of promoting the project into the future and the significant funding support provided by DEPI. In line with the Communication Strategy, a workshop is being planned in the coming months to ensure Council are aware of the progress for the project and support the communication approach being followed.

**Implementation**

Because of the urgent nature of this request, the CEO has signed and sealed the Deed and it has been returned to Powercor. The data will be made available to Council for the use in the Climate Resilient Communities Project

**Conclusion**

Council was presented with a Confidentiality Deed by Powercor which required a resolution of Council that the document be signed by the CEO and the Council Seal affixed. This report is seeking Council's endorsement for that to occur.

**Attachments**

1. Confidentiality Deed - Citipower/Powercor

**Recommendation(s)**

***That Council endorses that the CEO has signed the Confidentiality Deed with Powercor to enable transfer of data for the Climate Resilient Communities Project and that the Council Seal has been affixed to the document.***

~~~~~v~~~~~



**OM132808-13****MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING CENTRE JOINT COMMITTEE MEETING**

|             |               |           |           |
|-------------|---------------|-----------|-----------|
| AUTHOR:     | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive     | FILE REF: | 11/96218  |

It has been previously agreed to by Council that the minutes of Colac Community Library & Learning Centre Joint Committee meetings 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 of Colac Community Library & Learning Centre Joint Committee meeting held on 8 May 2013.

**Attachments**

1. Colac Community Library & Learning Centre Joint Committee - 8 May 2013

**Recommendation(s)**

***That Council notes the minutes arising from the Colac Community Library & Learning Centre Joint Committee meeting held on 8 May 2013.***

~~~~~v~~~~~







**NOTICES OF MOTION**

| ITEM                      |                                             |
|---------------------------|---------------------------------------------|
| <b><u>OM132808-14</u></b> | <b><u>C67 PLANNING SCHEME AMENDMENT</u></b> |







**OM132808-14      C67 PLANNING SCHEME AMENDMENT (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 28 August 2013:

***That Council:***

- 1.      *Adopts Amendment C67 with the following changes:***
  - a. Mapping alterations proposed by the Panel that adopt the changes to the Salinity Management Overlay as shown in the Amendment C67 Expert Report Ordinances Maps and include the post exhibition changes presented to the panel and the post panel changes identified for Mr Missen's property.***
  - b. Changes to the Salinity Management Overlay Schedule to:***
    - i. Remove the permit requirement for removing, destroying or cutting grass associated with use of land for agriculture within 30m of a waterway; and***
    - ii. Insert an additional permit exemption for earthworks that do not raise the ground level topography by more than 200mm.***
- 2.      *Forwards the adopted amendment to the Minister for Planning for approval, along with copies of all written submissions received to the amendment since the Panel hearing, and the Council's response to these submissions.***

*Please note that the maps referred to in this Notice of Motion have been included in the attachments to item OM132808-4 Salinity Management Overlay – Adoption of Amendment C67*

**Recommendation**

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

~~~~~v~~~~~



## 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 Memo & Emails for Consideration - C67 Planning Scheme Amendment & Legal Advice | this matter deals with legal advice; AND this matter may prejudice the Council or any person | Section 89 (2) (f) (h)       |





# ORDINARY COUNCIL MEETING

WEDNESDAY, 28 AUGUST 2013

## ATTACHMENTS

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## COUNCIL POLICY

|                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Council Policy Title:</b>    | <b>Councillor Support</b>        |
| <b>Council Policy ref. no:</b>  | 18.5                             |
| <b>Responsible Department:</b>  | Corporate and Community Services |
| <b>Date of adoption/review:</b> | 24 July 2013                     |

### 1. BACKGROUND

Under the *Local Government Act 1989* (the Act), Councillors are entitled to resources and facilities, support and reimbursement of expenses related to their duties as a Councillor.

The Act requires Council to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees and sets out the minimum tool kit of resources and facilities for Councillors.

This policy has been developed with reference to the Act and:

- Recognition and Support, the Victorian Government's policy statement on Local Government Mayoral and Councillor Allowances and Resources - April 2008 (Recognition and Support); and the
- Victorian Government's Information Guide on Mayor and Councillor Entitlements – Reimbursement of Expenses and Provision of Resources and Facilities Support for Victorian Mayors and Councillors November 2008.

### 2. PURPOSE

To outline the resources, facilities and support available to Councillors to enable them to fulfil their responsibilities as elected members of the community. These include:

- Allowances paid to the Mayor and Councillors;
- Mayoral vehicle;
- The facilities, resources and support Council considers necessary or appropriate to provide support to Councillors in the performance of their duties as a Councillor; and
- The circumstances under which Council will make payment for –
  - professional development;
  - reimbursement of travel expenses; and
  - reimbursement of other expenses.



**3. POLICY**

Councillors will be provided with resources, support and access to facilities to assist them to fulfil their responsibilities as elected members of the community.

**4. SCOPE**

This policy applies to all Councillors.

**5. APPLICATION**

The provision of facilities, resources and support to Councillors and the expenses paid or reimbursed for Councillors will be made on an equitable basis.

Duties performed for the purposes of achieving the objectives of Council having regard to any relevant Act, Regulations, Ministerial Guidelines and Council policies, Councillors are entitled to access facilities, support and resources as described in this policy and the *Local Government Act 1989*. These include:

- Attending Ordinary and Special Council meetings, meetings of Committees of Council, formal briefing sessions and civic or ceremonial functions convened by the Council, the Mayor or the Chief Executive Officer.
- Attending meetings or workshops scheduled by the Council, the Mayor or the Chief Executive Officer.
- Participation in site inspections or meetings, or participating in delegations or deputations to which the Councillor has been duly appointed as a representative of Council.
- Attending a meeting or function as the nominated representative of Council or the Mayor.
- Attending meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate or the nominated representative of Council.
- Attendance at site inspections or meetings relevant to a matter which is, or is anticipated to be the subject of a decision of Council.
- Attendance to discuss with officers or any person any matter relating to the Shire.
- Attending seminars, training or professional development courses as an attendee and/or speaker and which:
  - contribute to the development of personal and professional skills or knowledge of the Councillor which are necessary for the performance of the duties of a Councillor; and
  - Are consistent with Council's objectives; and
  - Will cover or present material with application/importance/relevant to current or future issues faced by the Council; and
  - Are within the Councillors annual budget allocations for the provision for seminars and training.



- Attending conferences as an attendee and/or speaker as Council's nominated representative or delegate and which:
  - are consistent with Council's objectives; and
  - will cover or present material with application/importance/relevance to current or future issues faced by the Council; and
  - are within the Councillors annual budget allocations for the provision for conferences and seminars.

## **6. GUIDELINE**

The policy is not intended to prescribe for every possible situation that may arise. Should a situation arise that is not adequately covered by this policy, the matter will be referred to the Chief Executive Officer for determination.

The fundamental test to be applied in determining whether or not a Councillor expense is appropriately incurred is whether the expenditure is necessary because it is supplemental or incidental to, or consequent on the exercise of Council duties.

- Expenses incurred by Councillors when acting in a private capacity will not be reimbursed or paid.
- Any costs incurred by a Councillor which are not covered specifically within this policy will not be met, unless the Councillor has received prior written authorisation from the Chief Executive Officer.
- Supporting evidentiary documentation will be required for all Councillor expense reimbursement and payments.
- Reference to the Chief Executive Officer throughout this policy will extend to his or her delegate.

## **7. COUNCILLOR ALLOWANCES/REIMBURSEMENTS**

### **7.1 Mayor and Councillor Allowance**

Section 74 of the Act allows the Governor in Council to set allowances for the Mayor and Councillors.

- The most recent Order in Council sets out specific annual Mayor and Councillor allowances based on three categories of Council. Colac Otway is known as a category 2 municipality therefore the range for a Mayor and Councillor allowance is limited to the category 2 range, plus the amount equivalent to the Superannuation Guarantee (currently 9%) where applicable.
- Council will increase allowances in accordance with any adjustment factor gazetted by the Minister for Local Government each year, as required under the Act.
- Mayor and Councillor allowances will be paid 4 weekly in arrears and the allowances will be set following each municipal general election.
- Mayor and Councillors allowances are taxable income and Councillors should put in place their own processes for documenting claimable expenses. Any personal taxation implications from the receipt of allowances are the responsibility of individual Councillors.



## **7.2 Mayor's Vehicle**

A fully maintained vehicle will be provided to assist the Mayor to carry out his/her duties and for private use during the Mayoral term. In order to achieve an improved environmental outcome the Mayor's vehicle is to be no larger than a medium sized passenger vehicle with a fuel consumption for a petrol or diesel fuelled vehicle of not more than 8 litres/100 kilometres or an LPG vehicle. (based on the official fuel rating)

The vehicle is to be operated and maintained in line with the Light Fleet Policy. Where possible vehicles should attain a minimum of 4 stars under ANCAP safety assessment criteria.

## **7.3 Travelling Expenses**

Wherever practicable Councillors are to use a Council pool car for travel involved in performing their duties. This is to be requested through the Executive Office.

Upon the completion and forwarding of a travelling Claim Form, travelling expenses will be paid to Councillors for out of pocket expenses related to:

- Council meetings and Council business related to Council meetings.
- Council functions.
- Meetings arising as a result of a Councillor being appointed by the Council to an external body as Council's formal representative.
- Other meetings, events or occasions as agreed by the Mayor or Chief Executive Officer from time to time, or by resolution of the Council.

### **7.3.1. Travel within Victoria or interstate**

When Councillors are travelling within Victoria or interstate they should use the mode of transport that is the most cost effective.

- Travel must be undertaken by the shortest practical route.
- Any time occupied in other than authorised Council business shall not be included in the calculation of any expenses to be paid.
- Where travel is by air the standard form of travel will be economy class.
- Claims will only be paid on the actual form of transport.

The allowance payable to Councillors for use of their own private vehicle on Council business shall be in accordance with the rates prescribed in the Victorian Local Authorities Interim Award as varied from time to time.

Any expenses from breach of road, traffic parking or other regulations or laws, will not be reimbursed by Council.

## **7.4 Remote Area Travel Allowance**

Where a Councillor (including a Mayor) normally resides more than 100 kilometres (round trip) by the shortest possible practicable road distance from the location or locations specified for the conduct of ordinary, special or committee meetings of the Council or any municipal or community functions which have been authorised by Council resolution for the Councillor to attend, he or she shall be entitled to:

- be paid an additional allowance of \$40.00 per day, up to a maximum of \$5,000 per annum.



The Remote Area Travel Allowance is classified as Travel Allowance in the Annual Report.

#### **7.5 Reimbursement of Child Care Expenses**

Councillors incurring bona fide child care expenses paid to:

- A recognised child care provider; or
  - To a person who does not;
    - have a familial or like relationship with the Councillor; or
    - reside either permanently or temporarily with the Councillor; or
    - have a relationship with the Councillor or his/her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider;
- will be reimbursed to a maximum of \$2,000 per year when the child care is necessary to allow the Councillor to attend:
- Council meetings and Council business related to Council meetings;
  - Council functions; or
  - Meetings arising as a result of a Councillor being appointed by the Council to an external body.

Child care payment or reimbursement claims should be submitted to the Chief Executive Officer and must be accompanied by a receipt from the care provider showing the date and time care was provided and other details nominating the reasons child care was necessary.

#### **7.6 Other**

##### **7.6.1 Stationery**

Councillors may access and use standard stationery held or obtained generally for the council's requirements, including:

- paper, business cards, writing implements, diaries, writing pads/books, interview pads, computer discs, envelopes and the like.

Council stationery may only be used for carrying out duties as a Councillor.

##### **7.6.2 Protective Clothing**

Where requested, Council will lend the Councillors protective clothing required to assist in carrying out the duties of office. This clothing must be returned promptly upon the completion of the duty.

Protective clothing includes:

- wet weather pants and pullover
- gumboots
- winter jacket and/or hat.

##### **7.6.3 Legal**

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor shall be the responsibility of that Councillor.

##### **7.6.4 Meals/Refreshments**

Where Council meetings are held at times that extend through normal meal times, Council will provide suitable meals. Councillors will be notified of meal arrangements for each meeting.



#### **7.6.5 Insurance**

Councillors are covered by the following Council Insurance Policies while discharging, in good faith, the duties of civic office including attendance at meetings of external bodies as Council's representatives:

- a) Public Liability
- b) Professional Indemnity
- c) Councillors and Officer liability
- d) Personal Accident Insurance (accompanying partners also covered)

The Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

#### **7.6.6 Mail**

Council will post mail which has been generated by Councillors in performing their duties. (Any document written by a Councillor in performing their duties is a Council document and a record must be kept by the Council.) This will be co-ordinated through the Executive Office.

#### **7.6.7 Other Expenditure**

Any expenditure not specified above as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where the Mayor and Chief Executive Office agree otherwise.

### **8. COMMUNICATION AND EQUIPMENT EXPENSES**

#### **8.1 Communications Equipment Provided**

Councillors shall be provided with appropriate communications equipment to ensure that they can adequately and efficiently perform their role as a Councillor, which as a minimum will include:

- A mobile phone (iphone with email and calendar)
- iPad with Next G internet connection
- Access to a copier/printer
- A home ADSL internet connection where next G is unavailable
- Council email account
- Other equipment as agreed

The make, model and specifications of any communications equipment, the associated contracts or plans and the replacement of any communications equipment shall be at the discretion of the Chief Executive Officer or their delegate.

The above facilities remain the property of the Council and must be returned at the end of a Councillor's term of office.

Council will meet the purchase, installation, maintenance and service, connection and disconnection, subscription, rental and usage costs for all Council provided communications equipment.



Council will only meet the incidental costs of two next G internet connections for each Councillor, except where additional, short term connections are required to facilitate travel or where the connection is necessary or appropriate for the purposes of achieving the objectives of Council.

Council may reimburse the purchase, installation, maintenance and service, connection, subscription, rental and usage expenses for equivalent equipment not provided by Council.

Councillors will only be reimbursed for such expenses where the purchase, installation, maintenance, service, connection, subscription, rental or usage has been approved in advance by the Chief Executive Officer.

Council may reimburse an amount less than the amount claimed, where the actual expense incurred is considered unreasonable, taking into account the estimated costs of using equivalent communications equipment provided by Council.

Council provided communications equipment is to be used for Council related business activities however it is acknowledged that, on occasion, limited personal use may be made of communications equipment.

Councillors will be regularly provided with mobile phone usage accounts and are required to sign a statement on each account, confirming:

- The value or amount of business use; and
- The value or amount of reasonable personal use.

Councillors are required to reimburse Council for the cost of their personal use of the equipment.

Council will review Councillors communication equipment and will update equipment at:

- The commencement of each electoral term;
- Any stage during the electoral term where Council believes an update is appropriate.

## **8.2 Use of Council Equipment**

Use of Council provided equipment is for Councillors use only.

The information technology platform provided for Councillors is based on Colac Otway Council licensed software and to assist the efficiency of the information technology no additional software is to be loaded onto Council provided hardware without the consent of the Chief Executive Officer.

Councillors have the responsibility to protect the equipment directly under their control.

Anti-virus protection and detection software is installed on Council communications equipment. Any suspected virus activity should be reported to the Manager Information Services.

Councillors are required to contact the Manager Information Services directly to report any damage or malfunction of any equipment.



### **8.3 Compliance with IT Policies**

Councillors are to comply with the following Council policies:

- Information System and Security Practices and Procedures (SSPP) Operational Policy
- Fixed and Mobile Telephone Policy
- Smart Phone and Tablet Usage Policy

## **9. CONFERENCES AND SEMINARS**

Councillors are encouraged to attend conferences and seminars relevant to their role, to enhance their personal skills and knowledge.

As part of the annual budget process an amount will be allocated for the attendance of Councillors at conferences and seminars and to participate in training.

All expenditure by Council on Councillor attendance at conferences, training sessions, seminars, trade delegations etc. will be assessed against the following criteria:

- a) Applicability of conference material to current or like future Shire issues.
- b) The importance of the event in terms of its provision of:
  - relevant and necessary training;
  - key information;
  - economic development opportunities;
  - networking opportunities.

Councillors sponsored by the Council to attend conferences and seminars shall have all reasonable expenses for travelling, transport, accommodation, registration fees, meals and out of pocket expenses relating to the conference/seminar reimbursement or paid on their behalf.

Councillors must obtain approval from both the Mayor and Chief Executive Officer or alternatively the full Council:

- to attend such conference/seminar where expenses are likely to be claimed; or
- to use a Council vehicle for transport to or from such function.

Note: the MAV Conference is to be automatically approved for attendance.

Any expenditure greater than \$600 (including registration, travel and accommodation) for a Councillor to attend a conference, seminar, training session, trade delegation, friendship visit etc. must be approved by Council. Approval is dependent upon the cost being within budget and being consistent with Council's goals and strategies.

Council may agree to a set contribution towards a Councillor's cost to attend a conference or seminar rather than the full costs in certain circumstances eg. if the costs are high or the benefits not significant to Council.

When attending approved conferences/seminars Councillors must:

- keep log of all related receipts;
- arrange with the Finance Unit for conference/seminar costs to be prepaid if required;
- complete a staff/councillor travel form for any related or overseas travel.



Expenses for Councillors wishing to make their own arrangements for transport or accommodation will be reimbursed as determined by the Chief Executive Officer.

To maximise the benefit derived from attending conferences and seminars, Councillors are required to present a written report to a Council meeting on the outcomes of the conference or seminar, unless the seminar was attended by the majority of Colac Otway Shire Councillors. The report is to be provided within 2 months of attendance.

## **10. SUBMISSION OF A CLAIM FOR REIMBURSEMENT**

### **10.1 All claims:**

- are to be submitted on the prescribed form, authorised by the CEO and forwarded to the Finance Unit.
- should be accompanied by fully accredited receipts/tax invoices for any expenses claimed. If receipts cannot be produced, Councillors may be required to provide a statutory declaration.
- Claims must include sufficient detail to demonstrate in accordance with the Act, that the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense incurred while performing the duties of a Councillor.

### **10.2 Timeframe for Submission of Claims**

All claims for allowances or reimbursements including travelling shall be made on a monthly basis. This is to ensure transparency and accountability.

Claims for reimbursement of claims for the months of July to May shall be submitted by the close of business of the last business day of the following month.

Claims for reimbursement of expenses during the month of June shall be submitted within 7 working days of the end of the financial year.

It is the responsibility of Councillors to ensure that claims for reimbursement occur within the stated timelines. Where the timelines are not met, information will be provided to the Mayor and Chief Executive Officer for consideration as to the payment of the claim.

### **10.3 Exclusions**

Any expenses arising from a breach of road, traffic, parking or other regulations or laws, including Council Local Laws will not be reimbursed or funded in any way by Council.

If a councillor chooses not to claim a particular expense, this cannot be offset against a claim for any additional amount associated with another expense.

Claims for expenses other than those included in these guidelines will not be reimbursed, except in exceptional circumstances and after Council has resolved that the claim is reasonable and should be reimbursed.



**11. REPORTING**

The Annual Report shall include the amount paid or attributed to a Councillor and include (but are not limited to) allowances, travel allowances and use of motor vehicle.

The Annual Report shall include a table detailing what equipment is provided to each Councillor.

**12. RELATED LEGISLATION AND DOCUMENTATION**

- *Local Government Act 1989*
- Information System and Security Practices and Procedures (SSPP) Operational Policy
- Fixed and Mobile Telephone Policy
- Smart Phone and Tablet Usage Policy
- Smart Phone and Tablet Usage Guidelines

**13. IMPLEMENTATION AND REVIEW**

This policy will be implemented by Council and is subject to periodic review.

**ADOPTED/AMENDMENT OF POLICY**

| <b>Policy Review Date</b> | <b>Reason for Amendment</b> |
|---------------------------|-----------------------------|
| 28 March 2007             | Adopted by Council          |
| 25 February 2009          | Review                      |
| 25 August 2010            | Review                      |
| 19 December 2012          | Review                      |
| 24 July 2013              | Review                      |



*Planning and Environment Act 1987*

## **COLAC OTWAY PLANNING SCHEME**

### **AMENDMENT C67**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Colac Otway Shire, who is the planning authority for this amendment.

The amendment has been made at the request of the Colac Otway Shire.

##### **Land affected by the amendment**

The amendment applies to areas of known salinity affected land which has been identified and mapped throughout areas of Colac Otway Shire.

##### **What the amendment does**

The amendment seeks to better plan for and manage salinity and its impact on urban and rural development and the risk or threat of development to sites of known salinity. It does this by implementing the outcomes of the Corangamite Catchment Management Authority Salinity Management Overlay project covering Colac Otway Shire, Corangamite Shire, Golden Plains Shire and Surf Coast Shire. Colac Otway Shire is now the third of the four Councils involved in this project to implement the project outcomes by way of this amendment. This amendment implements the exemption recommendations of the panel report for Surf Coast Amendment C38.

Accordingly, the amendment proposes to change the Colac Otway Planning Scheme by:

- Amending **Clause 21.04 – Environment** and **Clause 21.04-4 – Salinity** specifically by adding additional references to the extent of salinity in the Shire within the Overview and additional Objectives and Strategies that seeks to avoid salinity impacting on development and development impacting on the extent of salinity as well as ensuring that major land use change does not expand the impacts of salinity. A Map showing “Areas of Potential Salinity Impacts” is also introduced at the end of Clause 21.04.
- Amending Clause 21.06 by deleting the reference to considering the need for a Salinity Management Overlay in the planning scheme as this amendment responds to this action.
- Amending **Clause 21.07 – Reference Documents** to include the following reports and documents under **Environment**:
  - Salinity Management Overlay Project Report, EnPlan-DBA with Dahlhaus Environmental Geology and Chris Harty Planning and Environmental Management, Corangamite CMA, 2006
  - Colac Otway Shire – Salinity Management Overlay Salinity Occurrences and Mapping Background Report No 2, Dahlhaus Environmental Geology Pty Ltd, 2006
  - Colac Otway Shire - Salinity Management Overlay Review of Mapping Boundaries, Dahlhaus Environmental Geology Pty Ltd, 2012
  - Permit Application Requirements for Development Proposals where a Salinity Management Overlay Applies. EnPlan, 2006



■ Introducing Clause 44.02 Salinity Management Overlay and a Schedule to the Clause. The Schedule provides permit exemptions relating to vegetation removal and construction or extension of small non-habitable buildings.

■ Introducing the following SMO overlay maps 1SMO, 2SMO, 3SMO, 4SMO, 5SMO, 6SMO, 7SMO, 9SMO, 10SMO, 11SMO, 12SMO, 14SMO, 15SMO, 16SMO, 18SMO, 19SMO, 25 SMO and 26SMO to the planning scheme.

## **Strategic assessment of the amendment**

### **■ Why is the amendment required?**

The amendment is required to implement the findings of the Corangamite Catchment Management Authority Salinity Management Overlay project. The amendment will enable Colac Otway Shire to sustainably plan for and manage the impacts of salinity affected land on development, particularly buildings and infrastructure assets and works, and to manage the risk posed by development on areas of salinity. A key action to implement the project involves applying the Salinity Management Overlay (SMO) to identify known salinity areas. The application of the SMO is also supported by amendments to the Municipal Strategic Statement to better reflect the objective for the planning authority to consider the need to ensure that new development will not be impacted by salinity and that new development will not further impact on areas of land affected by salinity.

Salinity is recognised in Victoria as a significant natural resource management issue such as in the 1988 Victorian Salinity Strategy and at a regional level under the Corangamite Regional Catchment Strategy and the Corangamite Salinity Action Plan. There are 539 mapped salinity sites in the Colac Otway Shire, ranging in size from 658 hectares to 85 square metres. The average size is 19 hectares. The majority of the salinity occurs in saline wetlands, accounting for 55% of the total of 10,252 hectares. The remaining 45% of land salinity is almost evenly divided between dominantly primary (20% total) and dominantly secondary (25% of total).

Salinity affects urban as well as rural areas. In rural areas it affects land productivity, soil structure and water quality. In urban areas salinity can restrict the growth of plants in parks and gardens, and it can damage the structure and shorten the life of buildings and associated assets such as pipes and underground service infrastructure (sewer, water supply and drainage pipes, telecommunication cables). The stability of road foundations can also be affected causing dilemmas to managing authorities. Environmental and recreational values of waterways, lakes and native vegetation can also be lost through salinisation.

Salinity usually refers to a significant concentration of mineral salts in soil or water as a result of hydrological processes. Salinity accumulates through salinisation, which is the process by which land or water becomes affected by salt. Land salinisation occurs through the accumulation of salts in the root zone and on the soil surface, usually by the evaporation of saline groundwater from shallow watertables. Water salinisation occurs through an increase in the concentration of salt in the water, usually by the removal of fresh water through evaporation, harvesting, drainage or diversion.

In some landscapes the processes that cause salinity have been present for many hundreds or thousands of years, resulting in the formation of salt lakes and salt pans that are considered primary salinity sites. However, in many landscapes salinity processes have been induced as a result of changed land-use or water-use, resulting in the emergence of secondary salinity. The distinction between primary and secondary salinity is important. Primary salinity sites may include semi-permanent or permanent saline wetlands, many of which are highly valued ecosystems or environmental assets. By contrast, secondary salinity is rarely regarded as an asset and is generally seen as a threatening process. Both primary and secondary salinity can be a threat to a variety of assets.



Areas in the Shire where salinity has been identified and may potentially threaten assets, or alternatively may be threatened by development, have been mapped for inclusion into the Salinity Management Overlay. The areas include primary salinity, secondary salinity and saline wetlands and areas where salinity is not obvious but may develop in a relatively short time frame or within the design life of a development (taken as around 30 to 50 years). In these latter areas there is sufficient salt present in the soil to restrict plant growth or potentially threaten the integrity of buildings, infrastructure and utility services, and the area is underlain by relatively shallow saline watertables.

For the salinity areas that have been mapped a buffer has been included in the overlay mapping based on a one metre rise in groundwater levels taken as proportional to the terrain slope. Accordingly, the buffer areas around each mapped salinity site follow the following rules:

- A 100 metre buffer was applied to the proportion of the mapped salinity polygons which occur on terrain slopes of less than 2% (i.e. less than 1 in 50);
- A 50 metre buffer for the proportion of mapped salinity polygons lying on slopes of between 2% (1 in 50) and 4% slope (1 in 25);
- A 25 metre buffer was applied to the proportion of mapped salinity polygons on slopes of between 4% (1 in 25) and 10% (1 in 10);
- A 10 metre buffer applied to the proportion of salinity polygons lying on slopes of between 10% (1 in 10) and 20% (1 in 5); and
- No buffer applied to the proportion of salinity polygons on slopes greater than 20%.

Some mapped saline areas are naturally occurring primary salinity sites which may retain halophytic (salt tolerant) plants and rare or threatened species associated with the evolution of these 'island ecosystems' of saline discharge over the past centuries. The most obvious examples are the semi-permanent and permanent saline wetlands.

To delineate areas in the Colac Otway Shire where salinity may potentially be an environmental asset, two components have been identified:

- The areas where the mapped salinity has been identified as primary in origin and which may retain some environmental value. These are the areas where semi-permanent and permanent saline wetlands have been identified and areas adjacent to them which are regarded as dominantly primary salinity sites.
- The areas surrounding the primary saline sites in which inappropriate development may threaten the integrity of the environmental asset. These are areas where shallow saline watertables occur, and where a lowering of the groundwater level (for example, through tree planting) or disposal of fresh water (storm water, for example) may potentially destroy the environmental values.

To recognise the saline and environmental values of these areas it is proposed to apply the SMO. Environmental values are already recognised through the Environmental Significance Overlay Schedule 2 – Lakes, Wetlands and Watercourses under the planning scheme. A separate amendment (Amendment C70) will further consider reinforcing environmental protection through an adjustment of the coverage of the ESO2.

Also, broad areas have been delineated in which there is potential for certain land-uses, such as extensive irrigation schemes, urbanisation or vegetation removal, to change the hydrology of responsive groundwater flow systems. These land-uses may lead to changes in groundwater levels which may exacerbate existing salinity or initiate new outbreaks elsewhere in the landscape. Mapping these areas is only possible at a regional scale, as they are based on the groundwater flow systems, mapped salinity and probability of shallow watertables being present. These areas are identified on the map to be included in the MSS at Clause 21.04. The role of the map is to highlight the issue of potential salinity hazard and for further strategic planning investigation in future revisions of the MSS.



■ **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria, in particular sections; (a) To provide for the fair, orderly, economic and sustainable use, and development of land; (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity; and (c) To secure a pleasant, efficient and safe working, living and recreational environment.

It does this by protecting development from the effects of saline soils. The amendment also ensures that new development including buildings and works, new subdivisions and earthworks will not aggravate or lead to the creation of salinity impacted areas.

■ **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment will have the following positive impacts for the environment:

■ The impact of land use, development and subdivision on the occurrence and spread of salinity will be managed.

■ The amendment will address the protection of areas with saline environmental values (i.e. saline wetlands and primary salinity areas with ecological values considered to be environmental assets) from inappropriate development through the application of the SMO.

The amendment will address social and economic effects by recognising that salinity can increase the costs for development both in terms of creating additional cost for protective works but also in terms of costs involved in reduced land productivity and damage to buildings and infrastructure. The amendment can reduce these costs by recognising clearly areas where salinity is an existing threat to development and assisting to either avoid or reduce the costs associated with the effects of salinity on development, infrastructure and the land resource.

■ **Does the amendment address relevant bushfire risk?**

The amendment will not have any impact on bushfire hazard. Land use is not affected by the application of the SMO. The SMO is an overlay provision that regulates development including buildings and works and subdivision and is part of the suite of land management planning tools that seek to manage hazard albeit related to soils similar to the role of the Bushfire Management Overlay in managing bushfire risk.

■ **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with Direction 11 (Strategic Assessment of Amendments).

The amendment is not affected by any other of the Minister's Directions under s12/(2)(a) of the *Planning and Environment Act 1987*.

■ **How does the amendment support or implement the State Planning Policy Framework?**

The amendment supports the State Planning Policy Framework (SPPF) as it implements the objectives and strategies by providing improved management of salinity risk to soil health and facilitates proper and orderly development.

**Clause 10 – Operation of the State Planning Policy Framework**

**Clause 10.02 – Goal** seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices



which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The amendment supports this intent by implementing a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards by identifying salinity affected land and establishing policy to guide decisions about development activity and the need to avoid, minimise and protect development from the threat of salinity hazards.

#### **Clause 11 - Settlement**

The amendment responds and supports the need to plan for urban growth through ensuring the pollution of land is avoid and managed.

**Clause 11.02-1 – Supply of Urban Land** seeks to ensure that planning for urban growth takes into account the limits of land capability and natural hazards. The amendment satisfies these policy requirements by recognising salinity as a soil hazard and by identifying land affected by salinity and ensuring that urban development is protected and managed from the effects of saline affected soils and groundwater. The amendment establishes policy and overlay controls to ensure that salinity and its impacts are considered when assessing and determining zoning, subdivision and development activity.

**Clause 11.05-4 Regional planning strategies and principles** under **Environmental Health and Productivity** and under **Climate Change, Natural Hazards and Community Safety** looks to avoid development impacts on land and locate and design new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards. The Amendment supports this through the recognition of sites affected by salinity that can facilitate impacts from and on salinity being avoided by the siting and design of new development.

#### **Clause 12 - Environmental and Landscape Values**

The amendment helps to protect and conserve biodiversity values through recognition of sites of primary salinity which are environmental values. The application of the SMO in part assists in providing such recognition and combined with the current ESO2 provides a regime for improved planning and management of lakes and wetlands that are saline assets.

**Clause 12.01-1 – Protection of Habitat** seeks to 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.

The amendment will facilitate improved protection of saline environmental values by recognising these areas under the SMO.

#### **Clause 13 - Environmental Risks**

The amendment will assist in avoiding or minimising environmental degradation and hazards by helping to identify and manage areas affected by salinity. The application of the SMO is targeted and allows scope for siting and design of development to avoid saline areas and minimise the effects of development of salinity.

**Clause 13.03-3 - Salinity** seeks to minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers. The policy is most relevant to this amendment in that it encourages planning and responsible authorities to use zoning, overlay controls and permit conditions to:

- Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.
- Prevent inappropriate development in areas affected by groundwater salinity.



The policy also states that planning authorities should have regard to the following documents in planning for areas affected by salinity:

- A Local Government Planning Guide for Dryland Salinity (Department of Conservation and Natural Resources 1995).

- Any relevant regional catchment strategy and salinity management plan.

The amendment will facilitate implementation of the objectives of the Corangamite CMA Regional Catchment Strategy and Salinity Action Plan.

The application of the SMO and the MSS changes directly support this policy.

**Clause 14.01-1 – Protection of Agricultural Land** seeks to protect productive farmland which is of strategic significance in the local or regional context. The policy recognises that land capability is a fundamental factor for consideration in rural land use planning. Planning authorities should consult with the Department of Primary Industries and utilise available information to identify areas of productive agricultural land. In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals. In considering a proposal to subdivide or develop agricultural land, an important factor to consider is assessment of the land capability.

This policy supports the amendment. The amendment seeks to sustain land productivity and soil health through mitigating the development and expansion of saline ground within the Shire as a result of land development activity.

**Clause 14.02-2 – Water Quality** seeks to protect water quality and has strategies to discourage incompatible land use activities in areas subject to salinity hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes and to prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments. The amendment supports this through both the policy changes in the MSS to address land use changes that can substantially affect groundwater and in using the SMO to identify and manage sites of salinity.

### ■ **How does the amendment support or implement the Local Planning Policy Framework?**

The amendment changes Clauses 21.04-4 (Salinity), 21.06 (Further strategic work) and 21.07 (Reference documents) of the Municipal Strategic Statement (MSS).

The amendment is also supported by or implements the existing Municipal Strategic Statement as follows:

**Clause 21.02 - Vision** and **Clause 21.02-2 – Land Use Vision** under **Environmental Features** recognises that development will respond to environmental risks such as salinity. The amendment is consistent with Council's land use planning vision by providing additional control over development in areas identified under the SMO from salinity impacts.

**Clause 21.03 – Settlement** and **Clause 21.03-1 – General** under **Overview** recognises that future development of settlements should acknowledge environmental constraints. Under **Objectives**, the policy seeks to facilitate a range of developments in an environmentally sensitive way. The amendment supports this policy through policy change to the MSS relating specifically to the issue of salinity and its effects both on and from development activity.

**Clause 21.04-1 – Catchment Management** has strategies to consider land capability and protect lakes from environmental degradation. Both of these issues are supported by the amendment and the application of the SMO which requires land capability to be considered in any planning applications.



**Clause 21.04-2 – Water** identifies the value of saline lakes in the Shire and the need for their protection through maintaining natural condition. The Amendment assists in protecting saline waterways and complements the current ESO2.

**Clause 21.04-4 – Salinity** is directly supported by the amendment because it seeks to minimise the impact of salinity on not only agricultural land but in urban areas as well. Applying the SMO and adding to the policy directions in this clause will improve how salinity is recognised under the planning scheme within the Shire and enhance its management and how development can avoid and manage the impacts of and from salinity.

**Clause 21.05 – Economic Development** and **Clause 21.05-1 – Agriculture** has strategies to protect farmland for sustainable agriculture and encourage land management practices that are sustainable and protect the environment. The amendment will assist in both of these strategies by identifying salinity in the Shire, providing policy directions to ensure that rural land use is protected from the impacts of salinity particularly on agricultural production.

**Clause 21.06 – General Implementation** under **Undertaking Further Strategic Work** includes an action to consider applying the SMO to areas recommended by the Corangamite CMA. The amendment addresses this requirement and it is to be deleted as part of this amendment.

■ **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the VPPs by amending the MSS and applying the SMO and the schedule to the SMO. The SMO identifies areas subject to saline ground water discharge or high ground water recharge; encourages development to reduce salinity recharge; and prevents damage to buildings and infrastructure from saline discharge and a high watertable.

■ **How does the amendment address the views of any relevant agency?**

The amendment has been developed in consultation with all relevant agencies.

The amendment implements the Corangamite Catchment Management Authority Salinity Management Overlay project to identify and manage salinity affected land in rural and urban areas and advances the objectives and strategies set out in the Corangamite Regional Catchment Strategy and Salinity Action Plan. Mapping for the project was undertaken by the Department of Primary Industries.

■ **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment has regard to the transport system objectives and decision making principles and is not likely to have a 'significant impact on the transport system'.

**Resource and administrative costs**

■ **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will impose additional resource and administrative costs for the responsible authority. The number of developments that will trigger a planning permit application will increase. However, these additional costs will be minimal and will be outweighed by the public benefit of protecting saline areas and protecting development from salinity related degradation.



**Where you may inspect this Amendment**

The proposed amendment will be made available for public inspection, free of charge, during office hours at the following places:

**Colac Otway Shire Council**

2-6 Rae Street,  
COLAC VIC 3250

**Colac Community Library & Learning Centre**

173 Queen Street  
COLAC VIC 3250

**Colac Otway Shire Council**

Apollo Bay Customer Service Centre  
69 Nelson Street,  
APOLLO BAY VIC 3233

**Colac Otway Shire Council**

Sustainable Planning and Development Service Centre  
101-105 Gellibrand Street,  
COLAC VIC 3250

Website: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).



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**21.04 ENVIRONMENT**

18/06/2009  
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**21.04-1 Catchment Management**

18/06/2009  
C55

**Overview**

Colac Otway has a great diversity of ecosystems in the region which provides a base for an equally diverse and rich flora and fauna. The deeply dissected ridges and valleys of the Otways contrasts strongly with the open northern plains studded with crater lakes.

The Corangamite Regional Catchment Strategy describes the land, water and biodiversity assets of the region and provides a planning framework for the protection and restoration of these assets.

Integration of Shire policies and actions with those of its partners, specifically those related to catchment management, coastal action and forest management is an important component of sustainable natural resource management in the Shire.

**Objectives**

- To promote a co-operative regional approach to natural resource management

**Strategies**

- Adopt an integrated catchment management approach to the assessment and development of the Shire's natural resources.
- Consider land capability in the assessment of use and development proposals.
- Encourage land management practices and land use activities that are sustainable and can protect the environment.
- Promote the integrated management of public and private land with particular attention to the interface between the two.
- Protect the lakes from environmental degradation by limiting adjacent development and maintaining high quality wastewater treatment in Colac.

**21.04-2 Water**

18/06/2009  
C55

**Overview**

- The Draft Corangamite River Health Strategy identifies waterways of national, state and regional importance. The Colac Otway Planning Scheme currently recognises the significance of these assets with the Environmental Significance Overlay applying to lakes, wetlands and streams across the municipality.
- The saline lakes of the Volcanic Plain north of Colac are a significant feature of the region. These lakes are of international significance because of the number of threatened species and migratory species which depend on the sites.
- Lake Colac is a freshwater lake and is the most prominent environmental feature in the locality being formed through volcanic activity. Water quality in Lake Colac has been identified as a major issue for a number of years, and this has been evident through indicators such as blue-green algal blooms and sediment build up. Some of the main causes of poor water quality in the lake have been associated with development, particularly industry, close to the lake, transport of nutrients and pollutants to the lake from creeks and through runoff and through leachate from the former tip site.
- Barwon Water and Wannon Water are responsible for managing the six declared water supply catchments in the Colac Otway Shire. The declaration recognises the importance of these catchments for domestic water supply and the need to protect the water quality from inappropriate land use and development such as timber harvesting and road and building construction.



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- Southern Rural Water is the responsible authority for management of groundwater diversion. Three groundwater management areas have been declared in the Colac Otway Shire: the Warrion, Paaratte and Gerangamete. Groundwater Management Plans describe the nature of these groundwater areas and outline their management to ensure long-term sustainability.
- Water quality of rivers and streams north of the Otway Ranges is generally poor due to the impacts of land clearing and development.

**Objectives - Water**

- To protect water catchments.
- To retain and improve water quality and water yield.

**Strategies - Water**

- Ensure water quality standards and impact on water yields are considered in the assessment of planning permit applications.
- Ensure that the maintenance in natural condition of watercourses is considered in the assessment of use and development proposals.
- Promote the establishment of reticulated sewerage systems in townships where appropriate.
- Promote the introduction of improved septic tank systems and alternative waste treatment systems in areas where sewerage systems are not available.
- Encourage the use of "constructed wetlands" as a means of storing floodwater, improving water quality and adding to natural habitats.

**21.04-3**

18/06/2009  
C55

**Vegetation**

**Overview**

- The Corangamite Native Vegetation Plan (2003 – 2008) provides a strategic plan for protection, enhancement and restoration of native vegetation across the Region.
- The majority of native vegetation is found on public land within the Colac Otway Shire with small remnants on private land. An estimated 78 per cent of the region's original native vegetation is now cleared. Of the 22 per cent remaining vegetation, about half of this is found on private land or on linear strips such as roadsides and disused railway lines and much of this is considered threatened.
- Remnant vegetation on private land is generally small in size and often isolated and therefore particularly vulnerable to degradation from pests, disease or disturbance.

**Objectives**

- To protect and manage remnant native vegetation communities.

**Strategies**

- Maintain bio-diversity through the protection of significant habitats including remnant vegetation.
- Protect native vegetation and other significant stands of vegetation in order to prevent land degradation, maintain water quality and protect the bio-diversity of flora and fauna species.



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**21.04-4 Salinity**

18/06/2009  
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**Overview**

- At present over 20,000 hectares of salinity are mapped in the Corangamite CMA region including both primary and secondary salting. The Colac Otway Shire Salinity Management Overlay Salinity Occurrences and Mapping Background Report No 2, 2006 identifies 539 sites of salinity in Colac Otway Shire. The majority of the salinity occurs in saline wetlands, accounting for 55% of the total of 10,252 hectares. The remaining 45% of land salinity is almost evenly divided between sites of primary salinity (20% total) and secondary salinity (25% of the total). Water quality in rivers and streams as well as lakes and wetlands has declined since European settlement due to increasing salinity and reduced flow regimes.
- The Corangamite Salinity Action Plan (2003 – 2008) and the Colac Otway Shire Salinity Management Overlay Salinity Occurrences and Mapping Background Report No 2, 2006 identifies salinity, not only as a significant threat to agricultural production and biodiversity, especially in the lakes and plains area north of Colac, but also as an asset demonstrated by the extensive saline lakes and wetlands found within the Shire.
- Salinity is a significant threat, particularly in the northern half of the Shire, to water quality and urban infrastructure including underground services and roads.
- Areas within the foothills located to the south and south east of Colac have been identified as being affected by salinity. Land managers will need to take appropriate action to manage and minimise the impact that salinity can have on lost productivity.
- Areas within and around Colac have been identified as being affected by salinity. Proposals for new development or re-zoning will need to take into consideration these areas as well as areas that have potential for being impacted by salinity due to shallow groundwater tables or other limitations on soil quality.

**Objectives**

- Direct new urban growth away from areas of salinity impact.
- To plan for and minimise the impact of salinity on agricultural land, water quality and urban infrastructure including underground services and roads.
- To avoid land use and development from aggravating or generating the effects from salinity.

**Strategies**

- Adopt an integrated catchment management approach to the assessment and development of the Shire's natural resources.
- Identify, assess and manage salinity in the assessment of use and development proposals. The preparation of a Land Capability Report may assist with such an assessment.
- Promote land management practices that protect soil resources from degradation.
- Encourage land management practices that seek to improve areas of soil degradation.
- Require development and subdivisions to avoid or mitigate being impacted by salinity. Protective measures to mitigate impact include the careful siting of development and infrastructure, selection of appropriate construction materials, site landscaping, watering and irrigations systems, minimising the extent of impervious surfaces and the management of surface water runoff.
- Require land uses, development and subdivisions that can significantly change surface water and groundwater hydrological flow patterns, within those areas shown on Map 1 - Area of Potential Salinity Impacts in this Clause, to mitigate new or expanded areas affected by salinity.



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- Avoid the location of development and subdivisions within or adjacent to naturally saline waterways including wetlands to prevent their degradation except where the outcomes of such development and subdivision contribute to the protection and enhancement of their environmental values.
- Avoid or minimise the impacts of extensions to existing development adjacent to naturally saline waterways including wetlands.
- Require proposals for re-zoning to take into consideration those areas affected by existing salinity impacts or that have potential for being impacted by salinity due to shallow groundwater tables or other limitations on soil quality. Planning for new urban growth areas should avoid areas of salinity impact.

**21.04-5 Erosion**

18/06/2009  
C55

**Overview**

- Landslides are a significant hazard in the southern half of the Shire associated with steep slopes and high rainfall including the Otway Ranges from Marengo to Wye River; the slopes of the Barham River and Gellibrand River valleys; the Hordern Vale – Glenaire area; the Lavers Hill – Johanna River area; the Kwarren – Yeodene area; and the Irrewillipe area.
- Landslides are triggered by prolonged and/or intense rainfall, man-made changes to the landscape primarily through clearance of native vegetation and rare earthquake events.

**Objectives**

- To ensure that use and development has regard to the potential for landslip.
- To ensure that in areas where a risk of landslip is identified, all new buildings and works do not increase the possibility of landslip on the land or surrounding land.
- To manage landslip risk especially along the coastal areas.

**Strategies**

- Ensure that in areas where a risk of landslip is identified, all new buildings and works do not increase the possibility of landslip on the land or surrounding land.
- Avoid vegetation removal in areas susceptible to landslip.
- Reduce and stabilise movement and disturbance in landslip areas by replanting vegetation and by good site drainage including limited on-site disposal of treated wastewater effluent and stormwater, where appropriate.
- Ensure new development demonstrates tolerable risk to property and loss of life.
- Consider land capability in the assessment of use and development proposals.
- Promote land management practices that protect soil resources from landslip, contamination, compaction and other forms of degradation.

**21.04-6 Flooding**

18/06/2009  
C55

**Overview**

- The Colac Otway Planning Scheme currently has a Land Subject to Inundation Overlay that reflects the floodways in the Shire.
- Flooding is a significant threat north of the Otway Ranges particularly associated with the Barwon River and the lakes system of the Volcanic Plains.

**Objectives**

- To minimise environmental hazards.



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**Strategies**

- Promote floodplain management policies, which minimise loss and damage, maintain the function of the floodway to convey and store floodwater and protect areas of environmental significance.
- Encourage the use of "constructed wetlands" as a means of storing floodwater, improving water quality and adding to natural habitats.

**21.04-7**

**Climate Change**

18/06/2009  
C55

**Overview**

- The impact of climate change on land within Colac Otway Shire has been considered in a recent report (Climate Change in the Corangamite Region – DSE 2004) that addresses temperature, rainfall, drought, water resources, fire, winds, storms and sea level rise.
- It is appropriate to apply the precautionary principle by ensuring that the land use and development considers the future impacts of climate change

**Objectives**

- To ensure that the future use of land for agriculture is adaptable enough to respond to the impacts of climate change.
- To ensure that coastal planning considers and responds to the forecast impacts of climate change.

**Strategies**

- Adopt an integrated catchment management approach to the assessment and development of the Shire's natural resources.
- Ensure highly capable land is protected for agriculture into the future by discouraging dwellings and subdivision in areas of high agricultural capability and high rainfall.
- Ensure use and development proposals take into account and respond adequately to future sea level rise and storm surge related to climate change.

**21.04-8**

**Landscape Character**

18/06/2009  
C55

**Overview**

The Great Ocean Road Coastline is recognised as one of the most spectacular in Australia and requires sensitive attention to maintain its visual qualities and physical features, biological features and cultural attachments.

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, as identified in the Great Ocean Road Region Landscape Assessment Study (GORRLAS) include parts of the Western Plains, Cones and Lakes; the Otway Foothills, Valleys and Uplands; the Otway Forests and Coast; and localised flatlands. Some of the key issues associated with the landscape of the Shire include:

- The importance of landscape character to the economy of the Shire and wider region.
- The need to relate new development to the landscape character types and precincts defined by the GORRLAS.
- The importance of containing township development within defined boundaries, and of managing development on the fringes of townships so that it enhances the character of the town's landscape setting.



COLAC OTWAY PLANNING SCHEME

- The need to retain the dominance of the landscape between townships and avoid ribbon development.
- The importance of views of the landscape from road corridors, and the need to control and manage development and land use that is highly visible from main road corridors and principal tourist routes.
- The need to retain the dominance of the landscape from key viewing locations throughout the Shire.
- The clear felling of plantation trees adjacent to main road corridors and tourist routes leaving large and often highly visible areas of the landscape scarred, detracting from the landscape character of the Region.
- The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation.

**Objectives**

- To retain the open and rural character of views and outlooks, particularly from main road corridors.
- To maintain the dominance of the natural landscape when viewed from main road corridors and tourist routes outside townships.
- To protect the variety of landscape features and landmarks of the precincts identified in the GORRLAS.
- To increase indigenous planting in the Landscape precincts to further emphasise natural features such as creeks.
- To protect ridgelines from inappropriate development and vegetation removal.

**Strategies**

- Retain existing indigenous and native trees and understorey wherever practical.
- Discourage the loss of indigenous vegetation particularly in or adjacent to landform features such as rocks.
- Locate development sparsely in the hinterland landscape, maximising space available between buildings and structures for vegetation.
- Utilise finishes and colours that complement those found naturally in the hinterland landscape, with consideration as to how the material will weather over time.
- Between townships, site development a substantial distance from main roads wherever possible.
- Discourage the loss of rural outlook and openness from main road corridors.
- Ensure townships have a definite visual edge, delineating the boundary between urban development and the natural landscape beyond.
- Locate and screen large buildings and structures to minimise their visibility from main roads and key viewing locations.
- Discourage ribbon development between townships.
- Discourage signage clutter at entrances and exits to townships.
- Site buildings and structures away from geological features such as volcanic cones, craters and lakes, wherever possible.
- Retain views of geological features such as volcanic cones, craters and lakes from the Princess Highway and other main roads.
- Discourage quarrying or excavation on geological features.
- Utilise vegetation to screen land use and development, including timber production, which has the potential to impact upon the natural landscape when viewed from main road corridors and tourist routes.



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- Discourage new development and removal of vegetation on ridgelines and hill tops where it is of a significant scale that is likely to impact the landscape character of the area.

**21.04-9 Cultural Heritage**

18/06/2009  
C55

**Overview**

Colac Otway Shire has a rich and diverse history that is a microcosm of much of Victoria's history from the days of earliest permanent settlement in the 1830s. The Shire has played an important role in Victoria's growth through pastoral activity; through the dairy industry and farming; through the forest industry, as well through the tourist industry.

Physical evidence of this history is discernible in buildings, archaeological sites and landscapes. It is identified in the homesteads built by squatters and pastoralists, as well as those constructed by later settlers. The history of the Shire's economic development is demonstrated by its main industries – dairying, crops, timber, wool and tourism and is apparent in the surviving woolsheds, dairies, onion factories, sawdust burners and in the variety of different forms of accommodation offered to its visitors since the mid-nineteenth century.

The Shire's ethnic composition and distribution, and the importance of religion in nineteenth and early twentieth century society, is gauged by the distribution of churches and denominational institutions. Local government influences are demonstrated in the shire's buildings and numerous maternal child health centres while State government influence are demonstrated in the hospitals and police facilities as well as in public housing, rail links, roads and bridges.

The history is evident in the commercial areas of Colac in the public, civic, religious and residential buildings, infrastructure, cemeteries, monuments, archaeological sites and landscapes. A large proportion of the Shire's cultural heritage also remains within the smaller townships and centres of the Shire and in outlying rural areas.

Many of the Shire's heritage buildings and sites have been identified and their significance described in the Colac Otway Heritage Study 2003, however the study is not a complete listing of the Shire's cultural heritage resources and other places will also need to be identified as time and resources permit. For example further work is required to identify and conserve the Shire's many fine dry stone walls.

**Objectives – Cultural Heritage**

- To protect places and areas of cultural heritage significance and encourage development and adaptation where appropriate that does not detract from their significance.
- To enhance and conserve the Shire's cultural heritage resources while facilitating adaptation and development which does not detract from their significance.

**Strategies – Cultural Heritage**

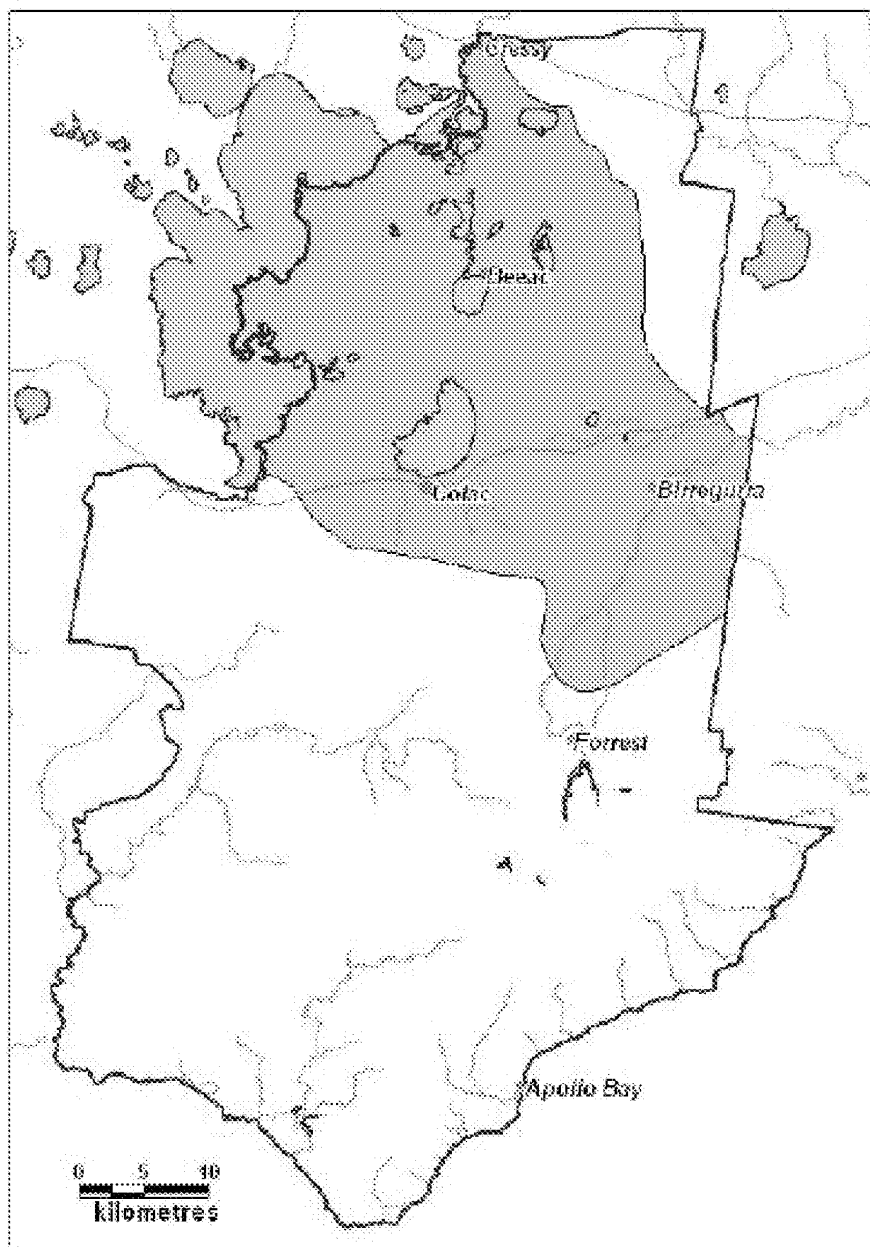
- Support the retention of the cultural heritage significance of the Shire's heritage places and areas by:
  - Encouraging works to individual places in the Heritage Overlay which contribute to their conservation and enhances their significance.
  - Discouraging demolition of places of heritage significance while encouraging the removal of alterations that do not contribute to their significance.
  - Retaining all places in heritage precincts that contribute to the significance of the precinct.
  - Encouraging new development in precincts that responds to the historic character, form and context of the precinct and makes a positive contribution through innovative design.



COLAC OTWAY PLANNING SCHEME

- Applying the local policy (at Clause 22.01) on 'Heritage Places and Areas'.

**Map 1 - Area of Potential Salinity Impacts**





COLAC OTWAY PLANNING SCHEME

**21.06 GENERAL IMPLEMENTATION**

18/06/2009  
Proposed C67

The objectives and strategies identified in Clause 21 will be implemented by:

**Using zones, overlays, local policy and the exercise of discretion**

- Rezoning areas of Farming Zoned land in north-east Colac to Rural Activity Zone.
- Applying minimum setbacks to identified main roads in the schedule to the Farming Zone.
- Rezoning the Industrial 1 Zone land in West Colac to the Farming Zone.
- Rezoning the Industrial 1 Zone land north of Treatment Works and Flaxmill Roads Colac to the Farming Zone.
- Applying the Industrial 1 Zone to land east of Forest Street, Colac to provide for an adequate and diverse supply of industrial land.
- Applying the Business 3 Zone to land in Main Road Colac to recognise existing commercial uses.
- Applying the Rural Living Zone to an area south of Colac with a minimum lot size of 1.2ha to reflect the existing settlement and development pattern.
- Applying the Rural Activity Zone to an area of the Apollo Bay Hinterland with a 40ha minimum lot size.
- Applying the Rural Activity Zone to an area east of Colac with a minimum lot size to reflect the existing settlement pattern.
- Maintain the current minimum lot size provisions in the schedule to the Farming Zone for subdivision of 40ha (with 80ha in the north east).
- Maintain 40 hectares as the minimum area for which no permit is required for a dwelling in the Farming Zone (with 80ha in the north east).
- Applying the Development Plan Overlay (Schedule 2) to undeveloped land zoned Residential 1 in Colac.
- Applying the Development Plan Overlay (Schedule 3) to land proposed to be rezoned to Industrial 1 Zone east of Forest Street, Colac.
- Applying the Design and Development Overlay Schedule 5 to land within the Apollo Bay town centre.
- Applying Design and Development Overlay Schedule 6 to land adjoining the town centre of Apollo Bay.
- Applying Design and Development Overlay Schedule 7 to all other residentially zoned land within Apollo Bay and Marengo.
- Modifying the boundary of Airport Environs Overlay Schedule 2.
- Applying the Significant Landscape Overlay (Schedules 1-5) as identified in the Great Ocean Road Region Landscape Assessment Study and the Apollo Bay Framework Plan.
- Applying the Environmental Significance Overlay (Schedule 6) to an area buffering the Colac Water Reclamation Plant.
- Considering applications for all areas affected by the Heritage Overlay in accordance with Clause 22.01 (Heritage Places and Areas Policy).
- Applying the Salinity Management Overlay to areas affected by salinity.

**Undertaking further strategic work**



COLAC OTWAY PLANNING SCHEME

- Prepare a rural living strategy to identify appropriate locations for rural residential development across the Shire and to include a more detailed policy on housing and subdivision in rural areas.
- Undertake a Small Towns Strategy to consider extension of the Township Zone in small towns, to be undertaken concurrently with the investigation of other areas for the application of the Rural Living Zone.
- Undertake a review of lots less than 8 hectares in the context of their agricultural capability, level of dwelling development and proximity to townships with a view to applying the Rural Living Zone in appropriate locations.
- Prepare a precinct structure plan for Elliminyt.
- Prepare a precinct structure plan for the East Colac area north of the Princes Highway.
- Undertake a residential land supply analysis for all segments of the Colac market.
- Undertake an industrial land supply analysis for Colac.
- Undertake an analysis of parking issues in the Colac and Apollo Bay Commercial areas.
- Develop an open space strategy to guide future open space provision for residential development in new and established residential areas in Colac and Apollo Bay.
- Further investigate and consider the former Bruce Street landfill site for the purpose of a recreation area or other appropriate use linked to Lake Colac.
- Prepare an Apollo Bay Harbour Precinct Master Plan for the redevelopment of the port vicinity with a tourism, fishing, boating, commercial and recreational focus strengthening links to the town centre and providing net community benefits.
- Prepare a structure plan for Birregurra to manage future growth in a manner responsive to environmental constraints and respectful of the unique qualities of this township. This should be prepared and implemented before the advent of sewerage to ensure development is properly controlled to ensure the preservation and enhancement of the local character and natural and built form of the town.
- Investigate the development of policy guidelines to guide development within Birregurra township including materials, built form, height, setback and colours and the appropriateness of a Design and Development Overlay to protect its unique qualities.
- In conjunction with Barwon Region Water Corporation, assess the needs and opportunities for reticulated sewerage in Birregurra and impacts on future development.
- Update Overlays on completion of the Corangamite River Health Strategy.
- Update the Vegetation Protection and Environmental Significance Overlays to incorporate revisions to the Ecological Vegetation Class mapping.
- Update the Land Subject to Inundation Overlay and schedule to align with revised data and mapping when available from the Corangamite Catchment Management Authority.
- Revise the Erosion Management Overlay following completion of the Department of Primary Industries and Corangamite Catchment Management Authority review.
- ~~Consider applying the Salinity Management Overlay to areas recommended by the Corangamite Catchment Management Authority.~~
- Review retail and office floor space needs in Colac and review zones accordingly.

**Undertaking other actions**

- Maintain close linkages with the Corangamite Catchment Management Authority, the Western Coastal Board, VicRoads, Water Corporations, the Victorian Coastal Council, the Department of Sustainability and Environment and the Department of Planning and Community Development to ensure regional consistency is developed.



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- Undertake urban design improvements for the enhancement of the Colac Town Centre.
- Undertake enhanced recreation and pathway connections particularly around Lake Colac and in relation to the proposed Education, Recreation and Community Precinct.
- Maintain and enhance the local road network, particularly links with Colac, to support viability of Birregurra and encourage tourism.
- Investigate the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.
- Identify and protect RAMSAR wetlands as important ecological and economic assets.
- Identify and promote activities which illustrate and are sensitive to local Koori history and culture.



COLAC OTWAY PLANNING SCHEME

**21.07 REFERENCE DOCUMENTS**

16/02/2012  
Proposed C67

The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decisions makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.

**Settlement**

- Apollo Bay Structure Plan (2007)
- Colac Structure Plan (2007)
- Apollo Bay and Marengo Neighbourhood Character Review Background Report (2003)
- Barwon Downs Township Masterplan (2006)
- Beeac Township Masterplan (2001)
- Beech Forest Township Masterplan (2003)
- Birregurra Township Masterplan (2003)
- Carlisle River Township Masterplan (2004)
- Cressy Township Masterplan (2007)
- Forrest Township Masterplan (2007)
- Gellibrand Township Masterplan (2004)
- Kennett River, Wye River and Separation Creek Structure Plans (2008)
- Lavers Hill Township Masterplan (2006)
- Siting and Design Guidelines for Structures on the Victorian Coast, Victorian Coastal Council (1997)
- Skenes Creek, Kennett River, Wye River and Separation Creek Neighbourhood Character Study (2005)
- Swan Marsh Township Masterplan (2001)

**Environment**

- Biodiversity Action Planning – Otway Plain Bioregion, 2003
- Biodiversity Action Planning – Otway Ranges Bioregion, 2003
- Biodiversity Action Planning – Victorian Volcanic Plains Bioregion, 2003
- Biodiversity Action Planning – Warrnambool Plains Bioregion, 2003
- Central West Victoria Regional Coastal Action Plan (2002)
- Central West Victoria Estuaries Coastal Action Plan (2005)
- Coastal Spaces Recommendations Report (2006), Department of Sustainability and Environment
- Colac Otway Heritage Study (2003)
- Colac Otway Shire Three Towns Stormwater Management Strategy (2004)
- Colac Otway Stormwater Management Plan (2002)
- Corangamite Floodplain Management Strategy (2002), Corangamite Catchment Management Authority
- Corangamite Native Vegetation Strategy (2006), Corangamite Catchment Management Authority
- Corangamite Regional Catchment Strategy 2003 – 2008 (2003), Corangamite Catchment Management Authority



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- Corangamite River Health Strategy (2007), Corangamite Catchment Management Authority
- Corangamite Wetland Strategy 2006 – 2011, (2006), Corangamite Catchment Management Authority
- Draft Corangamite Salinity Action Plan (2003), Corangamite Catchment Management Authority
- Great Ocean Road Region Landscape Assessment Study (2003)
- Municipal Fire Prevention Planning Guidelines (1997), Country Fire Authority
- Victorian Coastal Strategy (2002), Victorian Coastal Council
- Wastewater Management Issues Paper: Beeac (2005)
- Wastewater Management Issues Paper: Birregurra (2002)
- Wastewater Management Issues Paper: Forrest (2005)
- Wastewater Management Issues Paper: Kennett River (2002)
- Wastewater Management Issues Paper: Wye River and Separation Creek (2002)
- Domestic Wastewater Management Plan (2007), Colac Otway Shire Council
- \* Salinity Management Overlay Project Report, EnPlan-DBA with Dahlhaus Environmental Geology and Chris Harty Planning and Environmental Management, Corangamite CMA, 2006
- \* Colac Otway Shire Salinity Management Overlay Salinity Occurrences and Mapping Background Report No. 2, Dahlhaus Environmental Geology, 2006
- ◊ Colac Otway Shire - Salinity Management Overlay Review of Mapping Boundaries, Dahlhaus Environmental Geology Pty Ltd, 2012
- ◊ Permit Application Requirements for Development Proposals where a Salinity Management Overlay applies, EnPlan, 2006

**Economic Development**

- Colac Otway Economic Development and Tourism Strategy (2004)
- Colac Otway Rural Land Strategy (2007)
- Colac West Industrial Area - Outline Development Plan for the Colac West Industrial Area (1996)



**44.02 SALINITY MANAGEMENT OVERLAY**

18/11/2011  
VC83

Shown on the planning scheme map as SMO with a number (if shown).

**Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify areas subject to saline ground water discharge or high ground water recharge.

To facilitate the stabilisation of areas affected by salinity.

To encourage revegetation of areas which contribute to salinity.

To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.

To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.

To prevent damage to buildings and infrastructure from saline discharge and high watertable.

**44.02-1 Buildings and works**

31/10/2006  
VC43

A permit is required to construct a building or construct or carry out works. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To salinity management works carried out in accordance with any Regional Catchment Strategy and associated plan applying to the land.
- To an alteration to an existing building where there is no increase in floor area and no increase in waste water disposal. This exemption does not apply to alterations required as part of remedial works for salt or high water table damage.
- To a building used for agriculture with a floor area of less than 100 square metres where there is no increase in waste water disposal.

**44.02-2 Subdivision**

31/10/2006  
VC43

A permit is required to subdivide land.

**44.02-3 Removal of vegetation**

15/09/2008  
VC49

A permit is required to remove, destroy or lop any vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- If the table to Clause 44.02-4 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.



44.02-4

18/11/2011  
VC83

#### Table of exemptions

**No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:**

##### Regrowth

- The vegetation is regrowth which has naturally established or regenerated on land lawfully cleared of naturally established vegetation and is within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.

This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

##### Bracken

- The vegetation is bracken (*Pteridium esculentum*) which has naturally established or regenerated on land lawfully cleared of naturally established vegetation.

This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

##### Noxious weeds

- The vegetation is a noxious weed the subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (*Cuscuta australis*).

##### Pest animal burrows

- The vegetation is to be removed, destroyed or lopped to enable the removal of pest animal burrows.

In the case of native vegetation the written agreement of an officer of the Department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.

##### Land use conditions

- The vegetation is to be removed, destroyed or lopped to comply with a land use condition served under the Catchment and Land Protection Act 1994.

##### Land management notices

- The vegetation is to be removed, destroyed or lopped to comply with land management notice issued under the Catchment and Land Protection Act 1994.

##### Planted vegetation

- The vegetation has been planted or grown as a result of direct seeding for Crop raising or Extensive animal husbandry.

##### Emergency works

- The vegetation presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.
- The vegetation is to be removed, destroyed or lopped by a public authority or municipal council to create an emergency access or to enable emergency works.

##### Fire protection

- The vegetation is to be removed, destroyed or lopped for the making of a fuelbreak by or on behalf of a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987). The maximum width of a fuelbreak must not



**No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:**

exceed 40 metres.

- The vegetation is to be removed, destroyed or lopped for fire fighting measures, fuel reduction burning, or the making of a fuel break up to 6 metres wide.
- The vegetation is ground fuel within 30 metres of a building.
- The vegetation is to be removed, destroyed or lopped in accordance with a fire prevention notice under:
  - Section 65 of the Forests Act 1958.
  - Section 41 of the Country Fire Authority Act 1958.
  - Section 8 of the Local Government Act 1989.
- The vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998.
- The vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the Electricity Safety Act 1998 in order to minimise the risk of bushfire ignition in the proximity of electricity lines.
- The vegetation is to be removed, destroyed or lopped to reduce fuel loads on roadsides to minimise the risk to life and property from bushfire of an existing public road managed by the relevant responsible road authority (as defined by the Road Management Act 2004) in accordance with the written agreement of the Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987).

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**Surveying**

- The vegetation is to be removed, destroyed or lopped for establishing sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand-held tools.

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**Road safety**

- The vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing public road managed by the relevant responsible road authority (as defined by the Road Management Act 2004) in accordance with the written agreement of the Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987).

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**Railways**

- The vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing railway or railway access road, in accordance with the written agreement of the Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987).

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**Stone extraction**

- The vegetation is to be removed, destroyed or lopped to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work
-



**No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:**

authority granted under that Act.

|   |   |
|---|---|
| <b>Stone exploration</b>                            | <ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to enable the carrying out of Stone exploration.</li> </ul> <p>The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>1 hectare of vegetation which does not include a tree.</li> <li>15 trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>5 trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> <p>This exemption does not apply to vegetation to be removed, destroyed or lopped to enable costeaning and bulk sampling activities.</p> |
| <b>Mineral extraction</b>                           | <ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.</li> </ul>   |
| <b>Mineral Exploration</b>                          | <ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral exploration.</li> </ul>   |
| <b>Geothermal energy exploration and extraction</b> | <ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the Geothermal Energy Resources Act 2005.</li> </ul>   |

#### **44.02-5**

15/09/2008  
VC49

#### **Application requirements**

An application must be accompanied by the following information, as appropriate:

- The source of water supply.
- Water use requirements and effluent or water disposal provision.
- Any existing vegetation proposed to be removed.
- Details of the species, location and density of any proposed landscaping.
- The water balance under the current land use and any proposed land use.
- Title and ownership details.
- Topographic information including natural contours of the land, highlighting significant ridges, hill tops and crests, slopes in excess of 25 percent (1:4), low lying areas, drainage lines, waterways, springs, dams, lakes, wetlands and other environmental features on or in close proximity to the subject area.
- Geology types.
- Location and area of outcropping bedrock.
- Soil types.



- Size and location of high recharge areas and discharge areas from the site inspection, soil types, soil depth, and soil percolation rates/infiltration.
- Size and location of discharge areas and areas of high salinity risk from the site inspection, including the identification of shallow watertable within 3 metres of the surface (depth to watertable), and soil salinity from soil tests or vegetative indicators.
- Area of land and the proportion of the development site identified as high recharge or discharge areas.
- Location, species and condition of existing vegetation (both native and exotic species).
- Existing degraded areas and recommendations for land management practices and remedial works required to overcome any existing or potential land degradation.

**44.02-6**

15/09/2008  
VC49

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**44.02-7**

15/09/2008  
VC49

**Referral of applications**

Before deciding on any application, the responsible authority must refer the application and any site capability report to the Department of Sustainability and Environment under Section 55 of the Planning and Environment Act, 1987 unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the Department of Sustainability and Environment.

**44.02-8**

18/11/2011  
VC83

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The State Environmental Protection Policy, (Waters of Victoria).
- The Regional Landcare Plan applicable to the catchment.
- The Catchment Salinity Management Plan to the particular catchment.
- A Local Government Planning Guide for Dry Land Salinity - Department Conservation and Natural Resources, 1995.
- The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.
- The need to augment tree planting and the establishment of deep-rooted, high water-use pasture species to reduce rainfall accessions to the watertable in high recharge areas.
- The need for planting of salt-tolerant species to stabilise and lower ground water levels in discharge areas.
- The need for stock-proof fencing of discharge and high discharge areas to enable effective stock management for site stabilisation.
- Any proposed landscaping and the need to preserve existing vegetation, particularly in high recharge and high discharge areas.
- Any land management plan, works program, or farm plan applicable to the land.
- The design, siting and servicing of the development and the extent of earthworks.



- The appropriateness of the proposed use or development having regard to the sensitivity and constraints of the land and the capability of the land to accommodate the use or development.

*Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

*Check whether an overlay also applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*



COLAC OTWAY PLANNING SCHEME

//2012  
C67

**SCHEDULE TO THE SALINITY MANAGEMENT OVERLAY**

Shown on the planning scheme map as **SMO**

**1.0**  
//2012  
C67

**Permit requirement**

A permit is not required:

- For the construction or extension of a detached, non-habitable building or structure with a floor area no more than 100 square metres where the buildings do not include the installation of a kitchen sink, a bath or shower, or a closet pan and wash basin.
- For the pruning or lopping of vegetation for maintenance only, provided no more than one third of the foliage is removed from any individual plant. This exemption does not apply to pruning or lopping of the trunk of a tree.
- For the mowing or slashing of grass for maintenance only. Under this exemption the grass must be:
  - Located within a lawn, garden or other planted area; or
  - Maintained at a height of at least 100 millimetres above ground level.
- For the removal, destruction or lopping of dead vegetation.
- For the removal, destruction or lopping of vegetation that has been planted or grown for aesthetic or amenity purposes, including street trees, gardens or the like.
- For the removal, destruction or lopping of vegetation that has been planted or grown as a result of direct seeding for agro-forestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts and woodlots or the like. This exemption does not apply if the vegetation has been planted to manage salinity and/or if public funding was provided to assist in planting or managing the vegetation and the terms of the funding did not anticipate removal or harvesting of the vegetation.
- For the removal, destruction or cutting of grass or pasture in association with the use of land for agriculture. This exemption does not apply to vegetation within 30 metres from a waterway.
- For the removal, destruction or lopping of vegetation necessary for moving stock along a road. This exemption does not apply to the removal, destruction or lopping of vegetation as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.
- For the removal, destruction or lopping of vegetation within ten metres of the outer edge of the roof of a building.



COLAC OTWAY PLANNING SCHEME

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**SCHEDULE TO CLAUSE 61.03**

**Maps comprising part of this scheme**

- Zoning Maps sheets 1-30 inclusive.
- Environmental Significance Overlay maps:
  - 1ESO2, 1ESO4
  - 2ESO2, 2ESO3, 2ESO4
  - 3ESO2, 3ESO4
  - 4ESO4
  - 5ESO, 5ESO2, 5ESO4
  - 9ESO2, 9ESO4
  - 10ESO2, 10ESO4
  - 11ESO2
  - 12ESO4
  - 14ESO4
  - 15ESO1, 15ESO2, 15ESO3
  - 16ESO1, 16ESO2, 16ESO3, 16ESO4
  - 18ESO3
  - 19ESO2, 19ESO3
  - 20ESO2, 20ESO3
  - 21ESO2, 21ESO3, 21ESO4, 21ESO5
  - 22ESO2, 22ESO3
  - 23ESO2, 23ESO4
  - 24ESO2
  - 25ESO2, 25ESO3, 25ESO4
  - 26ESO2, 26ESO3, 26ESO5
  - 27ESO2, 27ESO3, 27ESO5,
  - 28ESO2
  - 29ESO2
  - 30ESO2.

Vegetation Protection Overlay maps:

- 1VPO2
- 2VPO2
- 3VPO2
- 4VPO2
- 5VPO1
- 6VPO1



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- 9VPO2
- 11VPO1
- 12VPO2
- 14VPO1, 14VPO2
- 15VPO1, 15VPO2
- 16VPO1, 16VPO2
- 19VPO1, 19VPO2
- 20VPO1
- 21VPO1, 21VPO2
- 22VPO2
- 25VPO1, 25VPO2
- 26VPO1, 26VPO2
- 27VPO1, 27VPO2
- 28VPO2
- 30VPO1.

Significant Landscape Overlay maps:

- 1SLO1
- 2SLO1
- 5SLO1
- 8SLO1
- 9SLO1
- 11SLO1
- 15SLO1
- 16SLO1
- 18SLO1
- 19SLO1
- 25SLO1
- 26SLO1.

Heritage Overlay maps:

- 2HO
- 3HO
- 4HO
- 5HO
- 9HO
- 10HO
- 11HO
- 12HO
- 13HO



COLAC OTWAY PLANNING SCHEME

- 15HO
- 20HO
- 21HO
- 26HO.

Design and Development Overlay maps:

- 5DDO
- 9DDO
- 11DDO.

Development Plan Overlay maps:

- 9DPO.

Erosion Management Overlay maps:

- 9EMO1
- 11EMO1
- 12EMO1
- 13EMO1
- 14EMO1
- 15EMO1
- 16EMO1
- 17EMO1
- 18EMO1
- 19EMO1
- 20EMO1
- 21EMO1
- 22EMO1
- 23EMO1
- 24EMO1
- 25EMO1
- 26EMO1
- 27EMO1
- 28EMO1
- 29EMO1
- 30EMO1.

Salinity Management Overlay maps:

- × 1 to 7SMO
- × 9 to 12SMO
- × 14 to 16SMO
- × 18 to 19SMO
- × 25 to 26SMO



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Land Subject to Inundation Overlay maps:

- 1 to 6LSIO
- 9 to 21LSIO
- 23 to 30LSIO.

Wildfire Management Overlay maps:

- 1WMO
- 2WMO
- 4WMO
- 5WMO
- 9WMO
- 11 to 30WMO.

Public Acquisition Overlay maps:

- 5PAO
- 6PAO
- 9PAO
- 11PAO
- 12PAO
- 16PAO
- 27PAO
- 29PAO.

Airport Environs Overlay maps:

- 9AEO
- 27AEO
- 29AEO
- 30AEO.

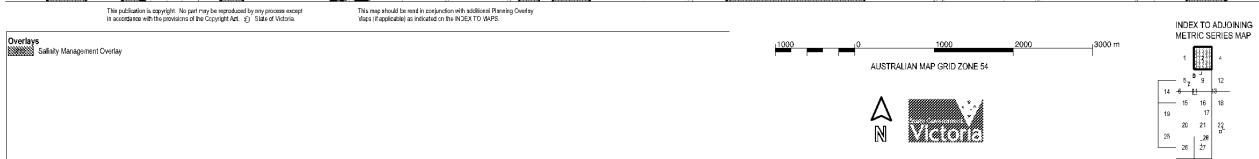


## COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION





COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION

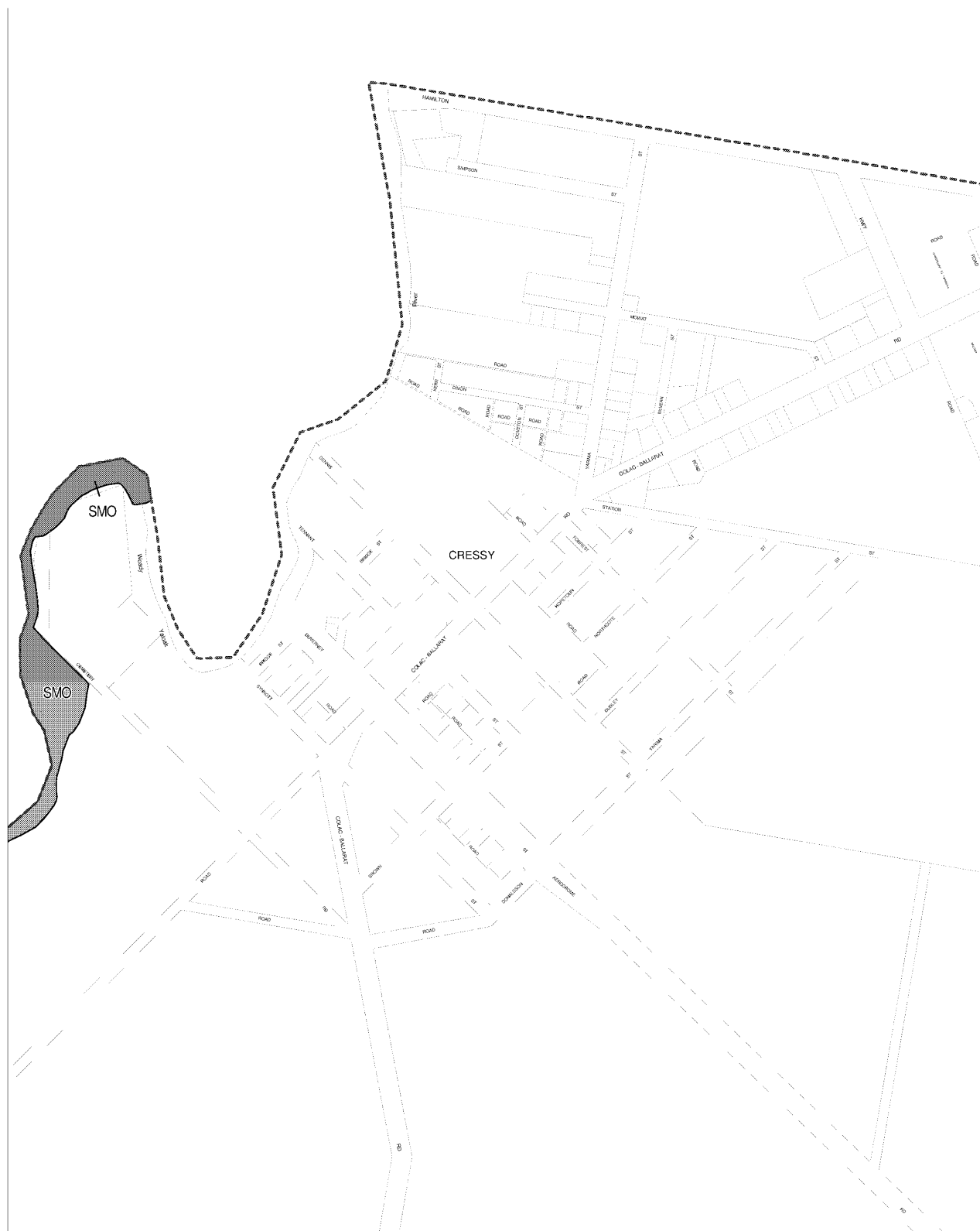


SALINITY MANAGEMENT OVERLAY

MAP No 2 SMO



# COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



SALINITY MANAGEMENT OVERLAY

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AMENDMENT C67

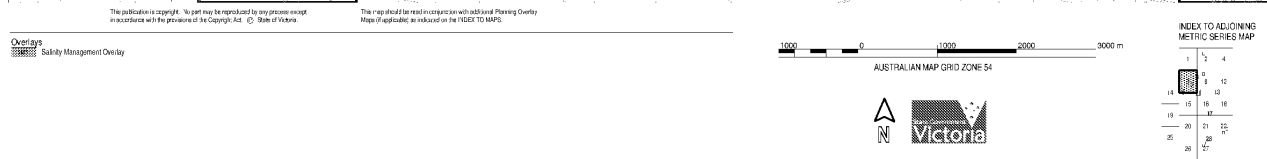
MAP No 3SMO







COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



SALINITY MANAGEMENT OVERLAY

Printed: 7/2/2013

AMENDMENT C67

MAP No 5SMO



The map displays a geographical area with a central water body labeled 'SMO' in the upper left. A network of roads is shown, with several labeled 'ROAD' and one labeled 'HIGHWAY'. A prominent dashed line runs along the left side of the map. The central area is labeled 'PIRRON YALLOCK'. Other labels include 'PRINCES' and 'MURRAY'. The map uses a grid-like pattern of dashed lines to delineate land parcels or road segments.

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METRIC SERIES MAP

Printed: 7/2/2013

**AMENDMENT C67**

MAP No 6SMO



COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



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Overlay  
Salinity Management Overlay

100 0 100 200 300 400 500 m  
AUSTRALIAN MAP GRID ZONE 54



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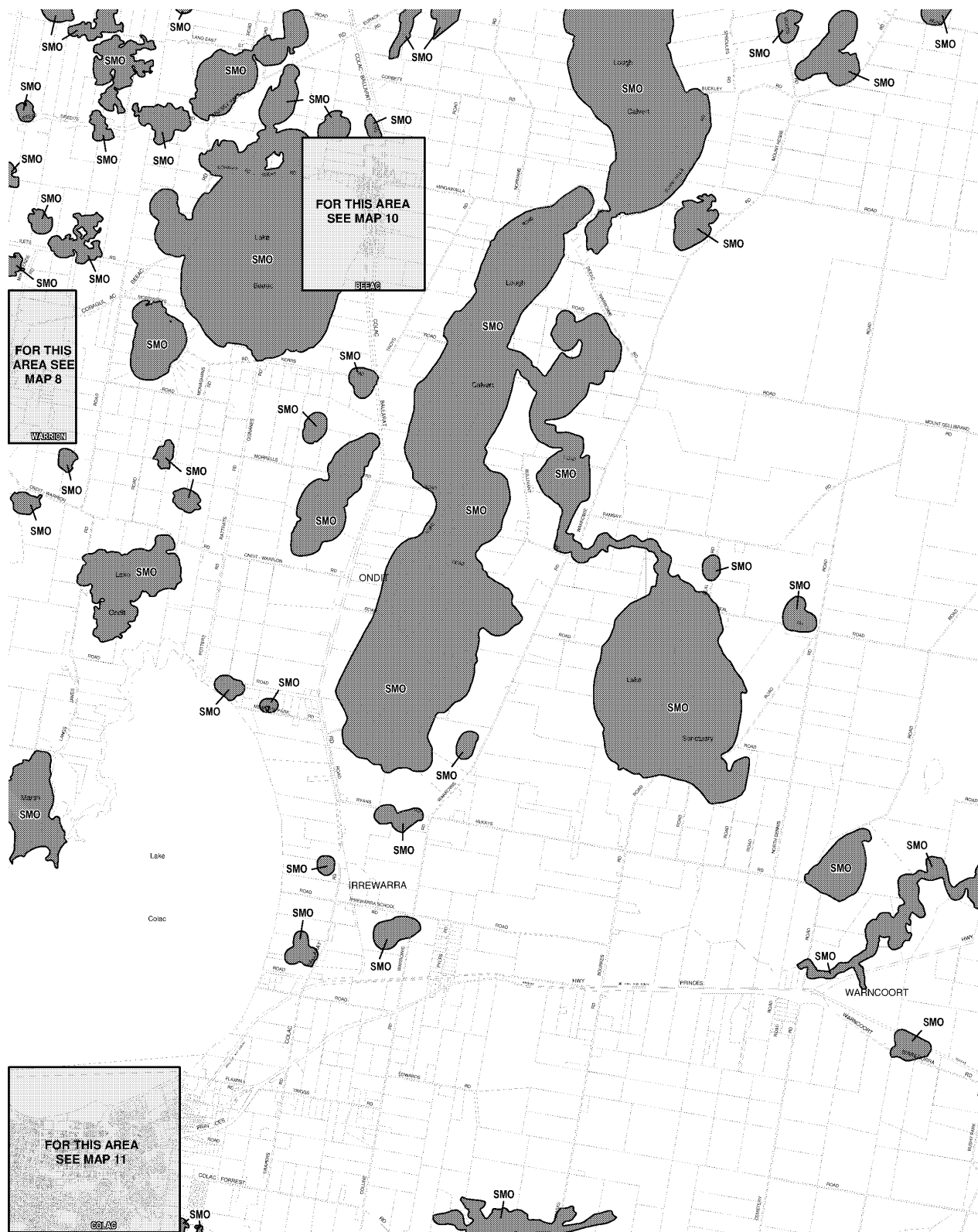
AMENDMENT C67

SALINITY MANAGEMENT OVERLAY

MAP No 7SMO



# COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



Overlays  
Salinity Management Overlay

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1000 0 1000 2000 3000 m  
AUSTRALIAN MAP GRID ZONE 54



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SALINITY MANAGEMENT OVERLAY

Printed: 4/7/2013

AMENDMENT C67

MAP No 9SMO



[illegible]

This map should be read in conjunction with additional Planning Overlay  
 Map No. 25 and District Map No. 26, located on page INDEX TO MAPS.

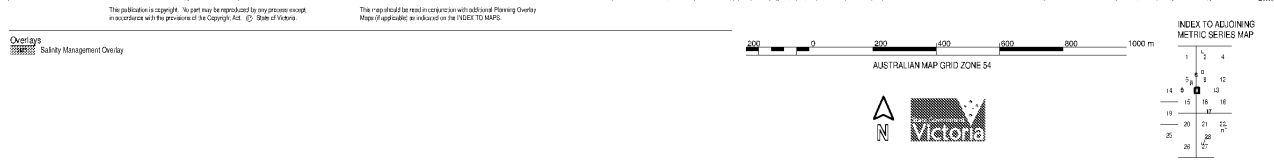


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MAP No 10SMO



## COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION

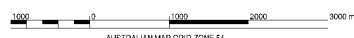




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Revised 7/2012

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MAP No 12SMO



[illegible]

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MAP No 14SMO



COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



SALINITY MANAGEMENT OVERLAY

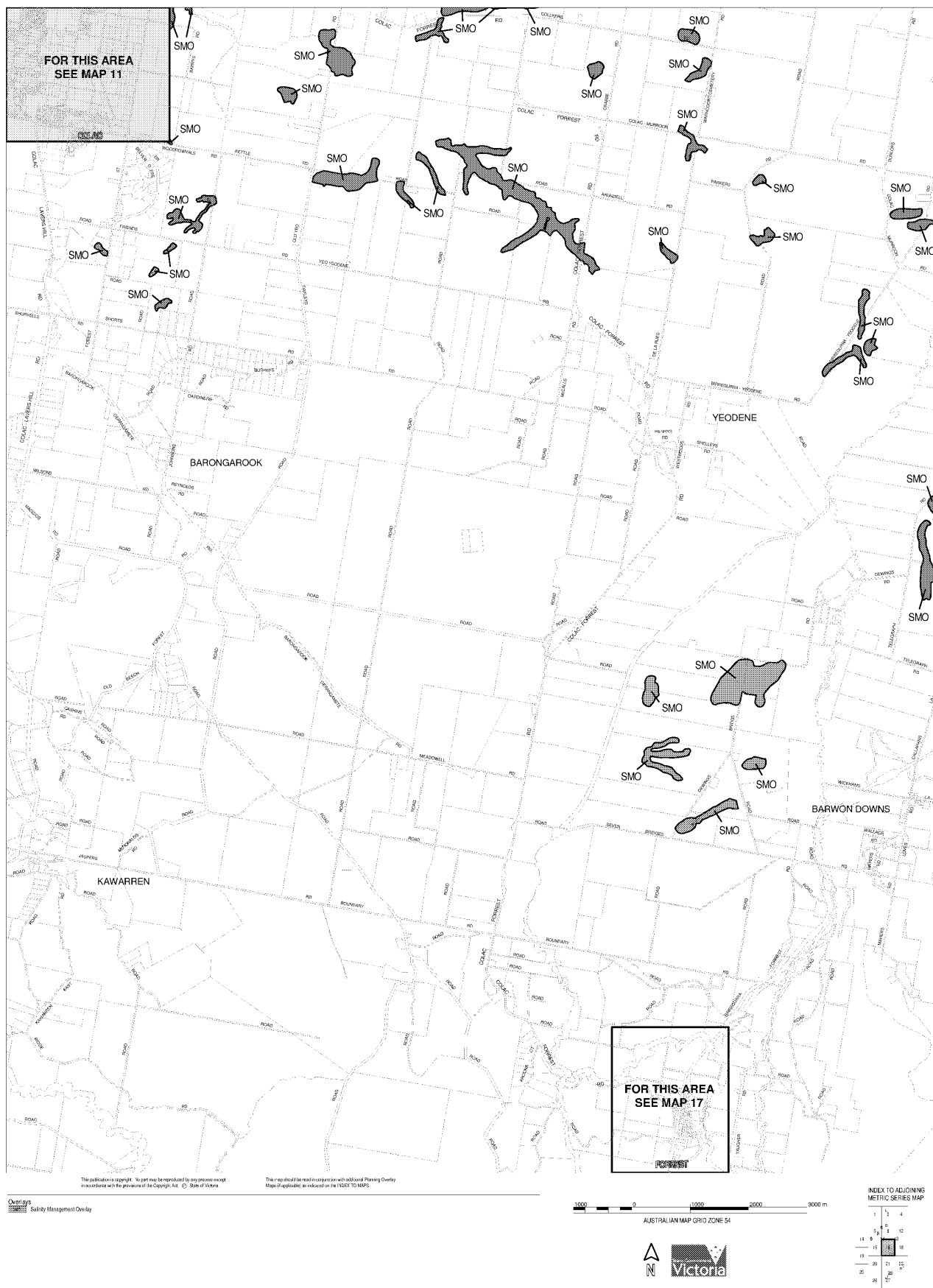
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MAP No 15SMO



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SALINITY MANAGEMENT OVERLAY

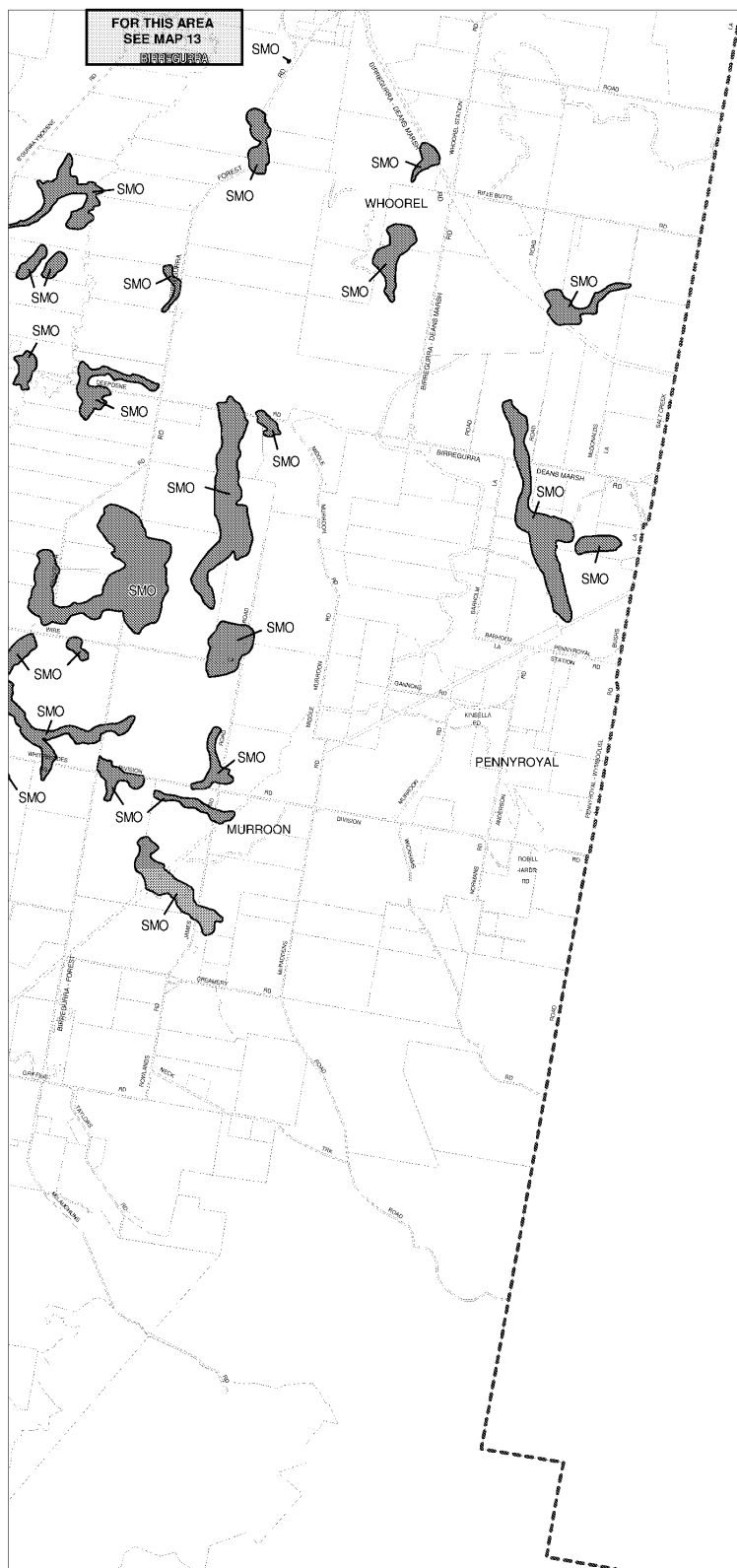
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MAP No 16SMO



COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



Overlay  
Salinity Management Overlay

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AUSTRALIAN MAP GRID ZONE 54



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SALINITY MANAGEMENT OVERLAY

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MAP No 18SMO



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Overlay  
Salinity Management Overlay

1000 0 1000 2000 3000 m

AUSTRALIAN MAP GRID ZONE 54



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SALINITY MANAGEMENT OVERLAY

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AMENDMENT C67

MAP No 19SMO



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Overlay  
Salinity Management Overlay

1000 0 1000 2000 3000 m

AUSTRALIAN MAP GRID ZONE 54



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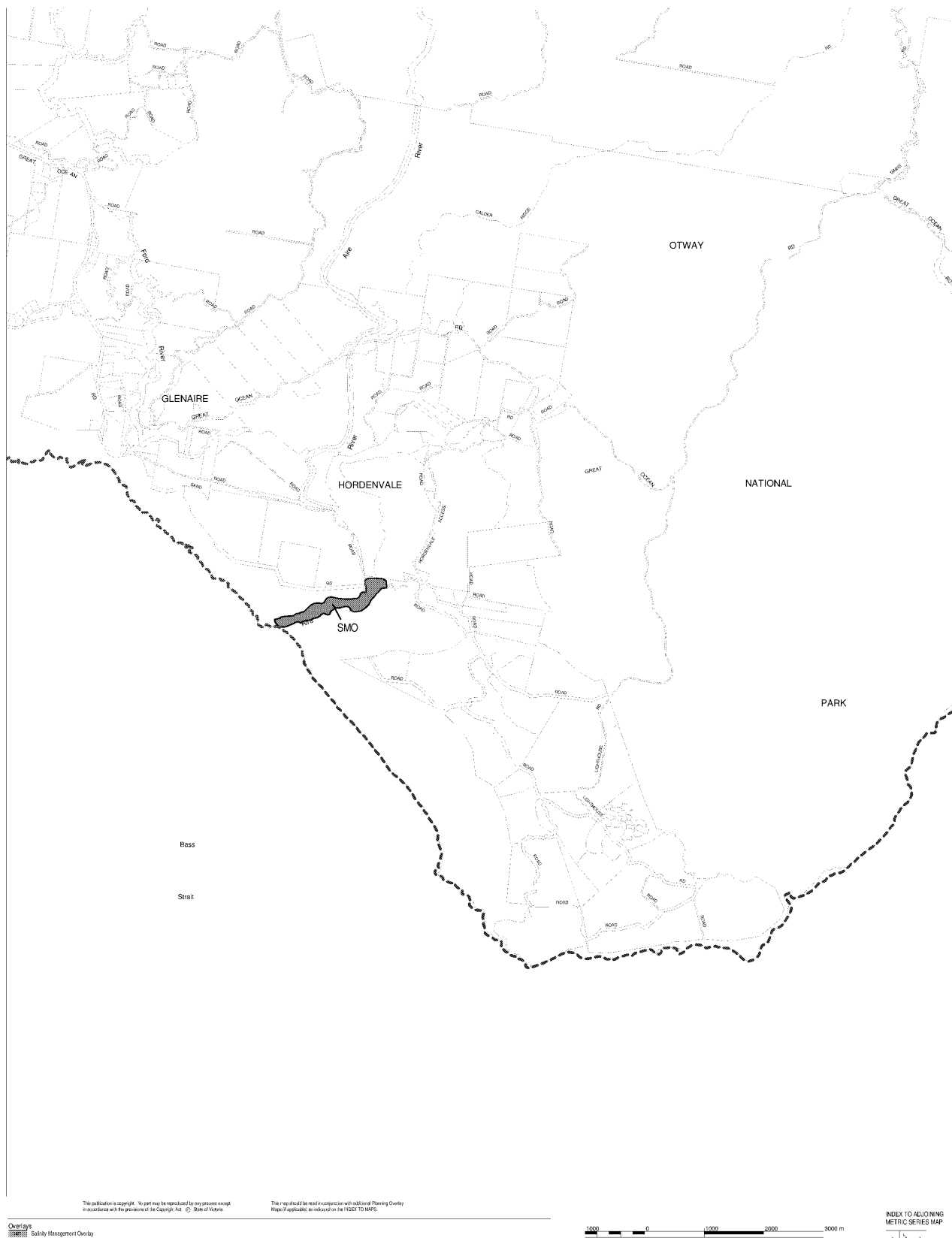
AMENDMENT C67

SALINITY MANAGEMENT OVERLAY

MAP No 25SMO



## COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



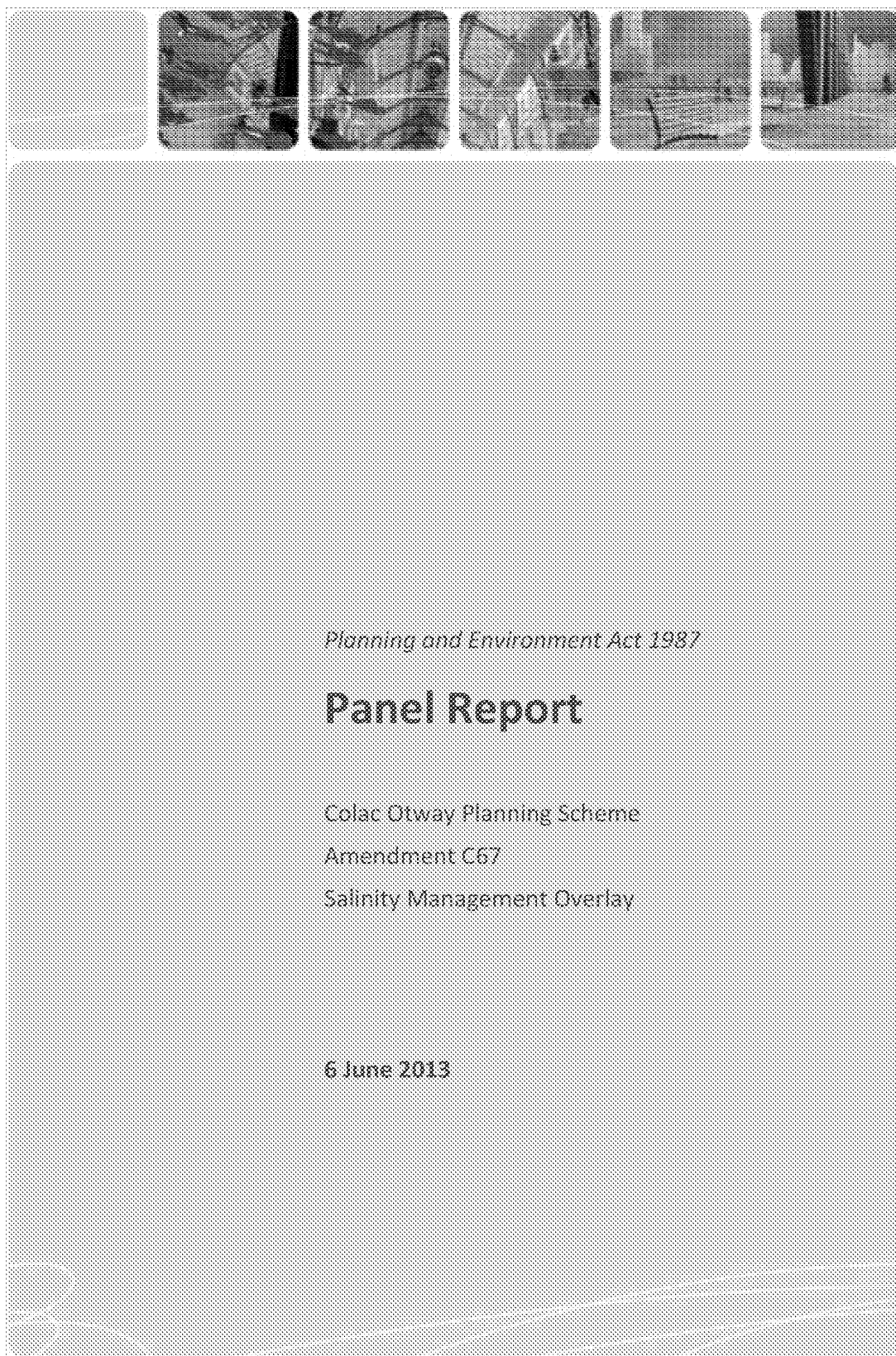
SALINITY MANAGEMENT OVERLAY

Printed: 7/2/2013

AMENDMENT C67

MAP No 26SMO







*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Amendment C67 to the Colac Otway Planning Scheme

Salinity Management Overlay

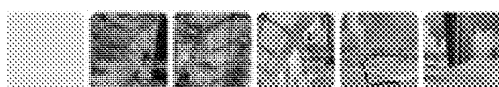


Nick Wimbush, Chair



Lyn Denison, Member



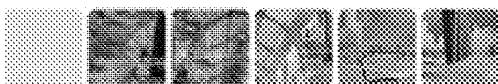


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### Appendix A List of Submitters





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## List of Abbreviations

|            |   |
|------------|---|
| CCMA       | Corangamite Catchment Management Authority  |
| Dahlhaus   | Dahlhaus Environmental Geology Pty Ltd  |
| DEM        | Digital Elevation Model   |
| DPCD       | Department of Planning and Community Development                                  |
| DPI        | Department of Primary Industries  |
| DSE        | Department of Sustainability and Environment                                      |
| EPA        | Environment Protection Authority  |
| ESO        | Environmental Significance Overlay  |
| GIS        | Geographic Information System   |
| LiDAR      | Light Detection and Ranging   |
| LPPF       | Local Planning Policy Framework   |
| MSS        | Municipal Strategic Statement   |
| SMO        | Salinity Management Overlay   |
| SPPF       | State Planning Policy Framework   |
| The Report | Colac Otway Shire Salinity Management Overlay Review of Mapping Boundaries report |
| VPP        | Victoria Planning Provisions  |



---

# 1 Background

## 1.1 The Amendment

Amendment C67 to the Colac Otway Planning Scheme, as exhibited, introduces the Salinity Management Overlay (SMO) and schedules at Clause 44.02 and introduces a number of SMO maps into the Planning Scheme to apply to the following:

- Naturally occurring saline lakes and wetlands; and
- Areas of secondary salinity where salinity is a threat to land productivity and built structures.

The Amendment also seeks to:

- Amend Clause 21.04 – Environment and Clause 21.04-4 – Salinity by adding additional references to the salinity problems in the Shire and how they can be managed through the Planning Scheme;
- Amend Clause 21.06 to delete reference to needing a SMO in the scheme as this Amendment completes the action; and
- Add additional reference documents to Clause 21.07 – Reference Documents as shown in the exhibited Amendment.

The Amendment implements the outcomes of the *Colac Otway Shire Salinity Management Overlay Review of Mapping Boundaries* report prepared for Council by Dahlhaus Environmental Geology Pty Ltd in August 2012.

The planning authority and proponent for the Amendment is Colac Otway Shire Council.

## 1.2 Background to the Amendment

In August 2012, the Colac Otway Shire Salinity Management Overlay Review of Mapping Boundaries Report was released. Prepared by Dahlhaus Environmental Geology Pty Ltd, the report was commissioned by the Corangamite Catchment Management Authority (CCMA) to revise the SMO boundaries in the Shire.

The report revises the 2006 SMO boundaries that were prepared as a result of a project commissioned by the Colac Otway, Surf Coast, Golden Plains and Corangamite Shires that was funded jointly by the Federal and State Government through the National Action Plan for Salinity and Water Quality.

Colac Otway Shire Council considers that since the report was prepared in 2006 the original mapping has updated to more accurately reflect the extent of salinity hazard, and the SMO boundaries should be updated in accordance with this. According to Council, the mapping used in the 2012 report is based on higher resolution terrain data and improved geographic information system (GIS) methods.

The final version of the SMO is comprised of the following:

- 241 polygons covering an area of 16,288.75 hectares (4.7%);
- 19 polygons greater than 100 hectares in area account for 72.5% of the SMO area. All except for one occurs north of the Princes Highway; and



- 
- Approximately 43.5% of the SMO is in three polygons greater than 2,000 hectares. It covers parts of Lake Martin and the edges of Lake Corangamite, Lake Weering and surrounds, and Lough Calvert.

Given the substantial coverage of the SMO in the Shire the Panel has not included the exhibited maps. The exhibited Amendment documentation should be referred to for the complete set.

### **1.3 Exhibition and submissions**

The Amendment was exhibited between 1 November and 20 December 2012. Notices were placed in the Colac Herald, Birregurra Mail and Apollo Bay News sheet, and letters were sent to properties in affected areas. Council received twelve submissions, seven of which objected to the Amendment. The objecting submissions raised the following concerns:

- The accuracy and extent of the mapped area;
- The appropriateness of the overlay in addressing salinity in relation to building construction;
- Impacts on Council resources and liability; and
- The potential reduction in property values and impact on development opportunities.

### **1.4 The Panel**

This Panel was appointed under delegation on the 21 February 2013 pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987* to hear and consider submissions in respect of the Amendment.

The Panel consisted of:

- Nick Wimbush (Chair); and
- Lyn Denison (Member).

### **1.5 Hearings and inspections**

A Directions Hearing was held on Thursday 21 March 2013 at the Colac Community Library and Learning Centre, Colac. The Panel Hearing was held on 19 April 2013 at the same location.

On the day of the Hearing the Panel inspected the Beeac property of the attending submitter, Mr Robert Missen, with Mr Missen and Council officers Ms Gemma Browning and Mr Don Lewis, and Dr Peter Dahlhaus.

The Panel have considered all written and oral submissions and all material presented to it in connection with this matter.

The Panel heard the parties listed in Table 1.



---

Table 1 Parties to the Panel Hearing

| Submitter                 | Represented by   |
|---------------------------|--|
| Colac Otway Shire Council | Ms Gemma Browning and Mr Don Lewis who called the following expert witness: <ul style="list-style-type: none"><li>- Dr Peter Dahlhaus in hydrogeology, engineering geology and environmental geology</li></ul> |
| Mr Robert Missen          |  |

A list of all submitters is included in Appendix A.

### **1.6 Issues addressed in this report**

Having considered the Amendment and submissions, the Panel addresses the following issues in more detail:

- Planning Context;
- Methodology behind the SMO;
- Individual properties subject to submissions; and
- Other issues.



---

## 2 Planning context

This section of the Report considers the strategic planning and policy issues around the Amendment and assesses how it assists with the implementation of sound planning in Victoria.

### 2.1 State Planning Policy Framework

Council submitted that the Amendment is consistent with the following sections of the SPPF (paraphrased from Council's submission):

**Clause 10.02 Goal** which aims to avoid and minimise environmental degradation and risks caused by salinity. In doing this, it encourages the establishment of policy to guide decision making.

**Clause 11.02-1 Supply of Urban Land** which *seeks to ensure that planning for urban growth takes into account the limits of land capability and natural hazards*. The Amendment recognises salinity as a soil hazard and establishes policy and overlay controls in order to guide the assessment of zoning, subdivision and development.

**Clause 11.05-4 Regional planning strategies and principles** which has the subheadings 'Environmental Health and Productivity' and 'Climate Change, Natural Hazards and Community Safety', under which it seeks to *avoid development impacts on land and locate and design new dwellings, subdivisions and other development to minimise risk, property, the natural environment and community infrastructure from natural hazards*. The Amendment identifies sites that are impacted by salinity to provide guidance in relation to the siting and design of new development.

**Clause 12 Environmental and landscape values** which has the objective of identifying the 'primary salinity' sites that have environmental values. The SMO, combined with the current ESO2, *provides a regime for improved planning and management of lakes and wetlands that are saline assets*.

**Clause 12.01-1 Protection of habitat** which attempts to protect biodiversity including native vegetation and habitats for native plants and animals. The Amendment will help ensure this by protecting the saline environmental values under the SMO.

**Clause 13 Environmental risks** as the Amendment attempts to *minimise environmental degradation and hazards by helping to identify and manage areas affected by salinity*. The SMO will encourage development to be designed and located in places which avoid saline areas and minimise the impacts of salinity.

**Clause 13.03-3 Salinity** which seeks to minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers. The policy encourages the use of zoning, overlay controls and permit conditions to:

- *Promote vegetation retention and replanting in aquifer recharge areas and contributing to groundwater salinity problems;*
- *Prevent inappropriate development in areas affected by groundwater salinity.*



---

In doing this, the Amendment will implement the objectives of the CCMA Regional Catchment Strategy and Salinity Action Plan.

**Clause 14.01-1 Protection of agricultural land** as the Amendment seeks to protect productive land and soil through the mitigation of saline ground within the Shire.

**Clause 14.02-2 Water quality** as the Amendment makes policy changes to the MSS to address land use changes that can impact on groundwater and uses the SMO to identify and manage salinity sites.

## 2.2 Local Planning Policy Framework

Council submitted that the Amendment supports the following sections of the LPPF (as paraphrased by Council):

**Clause 21.02-2 Land Use Vision** which states that *development will respond to environmental risks such as salinity*. The Amendment achieves this by implementing controls over development in areas where potential salinity impacts have been identified.

**Clause 21.03 Settlement** which *recognises that future development of settlements should acknowledge environmental constraints*. The Amendment achieves this by making a policy change to the MSS specifically in relation to salinity and its impacts as a result of development activity.

**Clause 21.04-1 Catchment management** which contains strategies in relation to land capability and the protection of lakes from environmental degradation. The Amendment supports this clause as the application of the SMO requires land capability to be considered in any planning application.

**Clause 21.04-2 Water** which identifies the value of saline lakes in the Shire and the need for their protection through maintaining natural condition. The Amendment achieves this by working in unison with the ESO Schedule 2 to assist in the protection of saline waterways.

**Clause 21.04-4 Salinity** which *seeks to minimise impact of salinity on not only agricultural land but in urban areas as well*. The Amendment will apply the SMO and add the policy directions in this clause in order to enhance the management of salinity in the Shire, and avoid and mitigate the impacts of salinity.

**Clause 21.05 Economic Development and Clause 21.05-1 Agriculture** which contain strategies to protect farmland for sustainable architecture and encourage land management practices that are sustainable and protect the environment. The Amendment will contribute to implementing these strategies through identifying salinity and providing policy direction in relation to rural land use and agricultural production.

**Clause 21.06 General Implementation and Undertaking Further Strategic Work** which encourages applying the SMO to areas as recommended by CCMA.



---

## 2.3 Planning scheme provisions

### (i) The Salinity Management Overlay

The Amendment introduces the Salinity Management Overlay (SMO) and a schedule to the clause. The purpose of the SMO is:

- *To identify areas subject to saline ground water discharge or high ground water recharge.*
- *To facilitate the stabilisation of areas affected by salinity.*
- *To encourage revegetation of areas which contribute to salinity.*
- *To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.*
- *To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.*
- *To prevent damage to buildings and infrastructure from saline discharge and high watertable.*

There are a number of permit exemptions in the head clause related to:

- Salinity management works in accordance with the Regional Catchment Strategy;
- Alterations to existing buildings where there is no increase in floor area or waste water discharge; and
- A building used for agriculture that is less than 100sqm where there is no increase in waste water disposal.

The Clause also contains a number of vegetation exemptions. The exhibited Schedule to Clause 44.02 proposes a number of additional exemptions:

- Other forms of non-habitable buildings less than 100sqm that will not result in increased waste water disposal; and
- Additional exemptions related to vegetation removal.

In addition to the proposed SMO, the ESO2 'Lakes, Wetlands and Watercourses' currently applies to a number of primary saline wetlands and lakes in the Shire. The aim of ESO2 is to *protect water quality with respect to nutrients, pollutants and erosion and where they contain significant fisheries, flora and fauna habitat*. As Council explained in their submission, in some cases the following scenarios can occur:

- *The shallow saline groundwater surrounding these lakes and wetlands may be threatened by inappropriate development which may lower the water tables and dry out the environmental asset.*
- *The integrity of smaller saline wetlands may be threatened by fresh water input.*

Consequently, Council is proposing to apply the SMO in addition to the ESO2 in order to *protect the hydrological and chemical characteristics of naturally occurring saline lakes and wetlands ensuring that the integrity of sites of primary salinity are protected*. Both overlays provide a distinctive yet complementary role with respect to saline lakes and wetlands.



---

## 2.4 Other relevant strategies and projects

### Corangamite Regional Catchment Strategy

The Corangamite Regional Catchment Strategy (2003-2008) was published by the CCMA in December 2003. The purpose of the Strategy was to provide for 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 Strategy identified threats to the region's natural assets including threats to surface water quality and agricultural production as a result of salinity. The Strategy included the management action target of *determining salinity threats and the risks to rivers, streams and wetlands in the Region by 2006*.

A draft 2012-2018 Strategy was circulated for comment by the CCMA in June 2012 and has not yet been released.

The SMO Project arose as a result of the Corangamite Regional Catchment Strategy and the Corangamite Salinity Action Plan.

### Corangamite Salinity Action Plan

The Corangamite Salinity Action Plan (2005-2008) was undertaken by the Corangamite CMA and regional partners, and endorsed by the Minister for Environment and Water. The Plan focuses on the need to alert local government planners of salinity risk and recommends the SMO to be introduced under the following circumstances:

- *Where local government has identified future growth corridors; and*
- *Where salinity currently exists or it is predicted to appear in the future.*

Through the Action Plan, the following took place:

- *The CCMA developed plans with local government to guide infrastructure placement and urban subdivision;*
- *By 2006 baseline mapping on all urban salinity was undertaken to provide information to local government and other asset managers.*

The plan was developed out of the National Action Plan for Salinity and Water Quality, the Victorian Salinity Management Framework and the Corangamite Regional Catchment Strategy 2003-2008.

### Salinity Management Overlay Project

The SMO Project and report was commissioned in 2006 by the CCMA. The Project was undertaken by EnPlan-DBA, with Dahlhaus Environmental Geology, and Chris Harty Planning and Environmental Management.

The purpose of the project was to *guide decision making in any development in salinity prone areas*. The project focused on the following components:

- *'Best Practice' review of the content and operation of SMOs;*
- *Mapping of salinity incidence in the defined growth corridors of the four planning Shires by DPI, and interpretation of those data; and*
- *Development of SMO amendment documents and supporting products, including planning scheme maps and planning policy.*



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The project resulted in the mapping of salinity sites in the Colac Otway Shire, under five categories of saline risk areas. The areas included in the mapped SMO polygons are identified as 'primary and secondary salinity' and include a buffer area around the salinity area of one metre, to allow for a one metre rise in the groundwater table. Ultimately, the project resulted in the mapping of 539 salinity sites in the Shire.

The mapping was later reviewed between 2010 and 2012 using LiDAR<sup>1</sup> which provided a much more accurate and detailed basis for determining topography.

## **2.5 Conclusions and recommendation**

The Panel considers that the Amendment is supported in State policy by identifying areas at risk of salinity and then seeking to develop appropriate local policy to support the application of the specific tool, the SMO.

The Panel notes the long history of development of the strategic and technical studies behind the Amendment and considers that the approach in principle is sound. The exemptions in the SMO head clause and schedule should help to ensure that that minor planning proposals are not subject to unreasonable assessment.

The Panel also notes that Council has included a reference document that is a guide for applicants and Council officers. Whilst not a statutory part of the Planning Scheme, this should assist with the requirements for where a permit is required.

The Panel has reviewed the clauses to be changed and/or included in the planning scheme and considers that the drafting is acceptable.

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<sup>1</sup> Light Detection and Ranging – an aircraft based laser system for accurately measuring elevation.



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## 3 Methodology behind the overlay

### 3.1 The issue

The main concerns raised about the methodology were:

1. The data used in the mapping is out of date and does not take into account recent climatic changes;
2. The determination of the buffer does not take topography into account; and
3. The methodology has not adequately differentiated between primary and secondary salination.

### 3.2 Background to the two geotechnical reports

#### Definition of salinity

The Colac Otway Shire Salinity Management Overlay Review of Mapping Boundaries report 2012 ('The Report') provides the following definition of 'salinity', which has been mapped by the various State Governments from around 1956 onwards:

*Salinity occurs where saline groundwater discharges to the land surface at places where the watertable is very shallow. The area affected by salinity changes over time. Almost all groundwater is recharged by rainfall, and therefore watertables rise and fall with the changes in the climatic and seasonal inputs. During prolonged droughts watertables slowly fall and the area of groundwater discharge may reduce to the point where salinity disappears from parts of the landscape. Conversely, salinity reappears during a run of wet years when watertables rise and intersect the land surface.*

The 2012 Report further describes:

*The salinity layer comprises polygons that map the extent and types of salinity based on field mapping and aerial photograph interpretation.*

Salinity is typically included in the mapping for a SMO where it *may potentially threaten assets*. Circumstances where salinity could impact include where *there is sufficient salt present in the soil to restrict plant growth or potentially threaten the integrity of buildings, infrastructure and utility services, and the area is underlain by relatively shallow watertables.*<sup>2</sup>

Council defines primary salinity as that which is naturally occurring and is the product of processes that have been present for many hundreds or thousands of years. These processes have led to the formation of salt lakes and semi-permanent or permanent saline wetlands. Secondary salination refers to induced salinity processes as a result of changed land use or water use.

The initial boundaries of the SMO were derived by drawing a buffer around mapped salinity sites. This work was conducted by DPI and reported in 2006 in the Salinity Management

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<sup>2</sup> Colac Otway Shire Salinity Management Overlay: Review of Mapping Boundaries, Consulting Report CCMA 12/01 (Dahlhaus Environmental Geology Pty Ltd (31 August 2012)).



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Overlay Report undertaken by EnPlan-DBA, with Dahlhaus Environmental Geology, and Chris Harty Planning and Environmental Management. Salinity sites were mapped using a variety of techniques including existing salinity databases, review of previous mapping studies, aerial photographs and ground trothing through visual inspection of the sites, identification of vegetation indicators and limited soil testing. DPI mapped the location and boundaries of the saline areas, identified if they were primary or secondary in nature and determined the degree of severity. The width of the buffers was varied according to the terrain in order to accommodate a one metre rise in groundwater tables.

The accuracy of the buffers was reviewed and refined in 2012 using LiDAR digital elevation models to improve the accuracy of the mapping. This high resolution terrain data was used to develop a high resolution digital elevation model that was used in refining the boundaries of the buffers.

Mapping was undertaken in areas where:

- There is sufficient salt present in the soil to restrict plant growth or threaten integrity of buildings, infrastructure and utility services. These areas had previously been identified by earlier salinity mapping;
- Areas where salinity is not obvious but may develop within a relative short time frame or within the design life of a development (taken as around 30 to 50 years). These are areas where shallow water tables occur and where arise in the groundwater level may induce salinity at or close to the surface.

As a result the identification and mapping of sites of salinity has been site-specific resulting in the application of the SMO in a targeted, site-specific manner.

### **3.3 Evidence and submissions**

Six submitters (Submission Nos 4, 5, 7, 8, 9 and 10) questioned the accuracy and validity of the mapped overlay on their land. The width of the buffer area around identified primary and secondary salination is not supported by submitters as it would unreasonably affect land and does not seem to take into account topography.

Mr Missen in his evidence raised concerns that the maps did not differentiate between areas of primary and secondary salination. He submitted that the primary salination is the dominant form and that the secondary salination had, in his case, been ameliorated. This was achieved by the planting of several kilometres of trees that has assisted in the lowering of the water table and this area is now growing non-salt tolerant grasses and clover. He also raised concerns that the maps that had been used in the 2012 review by Peter Dahlhaus were out-dated and inaccurate.

Council in their submission state that the SMO has been applied not only to the site of actual salinity but also over a buffer area surrounding the site of the saline affected land. This buffer provides a level of risk protection by ensuring that any development is appropriately addressed to determine the risk of impact either on or from salinity. The buffers are based on a one metre rise in groundwater levels taken as a one metre elevation above the mapped salinity. The resulting SMO consists of overlay maps that apply to both primary and secondary salinity areas and a buffer zone around these areas to allow for possible expansion of salinity over the next 30-50 years due to rising shallow groundwater tables.



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In response to issues raised by submitters on the accuracy of the overlays, inspections by Dr Peter Dahlhaus on behalf of Council, confirmed the presence of salinity at all six properties. While Council concedes that there is evidence that a drop in the water tables in combination with landholder efforts has reduced or eliminated secondary salinity, the application of the SMO remains important and is warranted. Council submits that the salinity mapping available to Council and the CCMA indicates areas where salinity will be a potential issue if the land is developed.

Council in its response to submissions concluded that the mapping methodology is best practice and has used the best available data. It is also their view that any inaccuracies in the buffers can be managed through the permit process and does not require a full review of all boundaries at this time. The small changes that have been to the properties that have been reviewed have not led to any significant changes the SMOs.

Dr Dahlhaus, Council's expert witness, stated that the accuracy of the buffers is dependent on the accuracy of the data available at the time that they were drawn. The original 2006 buffers were drawn on the basis of a coarse digital elevation model available at the time. The 2012 buffers were reassessed using higher resolution Digital Elevation Model (DEM) data. Dr Dahlhaus notes that most sites have been mapped by ground surveys using GPS, aerial photographs and maps to accurately locate the salinity. However, more remote sites have mapped using only aerial photographs. In some areas where there is a significant salinity issue (eg Gerangamete and Beeac), geophysical methods, boreholes and soil tests were used to define the buffers.

Based on concerns raised by submitters, Dr Dahlhaus reviewed the buffers at three properties<sup>3</sup>. The review has led to small changes in the buffers. These changes have been made based on observations made at the time of the inspection and salinity management works undertaken by landowners. The changes also reflected changes to the groundwater table that have occurred. Dr Dahlhaus also submitted that that the impact of climate change on groundwater levels is too uncertain to model and that the past 25 year record of groundwater levels remains a valid indicator of potential water table fluctuations.

In his evidence at the Panel Hearing, Dr Dahlhaus commented that the salinity mapping done for Mr Missen's property should be redone in places. The mapping is based on old mapping and also on his inspection of the property current vegetation growth would indicate some inaccuracies.

Dr Dahlhaus submitted that overall the methodology that has been used in mapping the SMO, including the buffers, is the best currently available. His opinion was that reviewing all sites with the most recent methods would not significantly change the buffers currently included in the proposed SMO.

### **3.4 Discussion**

From the information provided in the technical reports and the expert witness submission, the use of LiDAR for the mapping of salinity areas is considered as the best available methodology at this time. Although the review of some of the properties has led to small changes in the SMO boundaries, these are not significant and do not invalidate the overall

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<sup>3</sup> Also discussed in Chapter 4.



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methodology used. The improvements in the accessibility of groundwater and salinity data since the 2006 mapping together with the use of the high resolution LiDAR system provides a sound technical basis for the mapping in the proposed SMO.

There is an argument that because of the small changes to some of the mapped SMO when investigated in response to submissions, that this could or should result in another broad scale review of all the mapping. The Panel does not accept this view for several reasons.

Firstly it was feasible to review a very small number of properties in response to submissions, but it would not be financially viable or in the broader public interest to undertake such a review of all mapped properties for such a 'small return' in terms of changes.

Secondly, there is not any particular technical evidence that the methodology is flawed to the extent that such a review is warranted. Indeed to the contrary, the Panel was presented with evidence that the methodology is sound in principle and the best available at this time.

Thirdly, the Panel is satisfied that there is adequate discretion and flexibility through the planning permit process to address any proposals on the margins of the mapped salinity areas.

The review of properties of submitters who raised concerns about the accuracy and extent of the overlays on their properties led to very small changes to the proposed SMO boundaries. This was based on observations made at the time of the inspection and the outcomes of salinity management works undertaken by landowners. The changes also reflected changes to the groundwater table that have occurred. To a large extent the actions taken by land owners to manage secondary salinity have been successful but there is a question as to whether they will continue to manage the issue if there is a run of above average wet years. The SMO would provide a risk management framework to manage such impacts.

The issue of the delineation between primary and secondary salination was raised in particular with respect to Mr Missen's property. There was disagreement that the actions taken by landowners to manage secondary salinity have been successful in many cases. Council are of the view that the issue was adequately dealt with in the technical documents and that the differentiation between the types of salinity will be addressed through the permit process.

### **3.5 Conclusions**

The Panel considers the methodology used should be considered as best practice and accepted as the basis of the SMO. Where the methodology has been challenged on individual properties, only minor changes have resulted which do not, in the Panel's view, go to the integrity of the methodology in general.

Based on the evidence of Dr Dahlhaus, Council should consider a review of some of the mapping at Mr Missen's property. This is addressed in more detail in Chapter 4.



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## 4 Properties subject to submissions

### 4.1 The issue

A number of submissions were received from submitters whose properties were subject to the Amendment, who questioned the accuracy of the SMO mapping. As a result of these submissions, Council and Dahlhaus Environmental Geology Pty Ltd (Dr Peter Dahlhaus) undertook site inspections, and in some instances the mapping was modified. The proposed changes were provided in the submitter casebook in the Hearing.

These properties are considered briefly below.

### 4.2 Submissions

#### (i) 425 Dewings Bridge Road, Gerangamete

Submission 4 considered that as drainage and re-grassing work had improved the quality of the land, the salinity problem was minimised. The submitter requested that the mapping be reviewed.

In response to this submission, Council and Dr Dahlhaus inspected the site and made a slight modification to the boundary of the SMO, on the basis that the tree plantations would mitigate the risk of shallow water tables.

#### (ii) 3375 Corangamite Lake Road, Cundare North

Submission 5 objected to the Amendment stating that the boundaries do not follow the natural contours and that his farm would be devalued.

In response to his submission, Council and Dr Dahlhaus inspected the property and concluded that the SMO boundaries do not follow the contours precisely and it seems that the polygon mapped in 2001 is mismatched to the terrain. Accordingly, they recommended that limited mapping changes be made to the SMO boundaries.

#### (iii) 357 Sinclair Street South, Elliminyt

Submission 7 objected to the Amendment questioning the accuracy of the mapping and impact on property values.

After conducting a site inspection of the property, Council and Dr Dahlhaus slightly modified the boundaries. Council further commented that whilst they did not expect a devaluation of the land, any change to land value can be addressed in the next revaluation which takes place every two years.

Council recommended that limited mapping changes be applied.

#### (iv) 140 Eurack Road, Beeac

Submission 8 (Mr Missen) objected to the Amendment stating that he believed there were inaccuracies that resulted from outdated data. He also expressed concern in relation to land devaluation.



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In response, Council and Dr Dahlhaus inspected the property and agreed to reposition some boundaries to reflect the buffer and the lower likelihood of rising tables more accurately. Council further commented that any change to land value can be addressed in the next revaluation which takes place every two years.

Council recommended that changes to the SMO boundaries be applied, as suggested by Dr Dahlhaus.

**(v) 1935 Colac-Ballarat Road, 95 Weering School Road and 100 Hartneys Road, Beeac**

Submission 9 objected to the Amendment, stating that they believed there were inaccuracies with the mapping.

In response to this, Council and Dr Dahlhaus conducted a site inspection and concluded that some salinity mapped in 2001 no longer existed. Accordingly, the boundaries of the SMO were revised.

Council further commented that whilst they did not expect a devaluation of the land, any change to land value can be addressed in the next revaluation which takes place every two years.

**(vi) 1660 Colac-Ballarat Road, Beeac**

Submission 10 objected to the Amendment as they believed that inaccuracies existed in the mapping as a result of a reduction in salinity areas due to the drought. They also commented on the impact of land values.

Council and Dr Dahlhaus conducted a site inspection of the property and concluded that the salinity is in a particular area that extends from a saline wetland in the north to the submitters' property. Accordingly, the SMO mapping was updated.

**(vii) 250 Irrewillipe Road, Elliminyt**

Submission 12 supported the Amendment subject to some flexibility, stating that soils in the area can change between seasons and as a result of waterlogging.

Council supported the submission and did not request any changes as a result of the submission.

**(viii) Other submissions**

Submission 11, from a submitter who does not own directly affected land, objected to the Amendment stating that a lack of evidence exists in relation to the impacts of salinity on existing buildings, and that the building approval process can address salinity related issues. He also held the view that the overlay could create unnecessary liability and resource issues for Council.

Council responded by stating that they are not concerned about resource issues and liability is expected to decrease as residents become more educated about salinity.



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### **4.3 Discussion**

The Panel has reviewed the changes proposed to mapping by Council and Dr Dahlhaus in the Hearing and generally accepts the approach and specific changes put forward. The Panel notes from the Hearing and the site inspection of his property near Beeac that Mr Missen still has significant concerns about the methodology and particularly how it has manifested in the areas on his property, and particularly the area south of Eurack Road.

The Panel notes Mr Missen's concerns but is still of a view that it understands and accepts in principle the technical approach taken by Dr Dahlhaus. It is conceivable that after a succession of wet years or poor land management by a future owner, that salinity could manifest again in these areas.

Given the effort taken by Mr Missen in putting his case forward, the Panel does consider that a further detailed review by Dr Dahlhaus is appropriate, but the Panel does not consider that a change to the methodology is appropriate.

The Panel also notes the numerous submissions relating to property values. The Panel has not sighted any evidence that property values will be affected, as the salinity threat is generally well known in susceptible rural areas and would be expected to be considered by prospective purchasers whether a SMO exists or not. In addition, there is a long history in planning law in Victoria that an impact on property values is not a valid planning consideration per se.

The Panel accepts Council submissions in relation to the impacts on their administrative capacity; that is the impact should not be significant and can be managed.

### **4.4 Conclusions and recommendations**

The Panel concludes that minor SMO mapping changes as shown in the Hearing should be included with the exception of Mr Missen's property, where a further on-ground and desktop review should be undertaken to finalise boundaries.

The Panel recommends:

**Adopt the changes to the Salinity Management Overlay as shown in the submitter casebook in the Hearing with the exception of Mr Missen's property at 140 Eurack Road, Beeac. At this property the final boundaries of the overlay should be determined after a further review; but using the same methodology as used elsewhere in the Amendment.**



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## **5 Summary of recommendations**

Based on the reasons set out in this Report, the Panel recommends:

**Amendment C67 to the Colac Otway Planning Scheme should be adopted generally as exhibited subject to the following recommendation.**

**Adopt the changes to the Salinity Management Overlay as shown in the submitter casebook in the Hearing with the exception of Mr Missen's property at 140 Eurack Road, Beeac. At this property the final boundaries of the overlay should be determined after a further review; but using the same methodology as used elsewhere in the Amendment.**

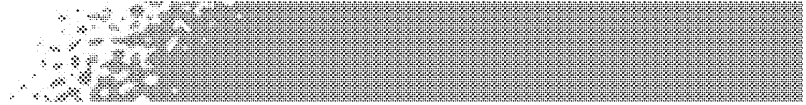


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## Appendix A List of Submitters

| No. | Submitter                    |
|-----|------------------------------|
| 1   | EPA Victoria                 |
| 2   | VicRoads                     |
| 3   | CFA Barwon South West Region |
| 4   | Dale Cunnington              |
| 5   | Ken Shone                    |
| 6   | Colin Mason for APA Group    |
| 7   | Graham Harris                |
| 8   | Robert Missen                |
| 9   | John and Helen Breen         |
| 10  | John Smith                   |
| 11  | Stephen Ryan                 |
| 12  | Glenn Connor                 |





2<sup>nd</sup> July 2013

Ms Gemma Browning  
Strategic Planner  
Colac Otway Shire  
P.O. Box 283  
Colac Vic 3250

**C67 SMO - Revision of SMO boundaries, Missen property.**

**Brief report**

In response to the recommendations of the Planning Panel Report of 6<sup>th</sup> June 2013 (Wimbush and Denison 2013), a review of the Salinity Management Overlay (SMO) boundaries on Mr Missen's property (140 Eurack Road, Beeac) has been finalised. The review was conducted at a meeting with Mr Robert Missen (landholder), Ms Gemma Browning and Mr Don Lewis (Colac Otway Shire) and Dr Peter Dahlhaus (consultant) on July 1<sup>st</sup> 2013.

The following changes have been made to the SMO boundaries:

- 1) Removal of the SMO covering the small land depression north of Eurack Road. The depression was originally mapped as a semi-permanent saline wetland (salt pan) by Andrew Corrick (1982) and included in the 1994 Corrick Wetlands GIS layer (DSE 2004). Corrick's mapping relied heavily on aerial photograph interpretation (1970s & 1980s) and it is unlikely that the classification of this particular feature was validated on the ground at the time. Mr Missen has observed that the feature has never been saline over the past decades and has soil test data to confirm that observation.
- 2) The salinity mapping south of Eurack Road has been adjusted to better fit with the topography, soil texture and field observations, and consequently, the SMO boundary has also been slightly changed. Mr Missen's contention that the salinity is secondary (cf. primary) is also accepted on the basis of the historic evidence. Consequently, the small semi-permanent wetland mapped by Corrick has been merged into the larger salinity polygon, now designated as secondary salinity.

The changes to the SMO boundaries on Mr Missen's property supersede the post-exhibition changes previously made, which have been documented separately (Dahlhaus 2013a; 2013b). The amended GIS files (COS\_smo\_dd94\_v2013(2) & COS\_salinity\_dd94\_v2013) accompany this report.

The changes are illustrated in the appended figures.

A handwritten signature in black ink, appearing to read 'P. Dahlhaus'.

Dr Peter Dahlhaus



## References

- Corrick, A.H. (1982). Wetlands of Victoria III: wetlands and waterbirds between Port Phillip Bay and Mount Emu Creek. *Proceedings of the Royal Society of Victoria* **94**(2). pp: 69-87.
- Dahlhaus, P.G. (2013a). Colac Otway Shire Salinity Management Overlay - expert witness report (April 2013). Consulting report COS 13/02 for Colac Otway Shire. Dahlhaus Environmental Geology Pty Ltd, Buninyong. 20p.
- Dahlhaus, P.G. (2013b). Colac Otway Shire Salinity Management Overlay - revision of boundaries (January 2013). Consulting Report CCMA 13/01 for the Corangamite Catchment Management Authority and Colac Otway Shire. Dahlhaus Environmental Geology Pty Ltd, Buninyong, Vic. 19p.
- DSE (2004). Wetland\_1994 and Wetland\_1788. Department of Sustainability and Environment. Corporate Geospatial Data Library GIS data (ESRI Shapefiles).
- Wimbush, N. and Denison, L. (2013). Panel Report. Colac Otway Planning Scheme. Amendment C67. Salinity Management Overlay. *Planning Panel Report pursuant to Section 25 of the Planning and Environment Act 1987*. 17p.

## Figures

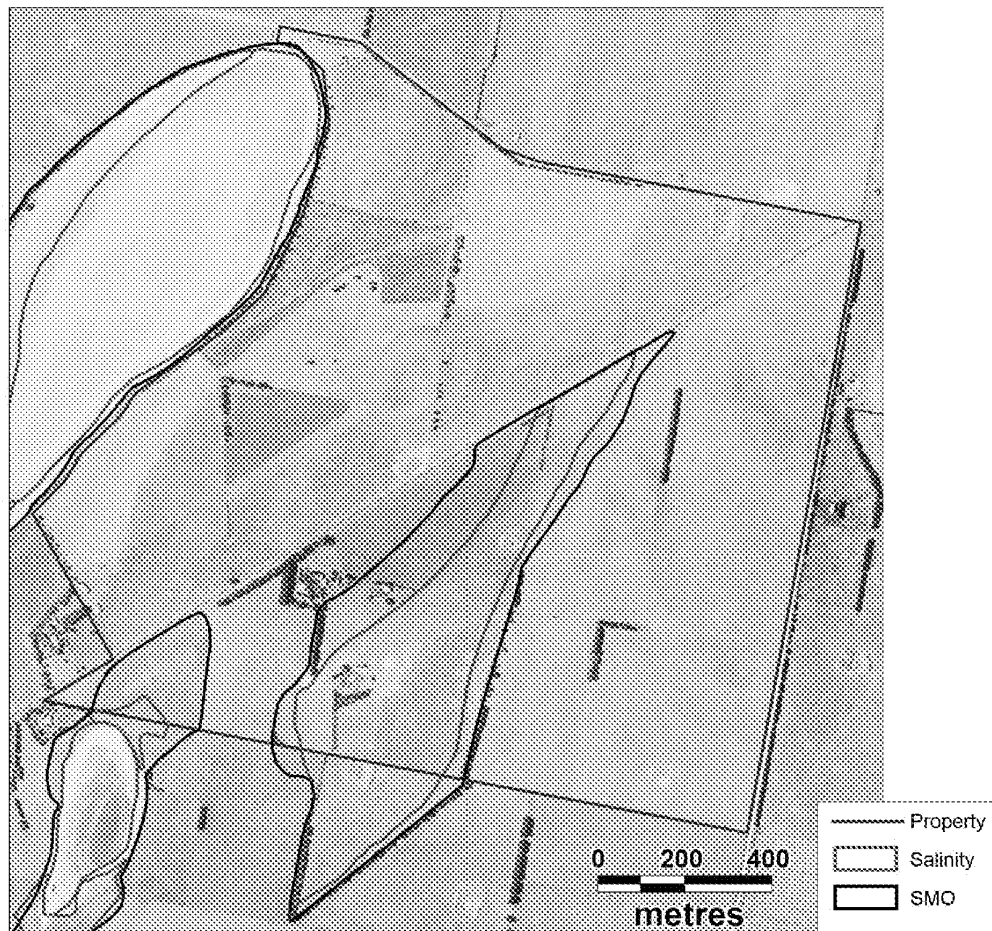


Figure 1. Final salinity and SMO boundaries, Missen property.



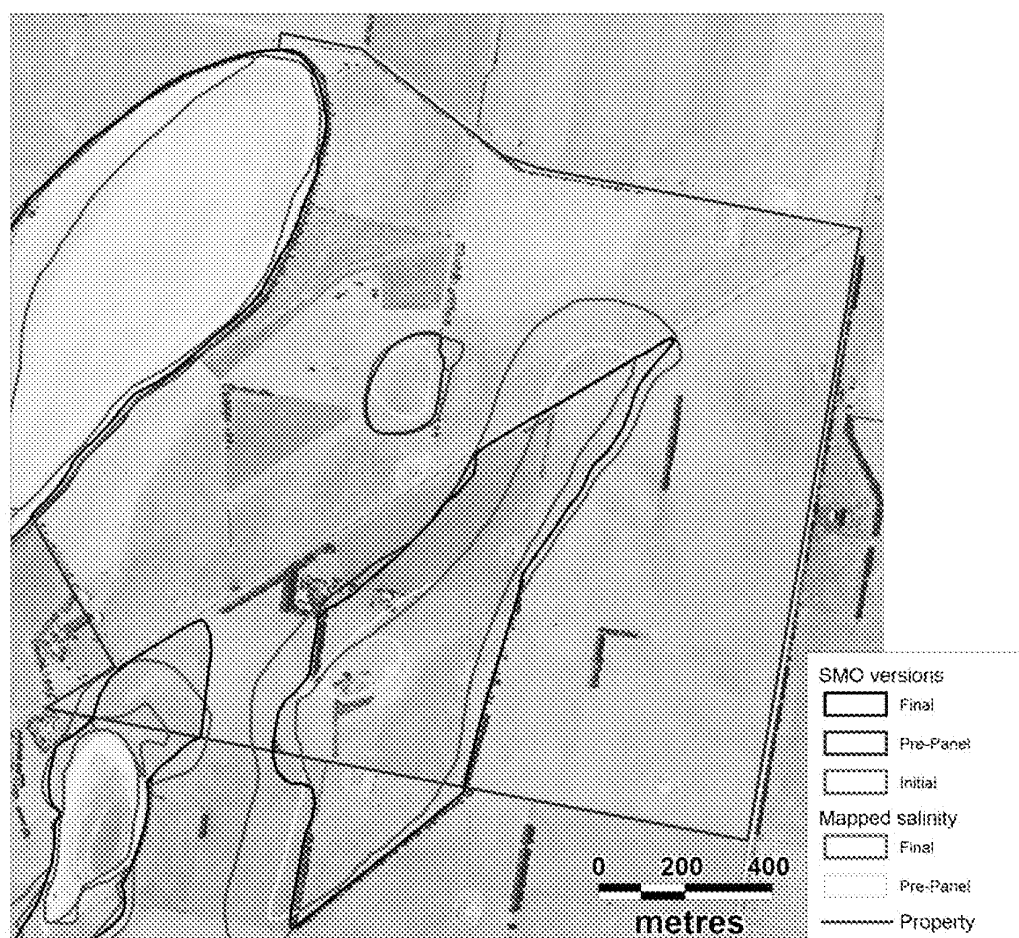


Figure 2. Versions of the salinity and SMO boundaries, Missen property



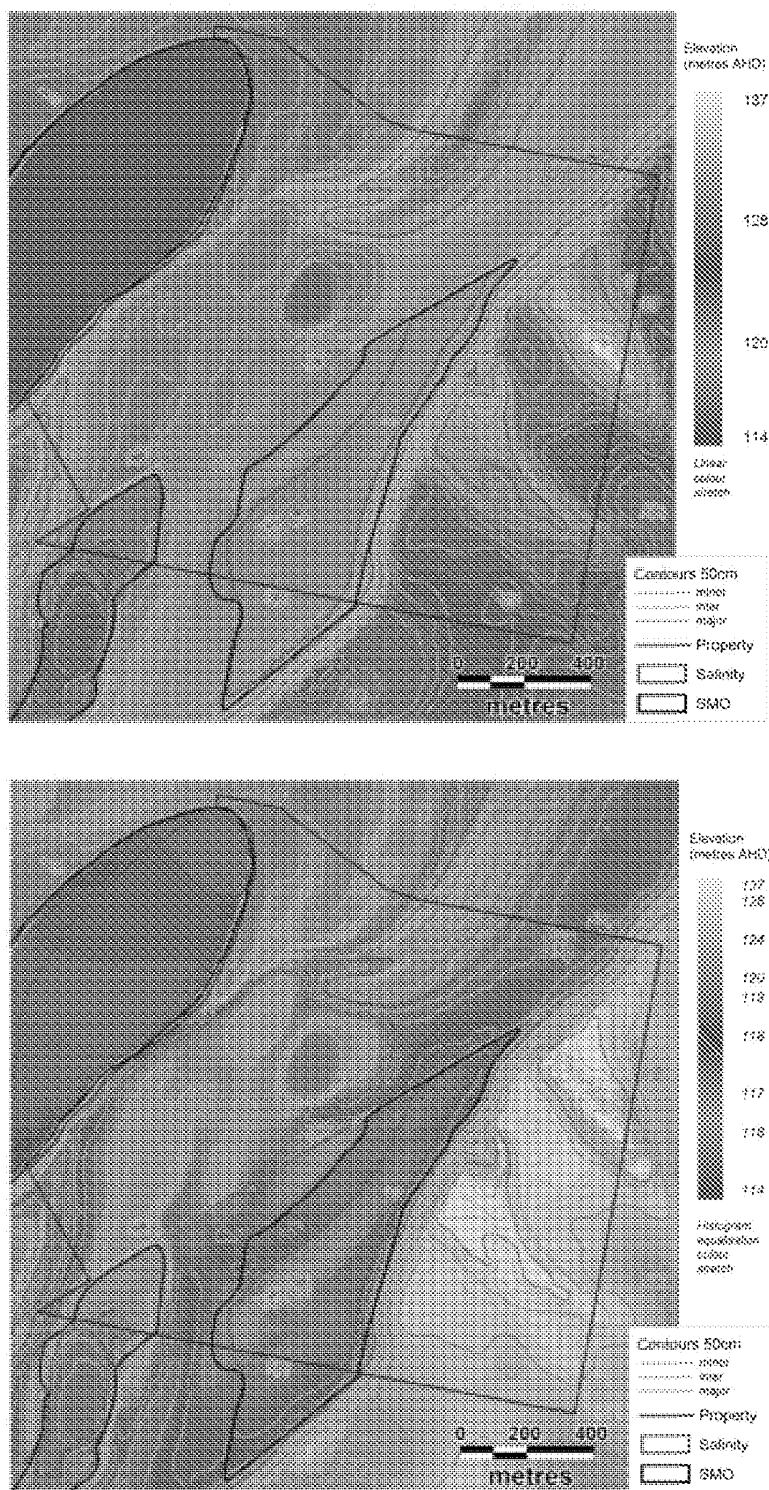


Figure 3. SMO boundaries overlain on topography.









# **CONSUMPTION OF ALCOHOL IN PUBLIC PLACES**

## **LOCAL LAW NO. 1 – August 2013**

LOCAL LAW ADOPTED BY COUNCIL: 28 August 2013  
OPERATION DATE: 28 August 2013



## COLAC OTWAY SHIRE COUNCIL

### CONSUMPTION OF ALCOHOL IN PUBLIC PLACES LOCAL LAW NO. 1

#### PART 1

#### PRELIMINARY

##### Title

1. This Local Law will be known as the "Consumption of Alcohol In Public Places Local Law 2013" and is referred to subsequently as "this Local Law".

##### Purpose

2. The purpose of this Local Law is to:
  - 2.1. regulate and control the consumption of *alcohol* and possession of *alcohol* other than in a *sealed container*.
    - 2.1.1. on a *road*;
    - 2.1.2. in or at a *public place*;
    - 2.1.3. in or on a stationary *vehicle*; and
    - 2.1.4. on *vacant private land*;
  - 2.2. prevent behaviour which:
    - 2.2.1. constitutes or may constitute a nuisance;
    - 2.2.2. may be detrimental to health or safety; or
    - 2.2.3. affects the enjoyment of public and other places; and
  - 2.3. revoke *Council's* "Consumption of Liquor in Public Places Local Law 2005".

##### Authorising Provisions

3. This Local Law is made under section 111(1) of the *Local Government Act* 1989.

##### Commencement and Area of Operation

4. This Local Law:
  - 4.1. commences on 28 August 2013; and
  - 4.2. operates throughout the *municipal district*, including public lands to the high water mark of inland lakes and foreshore reserves.



## Revocation

5. Upon the commencement of this Local Law, *Council's* Consumption of Alcohol in Public Places Local Law 2005 is revoked.
6. Unless sooner revoked, this Local Law ceases to operate on 27 August 2023

## Definition of Words Used in this Local Law

7. Unless inconsistent with the context or subject-matter, the following words and phrases are defined to mean or include -

**"applicant"** means an applicant for a *permit*.

**"Authorised Officer"** means a person appointed under section 224 of the *Local Government Act* 1989 and includes all sworn members of the Victorian Police Force and Protective Services Officers.

**"Chief Executive Officer"** means the Chief Executive Officer of *Council*.

**"Council"** means Colac-Otway Shire Council.

**"Infringement Review Panel"** means *Council's* Internal Infringement Review Panel.

**"alcohol"** means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

**"municipal district"** means the municipal district of *Council*.

**"permit"** means a permit issued under this Local Law.

**"public place"** has the same meaning as in section 3 of the *Summary Offences Act* 1966.

**"road"** has the same meaning as in the *Local Government Act* 1989 and includes a road vested in the Crown.

**"sealed container"** means a container sealed at the point of manufacture.

**"vacant private land"** means land on which no dwelling is erected.

**"vehicle"** has the same meaning as in the *Road Safety Act* 1986.



## PART 2

### REGULATION

#### Consumption and Possession of Alcohol

8. A person must not, without first obtaining a *permit* nor otherwise than in accordance with the conditions of such a *permit*.
  - 8.1. on a *road*; or
  - 8.2. in or at a *public place*;
  - 8.3. in or on a stationary *vehicle* on a *road* or in or at a *public place*; or
  - 8.4. on *vacant private land* -  
  
consume any *alcohol* or have in his or her possession or control any *alcohol* other than *alcohol* in a *sealed container*.
9. Sub-clauses 8.1 and 8.2 do not apply to a person who consumes, possesses or has under his or her control any *alcohol* in premises or at a location which is licensed under the ***Liquor Control Reform Act*** 1998.
10. Sub-clause 8.4 does not apply to a person who is the owner or occupier of the *vacant private land* or who is upon such *vacant private land* at the invitation or with the permission of its owner or occupier.

#### Power to Direct

11. If an *Authorised Officer* reasonably suspects that a person is in contravention of or has contravened this Local Law, he or she may direct the person to dispose of the contents of any unsealed container.
12. A person to whom a direction is given under Clause 11 must comply with that direction.



## PART 3

### GENERAL PROVISIONS

#### Permits

13. A person applying for a *permit* under this Local Law must lodge with *Council*:
  - 13.1. an application in a form approved by *Council*; and
  - 13.2. any application fee fixed by Resolution of *Council*.
14. In considering whether to grant an application for a *permit*, *Council* must have regard to:
  - 14.1. the location at which it is proposed to consume or possess *alcohol* or have *alcohol* under the *applicant's* control;
  - 14.2. the time and duration which it is proposed to consume or possess *alcohol* or have *alcohol* under the *applicant's* control;
  - 14.3. the purpose for which it is proposed to consume or possess *alcohol* or have *alcohol* under the *applicant's* control;
  - 14.4. whether, if the application is granted, the *applicant* will or is likely to engage in behaviour which constitutes or may constitute a nuisance;
  - 14.5. whether the grant of the application will be detrimental to health or safety;
  - 14.6. whether the grant of the application will affect the enjoyment of a public place or other place; and
  - 14.7. any policy or guidelines adopted by *Council* from time to time.
15. Subject to clause 13, *Council* may:
  - 15.1. grant an application and issue a *permit*;
  - 15.2. grant an application and issue a *permit* with conditions; or
  - 15.3. refuse to grant an application.

#### Form and Operation of Permit

16. Any *permit* issued by *Council* must:
  - 16.1. be in a form approved by *Council*; and
  - 16.2. not be operative until the *applicant* pays any *permit* fee fixed by Resolution of *Council*.



### Currency of Permit

17. Unless it is sooner revoked or renewed, a *permit* will continue in force for the period specified in the *permit*, or, if no period is specified, for a period of 12 months from the date of its issue or renewal.
18. A *permit* holder must not assign, transfer or encumber his or her *permit*.

### Correction of Permit

19. *Council* may correct any *permit* issued under this Local Law if the *permit* contains:
  - 19.1. a clerical error or an error arising from an accidental slip or omission; or
  - 19.2. an evident and material miscalculation of figures or a material mistake in the description of a person, thing or property referred to in the *permit*.
20. *Council* must give notice of the correction to the *permit* holder.

### Revocation of Permit

21. If, in the opinion of *Council*:
  - 21.1. a *permit* holder has failed to comply with the conditions of his or her *permit*,
  - 21.2. there has been a material misstatement or concealment of fact in relation to the grant of the *permit*, or
  - 21.3. there has been a material change of circumstances since the grant of the *permit* -it may:
  - 21.4. suspend the *permit* and impose any conditions for its reinstatement; or
  - 21.5. revoke the *permit*.

### Register of Permits

22. *Council* must keep a register of all *permits* issued under this Local Law.
23. *Council* must note the:
  - 23.1. correction; and
  - 23.2. revocation -of any *permit* in the register.



## Evidentiary Provisions

24. In any proceedings for an offence against this Local Law, if *Council*, an informant or a person authorised by *Council* to institute proceedings avers:

24.1. that the:

24.1.1. *road* on; or

24.1.2. *public place* in or at; or

24.1.3. stationary *vehicle* in or on; or

24.1.4. *vacant private land* on –

which the offence occurred was located within the *municipal district*,

24.2. that the offence occurred:

24.2.1. on a *road*; or

24.2.2. in or at a *public place*; or

24.2.3. in or on a stationary *vehicle*; or

24.2.4. on *vacant private land*.

24.3. that the offence occurred in or on a stationary *vehicle*:

24.3.1. on a *road*; or

24.3.2. in or at a *public place*;

24.4. that a beverage was *alcohol* when the offence occurred;

24.5. that the defendant consumed *alcohol*;

24.6. that the defendant had *alcohol* in his or her possession;

24.7. that the defendant had *alcohol* in his or her control;

24.8. that the *alcohol* was otherwise than in a *sealed container*;

24.9. that an *Authorised Officer* reasonably suspected that the defendant:

24.9.1. was in contravention of this Local Law; or

24.9.2. had contravened this Local Law;

24.10. that the *Authorised Officer* directed the defendant to dispose of the contents of an unsealed container;

24.11. that the defendant:



- 24.11.1. failed; or
- 24.11.2. refused or neglected to comply -  
with the direction of the *Authorised Officer* -  
the averment is evidence:
- 24.12. that the:
  - 24.12.1. *road* on; or
  - 24.12.2. *public place* in or at; or
  - 24.12.3. stationary *vehicle* in or on; or
  - 24.12.4. *vacant private land* on -which the offence committed was located within the *municipal district*;
- 24.13. that the offence occurred:
  - 24.13.1. on a *road*; or
  - 24.13.2. in or at a *public place*; or
  - 24.13.3. in or on a stationary *vehicle*; or
  - 24.13.4. on *vacant private land*;
- 24.14. that the offence occurred in or on a stationary *vehicle*:
  - 24.14.1. on a *road*; or
  - 24.14.2. in or at a *public place*;
- 24.15. that a beverage was *alcohol* when the offence occurred;
- 24.16. that the defendant consumed *alcohol*;
- 24.17. that the defendant had *alcohol* in his or her possession;
- 24.18. that the defendant had *alcohol* in his or her control;
- 24.19. that the *alcohol* was otherwise than in a *sealed container*;
- 24.20. that an *Authorised Officer* reasonably suspected that the defendant:
  - 24.20.1. was in contravention of this Local Law; or
  - 24.20.2. had contravened this Local Law;



24.21. that the *Authorised Officer* directed the defendant to dispose of the contents of an unsealed container;

24.22. that the defendant:

24.22.1. failed; or

24.22.2. refused to comply -

with a direction of the *Authorised Officer*, as the case requires.

### **Infringement Notices**

25. As an alternative to prosecution, an *Authorised Officer* may serve an infringement notice (carrying a penalty of two (2) penalty units) on a person who:

25.1. has contravened; or

25.2. is reasonably suspected of having contravened -

this Local Law and who, by their conduct, is or is likely to engage in behaviour that constitutes or will constitute a nuisance.

### **Reviewing a Notice**

26. All requests for Infringement Notice review will be dealt with by way of *Council's* Infringement Review Panel which may withdraw the Infringement Notice, deal with the Infringement Notice by way of official warning, extend due date to allow additional time for payment, or to proceed with prosecution of the offence

27. Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the Infringement Notice

28. Nothing in clause 26 affects any right of any person who has been issued with an infringement notice to have the matter determined by a Magistrates' Court.

### **Offences and Penalties**

29. A person who contravenes this Local Law is guilty of an offence, and liable to a penalty not exceeding five (5) penalty units.









## **GENERAL LOCAL LAW**

### **(LOCAL LAW NO. 2 – August 2013)**

LOCAL LAW ADOPTED BY COUNCIL: 28 August 2013  
OPERATION DATE: 28 August 2013



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**COLAC OTWAY SHIRE COUNCIL**

**GENERAL LOCAL LAW**

**PART 1 - PRELIMINARY**

**Title**

1. This Local Law will be known as the "General Local Law" (Local Law No. 2 -2013) and is referred to subsequently as "this Local Law".

**Purpose**

2. The purpose of this Local Law is to:
  - 2.1. provide for the peace, order and good government of the *municipal district*;
  - 2.2. promote a physical and social environment free from hazards to health, in which the residents of the *municipal district* can enjoy a quality of life that meets the general expectations of the community; and
  - 2.3. prevent and suppress nuisances which may adversely affect the enjoyment of life within the *municipal district* or the health, safety and welfare of persons within the *municipal district*,and to achieve this purpose by:
  - 2.4. regulating and controlling activities of people within the *municipal district* which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the *municipal district*; and
  - 2.5. providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the *municipal district*.

**Authorising Provisions**

3. This Local Law is made under section 111 of the *Local Government Act* 1989 and section 42 of the *Domestic Animals Act* 1994.

**Commencement and Area of Operation**

4. This Local Law:
  - 4.1. commences on 28 August 2013; and
  - 4.2. operates throughout the *municipal district*, including public lands to the high water mark of inland lakes and foreshore reserves.



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## Revocation

5. Upon commencement of this Local Law, *Council's* General Local Law 2005 is revoked.
6. Unless sooner revoked, this Local Law ceases to operate on 27 August 2023.

## Definitions

7. Unless inconsistent with the context or subject-matter, the following words and phrases are defined to mean or include:

**"Act"** means the Local Government Act 1989.

**"advertising sign"** means any placard, board, sign, frame, notice, card or banner which:

- Provides information about a business or industry; or
- advertises goods, services, an *event* or a competition.

**"alcohol"** means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

**"allotment"** means any land in separate ownership or occupation.

**"animal"** includes any mammal but excludes a human.

**"appointed agent"** means the person authorised in writing by an *owner* of land to make an application, appeal, referral or representation on the *owner's* behalf.

**"Asset Protection Permit"** means a permit issued by *Council* under clause 31

**"Authorised Officer"** means a person appointed by *Council* under section 224 of the *Act*.

**"bird"** excludes a pigeon.

**"builder"** means a person who carries out *building work* or, not being an *owner* of land on which the *building work* is carried out, manages or arranges the carrying out of *building work*.

**"builder's refuse"** includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with *building work*.

**"bulk rubbish container"** means a bin, skip or other container used for the deposit of waste which is incapable of being lifted without mechanical assistance but excludes a bin used in connection with *Council's* waste collection service.



"**building site**" means the parcel of land on which or part of which *building work* is being carried out.

"**building work**" means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building, including excavation, landscaping, concreting, and subdivision *road* construction but excludes *minor building work*.

"**caravan**" includes a mobile home and moveable *dwelling*.

"**carriageway**" means the portion of the *road* generally available for traffic by *motor vehicles*, whether sealed, formed or unconstructed.

"**charity bin**" means any bin placed by or on behalf of any charitable or non-profit organization and dedicated to the collection of used clothing or small household items.

"**Chief Executive Officer**" means the Chief Executive Officer of *Council*.

"**Commercial Area**" means an area zoned business or industrial under an applicable Planning Scheme.

"**Coordinating Road Authority**", in relation to a *road*, means the road authority which has coordination functions as determined in accordance with section 36 of the *Road Management Act 2004*.

"**contaminated material**" means any material designated by *Council* as being incapable of deposit in a *Council*-approved mobile bin or other *Council*-provided bin or any class of such mobile or other bins.

"**construction period**" means the period during which *building work* is being carried on.

"**Council**" means Colac Otway Shire Council.

"**Council infrastructure assets**" include any *road*, drain, drainage infrastructure, kerb & channel, nature strip, street tree, street sign or any other property vested in or under the control of *Council*, which:

- is adjacent to the a *building site*; or
- is likely to be affected by *building work*.

"**Council land**" means any land vested in or under the control of *Council*, including a *reserve*, watercourse, jetty, reservation and the like but excludes a *road*, except that part of the *road* which is the nature strip and footpath.

"**Designated Township Area**" means the settlement areas of Alvie, Apollo Bay, Barwon Downs, Beeac, Beech Forest, Birregurra, Carlisle River, Colac, Coragulac, Cororooke, Cressy, Elliminyt, Forrest, Gellibrand, Kennett River, Lavers Hill, Marengo, Pirron Yallock, Separation Creek, Skenes Creek, Warrion, Wye River and boundaries as defined in the Colac Otway Shire Rural Living Strategy.



"**dwelling**" means a building or portion of a building, which is used, or intended, adapted or designed, for residential purposes.

"**EPA Alert Day**" means a day declared either totally or partially by the Environment Protection Authority as an Alert Day.

"**event**" means any planned activity open to the public held on Council owned or managed land where any structure (permanent or temporary), open area, or *road*, (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 activity, and includes:

- sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed and organised sporting competition at a venue built for that sport);
- one off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events and the like;
- live performances and concerts; and
- festivals.

"**event organiser**" means a commercial entity, community group or individual who undertakes the planning, control, management and/or implementation of an *event*.

"**Fire Danger Period**" means the period declared by the Country Fire Authority to be a fire danger period under the *Country Fire Authority Act 1958*.

"**fire hazard**" means anything that, because of its flammable nature, its position, or its quantity, exposes property to significant risk of damage or destruction by fire.

"**frontage**" means a boundary between an *allotment* and an adjoining *road*, and if an *allotment* adjoins more than one (1) *road*, means the boundary between the *allotment* and the *road* to which the largest building on the *allotment* fronts.

"**fully commingled recyclables**" means, for the purpose of *Council's* waste collection service:

- glass bottles and jars;
- aluminium cans, food trays and foil;
- steel cans;
- steel aerosol cans;
- liquid paperboard containers;
- HDPE, PET and PVC bottles and containers;
- newspapers;
- magazines;
- leaflets and 'junk mail';
- stationary;



- 
- envelopes;
  - telephones books;
  - cardboard (flattened);
  - miscellaneous paper, including paper from a home office; and
  - any other material that *Council* prescribes to be fully commingled recyclables.

**"graffiti"** means any writing, drawing or like marking which has not been authorised by the *owner* or occupier of the land or *Council*.

**"household waste"** means, for the purpose of *Council's* waste collection service, all waste generated from residential and similar activities but excludes the following waste:

- fully commingled recyclables;
- organic waste;
- material prescribed by Council to be prohibited; and
- any other material that Council prescribes to be household waste.

**"incinerator"** means any structure, device or item of equipment which is designed, adapted, used or capable of being used for the burning of any material or substance and is not:

- enclosed in any building;
- a barbeque; or
- licensed under the provisions of the *Environment Protection Act 1970*.

**"livestock"** includes *poultry* and other *birds*.

**"local water authority"** means Barwon Region Water Authority or its successor in law.

**"minor building work"** means *building work* valued at less than \$5,000 but excludes the construction of any masonry structure and the demolition and removal of buildings and structures (regardless of value).

**"motor vehicle"** has the meaning ascribed to it by the *Road Safety Act 1986*.

**"municipal district"** means the municipal district of *Council*.

**"Municipal Building"** means any building which is owned, occupied or under the management or control of *Council*, and includes any recreation centre which is owned, occupied or under the management or control of *Council*.

**"Non-Rural Area"** means any area within Colac, Elliminyt, Apollo Bay or any other designated township area as identified by the Colac Otway Shire.

**"Notice to Comply"** means a notice served under clause 155.



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**"organic waste"** means, for the purpose of *Councils* waste collection service, food organics as *prescribed* by *Council* and garden waste material, including:

- prunings, small branches (not greater than 100mm in diameter or 300mm in length), twigs and including cut up palm fronds;
- leaves, small plants and grass clippings; and
- weeds and flowers (free of soil).

**"outdoor eating facility"** means any tables or chairs located out of doors at which food or drink may be served or consumed in connection with premises situated nearby.

**"owner"** means the owner of premises.

**"penalty"** means the maximum fine that may be imposed by a court of appropriate jurisdiction.

**"penalty unit"** has the meaning ascribed to it by section 110 of the *Sentencing Act 1991*, and at the time of making this Local Law is \$100.

**"poultry"** includes hens, roosters, ducks, geese, peacocks, turkeys, bantam, squab, guineafowls and other edible *birds* over the age of 12 weeks.

**"prescribe"** means determine and give notice:

- by public notice, published in a newspaper generally circulating in the *municipal district*; and
- on *Council's* website.

**"private land"** means any land which is not *Council land* nor land occupied or under the control or management of a public body.

**"procession"** includes a fun run and bicycle *event*.

**"public holiday"** means a public holiday within the meaning of the *Public Holidays Act 1993*, applying in the *municipal district*.

**"public place"** has the meaning ascribed to it by the *Summary Offences Act 1966*.

**"public protection barrier"** means an erection of precautions over the street alignment which may include a fence, barrier or screen enclosing a building, land and/or materials while *builders* are at work or *works* are being undertaken.

**"recreational vehicle"** means any mini-bike, trail-bike, motor bike, motor scooter, go-kart, monkey bike or other *vehicle* propelled by a motor which is ordinarily used for recreational purposes but excludes a motorised wheelchair or scooter designed to transport a person of limited mobility, and a motorised bicycle with a maximum capacity of 22 watt aggregate power.

**"recyclables"** means any substances or articles which *Council prescribes* to be recyclables for the purposes of this Local Law.



"**refuse facility**" means a receptacle capable of retaining all *builders' refuse* within a *building site* and preventing removal of the *builder's refuse* by unauthorised persons or by wind or rain.

"**reptile**" includes lizards, snakes and turtles.

"**Responsible Road Authority**", in relation to a *road*, means the road authority which has operational functions as determined in accordance with section 37 of the *Road Management Act*

"**reserve**" means any land which is owned, occupied or managed or controlled by *Council* and dedicated or used for outdoor cultural, environmental, sporting or recreational purposes.

"**road**" has the meaning ascribed to it by the *Act*, and means:

- a street;
- a right of way;
- any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*;
- a public road under the *Road Management Act 2004*;
- a public highway;
- a bridge or ford;
- a footpath, bicycle path or nature strip; and
- any culvert or kerbing or other land or *works* forming part of the road.

"**security bond**" means a sum of money, or another means of security acceptable to *Council*, the amount of which has been determined by *Council*, after taking account of:

- the nature of the *building work*;
- likely costs that would be incurred for repairs to *Council* infrastructure assets, if damage does occur to them, during or as a result of the *building work*;
- requirements which are commonly applied in comparable situations; and
- any relevant Commonwealth or State government legislation or policy directives.

"**sell**" includes

- *sell* by means of any machine or mechanical device;
- barter or exchange;
- agree to *sell*;
- offer or expose for sale; and
- keep or have in possession for sale

and directing, causing or attempting any such acts or things.



**"Service Authority"** means an emergency service or a public body which *Council* has resolved is a Service Authority for the purposes of this Local Law.

**"stormwater system"** means a drainage system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems, constructed wetlands and natural waterways.

**"temporary structure"** means a structure that is easily transportable, is able to be removed from site within 24 hours and does not have permanent footings.

**"Total Fire Ban Day"** means a day declared either totally or partially to be a fire ban day by the Country Fire Authority under the *Country Fire Authority Act 1958*. **"toy vehicle"** means:

- a child's pedal car, scooter or tricycle or similar toy but only when it is being used by a child who is under the age of 12 years; and
- a wheeled device built to transport a person, propelled by human power or gravity and ordinarily used for recreation or play, including rollerblades, roller-skates, a skateboard or any similar wheeled device but excluding a golf buggy, pram, stroller, bicycle or wheelchair.

**"trade waste"** means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.

**"trade waste hopper"** means a purpose-built receptacle for the deposit of trade waste that is ordinarily emptied by mechanical means.

**"vehicle"** includes any conveyance propelled or drawn by human, *animal*, mechanical, electrical or other power.

**"weeds"** means a plant described as a locally emergent pest plant as *prescribed* by *Council*.

**"works"** includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil.

## Notes in this Local Law

8. Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.



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## PART 2 - USE OF COUNCIL LAND

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### Introduction

This Part contains provisions that define what is and what is not allowed on *Council land*. Generally, the provisions apply to what are known as *Municipal Buildings*. Specific provisions then extend to *reserves*.

### What Council may do

9. *Council* may:

- 9.1. restrict access to a *Municipal Building* or part of it;
- 9.2. close any *Municipal Building* or part of it to the public;
- 9.3. establish conditions of entry to a *Municipal Building*;
- 9.4. set and collect fees or charges for admission to or the hire or use of a *Municipal Building* or part of it;
- 9.5. set and collect fees or charges for the hire or use of any *Council* property in connection with a *Municipal Building*; and
- 9.6. authorise a person to do any one or more of the things described in clause 9.1- 9.5 (inclusive).

### What a person cannot do

10. A person must not, without the consent of *Council* or an *Authorised Officer*:

- 10.1. act contrary to any conditions of entry applicable to a *Municipal Building*;
- 10.2. enter a *Municipal Building* without paying any admission fee or charge applicable to that *Municipal Building* or the hire or use of the *Municipal Building*; or
- 10.3. hire or use any *Council* property in connection with a *Municipal Building* without first paying any fee or charge which is applicable.

### Behaviour in Municipal Buildings

11. A person must not:

- 11.1. commit any nuisance in a *Municipal Building*;
- 11.2. interfere with another person's use and enjoyment of a *Municipal Building*;
- 11.3. act in a manner which endangers any other person in a *Municipal Building*;
- 11.4. use indecent, insulting, offensive or abusive language in a *Municipal Building*;



- 
- 11.5. behave in an indecent, offensive, insulting or riotous manner in a *Municipal Building*;
  - 11.6. destroy, damage, interfere with or deface a *Municipal Building*;
  - 11.7. destroy, damage, interfere with or deface anything located at, on or in a *Municipal Building*;
  - 11.8. act in a manner contrary to any restriction or prohibition contained in the inscription on a sign at, on or in a *Municipal Building*;
  - 11.9. deposit any litter in a *Municipal Building*, except in a receptacle provided for that purpose;
  - 11.10. except for a child under the age of ten (10) years in the care of a responsible person, and for a carer providing assistance to a person with a disability, enter or use any dressing room, shower, convenience or other area in a *Municipal Building* which has been appropriated for persons of the opposite gender;
  - 11.11. without the consent of *Council* or an *Authorised Officer*, sell any goods or services in a *Municipal Building*;
  - 11.12. without the consent of *Council* or an *Authorised Officer*, erect, affix, place or leave any advertisement in a *Municipal Building*;
  - 11.13. without the consent of *Council* or an *Authorised Officer*, erect, operate or cause to be erected or operated any amusement in a *Municipal Building*;
  - 11.14. obstruct, hinder or interfere with any member of staff of *Council* in the performance of his or her duties in a *Municipal Building*;
  - 11.15. act contrary to any lawful direction of an *Authorised Officer* or member of *Council* staff given in a *Municipal Building*, including, without limitation, a direction to leave the *Municipal Building*, whether or not a fee for admission to the *Municipal Building* has been paid;
  - 11.16. use or interfere with any life saving or emergency device located in a *Municipal Building*, unless:
    - 11.16.1. using the device in an emergency; or
    - 11.16.2. participating in an instruction approved by *Council* or an *Authorised Officer*;
  - 11.17. organise any function or event in a *Municipal Building* without the consent of *Council* or an *Authorised Officer*;
  - 11.18. bring any *animal* into, or allow any *animal* under his or her control to remain in, a *Municipal Building* without the consent of *Council* or an *Authorised Officer*, except for a guide dog being used by a visually impaired person, a



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hearing dog being used by a hearing impaired person or a dog being used to assist a person with limited mobility;

11.19. bring any *vehicle* or *toy vehicle* into a *Municipal Building* without the consent of *Council* or an *Authorised Officer*, except for:

11.19.1. a pram or pusher being used by a child; or

11.19.2. a wheelchair or motor scooter being used by a physically disabled person; or

11.20. bring into a *Municipal Building* any substance, liquid or powder which may:

11.20.1. be dangerous or injurious to health;

11.20.2. have the potential to foul, pollute or soil any part of the *Municipal Building*; or

11.20.3. cause discomfort to any person.

**Penalty: A Maximum of 5 Penalty Units**

**Access to Municipal Buildings**

12. *Council* or an *Authorised Officer* may:

12.1. determine the hours when any *Municipal Building* will be open to the public;

12.2. restrict access to a *Municipal Building* or part of a *Municipal Building*;

12.3. close any *Municipal Building* or part of a *Municipal Building* to the public; and

12.4. charge fees for admission to or the use of a *Municipal Building* or part of a *Municipal Building*.

13. *Council* may:

13.1. authorise any person to occupy a *Municipal Building* or restrict access to a *Municipal Building*; or

13.2. authorise any person to charge and collect fees for admission to or the use of a *Municipal Building* or part of a *Municipal Building*.

13.3. *Council*, an *Authorised Officer* or any person authorised by *Council* may from time to time establish:

13.4. conditions applying to and fees or charges for admission to or the hire or use of a *Municipal Building* or part of a *Municipal Building*; and

13.5. conditions applying to and fees or charges for the hire or use of any property of *Council* in connection with a *Municipal Building*.



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14. In exercising the powers conferred by clause 13, *Council*, an *Authorised Officer* or any person authorised by *Council* may determine conditions applying to and fees and charges for admission to or the use of a *Municipal Building*:
- 14.1. on multiple occasions;
  - 14.2. over a period of time; or
  - 14.3. on any other basis that it, he or she considers appropriate.
15. A person must not, without the consent of *Council* or an *Authorised Officer*:
- 15.1. enter a *Municipal Building* other than through an entrance provided for that purpose;
  - 15.2. enter or remain in a *Municipal Building* during hours when the *Municipal Building* is not open to the public;
  - 15.3. enter or remain in a *Municipal Building* without having paid any fee or charge imposed by *Council*, an *Authorised Officer* or any person authorised by *Council* for admission to the *Municipal Building*;
  - 15.4. remain in a *Municipal Building* after being directed to leave by an *Authorised Officer*, or
  - 15.5. enter a *Municipal Building*, after having been directed to leave that *Municipal Building* by an *Authorised Officer*, until he or she is granted written permission to do so by *Council* or an *Authorised Officer*.

**Penalty: A Maximum of 5 Penalty Units**

**Activities Prohibited in Reserves**

16. In a *reserve*, a person must not:
- 16.1. unless that person is a player, official or competitor in or at a sporting match or gathering, enter upon or remain on an area set aside as a playing ground during the course of a sporting match or gathering;
  - 16.2. act in any manner so as to endanger any other person, cause any damage to any property or the environment or interfere with the quiet enjoyment of the reserve by any person;
  - 16.3. use any children's playground equipment other than for the purpose for which it is provided;
  - 16.4. fish in or swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain contrary to any sign erected in the reserve;
  - 16.5. throw, place or allow to be thrown or placed any liquid, rubbish, dirt or other object, or substance into any wetland, lake, pond or fountain;



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- 16.6. play, engage in or practise any game or sport, whether or not in accordance with a permit issued under this Local Law, in a manner that is:
    - 16.6.1. dangerous to any other person in the *reserve*; or
    - 16.6.2. likely to interfere with the reasonable use or enjoyment of the *reserve* by any other person;
  - 16.7. play or practise golf in a *reserve* to the danger or detriment of any person, *animal* or property;
  - 16.8. ride any horse other than in an area and at a time designated by *Council*; or
  - 16.9. drive, ride in or on or otherwise use any *motor vehicle* other than in an area designated by *Council*.

**Penalty: A Maximum of 5 Penalty Units**

**Activities which may be allowed in Reserves**

- 17. In a *reserve*, a person must not, without a permit or the consent of an *Authorised Officer*:
  - 17.1. fly or allow to be flown any aircraft (including any powered modelled aeroplane but excluding a kite);
  - 17.2. ride or drive a *vehicle* or *animal* in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the *reserve* by another person;
  - 17.3. light a fire or allow any fire to remain alight except in:
    - 17.3.1. a barbecue provided by *Council*; or
    - 17.3.2. a portable liquid petroleum gas barbecue;
  - 17.4. organise any competitive sport, game, *event* or activity other than a sport, game, *event* or activity played for family or social purposes;
  - 17.5. camp or pitch, erect or occupy any camp, tent, *caravan* or *temporary structure*;
  - 17.6. conduct or celebrate a wedding;
  - 17.7. organise or hold any rally, *procession*, demonstration or any other public gathering;
  - 17.8. make a collection of money;
  - 17.9. destroy, damage or interfere with any flora or kill, injure or interfere with any fauna;



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- 17.10. use an amplifier;
  - 17.11. walk on any plot, bed, border or any other area set aside for vegetation;
  - 17.12. operate or otherwise use any watercraft (excluding canoes, kayaks and surf paddles);
  - 17.13. construct or install a film set, or record for television or other media purposes any *event* or activity, if the construction, installation or recording (as the case may be) is for fee or reward or commercial purposes (but excluding wedding and general photography or recording and any media photography or recording for news production purposes);
  - 17.14. conduct any commercial activity; or
  - 17.15. drive any *livestock*.

**Penalty: A Maximum of 5 Penalty Units**



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## PART 3 - PROTECTION OF COUNCIL LAND AND ASSETS

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### Introduction

This Part is designed to protect *Council land* and assets. Specifically, it regulates drains, vehicle crossings and *recreational vehicles*.

### What are a person's responsibilities relating to drains?

18. A person must not, without a permit, enter, destroy, damage or tap into any drain or culvert vested in *Council* or divert the contents of any such drain or culvert.

**Penalty: A Maximum of 5 Penalty Units**

19. A person must not deposit, or allow to be deposited, into any drain vested in *Council* any waste material other than stormwater.

**Penalty: A Maximum of 5 Penalty Units**

20. An owner of land must ensure that any stormwater from that land is discharged to the legal point of discharge nominated by *Council* or an *Authorised Officer*.

**Penalty: A Maximum of 5 Penalty Units**

### Interference with Watercourse

21. A person must not, without a permit, destroy, damage or interfere with any watercourse, wetland, ditch, creek, gutter, tunnel, bridge or levy which is vested in or under the management or control of *Council* or divert the contents of any such watercourse, wetland, ditch, creek, gutter, tunnel, bridge or levy.

**Penalty: A Maximum of 10 Penalty Units**

### Taking Water from Council Controlled Standpipes

22. Any person taking water from a *Council*-operated standpipe must:

- 22.1. have a permit to do so;
- 22.2. comply with the conditions of any such permit;
- 22.3. only use the water in compliance with any by-laws, regulations or other requirements made or published by the *local water authority*, and
- 22.4. ensure the details concerning the amount of water taken and the date and time of its taking are immediately recorded on the Standpipe Usage Register maintained by *Council*.

**Penalty: A Maximum of 10 Penalty Units**

23. Immediately after a person takes water from a *Council*-operated standpipe, that person must:



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- 23.1. completely turn the standpipe off at all valves;
  - 23.2. securely lock the standpipe cage; and
  - 23.3. return the key to the standpipe operator (if applicable).
24. A person obtaining water from a *Council*-operated standpipe for the purposes of filling a County Fire Authority or other authorised fire fighting appliance on any day, including a day of total fire ban, is exempt from the requirements of clause 22.

### **Constructing Vehicle Crossings**

25. A person must not, without a permit, construct, remove or relocate any temporary or permanent vehicle crossing.
26. Each *owner* and occupier of land must not, without a permit:
- 26.1. construct or allow to be constructed; or
  - 26.2. use or allow to be used
- a second or subsequent vehicle crossing to service the land.

**Penalty: A Maximum of 10 Penalty Units**

### **Maintaining Vehicle Crossings**

27. Each *owner* and occupier of land must maintain and keep in good condition any vehicle crossing which services that land.

**Penalty: A Maximum of 10 Penalty Units**

### **Directing Vehicle Crossing Works**

28. *Council* or an *Authorised Officer* may direct:
- 28.1. the construction of a temporary or permanent vehicle crossing;
  - 28.2. the repair or reconstruction of a vehicle crossing; or
  - 28.3. the removal of a vehicle crossing, and the reinstatement of any kerb, channel, footpath or other areas to the satisfaction of the *Authorised Officer* by the *owner* or occupier of any adjacent land at his or her cost.
29. Each *owner* or occupier of land to whom a direction has been given under clause 28 must comply with that direction by applying for a permit to do the thing which is directed.

**Penalty: A Maximum of 10 Penalty Units**



## Controlling Asset Protection during Building Works or Works

30. The:

- 30.1. *owner* of any land on which *building work* is being or is to be carried out;
- 30.2. *builder* engaged to carry out *building work* on land;
- 30.3. appointed agent;
- 30.4. driver of any *vehicle* involved in placing or removing a *refuse facility* on land;  
or
- 30.5. demolition contractor engaged to carry out the demolition of a structure on the land, in the case of *building work* involving demolition,

must, in respect of the *building work* or *works*, ensure that:

- 30.6. entry takes place only across a temporary vehicle crossing unless otherwise allowed by *Council* and in accordance with that permission; and
- 30.7. no materials are deposited on any part of a *road* or *Council land* without the approval of *Council*.

### Penalty: A Maximum of 10 Penalty Units

31. Regardless of whether a building permit or planning permit has been issued, the:

- 31.1. *owner* of any land on which *building work* is being or is to be carried out;
- 31.2. *builder* engaged to carry out *building work* on land;
- 31.3. appointed agent; or
- 31.4. demolition contractor engaged to carry out the demolition of a structure on the land, in the case of *building work* involving demolition,

must at least seven days before commencing *works* on the land:

- 31.5. obtain an Asset Protection Permit;
- 31.6. advise *Council* in writing of any damage that exists to any *Council infrastructure assets*, and
- 31.7. pay, or lodge, a *security bond* to, or with, the *Council*.

32. An *Asset Protection Permit* may contain conditions that -

- 32.1. require payment or lodgement of a *security bond*;



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- 32.2. require *works* to be done on or around the site to protect *Council infrastructure assets*, the health and safety of the public, the environment and the amenity of the area; and
- 32.3. entry to and exit from the site only at designated locations.
33. If *Council* does not receive advice in writing as required under clause 31.6, it is deemed, for the purposes of clause 35, that there was no existing damage to *Council infrastructure assets*.
34. As soon as practicable after receiving notice of the issue of an occupancy permit or Certificate of Final Inspection with respect to any *building work*, *Council* must cause an inspection of the *Council infrastructure assets* to be carried out.
35. If, as a result of the inspection under clause 34, *Council* considers that the *building work* has damaged *Council infrastructure assets*, *Council* may -
- 35.1. direct the *builder* and *owner* to repair the damage at their cost, in accordance with standards specified by the *Council* and within a period of not more than 28 days, or
- 35.2. repair the damage and recover the cost from the *security bond*.
36. If repair of damaged *Council infrastructure assets* is required under clause 35, the *builder* or *owner* (as the case may be) must affect the repairs to the standards and within the time specified by *Council*.
37. If the repair work is done under clause 35.2 and the cost is greater than the amount of the *security bond*, then the *builder* or the *owner* must pay to *Council*, the amount of the shortfall, being the difference between the cost of the repair work and the amount of the bond.
38. If the repair work is done under clause 35.2 and the cost is less than the amount of the *security bond*, *Council* must refund or release the unused portion of the *security bond*.
39. If, as a result of the inspection under clause 34, *Council* considers that the *building work* has not damaged *Council infrastructure assets*, *Council* must refund or release the entire *security bond*.

### **Penalty: A Maximum of 10 Penalty Units**

#### **Controlling Building Sites**

40. *Council* or an *Authorised Officer* may inspect a *building site* at any reasonable time.
41. If *Council* or an *Authorised Officer* identifies any damage which appears to result from non-compliance with this Local Law, an *Authorised Officer*:
- 41.1. may direct the responsible party to reinstate the damage within a specified time; and



41.2. must provide the responsible party with written confirmation of the damage either at the time of the inspection or within a reasonable timeframe.

42. Where any *building work* is being carried out on any land, the *owner* of the land, the *builder* engaged to carry out *building work* on the land, the *appointed agent* or, demolition contractor must ensure that the *building work* is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, *animal* wastes or gross pollutants in accordance with currently accepted best practice, by adopting measures to:

42.1. minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting *roads* or washed into the *stormwater system*; and

42.2. prevent building clean-up, wash-down, *organic waste* or other wastes being discharged offsite or allowed to enter the *stormwater system*.

**Penalty: A Maximum of 10 Penalty Units**

43. Where any *building work* is being carried out on any land, the *owner* of the land, *builder* engaged to carry out *building work* on the land or *appointed agent* must:

43.1. provide a *refuse facility* for the purpose of disposal of *builder's refuse* to the satisfaction of *Council* or an *Authorised Officer*;

43.2. place the *refuse facility* on the land and keep it in place (except for such periods as are necessary to empty the *refuse facility*) for the *construction period*;

43.3. not place the *refuse facility* on any *Council land* or *road* without a permit; and

43.4. empty the *refuse facility* whenever full, and, if necessary, provide a replacement *refuse facility* during the emptying process.

**Penalty: A Maximum of 10 Penalty Units**

44. *Council* or an *Authorised Officer* may from time to time exempt any person from the application of clause 43.

45. During *building work*, the:

45.1. *owner* of land on which the *building work* is being carried out;

45.2. *builder* engaged to carry out the *building work*; or

45.3. *appointed agent*

must ensure that:

45.4. all *builder's refuse* which requires containment is placed in the *refuse facility*;

45.5. the *builder's refuse* is not deposited in or on any land other than in accordance with clause 43; and



- 
- 45.6. the *builder's refuse* is not deposited in or over any part of the *stormwater system*.

**Penalty: A Maximum of 10 Penalty Units**

46. On any land where *building work* is being, or has been, carried out, the:

- 46.1. *owner* of the land;  
46.2. *builder* engaged to carry out the *building work*; or  
46.3. *appointed agent*

must remove and lawfully dispose of all *builders' refuse*, including, without limiting the generality, the *builder's refuse* in the *refuse facility*, within seven (7) days of completion of the *construction period* or issue of an occupancy permit, whichever occurs last.

**Penalty: A Maximum of 10 Penalty Units**

47. The:

- 47.1. *owner* of land on which *building work* is to be carried out;  
47.2. *builder* engaged to carry out the *building work*;  
47.3. *appointed agent*

must not, within a *Non-Rural Area* and without a permit, carry out or allow to be carried out any *building work* on the land unless, in respect of that *building work*, the *building site* is secure with permanent or temporary fencing which is at least 1.5 metres high and is to the satisfaction of *Council*.

**Penalty: A Maximum of 10 Penalty Units**

**Works on Council Land and Roads**

48. Where a person is required to undertake any *works* on *Council land* or a *road* other than under the *Road Management Act 2004*, that person must:
- 48.1. notify *Council* of any proposed *works*;  
48.2. hold current public liability insurance, relevant to the *works* proposed, to a minimum level as determined by *Council*, for the duration of the *works*;  
48.3. undertake those *works* safely;  
48.4. provide and maintain pedestrian and traffic control devices during the course of the *works*;



- 48.5. ensure that any pedestrian or traffic control device which is being used on or in respect of the land complies with Australian Standard AS 1742.3 published by or on behalf of Australian Standards; and
- 48.6. carry out all reinstatement *works* deemed necessary by *Council*.

**Penalty: A Maximum of 10 Penalty Units**

**Damaging Council Land or Roads**

49. A person must not, without a permit:

- 49.1. erect or construct, or allow to be erected or constructed, any thing on *Council land*;
- 49.2. occupy or fence off any *Council land*;
- 49.3. construct an opening or gate in a fence on the boundary of *Council land* which is more than one (1) metre wide, excluding driveways from access roads;
- 49.4. plant any vegetation on *Council land* or actively assist such vegetation to grow;
- 49.5. destroy, damage or interfere with, or allow to be destroyed, damaged or interfered with, (other than recognised *weeds*) any *Council land* or any *road* or thing on *Council land* or any *road*;
- 49.6. place, or allow to be placed, any thing on *Council land* or any *road* so as to endanger any other person or any property;
- 49.7. do or omit to do anything which causes any natural or other material to escape or otherwise be conveyed onto a *road* and thereby become a hazard;
- 49.8. remove, or allow to be removed, any thing from *Council land* or any *road* which is affixed or attached to the *Council land* or *road* (as the case may be);
- 49.9. light a fire, or allow a fire to be lit, on any *Council land* or any *road*, except in a properly constructed barbecue; or
- 49.10. launch into any wetland, lake, pond or other watercourse on *Council land* any watercraft excluding canoes kayaks and surf paddles, other than from a launching facility designated for such purpose.

**Penalty: A Maximum of 10 Penalty Units**

- 50. Clauses 49.1, 49.2, 49.3, 49.4, 49.5, 49.8 and 49.9 do not apply to a person employed or engaged by *Council* while acting in the course of his or her duties.



## Recreational Vehicles on Council Reserves

51. A person must not:

51.1. drive, ride on or otherwise use; or

51.2. allow a person under his or her care or control to drive, ride on or otherwise use

a *recreational vehicle* on any *reserve* unless that *reserve* has been designated for that purpose or otherwise authorised by *Council*

**Penalty: A Maximum of 5 Penalty Units**



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## PART 4 - MUNICIPAL AMENITY

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### Introduction

This Part is concerned with the visual amenity of the *municipal district*. Its provisions control a number of activities which, if left uncontrolled, have the potential to detract from the natural environment.

### Dangerous land or Detriment to General Amenity

52. Unless permitted under a Planning Scheme applicable to the land, a person must not allow land of which he or she is the *owner* or occupier to be kept in a manner which:

- 52.1. is dangerous or likely to cause danger to life or property; or
- 52.2. is likely to cause obstruction to emergency services; or
- 52.3. is unsightly or detrimental to the general amenity of the neighbourhood because it harbours unconstrained rubbish or overgrown vegetation or contains unused *vehicles*, or any other waste materials.

**Penalty: A Maximum of 10 Penalty Units**

### Prohibition on Graffiti

53. Unless permitted under a Planning Scheme applicable to the land, each *owner* or occupier of land must not allow any *graffiti* to remain on any building, wall, fence or other structure erected on his or her land.

**Penalty: A Maximum of 10 Penalty Units**

### Camping

54. A person must not, without a permit, camp or allow any other person to camp on vacant land in a *Non-Rural Area*.

**Penalty: A Maximum of 10 Penalty Units**

55. A person must not, without a permit, camp or allow any other person to camp on any *Council land* or *private land* (other than land referred to in clause 56) or in any *public place*, in:

- 55.1. a tent;
- 55.2. a caravan;
- 55.3. a *motor vehicle*; or
- 55.4. any other temporary or makeshift structure

unless the land is a:



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55.5. registered *caravan* park or camping ground; or

55.6. camping area approved by *Council*.

**Penalty: A Maximum of 5 Penalty Units**

56. The *owner* or occupier of land must not, without a permit, camp, or allow or suffer any other persons to camp, on the land:

56.1. in a manner that causes a nuisance; or

56.2. for any more than four (4) consecutive weeks; or

56.3. for any more than a total of three (3) months in any calendar year.

**Exemption**

57. *Council* or an *Authorised Officer* may from time to time exempt any:

57.1. person; or

57.2. class of persons;

from the requirement to obtain a permit under clause 55 and from the application of clause 54, 55 or 56.

**Vegetation and other Objects**

58. The *owner* or occupier of any land must not allow any vegetation located on the land to grow, or allow any sign, structure or other thing on the land to be located in a manner that obstructs the clear view:

58.1. By a driver, of any:

58.1.1. pedestrian;

58.1.2. *vehicle*; or

58.1.3. traffic control item; or

58.2. by a pedestrian, of any

58.2.1. *vehicle*; or

58.2.2. traffic control item

58.3. or in a manner that:

58.3.1. otherwise constitutes a danger to *vehicles* or pedestrians or compromises the safe or convenient use of an abutting *road*;

58.3.2. obstructs or interferes with street lighting or any traffic control signal or sign; or



- 
- 58.3.3. obstructs the view between *motor vehicles* and trains at a railway level crossing.

**Penalty: A Maximum of 2 Penalty Units**

### Overhanging Vegetation

59. Notwithstanding clause 58, an *owner* or occupier of any land must not allow vegetation on that land to overhang a *road* at a height of less than 2.4 metres from the surface of the *road*.

**Penalty: A Maximum of 2 Penalty Units**

### Vegetation on Road & Council Owned/Managed Land

60. A person:

- 60.1. must not, without a permit, plant or allow to be planted any seedling or vegetation on a *road*;
- 60.2. who is the *owner* or occupier of land adjoining land owned or managed by *Council*, must ensure that environmental *weeds* as listed in the Colac Otway Shire Weed Management Strategy are contained to their property and not encroaching on *Council land*; and
- 60.3. who has breached clause 60.1 or clause 60.2 must, if directed by an *Authorised Officer* to do so, reinstate the *road* to the condition it was in immediately prior to the breach.

**Penalty: A Maximum of 10 Penalty Units**

### Numbering of Allotments

61. *Council* or an *Authorised Officer* may from time to time allot a number to an *allotment* and may from time to time allot a different number to an *allotment* or otherwise change the numbering.
62. The *owner* or occupier of an *allotment* to which a number has been allotted by *Council* or an *Authorised Officer* must mark the *allotment* with the number:
- 62.1. in a sufficient size; and
  - 62.2. in such a position, clear of vegetation, and other obstructions
- so as to be clearly visible and legible from the *road* on which the *allotment* has its *frontage*.

**Penalty: A Maximum of 5 Penalty Units**

63. The *owner* or occupier of an *allotment* must ensure that all numbers marking the *allotment* are:



- 
- 63.1. made of durable materials;
  - 63.2. kept in a good state of repair; and
  - 63.3. renewed as often as may be necessary.

**Penalty: A Maximum of 5 Penalty Units**

**Fire Hazards**

- 64. An *owner* or occupier of land must not allow the land to contain any thing which constitutes or is likely to constitute a *fire hazard*.

**Penalty: A Maximum of 10 Penalty Units**

**Fire In Open Air and Incinerators Specifically**

- 65. Subject to clause 66, a person must not, in a *Designated Township Area* unless given permission to do so by an *Authorised Officer*,
  - 65.1. light;
  - 65.2. allow to be lit; or
  - 65.3. allow to remain alight

a fire in the *open air* or in an *incinerator* on any day, other than a Friday or Saturday between the hours of 10.00am and sunset.

**Penalty: A Maximum of 10 Penalty Units**

- 66. Nothing in clause 65 applies to a person who lights or allows to be lit or remain alight a fire which is lit in a barbeque and/or enclosed outdoor oven for the purpose of cooking food.

**Fire Danger Days**

- 67. Nothing in clause 66 authorises a person to light a fire or allow to be lit or remain alight, or exempts a person from complying with clause 65 in respect of lighting a fire or allowing a fire to be lit or remain alight, if the fire is or has been lit:
  - 67.1. during a *Fire Danger Period*;
  - 67.2. on a *Total Fire Ban Day*, or
  - 67.3. on an *EPA Alert Day*.

**Nuisances**

- 68. A person must not burn or cause or allow to be burned  
any substance, if the burning of the substance is likely to:



- 
- 68.1. cause a nuisance;
  - 68.2. be dangerous to the health of any person; or
  - 68.3. be offensive to any person.

**Penalty: A Maximum of 10 Penalty Units**

- 69. Without limiting the application of clause 67, a person must not:
  - 69.1. burn; or
  - 69.2. cause or allow to be burnedany:
  - 69.3. rubber or plastic substance;
  - 69.4. waste petroleum oil or material containing waste petroleum oil;
  - 69.5. paint or receptacle which contains or has contained paint;
  - 69.6. manufactured chemical or chemically treated material;
  - 69.7. pressured can;
  - 69.8. textile fabric; or
  - 69.9. food waste.

**Penalty: A Maximum of 10 Penalty Units**

**Extinguishing Fires**

- 70. A person who has lit or allowed a fire to be lit or remain alight, or who has burned or caused or allowed to be burned any substance, contrary to clause 65 or 67 must extinguish the fire or burning substance immediately on being directed to do so by:
  - 70.1. an *Authorised Officer*;
  - 70.2. a member of the Victoria Police; or
  - 70.3. a person acting on behalf of the Country Fire Authority.

**Penalty: A Maximum of 10 Penalty Units**

- 71. Any person described in clause 70.1, 70.2 or 70.3 may enter or remain on any land and extinguish any fire or burning substance if:
  - 71.1. the person to whom a direction has been given under clause 70 fails immediately to extinguish the fire or burning substance; or
  - 71.2. a fire or an *incinerator* is apparently unattended.



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## Permissible Burning

72. Notwithstanding anything else contained in this Local Law:

72.1. an *Authorised Officer*, or

72.2. a person acting on behalf of the Country Fire Authority

may authorise the burning of a *fire hazard* on any land if it is impracticable or dangerous to remove slash or cut the *fire hazard*.

## Discharging Into Air

73. An *owner* or occupier of land must not cause or allow any chimney, flue or other discharge outlet on that land to discharge any:

73.1. dust;

73.2. grit;

73.3. ashes; or

73.4. odours;

to such an extent that the discharged material is dangerous to health or a nuisance to any other person.

**Penalty: A Maximum of 10 Penalty Units**

## Building Work or Works

74. A person who carries out or allows to be carried out any *building work* must ensure that the *building work* is carried out such:

74.1. as not to emit excessive dust into the air and onto land proximate to the land on which the *building work* is carried out; and

74.2. that it does not constitute a nuisance or unreasonably interfere with the enjoyment by any person of land proximate to the land on which the *building work* is carried out.

**Penalty: A Maximum of 10 Penalty Units**

## Recreational Vehicles on Private Land

75. A person:

75.1. must not, drive, ride on or otherwise use any *recreational vehicle* on *private land* in a manner which constitutes a nuisance or unreasonably interferes with the enjoyment by any person of land proximate to the land on which the *recreational vehicle* is being used; and



- 
- 75.2. who is the occupier of any *private land* must not allow a person to drive, ride on or otherwise use any *recreational vehicle* on that land in a manner which constitutes a nuisance or unreasonably interferes with the enjoyment by any person of land proximate to the land on which the *recreational vehicle* is being used.

**Penalty: A Maximum of 10 Penalty Units**

### **Shopping Trolleys**

76. The owner of any shopping trolley made available to members of the public must ensure that the shopping trolley legibly identifies his or her name and trading address.

**Penalty: A Maximum of 5 Penalty Units**

77. A person must not leave a shopping trolley, and each owner of a shopping trolley must ensure that such shopping trolley is not left, on:

- 77.1. a road;
- 77.2. *Council land* except in an area designated by *Council* for the leaving of shopping trolleys; or
- 77.3. any vacant land.

**Penalty: A Maximum of 5Penalty Units**



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## PART 5 - ROADS AND COUNCIL LAND: OBSTRUCTIONS AND BEHAVIOUR

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### Introduction

In this Part, the emphasis is on things which interfere with the use and enjoyment of *roads* and *Council land*. It should be noted that the definition of “*road*” includes footpaths and nature strips.

### Dog Excrement

78. A person:

- 78.1. must not allow excrement of a dog under his or her care or control to remain on a *road* or *Council land*; and
- 78.2. who is in charge or control of a dog on a *road* or *Council land* must carry a device suitable for the picking up and removal of any excrement that may be deposited by the dog on the *road* or *Council land*.

**Penalty: A Maximum of 5 Penalty Units**

### Signs and Goods

79. Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit:

- 79.1. display or allow to be displayed any goods on a *road* or *Council land*; or
- 79.2. place or allow to be placed an *advertising sign* on a *road* or *Council land*.

**Penalty: A Maximum of 10 Penalty Units**

80. A person who has placed, allowed to be placed, displayed or allowed to be displayed goods or an *advertising sign* on a *road* or *Council land*, whether with or without a permit issued under clause 79, must move or remove them if directed to do so by:

- 80.1. an *Authorised Officer*; or
- 80.2. a member of staff of a *Service Authority*.

**Penalty: A Maximum of 10 Penalty Units**

81. A person must not, without a permit, leave standing on any *road* or *Council land* a *motor vehicle* which contains an *advertising sign* promoting any goods, services, business event, or person, other than an *advertising sign* which has been magnetically transferred, painted, etched or stuck onto the body of the *motor vehicle*.

**Penalty: A Maximum of 10 Penalty Units**

### Obstructions on Roads or Council Land

82. A person must not, without a permit:



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82.1. leave or allow to be left any:

82.1.1. *bulk rubbish container* on a road or Council land; or

82.1.2. other thing, excluding registered *vehicles*, on a *road* or *Council land* which encroaches on, or obstructs the free use of, the *road* or *Council land* or which reduces the breadth, or confines the limits, of the *road* or *Council land*; or

82.2. leave or allow to be left on a *road* or *Council land* any *charity bin*.

**Penalty: A Maximum of 10 Penalty Units**

83. *Council* or an *Authorised Officer* may exempt any:

83.1. person; or

83.2. class of persons;

from the application of clause 82.

84. If a person reasonably suspected of having committed an offence under clause 75 is the driver of a *vehicle* which transports a *bulk rubbish container* or other thing and that person cannot be found or it is impracticable to charge that person with an offence under clause 82, any person who is concerned in or takes part in the management of the business which supplies the *bulk rubbish container* or other thing which is left on and obstructs the free use of a *road* may be charged with and is capable of committing an offence under clause 82.

**Spoil on Roads**

85. A person must not:

85.1. drive; or

85.2. allow or cause to be driven

a *vehicle* on a *road* if the *vehicle* is being or has been used directly or indirectly in:

85.3. the filling or excavation of any land; or

85.4. *building work*

unless the exterior of the *vehicle* is free from soil, earth and clay.

**Penalty: A Maximum of 10 Penalty Units**

86. If a person reasonably suspected of having committed an offence under clause 85 is the driver of the *vehicle*, and that person cannot be found or it is impracticable to charge that person with an offence under clause 85, any person who is concerned in or takes part in the management of *building work*, excavation work or other work on



the land at which the *vehicle* is likely to have been soiled may be charged with and is capable of committing an offence under clause 85.

### Occupation of Roads for Works

87. A person must not, without a permit:

- 87.1. occupy or fence off;
- 87.2. erect a *public protection barrier* or scaffolding on;
- 87.3. use a mobile crane or travel tower for any work on;
- 87.4. remove, damage or interfere with a temporary traffic control signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic;
- 87.5. dump or store any fill or any other materials on;
- 87.6. occupy designated parking areas under the control of *Council* while conducting *works*; or
- 87.7. landscape or garden any vegetation on  
any *road*, part of a *road* or *Council* controlled parking area.

#### Penalty: A Maximum of 10 Penalty Units

88. Clause 87 does not apply to the *works* or activities of a *Service Authority* if the *Service Authority* notifies *Council* in writing that it has made, proposes to make or authorised the making of a hole or excavation in a *road* under the control of *Council*.

### Repair of Vehicles and Display for Sale of Vehicles

89. A person must not:

- 89.1. paint a *vehicle* on a *road* or *Council land*;
- 89.2. service a *vehicle* on a *road* or *Council land*;
- 89.3. carry out maintenance on a *vehicle* on a *road* or *Council land*;
- 89.4. repair or dismantle a *vehicle* on a *road* or *Council land* except in an emergency breakdown to enable it to be removed; or
- 89.5. display for sale a *vehicle* on *Council land*.

#### Penalty: A Maximum of 10 Penalty Units

### Abandoned Vehicles

90. A person must not leave standing on any *road* or *Council land* a *motor vehicle*:

- 90.1. which is unregistered; or



- 
- 90.2. which has been left standing for at least seven (7) consecutive days, and has, in the opinion of an *Authorised Officer*, been abandoned.

**Penalty: A Maximum of 10 Penalty Units**

91. If an *Authorised Officer* finds a *motor vehicle* which has been left standing in contravention of clause 90, he or she may remove that *motor vehicle* from the *road*, and take it to a place appointed by *Council*.
92. Where a *motor vehicle* has been removed and taken to a place appointed by *Council* in accordance with clause 91, *Council* must give written notice of the:
- 92.1. removal; and
- 92.2. retention at a place appointed by *Council*
- to any person who is or appears to be the owner of the *motor vehicle*.
93. *Council* must release a *motor vehicle* to a person upon
- 93.1. being satisfied that the person is the owner or an agent of the owner of the *motor vehicle*; and
- 93.2. payment of any fee fixed by resolution of *Council*.
94. If, within 14 days of the giving of notice under clause 92 (or, where no notice can reasonably be given under clause 92, within 30 days of a *motor vehicle* having been taken to a place described in clause 91), the *motor vehicle* is not released in accordance with clause 93, *Council* may:
- 94.1. cause the *motor vehicle* to be delivered to a municipal tip;
- 94.2. sell the *motor vehicle* by auction or public tender; or
- 94.3. dispose of the *motor vehicle* as it sees fit.

**Public Events**

95. A person must not establish, operate or advertise an *event* in the *municipal district* without first giving written notice to *Council* and making application for a permit.

**Penalty: A Maximum of 20 Penalty Units**

96. A person must apply for a permit to operate an *event* by lodging with *Council* an application in writing.
97. An application for a permit must be lodged at least 28 days before the *event* is due to take place.
98. An applicant for a permit to operate an *event* must not submit false or misleading information in support of his or her application.



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**Penalty: A Maximum of 10 Penalty Units**

99. In considering an application for a permit, *Council* or an *Authorised Officer* may consider any;
- 99.1. policy or guidelines adopted by *Council* relating to the subject matter of the application for the permit;
  - 99.2. submissions that may be received in respect of the application;
  - 99.3. comments that may be made in respect of the application by any public body, community organisation or other person;
  - 99.4. response to *Council* by a statutory authority or public body to whom *Council* may require the application to be referred for comment; and
  - 99.5. other relevant matters
100. *Council* may:
- 100.1. approve the application;
  - 100.2. approve the application subject to conditions;
  - 100.3. refuse the application.
101. If *Council* approves the application under either clause 100.1 or clause 100.2, an *Authorised Officer* must issue a permit.
102. If *Council* refuses the application under clause 100.3 it must advise the applicant in writing of the grounds for refusal.
103. The holder of a permit issued under this Part must comply with every condition of the permit.
104. Where a permit is issued in respect of premises subject to this Local Law, that permit must be kept at that premises and produced upon demand to an *Authorised Officer*.
105. A permit holder who fails to ensure that permit conditions are complied with is guilty of an offence.

**Penalty: A Maximum of 20 Penalty Units**

106. An *Authorised Officer* may, at any time revoke, amend or cancel a permit for any reason, which, in the opinion of *Council*, justifies the revocation, amendment or cancellation.
107. Without limiting the generality of clause 106, an *Authorised Officer* may revoke a permit upon any one or more of the following grounds:
- 107.1. that the *event* has not, to the satisfaction of *Council*, been kept in a clean, sanitary and safe condition;



- 
- 107.2. that the permit holder has been convicted of an offence against a law in respect to the safe operation of an *event*,
  - 107.3. that the permit holder has not complied with a requirement of this Local Law; or
  - 107.4. that the permit holder has not complied with a permit condition.
108. Before revoking a permit, *Council* must, unless under urgent circumstances exist:
- 108.1. give written notice to the permit holder of the proposed revocation; and
  - 108.2. allow the permit holder a period stated in the notice (which must be at least 14 days from when the notice is given) to make written representations to *Council* about the proposed revocation; and
  - 108.3. consider representations made by the permit holder in response to the notice.
109. Whenever *Council* revokes a permit, it must give the permit holder notice of the revocation and the permit will be revoked as from the time on which the notice is served on the permit holder. Service will be deemed complete if delivered to a physical or electronic address supplied for the purposes of the *event* application.
110. Where an *Authorised Officer* refuses, revokes or cancels a permit for an *event* the permit holder may write to the *Chief Executive Officer* and request a review of that decision.
111. The request must:
- 111.1. be in writing within 14 days; and
  - 111.2. state any defence or grounds for review.
112. The *Chief Executive Officer* must within 14 days:
- 112.1. confirm;
  - 112.2. amend; or
  - 112.3. dismiss
- the decision and notify the appellant.
113. Where an *event organiser* conducts an *event* contrary to clause 95, and is found guilty of a breach such provision *Council* may, in its absolute discretion, apply to a Court for an account of profits in respect of the enrichment gained by the *event organiser* to an amount that will cover any costs incurred by *Council* or a third party to reinstate, repair, clean or otherwise reinstate the area of the *event* to a condition that it was in prior to the unauthorised *event*.



114. *Council* may also recover such reasonable costs of bringing an action in respect of this section including the costs of any investigation.

115. Where *Council* is aware, on reasonable grounds, that an *event* is planned to be conducted contrary to clause 95 and *Council*:

115.1. determines that the *event* may cause a risk to public safety;

115.2. determines that there is a potential for environmental harm;

115.3. determines there is risk of a net negative community impact by way of traffic, human or *vehicle*, noise or any other emission of any kind;

115.4. determines that there is a potential for damage or excessive wear and tear on any community, *Council* or Government infrastructure; or

115.5. determines that there exist any combination of the circumstances described in clauses 115.1 - 115.4

it may apply to a Magistrates' Court for an injunction to prevent the *event* occurring. In the case of such an injunction being issued Victoria Police, supported by *Authorised Officers*, are empowered to take such actions that are reasonably necessary to enforce the injunction.

#### **Functions and Broadcasts on *Council* owned and/or managed Roads and Land.**

116. A person must not, without a permit:

116.1. organise or hold any gathering or similar activity that will involve a number of persons greater than that normally found in that area or location at one time where the activity may affect the location surrounding the area prior to during or after the gathering; or

116.2. use a *vehicle* with an audible public address system; or

116.3. any other portable broadcasting device

on a *road* or land owned or managed by *Council*.

**Penalty: A Maximum of 10 Penalty Units**



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## PART 6 - SALE OF GOODS AND SERVICES, STREET COLLECTIONS AND DISTRIBUTIONS

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### Introduction

This Part is concerned with commercial activities on *Council land* and *roads*. It establishes a permit system to regulate these commercial activities.

### Selling Goods and Services Generally

117. A person must not, without a permit, *sell*, offer or allow to be sold, or display any goods or services on a *road* or *Council land*.

**Penalty: A Maximum of 10 Penalty Units**

118. A person must not, without a permit:

- 118.1. erect or use on any land a tent, *caravan*, trailer or other *vehicle*, *temporary structure*, building, table or stall for the sale of any goods or services; or
- 118.2. *sell* goods or services from a tent, *caravan*, trailer or other *vehicle*, *temporary structure*, building, table or stall erected in contravention of clause 117.

**Penalty: A Maximum of 10 Penalty Units**

### Outdoor Eating Facilities

119. A person must not, without a permit:

- 119.1. establish; or
- 119.2. operate

an *outdoor eating facility* on any *road* or in any *public place*.

**Penalty: A Maximum of 10 Penalty Units**

### Street Collection

120. A person must not, without a permit, or permission from an *Authorised Officer*, solicit to collect:

- 120.1. on a *road*;
- 120.2. on *Council land*; or
- 120.3. from any *dwelling*,

any gifts, donations, or subscriptions for any purpose or cause nor authorise another person to do so.

**Penalty: A Maximum of 10 Penalty Units**



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121. Nothing in clause 120 applies to any person who is acting under or with the authority of an *Act* or Regulation.

### **Unsolicited Material**

122. A person must not, without a permit or approval from an *authorised officer*, distribute any handbills, place cards, notices, advertisements, books, pamphlets, goods, gifts or samples to any person on any *road* or *Council land*.

123. Nothing in clause 122 applies to any person who is acting under or with the authority of an *Act* or Regulation.

**Penalty: A Maximum of 10 Penalty Units**

### **Busking**

124. A person must not, without a permit, busk on any:

124.1. *road*; or

124.2. Council land

with the object, or apparent object, of collecting money.

**Penalty: A Maximum of 10 Penalty Units**

### **Spruiking**

125. A person must not, without a permit, spruik on any:

125.1. *road*; or

125.2. Council land

with the object, or apparent object, of attracting custom.

**Penalty: A Maximum of 10 Penalty Units**

### **Pavement Art**

126. A person must not, without a permit, paint or draw on any *road* or unless otherwise approved by *Council*.

**Penalty: A Maximum of 10 Penalty Units**



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## PART 7 - KEEPING OF ANIMALS, BIRDS, REPTILES AND BEES

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### Introduction

In this Part, the provisions regulate the keeping of *animals, birds, reptiles* and bees.

### Application of this Part

127. This Part does not apply to any land:

127.1. on which a pet shop is located; or

127.2. on which an *animal* hospital or veterinary practice is located; or

127.3. other like facility that is subject to the provisions of a code of practice or planning scheme

if the use of the land for this purpose is permitted under a Planning Scheme applicable to the land.

### Keeping of Animals, Birds, Reptiles and Bees Generally

128. Unless permitted under a Planning Scheme applicable to the land, an *owner* or occupier of land must not keep or allow to be kept on that land, and any other person must not keep or allow to be kept on the land, any *animal, bird, reptile* or bee in such a manner as to:

128.1. be offensive; or

128.2. be dangerous; or

128.3. be injurious to health; or

128.4. cause a nuisance

and the area in which the *animal, bird or reptile* is kept must be secure and maintained in a clean and sanitary condition.

### Penalty: A Maximum of 5 Penalty Units

### Number of Animals

129. An *owner* or occupier of land must not without a permit:

129.1. keep or allow to be kept any more in number for each type of *animal* as is set out in the following table:



|   | Animal                                    | Property Size<br>up to .25 (ha)   | Property Size<br>(ha) to 1(ha) | Property Size<br>.25<br>1 (ha) and above                      |
|---|---|---|--------------------------------|---|
| a | Dogs                                      | 3   | 4                              | 5 (other than dogs kept for working stock/primary production) |
| b | Cats                                      | 3   | 4                              | 5   |
| c | Poultry                                   | 10  | 20                             | No Permit<br>Required   |
| d | Roosters                                  | Permit Required   | Permit Required                | No Permit<br>Required   |
| e | Pigeons                                   | 10  | 20                             | No Permit<br>Required   |
| f | Sheep or Goats                            | Permit Required   | 8                              | No Permit<br>Required   |
| g | Cattle/Horses &<br>other large<br>animals | Permit Required   | 4                              | No Permit<br>Required   |
| h | Pigs                                      | Permit Required   | Permit Required                | No permit required  |
| i | Reptiles                                  | Subject to the issuing of a license by the Department of Sustainability & Environment (DSE) or relevant authority                           |                                |   |
| j | Bees                                      | Subject to hives being licensed with the Department of Sustainability and Environment (DSE) and complying with the Apiary Code of Practice. |                                |   |

129.2. For the purpose of calculating the maximum number of *animals* which can be kept or allowed to be kept without a permit under clause 129.1, the progeny of any *animal* will, for 12 weeks after the birth be deemed not to be an *animal*.

129.3. In *relation* to the keeping of Poultry (including Roosters) and Pigeons a permit will not be required by owners who are current members of a relevant Club or Organisation and abide with the relevant code of practise.

## Housing of Animals

130. An *owner* or occupier of land must ensure that any:

130.1. *animals*, other than dogs or cats; and

130.2. *birds*

on that land are:

130.3. kept in a secure shelter or enclosure; or

130.4. confined to the land unless they are under the effective control of a person.

## Penalty: A Maximum of 10 Penalty Units



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## PART 8 - WASTE MANAGEMENT

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### Introduction

This Part is concerned with the collection and disposal of waste. Among other things, it regulates the collection and disposal of garbage, *organic waste*, *recyclables* and hard waste.

### Garbage, Recyclables and Organic Waste

131. To use the recycling and waste collection service provided by *Council*, the occupier of any premises:

- 131.1. must use only *Council*-supplied mobile bins for garbage, comingled recycling and organic bin and/or *Council* approved bins for *organic waste*.
- 131.2. must deposit garbage only in the mobile garbage bin (MGB), *recyclables* only in the mobile recycling bin (MRB) and organic and food waste only in the mobile *organic waste* bin (MOB);
- 131.3. must not cause contamination of bins by depositing items or material in the bins other than garbage in the designated mobile garbage bin (MGB), *recyclables* in the designated mobile recycling bin (MRB) and food and *organic waste* in the designated mobile organic bin (MOB), or any of the following wastes:
  - 131.3.1. trade waste;
  - 131.3.2. medical or infectious waste;
  - 131.3.3. slops or liquid waste;
  - 131.3.4. human or *animal* waste;
  - 131.3.5. night soil or *animal* excrement (except that disposable nappies or *animal* excrement may be placed or caused to be placed in a refuse receptacle if they are wrapped).
  - 131.3.6. soil, dirt, dust or other matter from any vacuum cleaner, sweepings, shavings, ashes, hair or other similar or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
  - 131.3.7. infectious waste;
  - 131.3.8. sharps, including hypodermic needles, blades and scalpels;
  - 131.3.9. sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
  - 131.3.10. ash or ashes (unless such ash has or ashes have been effectively dampened so as to be non- combustible);



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- 131.3.11. oils, solvents flammable liquids or paint (other than paint residue contained in a closed container);
  - 131.3.12. bricks, concrete, masonry, engine blocks or *vehicle* parts (whether or not in pieces); or
  - 131.3.13. any other waste *prescribed* by *Council*;
  - 131.4. must, if directed by *Council* to do so, remove *contaminated material* from mobile bin/s;
  - 131.5. must, if directed by *Council* to do so, dispose of all contents of mobile bins containing *contaminated material*;
  - 131.6. must leave the mobile bins out for collection on days designated by *Council* from time to time as collection days, or such other days as may be directed by an *Authorised Officer*;
  - 131.7. must place the mobile bins out for collection no later than the night before the day of collection or such other time as designated by *Council* from time to time;
  - 131.8. must not leave the mobile bins out more than one day before or one day after a designated collection day;
  - 131.9. must place the mobile bins:
    - 131.9.1. at the front of the premises, or at an alternative collection point as approved or designated by an *Authorised Officer*;
    - 131.9.2. immediately behind the kerb of the street *frontage* of the premises;
    - 131.9.3. on the *carriageway* side of the open drain but well clear of the trafficable surface, where no kerb and channel exist;
    - 131.9.4. at a suitable location within or outside the premises with an *Authorised Officer's* approval, where restrictions on space or access do not allow placement in accordance with clauses 131.9.1, 131.9.2 and 131.9.3;
    - 131.9.5. at a suitable location within the premises, where an *Authorised Officer* certifies that special circumstances or hardship exists;
    - 131.9.6. with the wheels facing the premises;
    - 131.9.7. at least 50cm away from any
      - 131.9.7.1. mobile bin;
      - 131.9.7.2. power pole;
      - 131.9.7.3. street furniture;



- 
- 131.9.7.4. tree; or
  - 131.9.7.5. other item advised by an *Authorised Officer* which may interfere with the emptying of the mobile bin;
  - 131.10. must place all mobile bins out for collection in a manner specified in any written advice made available to the occupier by *Council*;
  - 131.11. must ensure that any mobile bin (including contents) placed for collection does not exceed 80 kg;
  - 131.12. must maintain the mobile bins in a clean and sanitary condition;
  - 131.13. must ensure that the area where the mobile bins are kept on the property is kept clean and in a sanitary condition;
  - 131.14. must ensure that the lid of the mobile bins are closed other than when material is being deposited in them;
  - 131.15. must not cause damage to mobile bins;
  - 131.16. must ensure that the mobile bins are not overfilled thus preventing the lids from being completely closed down;
  - 131.17. must not place any material immediately adjacent to the mobile bin for collection; and
  - 131.18. must ensure that the mobile bins provided by *Council* are not removed from the premises except for collection of material in accordance with this Local Law.

**Penalty: A Maximum of 5 Penalty Units**

**Hard Waste**

- 132. The occupier of every premises to which a hard waste collection service is provided by *Council* may place out for collection any hard waste, and must do so in a manner set out in a notice published by *Council* as specified in any written advice provided to the occupier by *Council* or in a newspaper generally circulating in the *municipal district*.
- 133. The occupier of every premises to which a hard waste collection service is provided by *Council*:
  - 133.1. may deposit hard waste on the nature strip at the front of the premises, for collection on days designated by *Council* from time to time as collection days;
  - 133.2. must not deposit items or material on the nature strip other than hard waste;
  - 133.3. must not leave the hard waste on the nature strip for more than six days before a collection day;



- 133.4. must place the hard waste and arrange it in a manner, as specified in any written advice provided to the occupier by *Council*, in front of the premises that allows collection by a collection *vehicle*; and
- 133.5. must remove items or material so placed, which is not collected within one day after the collection day.

**Penalty: A Maximum of 2 Penalty Units**

**Disposal of disused refrigerators and other compartments**

- 134. A person must not place a disused refrigerator or freezer, trunk, chest or any other similar article:
  - 134.1. with a door or lid that can be fastened or secured from the outside; and
  - 134.2. which has a compartment with a capacity of 0.04 cubic metres or more;
  - 134.3. upon any:
    - 134.3.1. rubbish tip;
    - 134.3.2. *road* or *Council land*;
    - 134.3.3. *public place*; or
    - 134.3.4. unfenced vacant land,without having first:
  - 134.4. removed from it every door and lid;
  - 134.5. removed from it every lock, catch and hinge attached to a door or lid; or
  - 134.6. otherwise rendered every door and lid incapable of being fastened.
- 135. Nothing in clause 134 is to be taken as allowing domestic garbage, *recyclables*, *organic waste* or hard waste to be taken outside a premises and deposited on a *road* other than in accordance with this Local Law.

**Penalty: A Maximum of 2 Penalty Units**

**Restriction on Use of Public Waste and Recycle Bins**

- 136. The *owner* or occupier of premises must not place or deposit any garbage, *recyclables*, *organic waste*, or other waste material of any kind which has been generated in or from that premises in a public waste bin.
- 137. A person must not deposit into a public waste bin any uncooked meat, uncooked fish heads or entrails or material *prescribed* by *Council* other than in a public waste bin designated for such waste.



138. A person may only place *animal* excreta in a public waste bin if it is wrapped in impermeable material.

**Penalty: A Maximum of 2 Penalty Units**

**Interference with Garbage, Recyclables, Organic Waste or Hard Waste**

139. Except if authorised, a person must not remove, add to or interfere with any garbage, *recyclables*, *organic waste* or hard waste or mobile bin left out by any other person on a *road* or other *Council land* for collection by *Council*.

**Penalty: A Maximum of 10 Penalty Units**

**Screening of Bins and Hoppers**

140. *Council* may, by notice in writing, direct the *owner* or occupier of any land to:

140.1. install;

140.2. repair; replace or

140.3. modify;

a fence or other means of screening an approved mobile bin or *trade waste hopper* from public view, if it is of the opinion that the approved mobile bin or *trade waste hopper* is:

140.4. unsightly;

140.5. dangerous; or

140.6. detrimental to the general amenity of the neighbourhood in which it is located.

141. A person must comply with a notice issued to him or her under clause 140 within any time specified in the notice.

**Penalty: A Maximum of 10 Penalty Units**

**Depositing of Waste at Recycling and Waste Transfer Facilities, Resource Recovery Centres and Municipal Landfill Sites**

142. *Council* is recycling and waste transfer facilities, resource recovery centre and municipal landfill will be available for the disposal of waste subject to the fees, charges, terms and conditions as determined by *Council* from time to time.

143. A person using *Council's* recycling and waste transfer facility, resource recovery centre or municipal landfill:

143.1. must pay the fees and charges and comply with the terms and conditions determined by the *Council* for use of the landfill, facility or centre for such persons, including Waste Disposal tickets and Hard Waste Vouchers;



- 
- 143.2. must deposit waste in accordance with the directions of the *facility* attendant or *Authorised Officer* and in accordance with any signs erected at the landfill, facility or centre;
  - 143.3. may only deposit material designated by *Council* from time to time;
  - 143.4. may only deposit material permitted by any Environment Protection Authority Site Licences applying to the landfill, facility or centre from time to time; and
  - 143.5. must not deposit any hazardous, dangerous or infectious materials.

**Penalty: A Maximum of 10 Penalty Units**

- 144. A person must not deposit any waste at any municipal landfill, recycling and waste transfer facilities or resource recovery centre which is not at the time of deposit open to accept such waste or any such category of waste.

**Penalty: A Maximum of 20 Penalty Units**

**Scavenging at Municipal Landfill Sites, Recycling and Waste Transfer Facilities and Resource Recovery Centres**

- 145. A person must not, without a permit or permission of an *Authorised Officer*, remove material of any kind which has been deposited at any recycling and waste transfer facility, resource recovery centre or municipal landfill site

**Penalty: A Maximum of 5 Penalty Units**

- 146. In determining whether to grant a permit under clause 145, *Council* must have regard to:
  - 146.1. the nature of material to be scavenged;
  - 146.2. the recyclable value of the material to *Council*;
  - 146.3. the number of other current permits issued for the same purpose; and
  - 146.4. any other material relevant to the circumstances associated with the application.

**Storage of Trade Waste**

- 147. The *owner* or occupier of any land must ensure that any *trade waste hopper* or other waste bin kept on the land and used for *trade waste* is:
  - 147.1. constructed of impermeable material;
  - 147.2. watertight;
  - 147.3. water, fly and vermin proof;



- 
- 147.4. equipped with any removable drainage plug required by an *Authorised Officer*, for public health or safety reasons;
  - 147.5. thoroughly cleaned following each occasion when it is emptied;
  - 147.6. equipped with a fly and vermin proof lid which is kept closed at all times except when *trade waste* is being deposited in or removed from the *trade waste hopper*;
  - 147.7. emptied at appropriate times or when an *Authorised Officer* directs for public health or safety reasons; and
  - 147.8. maintained in a clean, inoffensive and sanitary condition.

**Penalty: A Maximum of 10 Penalty Units**

**Storage Site for Trade Waste**

- 148. If directed by *Council* for public health or safety reasons, the *owner* of any land must ensure that any area where a *trade waste hopper* or other bins are placed:
  - 148.1. is suitable for such placement or is an area directed or approved by an *Authorised Officer*;
  - 148.2. has an impermeable surface;
  - 148.3. is drained to a sewer approved by the *local water authority* for the receipt of any discharge or other outlet approved by *Council*;
  - 148.4. is supplied with water from a tap and hose; and
  - 148.5. is maintained in a clean, inoffensive and sanitary condition.

**Penalty: A Maximum of 10 Penalty Units**

**Waste Receptacles on Roads and Reserves**

- 149. Unless in accordance with this Local Law, a person must not, without a permit, place or cause to be placed on any *road* or *reserve* any mobile bin, *trade waste hopper*, waste container or waste materials of any nature.

**Penalty: A Maximum of 10 Penalty Units**



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## PART 9 - ADMINISTRATION AND ENFORCEMENT

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### Introduction

This Part aims to supplement the preceding provisions of the Local Law by explaining how the Local Law may be administered and enforced. In particular, powers to impound and serve *Notices to Comply* and Infringement Notices are given, and the system of applying for, obtaining and retaining permits is provided for.

### Impounding

150. An *Authorised Officer* may seize and impound any thing which has been or is being used or possessed, or which has been left, in contravention of this Local Law.

151. Where any thing has been impounded under this Local Law, *Council* or an *Authorised Officer* must, if it is practicable to do so, serve notice of the impounding personally or by mail on the person who appears to be the owner of the impounded thing.

152. An impounded thing must be surrendered to:

152.1. its owner; or

152.2. a person acting on behalf of its owner who provides evidence to the satisfaction of an *Authorised Officer* of his or her authority from the owner;

on

152.3. evidence to the satisfaction of the *Authorised Officer* being provided of the owner's right to thing; and

152.4. payment of any fee determined by *Council* or an *Authorised Officer* from time to time.

153. Clauses 151 and 152 do not apply to the impounding of *alcohol* under this Local Law or other items where the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner.

154. If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 14 days of the notice of impounding being served or, if no notice of impounding has been served, of the act of impounding, *Council* may, at its discretion:

154.1. sell;

154.2. give away; or

154.3. destroy

the impounded thing.



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## Notices to Comply

155. *Council* or an *Authorised Officer* may, by serving a *Notice to Comply*, direct any owner, occupier or other relevant person to remedy any thing which constitutes a breach of this Local Law.
156. A *Notice to Comply* issued in accordance with this Local Law must state the date by which the thing must be remedied.
157. The time required by a *Notice to Comply* served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
- 157.1. the amount of work involved;
  - 157.2. the degree of difficulty;
  - 157.3. the availability of necessary materials or other necessary items;
  - 157.4. climatic conditions;
  - 157.5. the degree of risk or potential risk; and
  - 157.6. any other relevant matter.
158. Any person who fails to remedy a thing in accordance with a *Notice to Comply* within the time specified is guilty of an offence under this Local Law.

### **Penalty: A Maximum of 10 Penalty Units**

159. Nothing in this Local Law
- 159.1. obliges *Council* or an *Authorised Officer* to serve a *Notice to Comply*; or
  - 159.2. precludes *Council* or an *Authorised Officer* from both serving a *Notice to Comply* and also serving an Infringement Notice or prosecuting for an offence.

## Permits

160. *Council* or an *Authorised Officer* in its, his or her absolute discretion may issue a permit under this Local Law with or without conditions, including the payment of any fee *Council* may require, or may refuse to issue the same.
161. *Council* may from time to time prescribe:
- 161.1. the manner and form in which applications for permits under this Local Law should be made; and
  - 161.2. the manner in which any permit under this Local Law should be issued.



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162. *Council* may from time to time prescribe the fee for any permit issued under this Local Law.
163. *Council* or an *Authorised Officer* may waive payment of any fee or portion of a fee for a permit, and will record the reasons for waiving the fee or portion of the fee.
164. *Council* may make appropriate delegations of permit-issuing powers.
165. *Council* must keep a register of permits.
166. *Council* or an *Authorised Officer* may require an applicant for a permit to give notice of the application in a manner specified from time to time by *Council* or an *Authorised Officer*.
167. *Council* or an *Authorised Officer* may require an applicant for a permit to provide *Council* with more information before *Council* or the *Authorised Officer* deals with the permit application.
168. A permit expires on the date specified in the permit or if no such date is specified the permit will expire one (1) year after the date of issue.
169. Where *Council* or an *Authorised Officer* is of the opinion that there is or has been a breach of any conditions of a permit, it, he or she may serve a *Notice to Comply* on the permit holder.

### Considering Applications

170. In considering an application for a permit, *Council* or an *Authorised Officer* may consider any:
- 170.1. policy or guideline adopted by *Council* relating to the subject matter of the application for the permit;
  - 170.2. submission that may be received in respect of the application;
  - 170.3. comments that may be made in respect of the application by any public body, community organisation or other person; and
  - 170.4. other relevant matter.

### Correction of Permits

171. *Council* or an *Authorised Officer* may correct a permit issued if the permit contains:
- 171.1. a clerical mistake or an error arising from any accident, slip or omission; or
  - 171.2. an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit.
  - 171.3. *Council* or the *Authorised Officer* must note the correction in the register of permits.



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## Grounds for Cancellation of or Amendment of Permits

172. *Council* or an *Authorised Officer* may cancel or amend any permit if , he or she considers that there has been:
- 172.1. a material misstatement or concealment of facts in relation to the application for a permit;
  - 172.2. any material mistake in relation to the issue of a permit;
  - 172.3. any material change of circumstances which has occurred since the issue of the permit;
  - 172.4. a failure to comply with the conditions under which the permit was issued; or
  - 172.5. a failure to comply with a *Notice to Comply* within the time specified in the *Notice to Comply*.
173. *Council* or the *Authorised Officer* must notify the holder of a permit of *Council's* or the *Authorised Officer's* intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
174. If *Council* or the *Authorised Officer*, after considering any written submission made by the permit holder, determines to cancel or amend the permit, *Council* or the *Authorised Officer* must note that cancellation or amendment in the register of permits.

## Urgent Circumstances

175. If an *Authorised Officer* is of the opinion that:
- 175.1. a person has breached any provision of this Local Law in respect of which a *Notice to Comply* may be issued and:
    - 175.1.1. any person;
    - 175.1.2. any *animal*;
    - 175.1.3. any property; or
    - 175.1.4. the environment of the *municipal district*is in danger of substantial detriment due to the breach; and
  - 175.2. that the danger may be exacerbated by the length of time it may take to serve and ensure compliance with a *Notice to Comply*
- he or she may take such action as he or she considers necessary to abate or minimise the danger without serving a *Notice to Comply* if notice is given, if practicable, of:



- 
- 175.2.1. the reasons for taking the action; and
  - 175.2.2. the action taken
  - 175.2.3. to the person in breach of the provision of this Local Law in respect of which the action was taken.

## Offences

176. A person who:

- 176.1. contravenes or fails to comply with any provision under this Local Law;
- 176.2. contravenes or fails to comply with any condition contained in a permit issued under this Local Law; or
- 176.3. contravenes or fails to comply with a *Notice to Comply* by the date specified in the *Notice to Comply*

is guilty of an offence and is liable to:

- 176.4. the maximum *penalty* stated under a provision or, if no *penalty* is stated, a maximum of two (2) *penalty units*;
- 176.5. a further *penalty* of one (1) *penalty unit* for each date during which the contravention continues; and
- 176.6. upon conviction for a second or subsequent offence, double the *penalty* stated under a provision of *penalty units*.

## Infringement Notices

177. As an alternative to prosecution for an offence, an *Authorised Officer* may serve an Infringement Notice on any person who commits an offence against this Local Law.

178. The *penalty* fixed for an Infringement Notice:

- 178.1. is the applicable *penalty* stated in the Schedule to this Local Law; or
- 178.2. if no applicable *penalty* is stated in the Schedule to this Local Law, two (2) *penalty units*.

179. Procedural application for all Infringements issued under a Local Law will be dealt with in accordance with the provisions of the *Infringements Act 2006*

## Reviewing a Notice

180. All requests for Infringement Notice review will be dealt with by way of *Council's* Infringement Review Panel which may withdraw the Infringement Notice, deal with the Infringement Notice by way of official warning, extend due date to allow additional time for payment, or to proceed with prosecution of the offence



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181. Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the Infringement Notice

### **Requirement to Act Fairly and Reasonably**

182. In exercising any power under this Local Law, *Council* and an *Authorised Officer* must act fairly and reasonably and in proportion to the nature and extent of the breach of this Local Law.
183. Where *Council* or an *Authorised Officer* may take action forming any particular opinion, or, where *Council* or an *Authorised Officer* is required to form an opinion prior to taking any action under this Local Law, the opinion must be reasonably held having regard to all the circumstances.

### **Review Rights**

184. If any person is aggrieved by the fairness or reasonableness of any action taken by *Council* or an *Authorised Officer* under this Local Law including failure to be granted a permit, he or she may request the *Chief Executive Officer* to review the fairness or reasonableness of the action taken.
185. If the *Chief Executive Officer* elects to review the fairness or reasonableness of any action taken by *Council* or an *Authorised Officer*, the result of that review must be communicated to the person who made the request in accordance with clause 184.



Resolution for making this Local Law was agreed to by the Colac Otway Shire Council on the 28 August 2013.

SIGNED SEALED AND DELIVERED     )

)

The COMMON SEAL of the Colac Otway Shire Council was affixed in accordance with its Local Law No 4

.....

Chief Executive Officer

This ..... day of ..... 20.....

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the ..... and the ..... respectively.

Public notice of the proposal to make and confirmation of the making of this Local Law were inserted in the ..... on ..... and ..... respectively.

A copy of this Local Law was sent to the Minister for Local Government on .....



## Schedule

Fixed Infringement *Penalties*:

| Clause        | Fixed Penalty                  |
|---------------|--------------------------------|
| 11.3          | Three (3) <i>Penalty Units</i> |
| 11.6          | Three (3) <i>Penalty Units</i> |
| 11.7          | Three (3) <i>Penalty Units</i> |
| 11.14         | Three (3) <i>Penalty Units</i> |
| 11.14         | Three (3) <i>Penalty Units</i> |
| 11.16         | Three (3) <i>Penalty Units</i> |
| 11.20.1       | Three (3) <i>Penalty Units</i> |
| 11.20.2       | Three (3) <i>Penalty Units</i> |
| 11.20.3       | Three (3) <i>Penalty Units</i> |
| 15.1          | Three (3) <i>Penalty Units</i> |
| 15.2          | Three (3) <i>Penalty Units</i> |
| 15.3          | Three (3) <i>Penalty Units</i> |
| 15.4          | Three (3) <i>Penalty Units</i> |
| 15.5          | Three (3) <i>Penalty Units</i> |
| 16.1 to 16.9  | Three (3) <i>Penalty Units</i> |
| 17.1 to 17.15 | Three (3) <i>Penalty Units</i> |
| 75.1          | Three (3) <i>Penalty Units</i> |
| 75.2          | Three (3) <i>Penalty Units</i> |
| 78.1          | Three (3) <i>Penalty Units</i> |
| 78.2          | Three (3) <i>Penalty Units</i> |





## **LIVESTOCK**

### **(LOCAL LAW NO 3 – August 2013)**

LOCAL LAW ADOPTED BY COUNCIL: 28 August 2013  
OPERATION DATE: 28 August 2013



## COLAC OTWAY SHIRE COUNCIL

### LIVESTOCK LOCAL LAW NO. 3

#### PART 1

#### PRELIMINARY

##### Title

1. This Local Law will be known as the “Livestock Local Law 2013” and is referred to subsequently as “this Local Law”.

##### Purpose

2. The purpose of this Local Law is to:
  - 2.1 regulate the movement and *droving of livestock* through and within the *municipal district* and the *grazing of livestock* within the *municipal district*;
  - 2.2 minimise any damage to *road* pavements, formations, drainage, vegetation and surrounding areas arising from *livestock*;
  - 2.3 minimise the spread of *livestock disease* and noxious weeds in the *municipal district*;
  - 2.4 provide for the welfare of *livestock* when being grazed or moved;
  - 2.5 alert other *road* users to the presence on roads of *livestock* in the *municipal district* in the interests of safe use of roads;
  - 2.6 regulate the adequacy of fencing of *livestock*;
  - 2.7 put in place mechanisms for rectifying inadequate fencing;
  - 2.8 fix fees or charges relating to the impounding of *livestock* and all other costs incidental thereto
  - 2.9 fix charges for *road* use by *livestock* within the *municipal district*
  - 2.10 enter arrangements with neighbouring councils relating to impounding, collecting trespassing *livestock*, housing and releasing those *livestock*;
  - 2.11 prescribe penalties for contravention of any provisions of this local law;



2.12 provide generally for the peace, order and good government of the *municipal district* including in particular, the administration of *Council's* powers and functions; and

2.13 revoke *Council's* Livestock Local Law 2007.

### Authorising Provisions

3. This Local Law is made under section 111(1) of the *Local Government Act* 1989.

### Commencement and Area of Operation

4. This Local Law commences on 28 August 2013.

### Revocation Dates

5. Upon the commencement of this Local Law, *Council's* Livestock Local Law 2007 is revoked.

6. Unless sooner revoked, this Local Law ceases to operate on 27 August 2023.

### Scope of This Local Law

7. This Local Law applies to the whole of the *municipal district* except when it is apparent from its wording that it only applies to a specified area or areas.

8. Where this Local Law applies to a *road*, it applies to all parts of the *road* reserve.

9. The provisions of this Local Law apply to the extent that they are not inconsistent with any Act, regulations or planning scheme applicable to *Council* or its *municipal district*.

### Definition of Words Used in this Local Law

10. Unless inconsistent with the context or subject matter, the following words and phrases are defined to mean or include -

**“Act”** means the *Local Government Act* 1989.

**“applicant”** means the person who applies for a permit under this Local Law.

**“Authorised Officer”** means a person appointed under section 224 of the *Act*.

**“cattle”** means any bull, cow, ox, steer, heifer, calf or buffalo.

**“Council”** means Colac Otway Shire Council.

**“daylight hours”** means the hours between sunrise and sunset.

**“Declared State Road”** means a *road* declared under section 11 of the *Road Management Act* 2004.



**“disease”** means any contagious or infectious disease or any condition to which *livestock* is subject, or an exotic disease as declared by the Governor in Council for the purposes of the *Livestock Diseases Control Act 1994*.

**“droving of livestock”** means the *movement* of *livestock* within or through the *municipal district* including supplementing feeding

**“effective control”** means control by a person or persons alone or using dogs, devices, fences or other equipment so as to ensure that *livestock* are not trespassing or endangering persons or objects.

**“exemption”** means an exemption issued by or under the authority of *Council* under this Local Law.

**“grazing of livestock”:**

- (a) means causing livestock to enter and remain on a *road* or roads within the *municipal district* for purposes of grazing rather than for purposes of *droving* or *movement* of *livestock*; and
- (b) relates to *grazing* a particular or designated area and not to indiscriminate droving for purposes of or including supplementing feeding.

**“Guidelines”** means the VicRoads Guidelines for the Selection of Stock Crossing Sites and the Placement of Signs when Stock are on Roads.

**“livestock”** means an animal (including a bird) of any species used in connection with primary production or kept for recreational purposes, other than a dog or cat.

**“movement of livestock”** means individual or regular movement of *livestock*:

- (a) as part of normal farm management operations of one farming enterprise but not for purposes of grazing;
- (b) from one property within the *municipal district* to another property within the *municipal district* or from or to one property in the *municipal district* to or from a property within an adjacent *municipal district*;
- (c) at the rate of not less than one kilometre per hour in the direction of movement between the two properties;
- (d) where the properties concerned are occupied by the one farming enterprise; and
- (e) the movement is completed on the day of commencement.

**“municipal district”** means the municipal district of *Council*.



**“notice to comply”** means a notice to comply referred to in clauses 12 and 80 of this Local Law.

**“single farming enterprise”** means a business of farming livestock run by one or more person as a one business.

**“penalty unit”** has the meaning ascribed to it by the *Sentencing Act 1991*.

**“permit”** means a permit in writing issued by or under the authority of *Council* under this Local Law.

**“permit holder”** is the person to whom a *permit* has been issued under this Local Law.

**“public place”** has the same meaning as in Section 3 of the *Summary Offences Act 1966*.

**“Regulations”** mean the *Road Safety Road Rules 2009*.

**“road”** has the meaning ascribed to it in section 3 of the *Act* and includes a highway.

**“Schedule”** means a schedule to this Local Law.

**“senior officer”** has the meaning ascribed to it in section 3 of the *Act*.

**“Service Authority”** includes *Council*, Victoria Police, State Emergency Service or any government, semi government or non profit agency involved in remedying a problem associated with *livestock* on a *road*.

**“single form enterprise”** has the same meaning as in section 159 of the *Act*.

**“stock crossing”** means a location on a *road* used regularly for the purpose of *livestock* crossing that *road*, and to which the requirements of the *Regulations*, and the *Guidelines*, apply.



## PART 2

### LIVESTOCK ON ROADS

#### Containing Livestock

11. An owner or occupier of land on which *livestock* are kept must ensure that the fencing of, and any cattle grids relating to, that land is or are adequate to prevent the escape of that *livestock*.
12. Where an *Authorised Officer* gives a *notice to comply* to an owner or occupier of land who appears to be in breach of clause 11, the *Authorised Officer* may direct that person to immediately remove the livestock, or install, repair, replace or modify the fencing or cattle grids, including through the installation or repair of gates.

#### Offence Concerning Livestock on Roads

13. Subject to clause 14, a person who owns or is in charge of *livestock* must not, without a *permit*, cause or allow the *livestock* to be on a *road* (excluding compliant *stock crossing* locations) while:
  - 13.1. the *livestock* are being moved:
    - 13.1.1. through the *municipal district*, or
    - 13.1.2. from outside the *municipal district* towards a point of destination in the *municipal district*, or
    - 13.1.3. from a location within the *municipal district* to a point of destination outside the *municipal district*, or
  - 13.2. the *livestock* are grazing.
14. A person who owns or is in charge of *livestock* must not cause or allow the *movement of livestock* on a *road* unless the *livestock* are being moved across or along a *road* (whether directly or by being moved along and across or merely along a *road* or merely across a *road*) in order to travel from one property to another or from one part of a property to another part in accordance with clauses 28-30 (inclusive).

#### Droving of Livestock

15. *Council* must not issue a *permit* for the *droving of livestock* if:
  - 15.1. there are more than:



- 15.1.1. 6,000 sheep, ewes, wethers and rams; or
- 15.1.2. 500 *cattle*; or
- 15.1.3. 200 of any other *livestock*; or
- 15.2. it is not satisfied that the *livestock* are able to travel:
  - 15.2.1. eight kilometres each day (being *livestock* referred to in clause 15.1.1 or 15.1.3) in one direction; or
  - 15.2.2. ten kilometres each day (being *livestock* referred to in clause 15.1.2) in one direction; or
- 15.3. the *roads* proposed to be travelled:
  - 15.3.1. are or will be in use for the purpose for the droving of other *livestock* at the time proposed;
  - 15.3.2. are carrying such an extent of traffic or in such a condition or being used for such other purposes at the time proposed for the droving that the droving is impracticable; or
  - 15.3.3. contain areas of high conservation significance and the *applicant* cannot or is not prepared to give an undertaking to take all reasonable measures proposed to ensure that such areas are protected; or
  - 15.3.4. have been declared by *Council* under sub-clause 16.
- 15.4. the owner or person in charge of the *livestock* refuses to provide any bond, guarantee or indemnity requested by *Council* as security against *road* or adjacent fence or property damage; or
- 15.5. the owner or person in charge of the *livestock* does not provide evidence, to the satisfaction of *Council*, of an ability to adequately water and feed the *livestock* and to safely contain them overnight; or
- 15.6. the owner or person in charge does not supply a declaration of his/her knowledge of the health and fitness of the *livestock* in a form acceptable to *Council*; or
- 15.7. a person proposing to introduce *cattle* into Victoria has not first obtained permission in writing from an Inspector of Livestock under the *Livestock Disease Control Act 1994*, provided certification regarding the *livestock* to the Inspector nearest the first point of entry and ensured that the *livestock* are ear-tagged with approved ear-tags prior to entry or otherwise complied with the *Livestock Disease Control Act*.



16. Council may declare a *road* for the purposes of clause 15.3.4.
17. Any declaration made under clause 16 must be published in a newspaper generally circulating in the *municipal district*.
18. A person who is in charge of *livestock* which are being driven on a *road* must ensure that:
  - 18.1. the *livestock* are supervised and under *effective control* at all times by a person who is competent in the management of such *livestock*;
  - 18.2. *livestock* camped overnight are enclosed by a substantial and secure barrier (or otherwise isolated so as to prevent escape or danger to other *road* users);
  - 18.3. proper disposal takes place of any carcass of any *livestock*, under that person's charge, which die on the *road*;
  - 18.4. the *livestock* are only moved during *daylight hours*;
  - 18.5. the *livestock* are not moved on roads which *Council* or an *authorised officer* has notified the person must not be used for the *droving of livestock*;
  - 18.6. an Inspector of Livestock of the Department of Primary Industries or relevant authority administering the *Livestock Disease Control Act 1994* is notified if the person in charge of such *livestock* becomes aware or suspects that *livestock* (or any of them) have a *disease* or has died of a *disease* listed as a notifiable *disease* under that Act;
  - 18.7. he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*; and
  - 18.8. in respect of any State roads, the permission of VicRoads has been obtained.
19. In determining conditions applying to any *permit* for the *droving of livestock*, *Council* may, in addition to any conditions referred to in clause 62, impose such conditions as it considers appropriate including conditions that:
  - 19.1. *livestock* not be camped in an area which is a declared or designated area of medium or high conservation value as specified in the Colac Otway Roadside Management Prescriptions;
  - 19.2. appropriate reflective signs or flashing lights be erected in front of, and at the rear of, any *livestock* camped overnight on a *road*;
  - 19.3. the number of *livestock* which may be driven in the *municipal district* at any one time not exceed the number specified in respect of the *permit*;



- 19.4. the *livestock* travel not less than the distances specified by an *Authorised Officer* (which distances may allow for a rest day in appropriate circumstances);
- 19.5. the *permit holder* has a current public liability policy (minimum cover \$10 million) covering risks relevant to the droving;
- 19.6. the public liability policy notes the interests of *Council* and VicRoads;
- 19.7. the *livestock* be healthy and free of *disease*;
- 19.8. signs be displayed conforming to the *Guidelines*; and
- 19.9. *livestock* are only to be driven on any *road* during *daylight hours*.
- 20. The route to be travelled must be specifically determined by *Council* having regard to:
  - 20.1. the route requested by the *applicant*;
  - 20.2. the practicality of that route or alternative routes given:
    - 20.2.1. the respective volume of traffic regularly using *roads* in the vicinity;
    - 20.2.2. the proposed commencing and finishing locations;
    - 20.2.3. the sensitivity of vegetation on that route;
    - 20.2.4. the duration and/or frequency of *livestock* droving proposed;
    - 20.2.5. the number of *livestock* involved in the droving or each *livestock* droving;
    - 20.2.6. any permits already granted for *livestock* droving, grazing or movement on or adjacent to the proposed area;
    - 20.2.7. the condition of the *road* and prevailing weather conditions at the time of the proposed *droving of livestock* or throughout the proposed *livestock* droving;
    - 20.2.8. the availability of alternative routes;
    - 20.2.9. the distance to be covered each day;
    - 20.2.10. the health and condition of the *livestock*;
    - 20.2.11. the nature of any weeds or growth along any proposed route and the potential for *livestock* to spread noxious or environmental weeds;



- 20.2.12. the potential for safely accommodating any *livestock* overnight;
  - 20.2.13. the capacity to adequately warn other *road* users of the presence of *livestock* on the *road*;
  - 20.2.14. procedures for varying any route in situations of hardship;
  - 20.2.15. the availability of water and feed;
  - 20.2.16. the outcome of any consultation with the Department of Sustainability and Environment or relevant authority regarding native vegetation;
  - 20.2.17. the views of VicRoads concerning any driving on *road* for which VicRoads is the co-ordinating or responsible road authority under the *Road Management Act* 2004; and
  - 20.2.18. any other matters considered relevant by *Council*.
21. Upon the issue of a *permit* under this Part, *Council* must notify the Department of Primary Industries or relevant authority of the *permit* and of the *livestock* to be moved.

### Grazing of Livestock

22. *Council* must not issue a *permit* for the grazing of a *road* by *livestock* unless:
- 22.1. the *road* or roads or part of them proposed to be grazed can be grazed without threat to areas of medium or high conservation significance as specified under the Colac Otway Roadside Management Prescriptions;
  - 22.2. the *applicant* for the *permit* provides evidence to the satisfaction of *Council*:
    - 22.2.1. that the *livestock* will be adequately supervised and effectively controlled;
    - 22.2.2. that there will be compliance with all conditions of a *permit*;
    - 22.2.3. where required, of the health and fitness of the *livestock*; and
    - 22.2.4. of an ability to adequately feed and water the *livestock* on the *roads* proposed;
  - 22.3. the *road* or *roads* or part of them are at the time proposed suitable for grazing by *livestock* which can be undertaken without damage to surface, plants or adjacent structures;
  - 22.4. the *Guidelines* are in place; and



- 
- 22.5. the width of the *road* is adequate and that grazing be restricted to that position of the *road* which is within the limit of the owner's boundary frontage, unless endorsed on the *permit* after receipt in writing from the owner of other land adjacent to the area to be grazed.
23. *Council* reserves the right to refuse permission for grazing on either or both sides of the *road* where it believes that safety issues may exist.
24. A person who is in charge of *livestock* which are being grazed on a *road* must ensure that:
- 24.1. the *livestock* are supervised and under *effective control* at all times by a person who is competent in the management of *livestock*;
  - 24.2. the carcass of any *livestock* under that person's charge which dies on a *road* is properly disposed of;
  - 24.3. *livestock* are grazed only during *daylight hours*;
  - 24.4. signs conform to the *Guidelines*;
  - 24.5. appropriate precautions are taken to ensure that no damage occurs to *road* surfaces, furniture, drains, culverts, bridges and private entrance ways or to trees and shrubs growing within the *road* and that erosion is not caused by excessive grazing;
  - 24.6. in the event that *livestock* are causing damage, including where overgrazing occurs, they are removed from the *road*;
  - 24.7. the *livestock* are enclosed by an appropriate form of fencing or other control or removed from the *road* before *daylight hours* finish unless an *Authorised Officer* agrees to some other level of supervision or overnight arrangement;
  - 24.8. the person has a current public liability policy (minimum cover \$10 million) on which *Council's* (and, where appropriate, *VicRoads'*) interest is noted, and that proof of such notation is produced to the *Council* prior to commencement of grazing;
  - 24.9. an Inspector of the Department of Primary Industries or relevant authority administering the *Livestock Disease Control Act 1994* is notified if the person in charge of such *livestock* becomes aware or suspects that *livestock* (or any of them) have a *disease* or has died of a *disease* listed as a notifiable *disease* under that Act;
  - 24.10. he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*;



- 24.11. no roadside grazing takes place on any day declared as a Total Fire Ban Day for this Region under the *Country Fire Authority Act 1958*;
  - 24.12. temporary fencing once erected is removed at the direction of an *Authorised Officer* before or at the expiry of the *permit*, unless the *permit* has been renewed for an extended period, or at the direction of *Council*; and
  - 24.13. any other matters considered by *Council* to be relevant.
25. Failure to comply with any condition or direction may result in forfeiture of the bond, or removal of the fence by *Council*, at cost to the *permit holder* and/or *livestock* owner.
26. The temporary fence must be constructed by or on behalf of the person in charge of *livestock* to a standard outlined in the conditions of the *permit*.
27. The owner is responsible to ensure confinement of *livestock*, while minimising hazards to persons, animals and property.

### **Movement of Livestock**

28. A person must not move *livestock* across and/or along a *road* to travel from one property being part of a *single farming enterprise* to another being part of the same farming enterprise or from one part of a property to another part of the same property unless:
- 28.1. in respect of any movement or part of any movement before *daylight hours* commence or after *daylight hours* end, suitable warning lights/signage conforming to the *Guidelines*;
  - 28.2. the length of travel is minimised so far as is practicable;
  - 28.3. areas of medium or high conservation significance as specified under the Colac Otway Roadside Management Prescriptions are avoided or protected;
  - 28.4. the location of any *road* crossing is chosen having regard to the safety of all *road* users;
  - 28.5. there is compliance with any appropriate Code of Practice; and
  - 28.6. the *applicant* has a current public liability policy (minimum cover \$10 million) on which *Council's* (and where appropriate VicRoads) interest is noted, and that proof of such notation is produced to *Council* on written request.
29. A person who is in charge of *livestock* being moved across or along a *road* must ensure that:



- 29.1. the *livestock* are supervised and under *effective control* by a person who is competent in the management of *livestock*;
- 29.2. except where clause 29.5 applies, signs conforming to the *Guidelines* are in place and removed or deactivated following completion of the movement;
- 29.3. subject to clause 28, the *livestock* are not moved other than during *daylight hours*;
- 29.4. the *livestock* are moved promptly, to prevent unnecessary grazing of roads;
- 29.5. if there are more than 52 movements of *livestock* during a 12 month period on any *road* for which VicRoads is the co-ordinating or responsible road authority under the *Road Management Act* or any other *road* specifically determined by *Council*, and there is compliance with the *Guidelines* relating to signage and lighting;
- 29.6. if, due to the nature of the terrain, volume of traffic or visibility, vision may be restricted, additional warning is given to other *road* users;
- 29.7. where *livestock* are to be moved across or along and across any *road* in fog or other than in *daylight hours*, there is compliance with whichever of the *Guidelines* as is appropriate to the circumstance of the crossing;
- 29.8. any *livestock* deposits, on any *road* pavement, which cause or are likely to cause danger to other *road* users are removed as soon as practicable; and
- 29.9. the *livestock* are healthy and free of *disease*;
30. In the event of *livestock* being moved at a rate of less than one kilometre per hour, a *permit* must be obtained by the person in charge of the *livestock*.

### Stock Crossings

31. *Livestock* may travel on a *road* for the purposes of moving between contiguous properties if the properties are separated by a *road*, river or another impassable object or other circumstances which effectively prevent movement by another route.
32. A person must comply with all *stock crossing* requirements of VicRoads and the standards of *Council* set out in the Schedule.



### Non Application of Clauses

33. The provisions of clauses 13-30 (inclusive) do not apply to *livestock* being transported by vehicle or other means in circumstances where there is no contact between the *livestock* and the *road*.
34. The provisions of clauses 13-30 (inclusive) do not apply to a horse being ridden or moved or led by some attachment when the horse is being ridden, moved or led by its owner or by a person authorised to do so by its owner.

### Right of Way

35. Travelling *livestock* (being *livestock* being moved in accordance with a valid livestock droving *permit*) have right of way over other stock on a *road*.
36. If a person responsible for *livestock* on a *road* is notified of the approach of travelling *livestock*, the person must move the *livestock* for which he or she is responsible to an adjoining location or keep them separate from the travelling *livestock* by means suitable for the purpose.

### Warning Signs (refer Guidelines)

37. A person involved in *droving of livestock*, *grazing of livestock* or *movement of livestock* in the *municipal district* must ensure that adequate warning of the presence of *livestock* on the *road* is given to other *road* users or potential *road* users.
38. Apart from any other warnings considered appropriate by the person involved in such activities under clause 37, such a person must display signs conforming to the *Guidelines*.
39. A person involved in *droving of livestock* or *grazing of livestock* must ensure that any signs referred to in clause 38 are removed from the *road* at the time of completing such *droving of livestock* or *grazing of livestock* or otherwise deactivated as set out in the *Guidelines*.
40. A person involved in *movement of livestock* across a *road* must comply with whichever of the *Guidelines* and referred to in the *Regulations* is appropriate to the relevant *stock crossing*.
41. In addition to any other *permit* or *livestock* movement conditions relating to warning signs to other *road* users, lighting requirements and the location, size, contents and colour of such devices, the person in charge of *livestock* on roads must have regard to:
  - 41.1. any Australian Standards for such purposes;
  - 41.2. any other signage for *road* safety having regard to topography, conditions, *livestock* type and numbers; or



- 41.3. any other requirements of VicRoads communicated to and published by *Council* in respect of *roads* for which VicRoads is the coordinating or responsible road authority under the *Road Management Act 2004*.

**Authorised Relocation of Livestock other than in Daylight Hours**

- 42. The provisions prohibiting *livestock* droving or movement on *roads* other than in *daylight hours* do not apply to:
  - 42.1. relocation of *livestock* by an *Authorised Officer*, or
  - 42.2. relocation of *livestock* in an emergency or to avoid or minimise danger; or
  - 42.3. movement of *livestock* in accordance with the requirements of clauses 28-30 and the *Guidelines*.



## Part 3 – Administration

### Division 1 - Permits, Fees and Delegations

#### Applying for a Permit

43. A person who wishes to apply for a *permit* may do so by:
- 43.1. lodging with *Council* an application at least 14 days before the proposed activity, in a form approved by *Council*; and
  - 43.2. paying to *Council* the appropriate application fee; and
  - 43.3. in the case of a *permit* for driving of *livestock*, lodging with *Council* a bond in the amount of \$1,000 to \$10,000, as fixed by *Council* under this Local Law, in cash or by bank cheque.
44. *Council* may require an *applicant* to provide additional information before dealing with an application for a *permit* or for an *exemption*.
45. *Council* may require a person making an application for a *permit* to give public notice which will entitle any person to make a submission and to be heard in support of such submission.

#### Fees

46. *Council* may, from time to time, by resolution determine fees for the purposes of this Local Law.
47. In determining any fees and charges *Council* may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
48. *Council* may waive, reduce or alter a fee with or without conditions.

#### Fees and Charges relating to impounded or impounding livestock

49. The charges to be paid under the provisions of the *Impounding of Livestock Act 1994* and any other fees relevant thereto are those determined by *Council* from time to time.
50. A copy of current fees and charges must be available from *Council*.
51. In determining fees and charges relevant to the impounding of *livestock* or impounded *livestock*, *Council* must have regard to the costs incurred in:



- 51.1. the process of impounding;
- 51.2. the housing, and feeding of impounded *livestock*;
- 51.3. arranging any veterinary care or treatment;
- 51.4. advertising;
- 51.5. investigating ownership;
- 51.6. calling and letting tenders;
- 51.7. auctioning;
- 51.8. reimbursing owners or occupiers of land trespassed by the impounded *livestock*;
- 51.9. destruction and/or disposal;
- 51.10. record keeping; and
- 51.11. any other action necessary or convenient to be done for in connection with the functions;

but these considerations do not prevent *Council* from determining unit fees or charges payable in respect of each or any element of the impounding, housing, feeding, releasing, selling, treating, destroying, disposal and recording process or of any combination or combinations of them.

- 52. Nothing in this Local Law prevents *Council* agreeing with another council to fix or determine fees or charges incurred by either council or jointly by both or partly by one and partly by the other in respect of the costs outlined in clause 51 by one or other or both and imposing those fees or charges or retaining those fees or charges from any proceeds of sale or suing for recovery of those fees or charges.
- 53. Any agreement under clause 52 may include arrangements for any council to reimburse another for services rendered.

### **Charges relating to Droving, Grazing and Moving Livestock on or along a Road Reserve**

- 54. In determining fees or charges relevant to the droving or *grazing of livestock* along any *road* in the *municipal district*, *Council* may fix any bond, fee or guarantee amount to be paid or provided as an alternative to or an addition to an indemnity against damage or actions.
- 55. Fees may be waived in exceptional circumstances or times of hardship.



## Bonds

56. *Council* must refund a bond on application:
- 56.1. within seven days after refusing to issue a *permit*, or
  - 56.2. if a *permit* is issued, after the departure from the *municipal district* of the *livestock* if the *applicant* has, in the opinion of an *Authorised Officer*, complied with the conditions of the *permit*.
57. *Council* may retain all or part of a bond, to the extent of the cost to *Council* of repairing any damage to *roads* or other property which, in the opinion of an *Authorised Officer*, has occurred as a result of the moving of the *livestock*.
58. If a deduction is made from a bond before the *livestock* have left the *municipal district*, the *permit holder* must, within 48 hours, make further payment to maintain the amount of the bond at the prescribed amount.
59. In the event of the cost to *Council* of repairing any damage exceeding the amount of the bond, the *applicant* must pay the outstanding amount to *Council* and *Council* may serve a *notice to comply* on the *applicant*.

## Issue of Permits

60. *Council* may:
- 60.1. issue a *permit*, with or without conditions; or
  - 60.2. refuse to issue a *permit*.

## Duration of Permits

61. A *permit* is in force until the expiry date indicated on the *permit*, unless it is cancelled before the expiry date.

## Conditional Permits

62. In addition to any other conditions which it may impose, *Council* may include in a *permit* or *exemption* other conditions which it considers to be appropriate, including conditions relating to:
- 62.1. a time limit to be applied either specifying the duration, commencement or completion date;
  - 62.2. the happening of an event;
  - 62.3. the rectification, remedying or restoration of a situation or circumstance;



- 62.4. where the *applicant* is not the owner of the subject property, the written consent of the owner; and
- 62.5. the granting of some other permit or authorisation.
- 63. Apart from any mandatory provisions or conditions under this Local Law, the conditions of a *permit* must be set out in or attached to the *permit*.
- 64. *Council* may, during the currency of *permit*, alter the conditions of a *permit* if it considers it to be appropriate to do so, after providing the *permit holder* with an opportunity to make comment on the proposed alteration.
- 65. A person who undertakes an activity for which *Council* has issued a *permit* must comply with the conditions of the *permit*.
- 66. Where an *Authorised Officer* considers that doubt arises as to the health and/or fitness of *livestock* to be grazed or moved within the *municipal district* without potential adverse health effect to other *livestock* in the *municipal district*, he or she may require the owner, drover or person in charge of the *livestock* being or proposed to be grazed or moved to have the *livestock* examined by a suitable veterinary practitioner appointed by *Council* for the purpose at the cost of the owner, drover or person in charge of that *livestock*.
- 67. In the event that the veterinary practitioner confirms that the *livestock* are unhealthy or unfit to be grazed or moved in the *municipal district*, the *Authorised Officer* may refuse to allow such droving, grazing or movement.

### **Cancellation of a Permit**

- 68. *Council* may cancel a *permit* if it considers that:
  - 68.1. there has been a serious or ongoing breach of any condition of the *permit*; or
  - 68.2. a *notice to comply* has been issued, but not complied with within seven days after the time specified in the notice for compliance; or
  - 68.3. there was a significant error or misrepresentation in the application for the *permit*; or
  - 68.4. in the circumstances, the *permit* should be cancelled.
- 69. Before cancellation of a *permit*, *Council* will provide to the *permit holder* an opportunity to make comment on the proposed cancellation.
- 70. If a *permit holder* is not the owner of the land and the owner's written consent was required to be given to the application for the *permit*, the owner must be notified of any *notice to comply* and of the reason why it has been served.



### Correction of Permits

71. Council may correct a *permit* in relation to:
- 71.1. an unintentional error or an omission; or
  - 71.2. an evident material miscalculation or an evident material mistake of description of a person, thing or property.
72. Council must notify a *permit holder* in writing of any correction.

### Exemptions

73. Council may by written notice exempt any person or class of persons from the requirement to have a *permit*, either generally or at specified times.
74. An *exemption* may be granted subject to conditions.
75. A person must comply with the conditions of an *exemption*.
76. An *exemption* may be cancelled or corrected as if it were a *permit*.
77. Despite any provision in this Local Law requiring a *permit* to undertake any particular activity, no offence will arise where Council or its delegate has granted an *exemption* from the requirements to hold any such *permit* and the holder of that *exemption* carries out the activity authorised by, and in accordance with any conditions contained in, that *exemption*.
78. Where compliance with any condition of a *permit* or an *exemption* or other condition arising under this Local Law is impracticable in a particular circumstance, Council may exempt a person from compliance with that condition or vary the condition in a way which is capable of compliance.

### Application Offence

79. A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a *permit* or *exemption* is guilty of an offence.



## Division 2 – Enforcement

### Power of Authorised Officers to Direct - Notice to Comply

80. An *Authorised Officer* may, by a written notice given to a person who appears to be in breach of this local law, direct that person to remedy any situation which constitutes a breach under this local law.

### Time to Comply

81. A *notice to comply* must state the time and date by which the situation must be remedied.
82. The time required by a *Notice to Comply* must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account if applicable:
- 82.1. the amount of work involved;
  - 82.2. the degree of difficulty;
  - 82.3. the availability of necessary materials or other necessary items; climatic conditions; the degree of risk or potential risk; and any other relevant factor.

### Failure to Comply to a Notice to Comply

83. A person who fails to comply with a *notice to comply* served on that person is guilty of an offence.

### Power of Authorised Officer to Act in Urgent Circumstances

84. In urgent circumstances arising as a result of a failure to comply with this local law, an *Authorised Officer* may take action to remove, remedy or rectify a situation without first serving a *notice to comply* if:
- 84.1. the *Authorised Officer* considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice may place a person, animal, property or thing at risk or in danger; and
  - 84.2. wherever possible, a *senior officer* is given prior notice of the proposed action.
85. In deciding whether circumstances are urgent, an *Authorised Officer* must take into consideration, to the extent relevant:



- 85.1. whether it is practicable to contact:
  - 85.1.1. the person by whose default, permission of sufferance the situation has arisen; or
  - 85.1.2. the owner or the occupier of the premises or property affected; and
- 85.2. whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- 86. The action taken by an *Authorised Officer* under clause 84 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- 87. An *Authorised Officer* who takes action under clause 84 must ensure that, as soon as practicable details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken.

#### **Power of Authorised Officer to Impound**

- 88. An *Authorised Officer* may impound *livestock* which is on a *road* other than in accordance with this Local Law.
- 89. Any *livestock* impounded by an *Authorised Officer* must be dealt with in accordance with the *Impounding of Livestock Act 1994*.

#### **Infringement Notices**

- 90. As an alternative to prosecution, an *Authorised Officer* may serve an infringement notice (carrying a penalty of three *penalty units*) on a person who:
  - 90.1. has contravened; or
  - 90.2. is reasonably suspected of contravening this Local Law.

#### **Reviewing a Notice**

- 91. All requests for Infringement Notice review will be dealt with by way of *Council's* Infringement Review Panel which may withdraw the Infringement Notice, deal with the Infringement Notice by way of official warning, extend due date to allow additional time for payment, or to proceed with prosecution of the offence.
- 92. Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the Infringement Notice



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### Maximum Penalty

93. The following maximum penalty applies to any failure to comply with a provision of this Local Law in respect of which no separate penalty is specified:
- 93.1. First Offence -10 *penalty units*; and
  - 93.2. Second Offence - 20 *penalty units*; and
  - 93.3. a further 2 *penalty units* for each day during which the offence continues after the conviction for the offence.



Resolution for making this Local Law was agreed to by the Colac Otway Shire Council on the 28 August 2013.

**SIGNED SEALED AND DELIVERED**

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)

The COMMON SEAL of the Colac Otway Shire Council was affixed in accordance with its Local Law No 4

.....

Chief Executive Officer

This ..... day of ..... 20 .....

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the ..... and the ..... respectively.

Public notice of the proposal to make and confirmation of the making of this Local Law were inserted in the ..... on ..... and ..... respectively.

A copy of this Local Law was sent to the Minister for Local Government on .....



## Livestock Local Law

### Schedule

### Standards

#### Introduction

The following Standards have been prepared to assist with the interpretation of this Local Law. Additional documentation is available from *Council's* Local Law Unit, to assist *livestock* owners comply with the provisions of this Local Law. E.g. VicRoads *regulations*, *Impounding of Livestock Act* 1994 and VicRoads signage and lighting *guidelines* and environmental issues.

#### Standard No. 1 Crossing the road/regular movement across roads

1. Where *livestock* are to be moved to a property across a *road*:
  - 1.1 *livestock* movements must be at (or as near as possible to) 90 degrees to the direction of the *road*; and
  - 1.2 no wires, strings, tapes or other things are used to form a laneway or temporary fence across a carriage way.

#### Standard No. 2 Construction of stock crossings, access laneways & fences

1. *Road* crossings are to be constructed to ensure:
  - 1.3 municipal assets, drains etc. are not damaged: and
  - 1.4 the safety of other *road* users is considered when sighting the crossing (sight distances, signs, etc); and
  - 1.5 culvert sizes are adequate; and
  - 1.6 there is a minimum damage to native vegetation.
2. *Livestock* owners wishing to construct a crossing can contact appropriate *Council* officers for advice and on-site discussion on their proposal.



Pirron Yallock Recreation Reserve and  
Swan Marsh Tennis Reserve

# DRAFT Master Plan

prepared for the  
Colac Otway Shire

Master Plan Report  
MAY 2013





## **Acknowledgements**

The project acknowledges the traditional owners of the land that the Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Reserve is located, the Guldjan of the Maar (Mara) Nation.

*InsideEDGE Sport and Leisure Planning* also wishes to acknowledge the support and assistance provided on this project by:

- The Colac Otway Shire
- The Swan Marsh Hall and Tennis Reserve Committee of Management
- The Pirron Yallock Recreation Reserve Committee of Management
- Stoneyford Cricket Club
- Colac Otway Rovers AFC
- Swan Marsh Tennis Club
- The Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve Master Plan Sub Committee:
  - ✦ Ian Sueren, Manager Recreation, Arts and Culture, Colac Otway Shire
  - ✦ Mick Cosgriff, Economic Development Officer, Colac Otway Shire
  - ✦ Brett Ryan, Swan Marsh Tennis Club and Swan Marsh Hall and Tennis Reserve Committee
  - ✦ Kevin Boyd, Pirron Yallock Recreation Reserve Committee of Management and Stoneyford Cricket Club
  - ✦ Michael Rafaniello, Colac and District Cricket Association
  - ✦ Dave Latham, Colac Otway Rovers AFC
- Other stakeholders and user group representatives who were interviewed for this project.

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# 1 | INTRODUCTION

## 1.1 The project

The purpose of the project was to prepare Master Plans for the Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Reserve, incorporating a review of the existing site conditions, land ownership, past history and the future needs and aspirations of key user groups at both Reserves.

Separate visual plans have been developed for both Reserves but will be combined into one document due to their close proximity to each other and relationship in providing sport and recreation opportunities in a rural township. The Master Plans will provide guidance for the Pirron Yallock Recreation Reserve Committee of Management, Swan Marsh Hall and Tennis Reserve Committee of Management, Colac Otway Shire, Department of Sustainability and Environment (DSE), and other key stakeholders, in enhancing and improving Reserve facilities and amenities for the benefit of the local community.

In particular, the Master Plans consider the views and preferences of existing users and the local Swan Marsh community and surrounding District, as well as the capacity of potential funding providers to deliver recommended actions. Specific consideration is given to improving the functionality and aesthetic value at both Reserves, and to determine the feasibility of relocating the tennis courts to the Recreation Reserve and converting the existing tennis courts to an informal recreation space.

A range of plans, strategies and local preferences referencing future directions for both Reserves have been reviewed in preparation of this Master Plan. Key documents include: Colac Otway Shire Recreation Strategy (2006-2010), Colac Otway Shire Tennis Facility Audit and Development Plan, Colac Otway Shire Open Space Strategy (2011), Swan Marsh Pride of Place Urban Design Framework and the Colac Otway Shire Rural Living Strategy. Minutes and previous decisions undertaken by the Swan Marsh Hall and Tennis Reserve Committee of Management regarding the future direction of local sport and recreation infrastructure have also been reviewed.

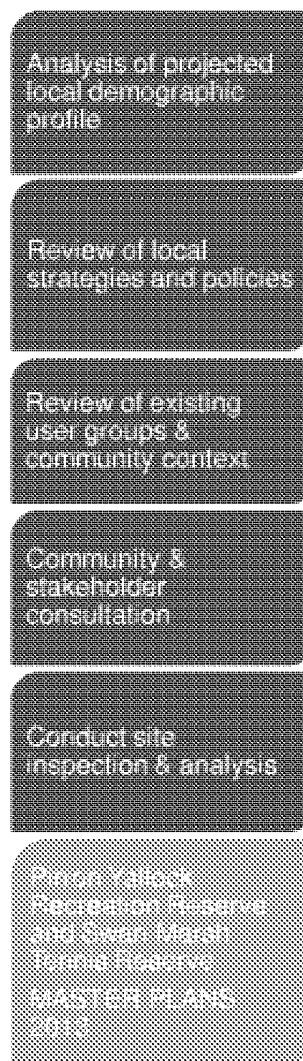
A focus of the Master Plan was to identify and prioritise future infrastructure improvements to increase the capacity of the Pirron Yallock Recreation Reserve and prepare a cost plan and funding options for any major future facility improvement projects.

The development of a clear future directions plan for both Reserves, along with a program of priority works

and associated costs was a key deliverable of the project and is provided in Section 5.4.

### 1.1.1 Master Plan process

The following process was undertaken in the development of the Master Plan.





## **1.2 Project consultation**

The development of the Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve Master Plan involved consultation and engagement with Local Government representatives, both Committees of Management, existing user groups, local sporting leagues and associations, and other key stakeholders.

The following consultation activities were undertaken in order to identify current and potential user group needs and future priorities regarding the use and function of the Reserves.

- Meetings with Colac Otway Shire Council Officers;
- Meetings with the Master Plan Sub Committee;
- Meeting with the Swan Marsh Tennis Club;
- Meeting with the Colac Otway Rovers AFC;
- On site meeting with members of the Swan Marsh Hall and Tennis Reserve Committee and the Pirron Yallock Recreation Reserve Committee;
- Site inspection of both Reserves and the Swan Marsh township with members of both Committees;
- Phone interviews with the local Councillor, members of the Reserve Committees of Management, local sporting clubs and other key user groups and;
- Review of Draft Master Plan Concepts by representatives of the Master Plan Sub Committee.



## 2 | LOCATION AND CONTEXT

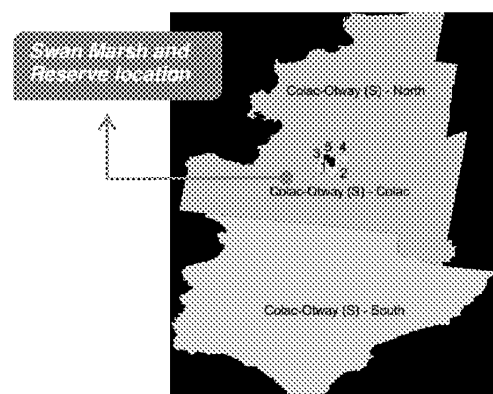
### 2.1 Location

The Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Reserve are located 2km apart on the Swan Marsh Road in the Rural South area of the Colac Otway Shire, approximately 165km south-west of Melbourne and 20km west of Colac.

Swan Marsh is a small, picturesque town situated on volcanic plain and surrounded by farms and accessible to two major regional centres in Geelong and Ballarat.

A location map of Swan Marsh is provided below.

**Figure 1 – Swan Marsh and Reserve location**



Map source: Department of Planning and Community Development  
[www.dpcd.vic.gov.au/localgovernment](http://www.dpcd.vic.gov.au/localgovernment)

The Colac Otway Shire is a rural, residential and resort area. The Shire encompasses a total land area of 3,250 square kilometres, of which a large proportion is State Forest and National Park, including beaches, coastline, rainforests, waterfalls, lakes and craters. Much of the rural area is used for agriculture, with farming, cropping and dairying being the main agricultural pursuits.

The Shire has two main townships, with many small villages and localities. The largest town is Colac, which serves as an administrative, retail and commercial centre. The other major township is Apollo Bay, which serves as the major tourism centre.

Swan Marsh is a small rural community consisting of approximately 14 dwellings, a primary school (not in use), tennis courts, park and public hall. Surrounding land in all directions is used for agricultural purposes with the predominant land use being dairy farming.

There is limited service provision with no gas, reticulated sewerage or wastewater services. Most lots are already developed with approximately 3 vacant lots remaining and future potential growth is considered low due to the lack of services and the high value of surrounding agricultural land.

The Swan Marsh Tennis Courts are located in the centre of town on Swan Marsh Road opposite the Public Hall and are zoned Public Parks and Recreation. The tennis courts are governed by the Swan Marsh Hall and Tennis Committee of Management and operated by the Swan Marsh Tennis Club. The tennis courts are also used as a place for the local children to ride bikes away from the dangers of the main road.

The Pirron Yallock Recreation Reserve is located closer to the town of Swan Marsh than it is the township of Pirron Yallock and was once called the Pirron Yallock West Recreation Reserve. The Reserve has a senior size turf sports oval (with a synthetic cricket pitch), clubrooms and cricket nets and is home to the local cricket club and soccer club.

It will be important for any future development and improvement of both Reserves to recognise the purpose of its original provision including that of both formal and informal recreation and leisure space.

### 2.2 Local Sporting Context

**Sport in rural townships like Swan Marsh and Pirron Yallock is the lifeblood of the community.**

Sport connects people and contributes greatly to the social, culture, health and wellbeing of the local community.

With only small increases in the population of these towns expected and with no development potential due to the planning restrictions, maintaining and improving existing key sporting and community infrastructure will be important to sustaining participation in sport.

The redevelopment and consolidation of sporting infrastructure at the Recreation Reserve and Tennis Reserve is seen as a high priority to enable these areas to continue to provide for local sporting and recreation needs, and also to provide a flexible and versatile space that is capable of meeting the needs of non-sporting groups.

The sports of AFL, cricket and netball dominate the area, with only latent demand for soccer and tennis.



## **2.3 Swan Marsh Tennis Reserve**

The Swan Marsh Tennis Reserve is situated on Council Land and is the responsibility of the Swan Marsh Hall and Tennis Reserve Committee under a Section 86 Committee of Management. The Swan Marsh Tennis Club operates the courts by offering access for both social and competition tennis.

The Tennis Reserve is approximately 37m in length and 35m wide and incorporates two tennis courts, small grass area and a small shelter and spectator area.

The land immediately surrounding the Tennis Reserve is all privately owned, with the exception of the road reserve to the north. The Tennis Reserve is bordered by a residential property to the west side, private farmland to the south and the former CFA shed to the east, which is now privately owned. The existing facilities were constructed in the 1960's and have only received minor upgrade and maintenance along the way.

The Swan Marsh Tennis Club carries out all regular maintenance functions including court upgrades, building improvements and facilitating access. General maintenance and other minor improvement works at the Tennis Reserve and the Hall are undertaken by the Committee of Management.

The facilities and structures at the Tennis Reserve are very basic. They include a two court asphalt surface with a sub standard base, line marking, perimeter fencing and netting. A modest shelter with a small kitchenette and outdoor covered spectator area is also present.

The use of the Reserve is limited due to the current condition of the courts and closure of the primary school and decline in tennis activity in the town over the past few years. The courts are used for social tennis on a weekly basis and the Swan Marsh Tennis Club has one team registered in the Polwarth and District Tennis Association Summer Competition. The Tennis Reserve is also used for informal activities for children such as bike riding and casual ball games.

The Tennis Reserve Land is categorised as a sports reserve and zoned PPRZ (Public Park and Recreation Zone). It will be important for any future development and improvement of the Reserve to recognise the purpose of its original provision.

*Refer to Appendix 1: Swan Marsh Tennis Reserve -- Site Analysis Plan for visual representation of existing facilities and site configuration.*

## **2.4 Pirron Yallock Recreation Reserve**

The Pirron Yallock Recreation Reserve is a 2.7ha site located on Council Land 2km east of the Swan Marsh Tennis Reserve. The Reserve is managed and maintained by the Recreation Reserve Committee under a Section 86 Committee of Management.

The Recreation Reserve Committee of Management carries out all regular maintenance functions including oval maintenance, building improvements and equipment upgrades. Maintenance and other minor improvement works at the Reserve is subsidised by the Colac Otway Shire via an annual grant of approximately \$2,000 per annum.

In September 2012 Council were forced to close access to the clubrooms at the Reserve due to unsafe and unauthorised building works. The building is unsafe and under regulations and will be closed until a decision is made by Council to either restore or demolish and rebuild. Council is working with the tenant Clubs on providing temporary accommodation and this matter is being considered separately to the Master Plan process.

The facilities and structures provided at the Recreation Reserve include:

- Main oval with a synthetic cricket pitch and timber fence;
- Pavilion including change rooms, kitchen and kiosk, social area. The kitchen was recently upgraded via a grant received in 2008.
- Separate storage area for maintenance equipment;
- A brick toilet block;
- Water storage tanks and
- Car parking areas (unsealed) and unsealed internal roadways.

*Refer to Appendix 1a: Pirron Yallock Recreation Reserve -- Site Analysis Plan for visual representation of existing facilities and site configuration.*



## **2.5 User groups and key stakeholders**

The permanent users of the Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Reserve are the Stonyford Cricket Club, Colac Otway AFC and the Swan Marsh Tennis Club.

A summary of the role and function of the Committees of Management, key user groups, and other stakeholders is provided below.

### **Swan Marsh Hall and Tennis Reserve Committee of Management**

The Swan Marsh Hall and Tennis Reserve Committee of Management is a S86 Committee of Management under the delegation of the Colac Otway Shire.

The Committee comprises representatives from a number of community based clubs and organisation in the District and is seen by many as a link between community and local government. The Committee is responsible for the management, maintenance and usage of the Swan Marsh Hall and Tennis Reserve and considers any development proposals at these sites.

The original hall was built in 1901 and used as a school and public hall between 1903 to 1911. The current hall was built and opened in 1937. The tennis courts were originally leased by the Colac Dairying Company to the Tennis Committee for 99 years and in 1954 were sold to the trustees of the Committee.

### **Swan Marsh Tennis Club**

The Swan Marsh Tennis Club currently has fourteen active members and one team registered in the Polwarth and District Tennis Association Summer Competition.

The Club is run by elected committee members and the current Executive Committee has been in office since September 2012. In approximately 2002 the Club went into recess due to low membership numbers but recommenced operation again in approximately 2004.

From 2004 to 2011 the Club had one junior and one senior team registered in the Polwarth and District Competition but have since withdrawn the junior team due to a lack of numbers.

The Tennis Club have a view of promoting social tennis and access to courts and introducing social membership options to increase the use of the courts. The Club runs a working bee twice a year to clean and maintain the surrounds and relime the court.

The Club is aware that the courts are not meeting minimum requirements and require significant work to improve the surface and run off areas.

The Club values the importance of retaining community infrastructure to support the township of Swan Marsh and are concerned about the town losing its identity if the existing courts are relocated. Despite this the Club recently resolved to support the relocation of the tennis courts to the Pirron Yallock Recreation Reserve via the Master Plan to assist in their future development and maximise shared funding opportunities with other local sporting groups.

### **Pirron Yallock Recreation Reserve Committee of Management**

The Pirron Yallock Recreation Reserve Committee of Management is a S86 Committee of Management under the delegation of the Colac Otway Shire.

The Committee comprises representatives from the tenant sporting clubs occupying the Reserve including the Stonyford Cricket Club and Colac Otway Rovers AFC. The Committee is responsible for the management, maintenance and usage of the Pirron Yallock Recreation Reserve.

### **Stonyford Cricket Club**

The Stonyford Cricket Club is the permanent summer tenant at the Pirron Yallock Recreation Reserve playing between October and March each season. The Club currently has 26 junior players, 40 senior players, 13 life members and 10 non playing members.

The Club was founded in 1938-39 playing in a farmers paddock behind the Stonyford post office. In 1970 the Club moved to the Pirron Yallock Recreation Reserve and in 1974 joined the Colac Cricket Association, entering two senior teams. In 1960 the Club entered its first junior team. Today, the Club has 5 sides (3 senior and 2 junior) competing in the Colac Cricket Association.

The lower senior grades occupy the Alvie Primary School, which is in poor condition, undersized, has no supporting amenities and is approximate 20km away from the Pirron Yallock Recreation Reserve.

### **Colac Otway Rovers AFC**

The Colac Otway Rovers AFC (Soccer) was formed in 2003 and is the winter tenant at the Reserve and has one senior team competing in the Football Federation Victoria (FFV) Geelong Region.

The Club is currently the only soccer club within the region and the only rural based club within the FFV Geelong Region League.

The Club has no junior team and has run small sided football in the past without developing a sustainable junior competition. The Club plans to offer a small sided football program over summer (starting in January 2013) to avoid any conflicting demands with popular winter sports such as AFL.

The Club play home matches at Pirron Yallock and train under lights at Central Reserve in Colac.



The Club has a vision to establish a Club that:

- Promotes and develops football in a safe, encouraging and inclusive environment within the Colac Otway region;
- Offers an alternative winter team sporting opportunity;
- Provides positive and well-structured training opportunities for players, coaches and referees of all abilities and ages in the region and;
- Provides a competitive environment that facilitates the identification and development of talented players, coaches and referees.

There is also a strong focus on growing participation through the provision of quality facilities and promotion of accessible programs, particularly in the area of youth and female soccer competition.

There have been informal discussions between the Club and the Colac Otway Shire to relocate the Club into Colac to increase the Club's profile and attract more players. The Club's preference is to remain at Pirron Yallock in the short to medium term and grow participation on the back of potentially redeveloped clubrooms. This is supported by FFV.

#### **Football Federation Victoria (FFV)**

FFV is the peak football (soccer) body, responsible for the planning delivery and development of the game in the state. FFV implements football programs and competitions in a number of different regions across the state. The Colac Otway Rovers AFC is affiliated with FFV and has one men's team competing in FFV's Geelong Region (Division 3).

Colac Otway AFC play in the Geelong Region FFV competition, having previously run its own soccer association which at its peak had over 200 players. FFV has a view that soccer can increase its profile and player numbers at the Pirron Yallock Recreation Reserve with the right planning, competition pathways and development programs in place.

FFV believes that Pirron Yallock is a good venue for soccer and will continue to work with the Club to identify the most appropriate competition pathways and alignments to ensure the game develops in the south west region.

#### **Colac Otway Shire**

The Swan Marsh Tennis Reserve and the Pirron Yallock Recreation Reserve is located on Council Land within the Colac Otway Shire.

The Shire contributed funding for the development of the Master Plans, provides an annual maintenance contribution to the Recreation Reserve Committee and in 2006 provided matching funds for a kitchen upgrade to the clubrooms at the Reserve.



### 3 | POLICY CONTEXT

Existing operations and the proposed future development of the Reserves will be guided by a number of key planning inputs and conditions. These include projected community and social needs and local priorities. A brief summary of their impacts and influences on this Master Plan is provided below.

#### 3.1 Local Context

Figure 2 – Rural South Area



Source: Image courtesy of NASA, Microsoft 2010.

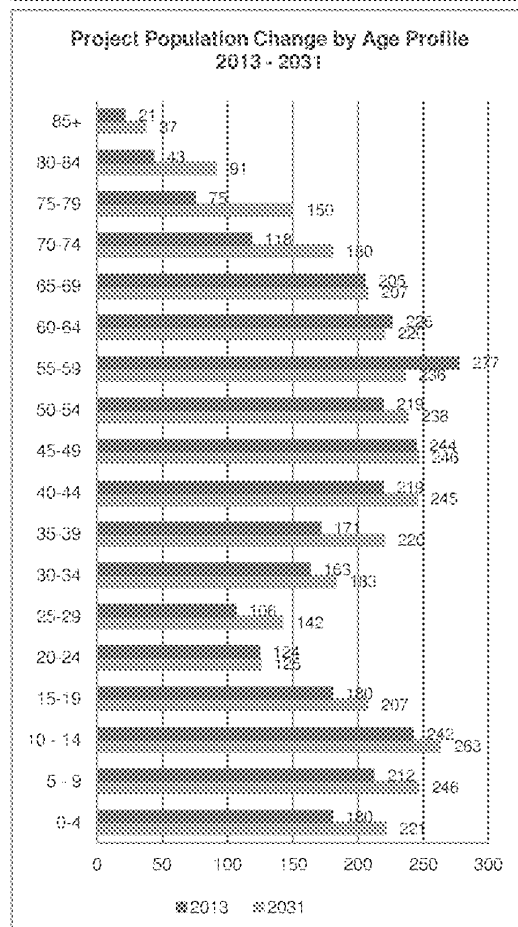
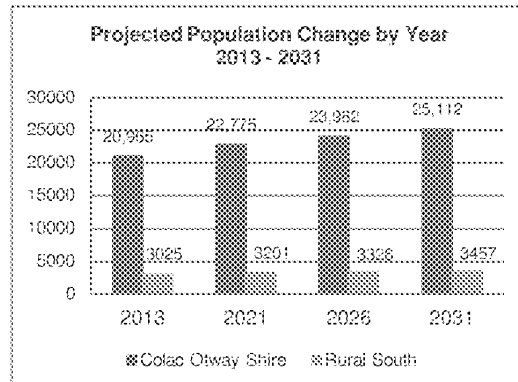
The townships of Pirron Yallock and Swan Marsh are located in the Rural South area of Colac Otway Shire situated in the Barwon South West region of Victoria, approximately 165km from Melbourne's CBD.

The Rural South area is bounded by the Elliminyt small area, Browns Lane and Deepdene Road in the north, Surf Coast Shire in the east, the Great Ocean Road-Otways small area in the south and Corangamite Shire in the west.

Key population centres of the Rural South area include Pirron Yallock, Swan Marsh, Gellibrand, Forrest and Barwon Downs. The Colac Township is accessible from Melbourne via the Princess Freeway and is a transit town for travellers to Apollo Bay and Lorne on the Surf Coast, providing for an opportunity to engage with holiday makers.

The current population of the Rural South area is 3025. According to ID Forecast the population will increase moderately by 14% (an additional 432 residents) to reach 3,457 by 2031. In comparison, the total population of Colac Otway Shire will increase by 20% to 25,112 over the same period. The Rural South will contribute 14% to the total municipal population in 2013 and is predicted to remain unchanged at 14% in 2031.

2013 population projections indicate that the Rural South area comprises 27% children aged 0-19 years, 19% young adults aged 20-39 years, 35% aged 40-64 years and 15% in the older adult cohort aged 65 years +.





## 3.2 Demographic Characteristics

A summary of key demographic influences and implications for consideration in the Master Plans is provided below:

- To 2031 the Rural South will experience only a slight increase in population and a decline in residents aged 40-64 years. The provision of high quality and accessible open space options is likely to assist in the retention of residents.
- The highest increase in population projected is to be experienced by older adults aged 65+. Targeted participation and infrastructure opportunities to ensure older adults can remain active will be a key focus area for Council.
- The high indicators of disadvantage in the Rural South area, and more couples with children compared to the wider municipality, is likely to create increased demand for provision of affordable family friendly sport and recreation programs and services.
- The closest schools to Pirron Yallock and Swan Marsh are located 13km away in Colac West. The lack of schools within close proximity to the sites represents a significant challenge in maximising the utilisation of any proposed future developments and therefore other connections to youth markets will need to be explored.
- The local cricket and soccer clubs draw on players outside the local townships, with many traveling from Colac to participate in their chosen activity.

## 3.3 Policy Context

The following strategies, plans and documents were reviewed as part of the development of the Master Plan.

A summary of their impact, influence and relationships to the project is provided below.

### 3.3.1 Colac Otway Shire Recreation Strategy (2006-2010)

The Colac Otway Shire Recreation Strategy 2006-2010 aims to provide direction through a detailed Strategic Plan which clearly defines objectives, strategies and actions, in response to identified sporting and recreation needs and issues.

The development of the Recreation Strategy involved a consultation process which included resident's surveys and township focus groups. The strategy highlighted the significance of the ageing population of the Shire and predicted a negative impact on participation in organised sporting activities. It also identified the need for a greater emphasis on non-competitive, passive and informal recreation opportunities and increased community expectations around the quality of facilities provided by Council.

In relation to the Pirron Yallock Recreation Reserve, the strategy identified a lack of water to irrigate the oval, new kitchen (upgrade recently completed) and water tanks and a longer term need for additional cricket nets as the main priorities.

### 3.3.2 Colac Otway Public Open Space Strategy

In July 2011, the Colac Otway Shire developed a public open space strategy. The aim of the strategy was to provide a widely varied and sustainable network of open spaces which meets the needs of a diverse community for recreation, sporting and social opportunities as well as protecting and enhancing important flora, fauna and landscape values.

The Strategy identified that the rural south is unlikely to experience significant growth to 2031 and there is excellent provision of public open space with some opportunity for improvement in the quality of the environments and improved connections to link localities in outlying areas with key open space sites.

The strategy identifies the Pirron Yallock Recreation Reserve as a 2.7ha Neighbourhood Reserve and recommends that Council continue to upgrade the Reserve in accordance with the Reserve Master Plan 2007.

The strategy also recommends an investigation into whether the tennis facilities in Swan Marsh can be accommodated at the Recreation Reserve and if the existing tennis courts at Swan Marsh could be redeveloped to provide for informal ball play, children's bike riding and picnic facilities.

### 3.3.3 Colac Otway Regional Recreation Reserves Master Plan (2007)

In 2007, Council undertook a Regional Recreation Reserves Master Planning exercise which audited each regional recreation reserve and made recommendations on possible improvements to enhance the functionality and standard of facility provision in the smaller towns within the Shire.

The Master Plan for the Pirron Yallock Recreation Reserve identified the following priorities:

- Realign the main entrance to the Reserve to allow for safer vehicular access;
- Reconstruct synthetic cricket wicket;
- Remove north most oval perimeter fence to accommodate larger soccer pitches and remove gravel roadway and turf;



- Addition of lighting to soccer night match standard;
- Commission a new bore to irrigate the oval and;
- Upgrade kitchen (recently completed) and construct second storey balcony.

Works completed to date include an upgrade to the kitchen facilities, new cricket wicket and removal of the north most perimeter fence to expand the multipurpose use of the oval.

The new Master Plan for the Pirron Yallock Recreation Reserve will involve a review of recommendations that have not currently been addressed and will test the future needs and priorities through consultation with key stakeholders.

### **3.3.4 Colac Otway Tennis Facility Audit and Development Plan (2011)**

Colac Otway Shire commissioned the preparation of a Tennis Facility Audit and Development Plan, primarily to identify the future needs, demands, and trends for tennis within the Shire and the broader community.

The audit identified several issues with the current tennis courts at Swan Marsh including pavement failure, compliance issues and below standard facility requirements and recommended a full court reconstruction at a cost of \$172,500. This includes new pavement and drainage construction, fence and net post replacement and expanding the court footprint. The audit also identified Swan Marsh as a strategically valuable site, catering for the western population areas of the Shire, particularly with defunct sites at Pirron Yallock and Bungador and the recent demise of nearby Larpent.

### **3.3.5 Colac Otway Rural Living Strategy (2011)**

The Colac Otway Rural Living Strategy was developed to provide a land use framework to guide the current and future management of rural living land and rural settlements throughout the Shire. The study outlines the objectives, strategy and recommendations to implement Council's preferred approach to management of future rural living opportunities and rural settlements.

The key findings and recommendations for Swan Marsh and Pirron Yallock which have implications for the sport and recreation needs of the town include no expected change in population numbers and no recommended expansion of the township due to a lack of services and infrastructure and the high value of surrounding agricultural land.

### **3.3.6 Pride of Place Urban Design Framework -- Swan Marsh (Reviewed 2008)**

The Pride of Place Urban Design Framework for Swan Marsh was initially prepared in 2001 and its actions and recommendations reviewed in 2008.

The document was prepared as a basis for identifying the existing character of the township, identifying problems within the structure of the township, establishing a framework for the future direction of urban design development and to recommend design concepts and actions to be undertaken in the short, medium and long term (Master Plan).

The priorities for the township identified as part of the 2008 Master Plan Review include resealing of the tennis courts, defined car parking in front of the tennis courts and construction of a small playground at the back of the tennis courts. These items will be considered in the development of this Master Plan.

### **3.3.7 G21 Regional Football (Soccer) Strategy**

The G21 Regional Football (Soccer) Strategy addresses issues and challenges facing soccer in the G21 Region and also identifies opportunities for improved infrastructure and sports development programs.

The strategy focuses on five key areas for improvement including alignment of football planning, participation pathways, facility management, club management and support, and resourcing and partnering.

Key recommendations and future directions from the strategy impacting on the development of this Master include:

- Pirron Yallock Recreation Reserve should continue to serve as the main base for Colac Otway Rovers AFC activities in the Shire in the short to medium term and seek a long-term solution to provide a main facility base for the Club within the Colac township.
- FFV to work with Colac Otway Shire Council and the Colac Otway Rovers AFC to develop a participation strategy to recapture lost players and grow soccer in the Colac area;
- Council to assist Colac Otway Rovers AFC to link with Bluewater Fitness Centre, the Geelong Futsal Competitions and FFV to develop a G21 wide Futsal program across the existing network of indoor sports stadiums (being Bluewater Fitness Centre and Apollo Bay P12 College).
- Council to support Colac Otway Rovers AFC and FFV to develop club administrative structures which enable the growth and sustainability of the Club.
- Advocate for Council funds to support the proposed Pirron Yallock Recreation Reserve ground realignment and development and support any Colac Otway Rovers applications made to external grant funding bodies.



## 4 | SITE ANALYSIS

To identify the current condition and status of the Swan Marsh Tennis Reserve and the Pirron Yallock Recreation Reserve a detailed site inspection was conducted by the InsideEDGE Project Team in September 2012 and again in January 2013.

As previously mentioned the Colac Otway Shire recently closed the pavilion at the Recreation Reserve due to several safety and risk management issues identified by Council's Building Surveyor.

Building inspections, audits and service reports have been prepared recently on infrastructure at both the Tennis Reserve and Recreation Reserve to identify any safety, structural or compliance issues and development opportunities. Findings and key outcomes from these reports will be discussed further on in this section.

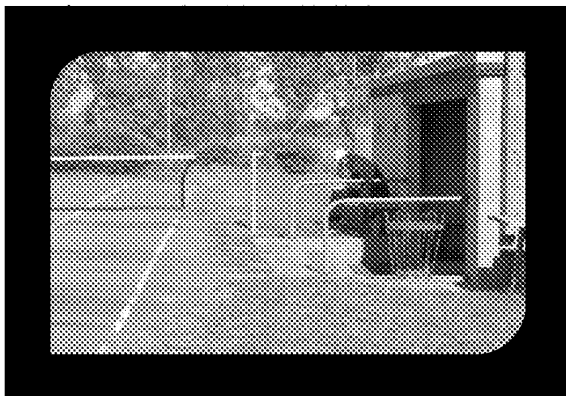
An aerial view of the site and a visual representation of the Tennis Reserve and the Recreation Reserve have been prepared in Appendix 1 and Appendix 1a to inform future priorities

### 4.1 Key Issues

The following section provides a summary of observations and issues at both sites from extensive site analysis and information provided by groups involved in the project consultation phase.

#### 4.1.1 Swan Marsh Tennis Reserve

Site issues identified at the Swan Marsh Tennis Reserve incorporate the tennis court surface, available land area to meet facility requirements, perimeter fencing, clubrooms and supporting amenities and adjacent land.



#### Court infrastructure

The Colac Otway Tennis Facility Audit and Development Plan identified Court 1 (west court) as not meeting minimum distance requirements for run off. The current run off area on the west side of the court is 0.6 meters, approximately 3 metres short of compliance standards for recreational tennis. The run off area is occupied by a grass verge, handrails and the clubrooms (see above photo).

Any future redevelopment of the tennis courts would require adequate space to meet minimum standards. A recent survey of the site confirmed that the available land area allows for the construction of two courts to minimum standard but does not provide adequate space for a clubroom, spectator amenity or floodlights.

The Tennis Club identified the need to consult with Council for assistance with maintenance and repairs of the court surface and surrounds to ensure the courts remain safe for competition and public use.

#### Tennis audit observations

The Colac Otway Tennis Facility Audit and Development Plan also identified general facility issues at the site and recommended priority rectification works to address the condition of the court surface, run off areas and fencing.

The following observations were identified during the audit.

- Two asphalt tennis courts, very worn down to loose aggregate in places;
- Courts are cracking in certain areas indicating signs of pavement failure;
- Court line marking is broken and patchy;
- Net posts are fixed in concrete and are in reasonably good condition;
- Space between the courts and the run off area on the western sideline does not meet standards;
- Basic bessa block shelter facility with a small social area, kitchenette and outdoor shaded seating area in poor condition;
- No floodlighting to encourage night time use;
- Rusted chicken wire fence provided without top or bottom rail;
- No formal parking, informal roadside parking only; and
- Residential property boundaries and the CFA border the site which may pose future development issues.



#### **Participation and Future Use**

The Swan Marsh Tennis Club reported a decline in the use of the courts in recent years. The Club currently has one side in the local competition and has lost a number of junior players to the Cororooke Tennis Club.

The Hall and Tennis Reserve Committee of Management believe the tennis courts would be better suited to the Recreation Reserve to consolidate the sport and recreation activities in the local area and capitalise on the existing participation programs at the Reserve being provided by cricket and soccer.

There is limited opportunity to expand the existing footprint of the courts to meet compliance standards and provide new infrastructure due to limited space requirements and adjacent private land ownership issues.

The Committee of Management support the relocation of the tennis courts to the Recreation Reserve and would like to see the existing site converted to an informal recreation space for local children with provision for casual basketball and netball, tennis hit up wall and an area for bike riding and 'kick around'. The space could also be used as a parking area for Hall activities after hours.

The Swan Marsh Tennis Club recently agreed to support the proposed relocation of the tennis courts to the Pirron Yallock Recreation Reserve to consolidate local sporting infrastructure and maximise funding opportunities.

The Swan Marsh Tennis Club, via the Hall and Tennis Committee of Management, received a \$30,000 State Government Grant to resurface the tennis courts as part of an election commitment in 2010.

To date these funds have not been allocated as the cost to undertake a total reconstruction of the courts, as identified in the tennis audit, is in the vicinity of \$175,000. The opportunity to reallocate this funding to the development of new courts at the Pirron Yallock Recreation Reserve should be explored through Master Plan implementation.

#### **4.1.2 Pirron Yallock Recreation Reserve**

Site issues at the Recreation Reserve have been categorised into three key areas for ease of analysis and future implementation by Council and the Reserve Committee of Management. These areas include the main pavilion, playing field and reserve amenities.

In addition to the consultation findings and site inspection of the Recreation Reserve, the following summary of site issues also captures the key findings from the recent building and services reports commissioned by Council, which initiated the current closure of the main pavilion.



- been altered and extended over time through voluntary labour without the appropriate permits, creating several non compliance issues;
- A recent engineer's report indicated that the building alterations undertaken have compromised the integrity of the structure making the building unsafe. The areas of concern include the masonry walls and the bracing along the east wall;
  - The engineers report suggested that due to the significant amount of remedial work required to make the building safe and functional, consideration should be given to demolition and reconstruction of the facility;
  - The electrical report identified several defects with the building switchboard, safety switches and exposed electrical cables, with the most significant issue being the absence of a main earthing system;
  - The plumbing report identified several issues with the septic system, sanitary fixtures, water supply, roofing and mechanical services;
  - Plumbing issues include the drainage outlets from the shower blocks not meeting current health standards, the septic system not being locatable therefore creating difficult maintenance issues, and untreated rainwater being used in the pavilion with high risk contamination issues;
  - Based on a visual inspection the pavilion does not meet universal building design principles and is not DDA compliant. Issues include door widths, lack of sealed pathways from the car park and a dedicated accessible toilet. A detailed access report will be required to provide information and recommendations on non compliance issues.





The public toilets located on site are for Reserve users only and are in very poor condition. The town's public toilets are located at the Hall in Swan Marsh and are maintained by the Hall and Tennis Reserve Committee of Management.

The former netball courts in the south west corner of the site (refer above photo) offers a hard stand area for car parking during winter. This area is being considered as the potential location of the proposed tennis courts;

The Cypress trees along the south west corner of the site will potentially impact the integrity of any proposed tennis courts being constructed on the former netball courts, although root barrier treatment is available to address this issue. Council officers have indicated that these trees can be removed without a permit;

- The ground has good grass cover which is due to minimal use during winter due to a lack of training lights;
- The playing surface is considered high quality due to its evenness and extensive grass cover and is used as a venue for cricket league finals.
- Soccer previously marked a single soccer pitch on the west side of the cricket pitch but have recently used the centre of the oval meaning a cover is now required over the cricket pitch during the winter season;
- There is a bore located behind the toilets and a 25,000 litre tank is used to water the oval via an irrigator. Despite the good condition of the ground, the cricket club advises that there is not enough water available in summer and the tank filling system is insufficient.
- There is an opportunity to relocate the existing cricket pitch further north to better use the vacant space at the north east corner of the site to increase the size of the oval and potentially accommodate a number of small sided football pitches;
- The cricket club is investigating options of constructing a shed on site to accommodate their storage needs;
- Council recently funded the relocation of a portable building on site to accommodate the Club's needs in the short term. The cricket club has requested the Master Plan to inform the location of any future temporary or permanent buildings;
- There is opportunity to connect the Recreation Reserve and the Swan Marsh Tennis Reserve via a pathway along the road reserve. This may require Council acquiring some land to facilitate a safe shared pathway;
- The cricket club is supportive of the relocation of the tennis courts to the Recreation Reserve and believe there are potential economic development benefits and an opportunity to increase female and junior sports participation in the area;





## 4.2. Site Opportunities

The Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve provide a platform for many development opportunities. A number of preferences for development of these sites were identified throughout the consultation process with key stakeholders and user groups.

The following key development opportunities featured highly in the user group consultation and are considered priority developments for the Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve.

### Pirron Yallock Recreation Reserve

- Upgrade / refurbish the existing pavilion or demolish and replace with a new pavilion, having consideration for the use of a modular building, (subject to potential funding) to meet the needs of the local sporting clubs, community groups, people with access and mobility requirements, schools and casual users;
- Demolish the existing external toilet block and incorporate an accessible public toilet facility connected to the new pavilion for school and external community use;
- Consolidate the existing two septic systems for the public toilet block and the pavilion and install a water treatment system to Australian Standards;
- Expand the footprint of the oval further north to accommodate more small sided football pitches and resurface and improve drainage to cater for future increased winter use;
- Increase the capacity of the existing irrigation tank to drought proof the oval and increase water supply to maintain a suitable playing surface during summer;
- Install appropriate black cyclone mesh perimeter fencing around the oval to designate the field of play and ensure safe separation of players and spectators;
- Install sports field lighting on the oval to meet minimum standards for training and facilitate increased winter usage by the soccer club;
- Prepare the former netball court area for the future development of two acrylic hard court tennis courts (one stand alone tennis court and one combined netball and tennis court) and associated infrastructure and car parking;
- The new tennis courts to also accommodate overflow space for SSF, soccer training activities and potentially a Futsal court;
- Improve internal roadways and safe vehicle movement by providing a firm crushed rock or gravel base around the perimeter of the oval;

- Improve the informal playground and activity space throughout the Reserve, subject to available funding and commensurate with local level criteria and expectations) to support active family use;
- Enhance pedestrian connectivity between spaces and desire lines of the Reserve, and improve the pedestrian links from the Recreation Reserve to the Swan Marsh Tennis Reserve;
- Enhance and encourage casual use of the Reserve by providing improved outdoor furniture, seating and benches, shaded areas to view playing fields, and drinking taps and;
- Reserve location and directional signage at the Princess Highway intersection to increase the profile of the Reserve and the tenant clubs.

### Swan Marsh Tennis Reserve

- Decommission the existing tennis courts and develop new tennis courts, clubrooms and car parking at the Pirron Yallock Recreation Reserve to meet the future requirements of the Swan Marsh Tennis Club;
- Demolish the Club's existing tennis pavilion and cyclone fence around the tennis courts and provide an open accessible space for future development;
- Install informal recreation activities on the existing hard stand area that promotes family engagement and physical activity. Activities may include a tennis hit up wall, basketball / netball ring, bike riding and skate area;
- Encourage casual use of the Reserve by providing outdoor furniture, seating and benches, shaded areas and drinking taps;
- Facilitate access after hours to accommodate car parking for Hall meetings and other township activities;



## 5 | FUTURE DIRECTIONS

This section provides a summary of the preferred development options based on the needs of the permanent user groups and an understanding of the requirements of the Swan Marsh and Pirron Yallock community.

Future directions, vision statements and key development principles for the Swan Marsh Tennis Reserve and Pirron Yallock Recreation Reserve have been prepared based on the analysis from previous report sections and from observations made by the consulting team.

One set of vision statements and principles will be used to guide the future development and improvement for both Reserves and actions have been prepared in-line with the vision statement and development opportunities.

### 5.1 Key influences for change

A range of external influences will guide the future direction of both Reserves. Key drivers likely to influence change in the future include:

- Limited Council funding available for future infrastructure improvement or upgrades;
- Minimal implementation of previous plans and strategies relating to the Reserves and township has been achieved;
- Timeline for implementation of the Council's existing Reserves Master Plan, Rural Living Strategy and Public Open Space Plan;
- Meeting local sporting club and association facility requirements for the provision of change rooms and other contemporary facilities and amenities;
- Historically uncoordinated and unauthorised development of the site, resulting in the need for a more coordinated and collaborative vision and implementation plan;
- The need to improve the tennis facilities and infrastructure at both Reserves and consolidation of facilities to reduce development costs and maximise community use and potential funding opportunities; and
- Long term direction for Colac Rovers AFC.

### 5.2 Vision statement

The Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Reserve provide a healthy and welcoming contemporary sport and recreation venue for the existing user groups and the broader Rural South District.

The vision statement can be applied to both Reserves and is based on the following key elements most valued by stakeholder groups and the local community.

These include:

- The family friendly atmosphere and the mix of sport and recreation groups using the facilities;
- Retaining and enhancing important community infrastructure to promote physical activity and encourage more visitations to the area;
- Create a meeting place for people to connect and socialise and;
- The significance of sport in the town and surrounding district.



### **5.3 Improvement principles**

The following principles have been developed to guide the proposed future improvement program at the Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve.

Priority has been given to projects that promote these principles under the key headings of participation, facilities and infrastructure and community access and ownership.

#### **Maximise participation**

- Provide facilities and infrastructure that promotes junior and female participation, informal play and social interaction;
- Multi-sport functionality of active playing fields, clubroom and change room development and shared social, spectator and amenity areas and;
- Provide facilities that cater for a variety of activities and ensure the design of any new facility accommodates the needs of existing local sporting clubs including tennis, cricket and soccer activities.

#### **Facilities and infrastructure**

- Recognise the role and function of existing community infrastructure i.e. Swan Marsh Public Hall, and ensure any future development avoids duplication of facilities;
- Consolidate key sport and recreation infrastructure to a single site to maximise participation and provide greater external funding opportunities;
- Utilise environmentally friendly and sustainable design principles for water, energy consumption and building materials, in line with the Colac Otway Rural Living Strategy;
- Create spaces that are fit for purpose, meet the minimum standard for facility development, and are safe, useable and can be easily maintained and;
- Utilise Universal Design and access principles.

#### **Community access and ownership**

- Ensure future site or building improvements support increased community use, access, functionality and visual amenity;
- Promote a sense of place and community for people of all ages and for families;
- Encourage future use and management opportunities that increase partnerships between all site stakeholders, including Colac Otway Shire and DSE and,
- Ensure future enhancement provides strong connection with the Colac Otway Public Open Space Strategy and Regional Recreation Reserves Master Plan and creates a sense of ownership of the Recreation Reserve from the local community.



## 6 | MASTER PLAN IMPLEMENTATION

### 6.1 Key priorities

To ensure that the vision for the Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Reserve, - to provide a healthy and welcoming contemporary sport and recreation venue for the existing user groups and the broader Barwon South West District - is realised, there are a number of priority actions that need to be owned, managed and implemented within a timely and efficient manner.

The following provides a breakdown of future priorities tailored to achieving the best outcome for both Reserves, key stakeholders, and the local community.

1. Ensure the basic needs and requirements of existing sporting groups at the Pirron Yallock Recreation Reserve are adequately catered for in the current temporary facilities on site to support ongoing operations;
2. Undertake detailed planning for the development of a new multi-purpose community sports facility at the Pirron Yallock Recreation Reserve and plan to remove any residual non-functional buildings;
3. Conduct detailed design work for the construction of two new tennis courts and associated infrastructure in the south west corner of the Pirron Yallock Recreation Reserve site.
4. Following the development and provision of tennis and other supporting infrastructure at the Pirron Yallock Recreation Reserve, convert the existing tennis courts at Swan Marsh to informal recreation space and potential overflow car parking;
5. Create and enhance connections between the Recreation Reserve and the Swan Marsh township by investigating the development of a shared pathway along Swan Marsh Road;
6. Upgrade supporting infrastructure at the Pirron Yallock Recreation Reserve such as sports field and Reserve lighting;
7. Remove existing toilet block and create provision for public toilet facilities on site to be integrated into the design of any new community sports facility;
8. Upgrade park furniture, spectator seating and shade and new play area at the Pirron Yallock Recreation Reserve, subject to available funding.

The full implementation plan for the Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Reserve Master Plans is provided in Section 6.4 and is dependent on available funding, stakeholder involvement and key priorities.

Priorities will need to be considered in the future planning of annual budgets and capital projects and should also be considered in line with Colac Otway Shire priority projects. Where relevant, funding support and resource contributions from key Reserve user groups may be required where there is a direct benefit received.

Establishing strong relationships with Government Departments and existing and potential sponsors will also be essential to explore future funding opportunities.

### 6.2 Priority actions

Actions have been allocated a level of priority based on their relative impact on delivering the desired outcomes for the Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve and the primary user groups.

The levels of priority are defined below and are based on the understanding that a new pavilion at the Recreation Reserve is required first to support the relocation of the tennis courts and tennis club activities from Swan Marsh.

It should be acknowledged that priorities can change and are based on available funding. The presentation of new or unknown opportunities or changes in community demands can also alter priorities.

- **Critical**  
Relating to risk mitigation or safety or an item that has a serious impact on service delivery;
- **High**  
Important action that contributes significantly to improving the presentation and/or functionality of the Reserve;
- **Medium**  
Action that contributes to meeting overall Master Plan objectives;
- **Low**  
Action that contributes to overall site improvement activities and;
- **Ongoing**  
Action that will require an ongoing commitment of the Reserve Committee and / or users.



It is proposed that works be scheduled over a ten year timeframe (2018 to 2023) to take into account the scale of the works program, the need to apply to various State and Federal funding programs across a number of years and to manage expenditure within the context of various funding programs.

The following stakeholder acronyms used to identify funding sources and delivery responsibility in the following action plan is defined below:

○ **Community**

Local Swan Marsh and Pirron Yallock communities

○ **COSC**

Colac Otway Shire Council

○ **SMHTCM**

Swan Marsh Hall and Tennis Committee of Management

○ **PYRRCM**

Pirron Yallock Recreation Reserve Committee of Management

○ **SCC**

Stonyford Cricket Club

○ **COAFC**

Colac Otway Amateur Football (Soccer) Club

○ **RDAF**

Regional Development Australia Fund

○ **SRV**

Sport and Recreation Victoria

○ **RDV**

Regional Development Victoria

○ **SMTCC**

Swan Marsh Tennis Club

○ **TV**

Tennis Victoria

○ **TA**

Tennis Australia

○ **FFV**

Football Federation Victoria

○ **NII**

No specific stakeholder identified

The future directions plan for the Pirron Yallock Recreation Reserve and the Swan Marsh Tennis Reserve is provided in **Appendix 2** and **Appendix 2a**.

## 6.3 Potential funding opportunities

The successful implementation of the Master Plan will rely on the capacity to secure external funding to support program delivery. Following is a summary of several external funding programs available.

### 6.3.1 Australian Sports Foundation

It is recommended that once the Master Plan is formally adopted by Council, links are established with the Australian Sports Foundation (ASF).

The ASF was established by the Australian Government to assist community organisations to raise funds for the development of Australian Sport.

ASF assists not for profit sporting clubs and community groups in raising crucial funds for development projects by offering tax deductible donations. A project is registered and individuals and businesses can make tax deductible donations to the ASF.

In line with taxation law, all donations must be made unconditionally to the ASF. Donors may nominate a registered project as a preferred beneficiary; however donors cannot insist or direct that their donations to benefit a specific project. Although the ASF cannot guarantee donations will be directed to a specific project, as the tax deductibility of the donation would be compromised, in most cases the donation is attributed to the nominated project.

Some recent successful case studies that generated funds through this program for facility development projects include the Greenvale Cricket Club, Port Adelaide Football Club, Old Bar Tennis Club Pavilion Development (NSW) and the Hamilton Lawn Tennis Club.

### 6.3.2 Sport and Recreation Victoria, Minor Facilities Program

The Community Facility Funding Program helps provide high-quality, accessible community sport and recreation facilities across Victoria by encouraging:

- Increased sport and recreation participation
- Increased access to sport and recreation opportunities
- better planning of sport and recreation facilities
- innovative sport and recreation facilities
- environmentally sustainable facilities
- universally designed facilities.

Grants are provided for planning and building new and improved existing facilities where communities meet, interact and participate in sport and recreation.



Of relevance are the Planning, Minor and Major Facilities Grants

- Grants of up to \$30,000 are available for projects focussing on recreation planning in one municipality.
- Grants of up to \$100,000 for any one project (where the total cost is up to \$500,000) are available for community groups, working in partnership with local government, to develop or upgrade community sport and recreation facilities.
- Grants of up to \$650,000 (where the total project cost is more than \$500,000) are available to develop or upgrade major sport and recreation facilities.

### 6.3.4 Regional Development Australia Fund

The Regional Development Australia Fund (RDAF) supports the infrastructure needs of regional Australia and funds capital infrastructure projects which are identified as priorities by local communities.

The program is administered by the Department of Regional Australia, Local Government, Arts and Sport and provides funding for **sport and recreation projects** that provides infrastructure to support local and regional sport, such as upgrades to stadiums, ovals and playing facilities, lighting to facilitate evening events, walking trails, grandstands and player facilities.

Round three and four funding applications closed recently and information on expressions of interest for round five will be available on the RDAF web site [www.rda.gov.au](http://www.rda.gov.au)

### 6.3.4 Regional Development Victoria – Putting Locals First

The Putting Locals First Program (PLFP) component of the Regional Growth Fund (RGF) is a \$100 million initiative designed to enable regional communities to devise and deliver service and infrastructure responses which reflect local priorities.

The PLFP will support stronger and more sustainable regional communities by building their capacity to drive development in their region. The program is administered by Regional Development Victoria (RDV) regional offices to achieve the following primary outcomes:

- improved infrastructure, facilities and services
- increased business and employment opportunities
- improved community connections
- communities taking action on their own behalf

Developing local infrastructure is a key component of the funding as communities need a range of well located, designed and operated facilities if they are to be socially inclusive, active and liveable.

### 6.3.5 Tennis Australia National Court Rebate Scheme (NCRS)

The NCRS assists member affiliates and local government to develop new tennis courts or upgrade old courts and associated infrastructure.

The scheme will offer more than \$2 million annually for the next three years. Tennis Australia's member affiliates are invited to submit applications for funding to develop or upgrade court surfaces and associated infrastructure.

Clubs can apply for funding in base preparation and development, lighting, resurfacing, fencing, water saving and ancillary items. The likely maximum funding level would be approximately \$6,000 per court.

Preference for NCRS funding will include the development of floodlit acrylic hard courts, but would not support asphalt surfaces. The ability to incorporate blended mini court lines within the proposed court development may be an advantage.

### 6.3.6 Colac Otway Shire budget process

The Colac Otway Shire contributes to the development of facilities, services and key infrastructure across the Shire.

Funding from Council would be necessary to support and match any funding applications to State or Federal Government for facility improvements or upgrades.

### 6.3.7 Current 2010 Election Commitment

The Swan Marsh Tennis Club, along with four other tennis clubs in the Colac Otway Shire, received an election commitment from the Victorian Liberal Government in 2010 which to date remains unspent.

The Club received a \$30,000 commitment to upgrade and improve the safety of the tennis courts at Swan Marsh, which is well below the funding required for a full court reconstruction as recommended in the 2004 Tennis Victoria Audit.

It is recommended that the Colac Otway Shire and the Swan Marsh Tennis Club advocate through the State Member for Poiwarth, Terry Mulder MLA, for these funds to be reallocate to support the development of new tennis courts at the Pirron Yallock Recreation Reserve.



## 6.4 Priority Actions List

| No.   | Action Name / Description  | Cost Estimate / Allowance | Priority | Potential funding source       | Pirron Yallock Recreation Reserve | Swan Marsh Tennis Reserve |
|---|--|---------------------------|----------|--------------------------------|-----------------------------------|---------------------------|
| <b>Stage 1: Detailed Planning and Design Work</b>     |  |                           |          |                                |                                   |                           |
| 1   | Undertake detailed planning, design documentation and cost estimates for a new or refurbished community sports facility to replace the existing pavilion at the Pirron Yallock Recreation Reserve. Planning should include investigations into the use of a modular building for this purpose.   | \$30,000                  | High     | PYRRCM, COAFC, COOSC, SRV      | ✓                                 |                           |
| 2   | Develop design plans and costs for the relocation of the tennis courts from the Swan Marsh Tennis Reserve to the Pirron Yallock Recreation Reserve. The footprint of the courts should be designed to accommodate two courts with a low maintenance surface and consider root barrier treatments, drainage requirements and car parking.         | \$25,000                  | High     | SMHTCM, SMTG, COOSC, TWC       |                                   | ✓                         |
| 3   | Further develop the design and implementation of proposed future works to convert the Swan Marsh Tennis Reserve into an informal community sport and recreation space for the local community. This may include further community consultation on key infrastructure provision and detailed design plans and costings for construction purposes. | \$5,000                   | High     | SMHTCM, SMTG, COOSC, Community |                                   | ✓                         |
| 4   | Investigate the feasibility of a designated shared pathway that connects the Swan Marsh Tennis Reserve to the Pirron Yallock Recreation Reserve.   | Ongoing                   | Medium   | COOSC                          | ✓                                 | ✓                         |
| 5   | Develop a planting plan to increase visual amenity, improve space delineation and shade for spectators at the Pirron Yallock Recreation Reserve  | \$5,000                   | Low      | COOSC, Community               | ✓                                 |                           |
| <b>Stage 2: Funding investigation and procurement</b> |  |                           |          |                                |                                   |                           |
| 6   | Investigate all potential funding opportunities outlined in section 6.3 of the master plan report to determine priorities, eligibility, timelines and capacity of the funding program to deliver project objectives.   | Ongoing                   | High     | COOSC                          | ✓                                 | ✓                         |



| No.  | Action Name / Description   | Cost Estimate / Attendance    | Priority | Potential funding source                           | Pirron Yallock Recreation Reserve | Swan Marsh Tennis Reserve |
|--|---|-------------------------------|----------|--|-----------------------------------|---------------------------|
| 7  | Present the Master Plan and vision for the Reserve to key funding providers to explore future funding opportunities. Identify any gaps in funding requirements and establish a process and timelines for funding applications.  | Ongoing                       | High     | COSC   | ✓                                 | ✓                         |
| 8  | Develop a funding strategy in line with priority projects to understand future funding opportunities, timelines the most appropriate funding model for identified project.  | Ongoing                       | High     | COSC   | ✓                                 | ✓                         |
| <b>Stage 3: Infrastructure Development</b> |   |                               |          |  |                                   |                           |
| 9  | Expand and further establish the existing temporary facilities at the Recreation Reserve to support the continued operational needs of the tenant clubs (cricket and soccer) in the short to medium term. This may include additional change facilities, storage and administration / office areas.   | TBC                           | Critical | COSC, PYRRM, SOC                                   | ✓                                 |                           |
| 10   | Based on investigations, either refurbish or demolish and replace the existing sports pavilion at the Recreation Reserve, providing a multi-purpose sports facility to accommodate local sporting clubs and other community activities. Consideration should be given to the use of modular buildings to replace the existing pavilion. The development should include adequate change rooms, social area, meeting room, septic system, irrigation tank, kitchen / bar facilities and a combined undercover viewing and spectator areas for the oval and tennis courts. | \$650,000                     | High     | COSC, SRV, EDAF, RDV, SOC, ODAFC, PYRRM, Community | ✓                                 |                           |
| 11   | Remove existing trees and plant appropriate screenings to accommodate the redevelopment of the former netball courts at the Recreation Reserve and provide a two court tennis facility with associated infrastructure, services and roof barrier protection. The court surface should be of low maintenance, preferably acrylic and also be flexible in providing for modified soccer activities such as SSF.   | \$120,000                     | Medium   | COSC, SRV, RDAF, RDV, SMHTCM, SMTC, TA             | ✓                                 |                           |
| 12   | Following completion of tennis infrastructure and the permanent relocation of the Swan Marsh Tennis Club to the Pirron Yallock Recreation Reserve, convert the Swan Marsh Tennis Reserve to an informal community sport and recreation space.   | TBC (subject to final design) | Medium   | COSC, RDV, SMHTCM, SMTC, Community                 |                                   | ✓                         |
| 13   | Install a set of basic children's play equipment with safety fencing to Australian Standards.   | \$10,000                      | Medium   | PYRRM  | ✓                                 |                           |



| No.                         | Action Name / Description   | Cost Estimate / Allowance | Priority | Potential funding source           | Pirron Yallock Recreation Reserve | Swan Marsh Tennis Reserve |
|-----------------------------|---|---------------------------|----------|------------------------------------|-----------------------------------|---------------------------|
| 14                          | Upgrade the oval at the Recreation Reserve to increase the capacity and playability of the playing surface and surrounds. The scope of works should include installation of an in ground irrigation system, all season cricket pitch and floodlighting to training standards. | \$200,000                 | Low      | COSC, SRV, PYRROM, SCC, COAFC, FFV | ✓                                 |                           |
| 15                          | Provide adequate seating, shade and spectator areas around the oval and tennis courts to enhance spectator amenity, and provide a water bubbler to encourage casual use of the Reserve.   | \$25,000                  | Low      | COSC, PYRROM                       | ✓                                 | ✓                         |
| 16                          | Introduce new planting and landscaping to create improved visual amenity and welcoming nature of the site.  | \$30,000                  | Low      | PYRROM, SMHTOM                     | ✓                                 | ✓                         |
| 17                          | Remove the storage container located at the Recreation Reserve and install a permanent maintenance and storage shed to house the onsite tractor, irrigator, and portable goals and bowling machine.   | \$25,000                  | Low      | PYRROM, SCC, COAFC                 | ✓                                 |                           |
| 18                          | Construct a shared gravel pathway along the Swan Marsh Road Reserve to provide a safe off road link from the township of Swan Marsh to the Pirron Yallock Recreation Reserve.   | \$50,000                  | Low      | COSC                               | ✓                                 | ✓                         |
| <b>Total proposed works</b> |   | <b>\$1,275,000</b>        |          |                                    |                                   |                           |

\* Please note the value of the proposed works included in the above table are estimates only and are not based on any detailed facility design or site investigation into soil profile.

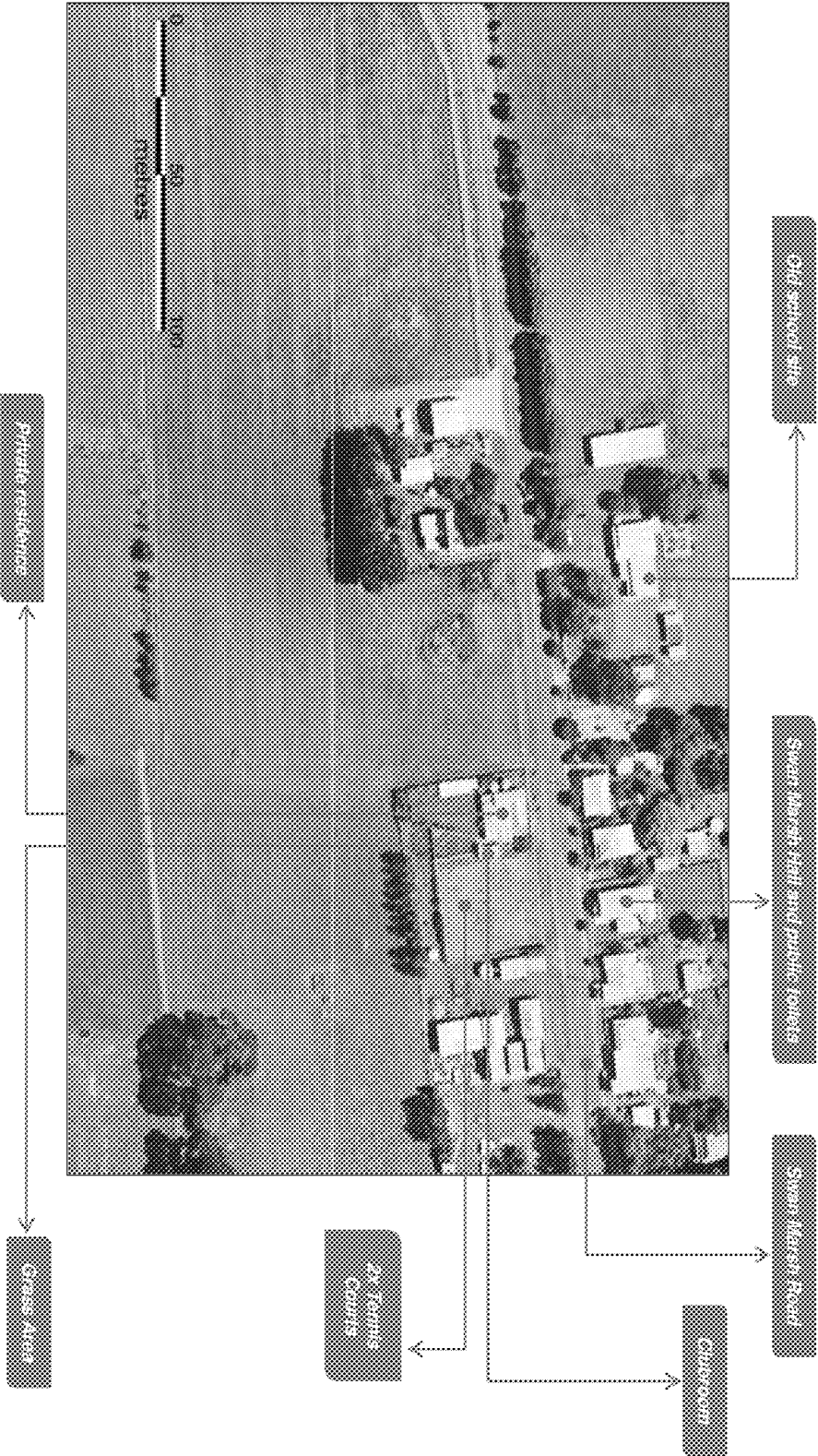


The following table identifies the costs of proposed works for each priority action. Priority actions are defined as critical, high, medium and low to help guide Council's future decision making. These estimates do not include the cost of proposed works that have been identified as ongoing or to be confirmed (TBC).

| Priority action | Value of proposed works |
|-----------------|-------------------------|
| Critical        | TBC                     |
| High            | \$60,000                |
| Medium          | \$780,000               |
| Low             | \$435,000               |

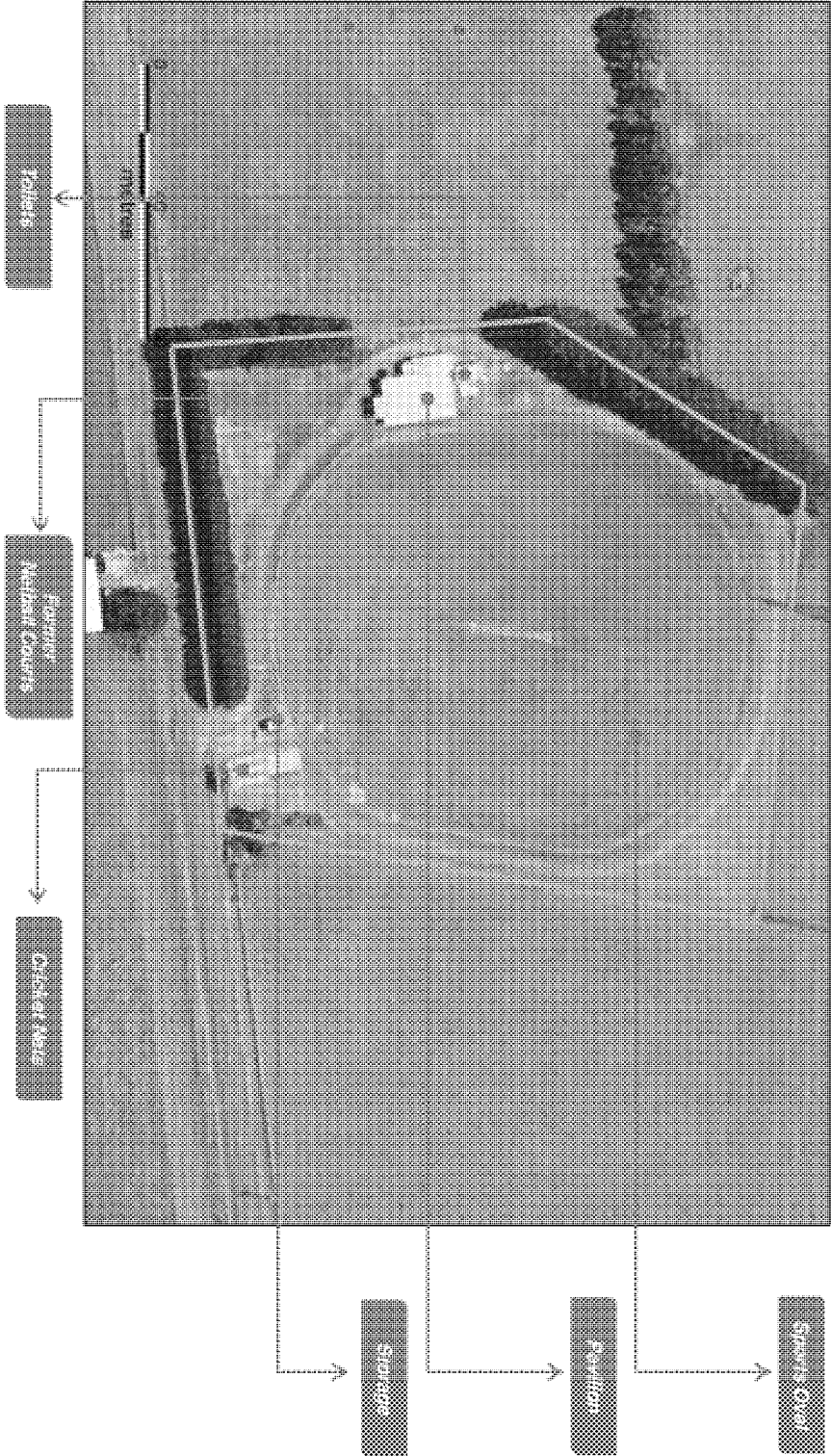


Appendix 1 | Site Analysis Plan – Swan Marsh Tennis Reserve



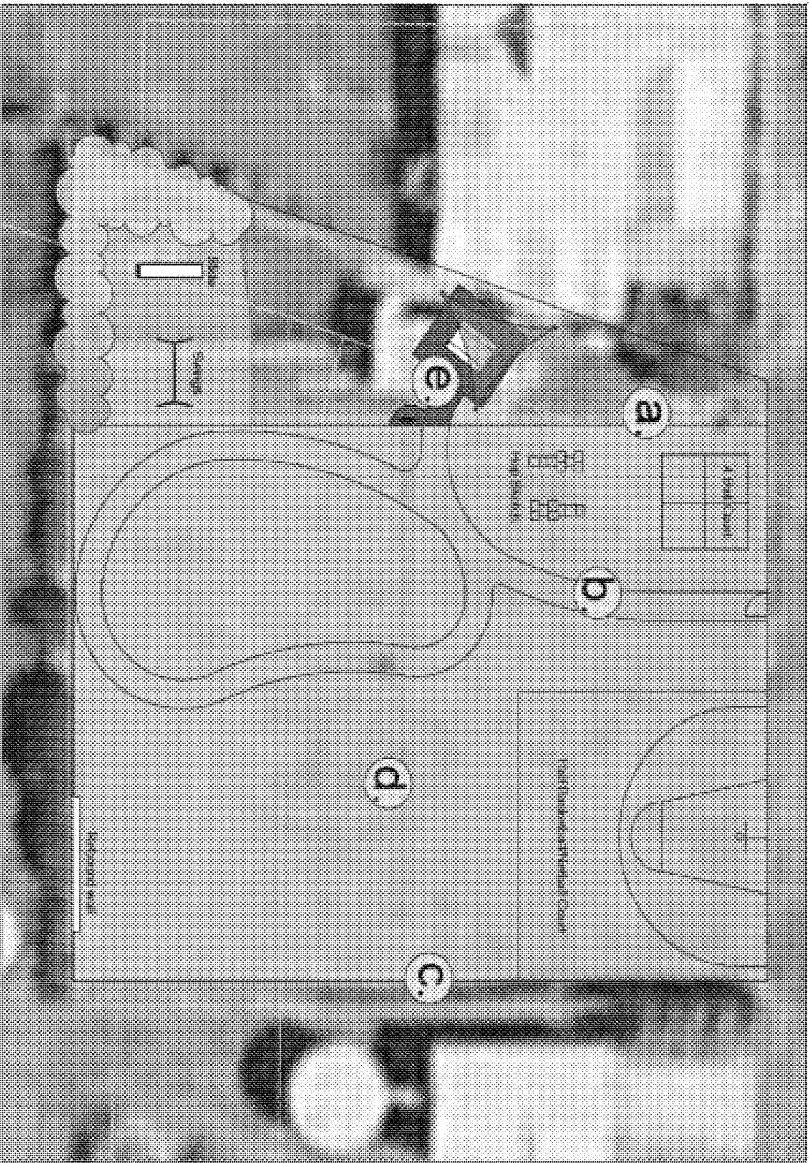


Appendix 1a | Site Analysis Plan – Pirron Yallock Recreation Reserve





Appendix 2 | Future Directions Plan – Swan Marsh Tennis Reserve



| LEGEND |  |
|--------|--|
|        | Existing Asphalt to be utilized as play zone |
|        | Proposed Soft Fall Zone                      |
|        | Proposed Straddle Golf                       |
|        | Proposed Concrete Area                       |
|        | Proposed Paved Bike Path                     |
|        | Proposed Screen Plantings                    |
|        | Proposed Driveway Foundation                 |
|        | Proposed Paving Table                        |

Masterplan Recommendations:

- 1. Clubhouse and fencing  
Propose existing clubhouse fence and clubhouse  
fencing to be replaced with a new fence and  
clubhouse building.
- 2. Existing Court Surface  
Paint and resurface existing court surface and  
court edging.
- 3. Reserve Fencing  
Install new low black cyclone mesh fence to  
separate perimeter with pedestrian and vehicle  
access.
- 4. Play Elements  
Install informal play elements including adjustable  
swinging monkey bars, low monkey for the scottish  
game, low table, and 2 for an up with  
painted circles around and across table. Install  
small swing set and slide.
- 5. Fencing Area  
Fence area with existing water and shade located  
on the existing present area.



Swan Marsh Tennis Club  
Master Plan

October 2013

draft

insideEDGE  
consult and design planning  
www.inside-edge.com.au

24HOURS  
24HOURS



Legend

- Stony floor
- Existing built-up
- Existing tiled floor to be removed & replaced
- Existing wood flooring
- Proposed parking zone
- Proposed playground
- Proposed tennis courts
- Existing tree

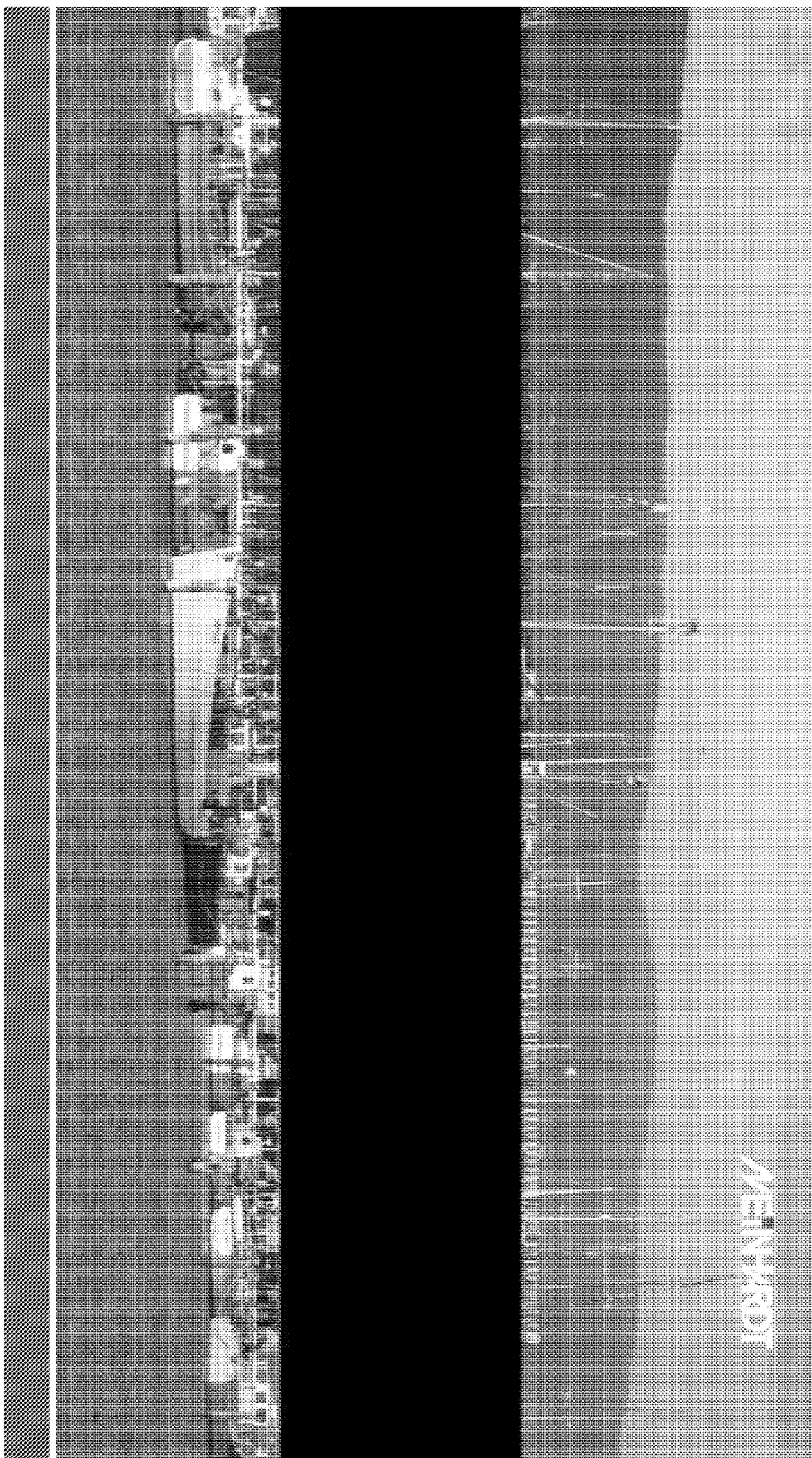
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## Apollo Bay Harbour

### Part A Master Plan

Project Reference #109963

May 2013



Colac Otway  
SHIRE



Apollo Bay Harbour  
Master Plan Report

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| REV | DATE     | WRITTEN BY    | REVIEWED BY  | APPROVED BY    |
|-----|----------|---------------|--------------|----------------|
| A   | 14.03.13 | Dean Thornton | Laura Murray | Tom Harrington |
| B   | 26.04.13 | Dean Thornton | Laura Murray | Tom Harrington |
| C   | 03.05.13 | Dean Thornton | Laura Murray | Tom Harrington |
| D   | 28.05.13 | Dean Thornton | Laura Murray | Tom Harrington |
|     |          |               |              |                |
|     |          |               |              |                |
|     |          |               |              |                |



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## 1. Introduction

In 2007 a consultant team led by Meinhardt Infrastructure & Environment Pty Ltd (Meinhardt) completed a draft master plan for the Apollo Bay Harbour. This draft master plan was modified through an Enquiry by Design (EBD) consultation process in 2008, with the amended plan adopted by Council at its October 2008 meeting.

In response to community concern related to the hotel/wellbeing centre component, Council resolved in February 2012 to delete this component. Meinhardt was then commissioned in late 2012 to finalise the master plan (in line with the Council resolution) with a view to progressing a planning scheme amendment (PSA) to give it force and effect in the planning scheme.

Key features of the adopted Master Plan include:

- The existing Fisherman's Co-Op building to be retained with modified access to separate vehicles from pedestrians and a new sales and interpretive centre including seafood restaurant;
- Toilets, interpretive displays on maritime history of Apollo Bay to be located adjacent to the current building allowing the Mother's Beach carpark to be formalised to enable more parking spaces and to be made safer;
- A new small recreational marina to be developed on the eastern breakwater as demand warrants;
- The current boat ramp to be retained and widened to increase capacity;
- Port operations base to be rebuilt adjacent to the current site including enhanced facilities for Harbour Management, boat repairs, an upgraded slip and sling berth for emergency access for Marine rescue;
- New sailing club facilities for club activities, race management, storage, repairs, toilets and showers;
- New space for water based commercial activity within the Harbour, possibly a floating restaurant;
- A wide boardwalk providing pedestrian connections through the precinct;



Figure 1: Study Area



## Apollo Bay Harbour Master Plan Report

- A new small extension to the western pier to be constructed to modify the wave surge impact on boat moorings and a proposed extension to the eastern breakwater to be investigated;
- A new Great Ocean Road Aboriginal Interpretive Centre;
- Public toilets and change rooms to be provided at Mothers Beach car park, the Harbour Beach and within the harbour central precinct.

The public golf course and access roads will not be significantly affected.

This final master plan is the culmination of nearly 7 years of investigation into the future of the Apollo Bay Harbour and its redevelopment. This included a significant amount of consultation with stakeholders (both government and non government), the community and local interest groups. This final step is a desk top exercise and has not included additional consultation as it simply implements a Council resolution that in itself was informed by community consultation.

This master plan has been funded by Colac Otway Shire, the Department of Planning and Community Development and Tourism Victoria and generally covers the area outlined in Figure 1.

After Council has considered the final master plan, a planning scheme amendment will then be drafted to implement the master plan in the Colac Otway Planning Scheme.

The purpose of this Master Plan report is to:

- Provide information on the research and consultation undertaken to date; and
- Present the final master plan.

### 1.1 What is a Master Plan?

A master plan is a comprehensive long-range plan intended to guide the growth or development of a site, institution, community or region. In this case, the purpose of the master plan is to develop a vision for how both the public and private realm of the Apollo Bay Harbour could be developed over the next 10 to 20 years.

The master plan presented in this report is still a conceptual design proposal and has been developed over limited base plan information, including Council's cadastral property boundary information and air photography. It is not an accurate document that takes full account of all detail, such as services and other existing conditions. However, it has taken account of Government policy, past studies, client and community views, user groups and the broad opportunities and constraints offered by the site.

This master plan aims to provide clear ideas about the general layout and form of future development on the precinct. Design proposals within this master plan will require additional design refinement, consultation and documentation before they can be implemented, which is the normal process. The concepts proposed are big picture ideas that show a clear and coordinated way forward and can be developed and refined over time, as funds become available to implement them.

The normal process in developing a precinct like this is to use the master plan as a briefing document for detailed design of selected components. Each component will then need to be developed as a brief and designed to a point where it can be tendered for construction and implementation. Ideally, the master plan will remain as a guiding idea for this work, which should become more sophisticated as it develops.

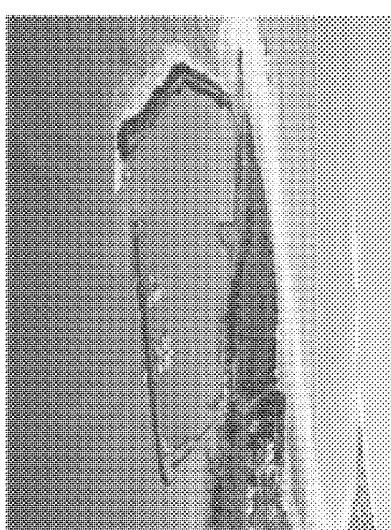
The importance of consistent visionary client direction, good design development and detail, and professional project management in the delivery of a master plan is emphasised. While specialists should design and coordinate the implementation of these individual projects,

the community should be encouraged at all levels to assist with that process.

### 1.2 Project aims

The following aims of the project are summarised from the project brief prepared by Colac Otway Shire:

- A master plan to guide redevelopment of the Apollo Bay Harbour Precinct;
- A strong vision for the redevelopment;
- Public infrastructure improvements with some opportunities for limited complementary commercial elements; and
- Extensive community and stakeholder consultation; Documentation for the purpose of an Expression of Interest process for private investment in the project.



Aerial view of Apollo Bay Harbour, looking south



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## 2. Background

The town of Apollo Bay is located approximately 150 kilometres south west of Melbourne on the Great Ocean Road. Apollo Bay has the added attraction of being close to the Great Otway National Park. This coastal town is a wonderful place to live, as well as a popular holiday and day trip destination with many tourism and recreation opportunities in close proximity.

In order to build on its tourism potential, Apollo Bay must capitalise on its unique location and develop in a way that will set it apart from other towns along the Great Ocean Road, as well as other settlements along the Victorian coast. One of the distinguishing features of the town is that it has one of only three safe harbours on the west Victorian coast. Apollo Bay is also home to a strong commercial fishing fleet and associated industry.

The Harbour has been established since 1949 and is situated in the bay off Point Bunbury. It lies south of the main commercial centre, adjacent to the town's nine-hole golf course. According to the Port of Apollo Bay Future Capacity Study, the commercial fishing fleet reliant on the Harbour is estimated at 56 vessels (this includes boats that are not moored in the Harbour but utilise the boat ramps).

The Harbour Precinct forms an important part of Apollo Bay's history and existing character and consequently, has been the focus of numerous studies over the years.

### 2.1 Previous Studies

As part of the 2007 master plan and feasibility study, the consultant team reviewed many of the previous reports, in order to gain an understanding of the relevant issues affecting the Precinct and former proposals put forward for the Precinct.

- Some of the studies/documents reviewed include:
- Colac Otway Planning Scheme
- Boating Coastal Action Plan (2007)
- Apollo Bay Structure Plan (2007)
- Port of Apollo Bay Future Capacity Study (2006)

- Archaeological Investigation Blackella's Well & Middens, Apollo Bay Harbour (2006)
- Apollo Bay Sand Study (2005)
- Great Ocean Road Region – A Land Use and Transport Strategy (2004)
- Economic Development Action Agenda 2009-2013
- Colac Otway Strategic Development Master Plan (2001)
- Apollo Bay – South East Precinct Urban Design Study (1997)
- Apollo Bay Coastal Processes (1996)
- Apollo Bay Harbour Study (1990)
- Apollo Bay Harbour Precinct Coastal Hazard Vulnerability Assessment (2013).

The literature presents the following key points:

- The Colac Otway Planning Scheme supports the preparation of a master plan for the Apollo Bay Harbour Precinct.
- The Boating Coastal Action Plan 2007 seeks to upgrade the boating facilities at the Harbour from a district facility to a regional facility standard.
- Improving access to the Harbour for both commercial and recreational vessels is critical to the growth of water-based activities within the Harbour. This relates to both adequate water depth and protecting the entrance from the effects of ocean waves crossing the harbour entrance.
- The commercial fishing operation is seen as an important industry for the Shire. The integrity of the Harbour as a working fishing port is to be maintained in any redevelopment of the Precinct.
- Apollo Bay has been identified as a strategically located coastal settlement with the capacity for growth beyond its current boundaries. This will see Apollo Bay develop as a preferred coastal township for residential and visitor accommodation growth and community services.
- The Precinct contains sites of heritage significance. Since preparation of the 2007 Master Plan, the Harbour Precinct has been included in a Heritage Overlay (HO300) within the Colac Otway Planning Scheme. This requires any new development does not detract from the cultural significance of the area.

The Precinct is also home to several Aboriginal heritage sites, many of which are registered by Aboriginal Affairs Victoria.

- Significant coastal processes occur within and adjoining the Harbour (eg. sand movement and wave action) requiring an extensive maintenance program. These coastal processes will impact on the location, design and type of developments that can be considered within the Harbour Precinct.
- The development of the Harbour Precinct is a high priority for local and State Government and is seen as an opportunity to provide significant community benefit (social, environmental and economic) and promote the Shire as a major tourist destination.

The literature review highlighted useful background information and a number of proposals that have previously been put forward and should be pursued in the future redevelopment of the Harbour. These include:

- Pedestrian path networks (Draft Apollo Bay Structure Plan, 2006).
- General elements of the Apollo Bay Harbour Study (1990), which outlines a proposed programme for public and commercial facilities. Whilst over 20 years old, this study remains a comprehensive consideration of the site and user needs and remains a valuable reference.

The *Apollo Bay – South East Precinct Urban Design Study (1997)* recommended a new entry road to link the Great Ocean Road to the town centre and Harbour Precinct via a roundabout located on the existing golf course. While this recommendation featured in the 2007 master plan, the subsequent Enquiry by Design process determined not to proceed with this proposal.

It should also be noted that the master plan allows all key elements of the *Port of Apollo Bay Future Capacity Study* to be accommodated in the Harbour Precinct, albeit in a different configuration. As per the Future Capacity Study, no change is proposed to the current location of the commercial fishing fleet along the northern breakwater or the Fisherman's Co-operative building.



## 2.2 Climate Change and Sea Level Rise

The issue of sea level rise is an important consideration for coastal communities. The *Victorian Coastal Strategy 2008* sets out the policy and strategic direction for responding to coastal hazard risks in the context of climate change. The Strategy identifies the need to:

*Plan for sea-level rise of not less than 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology with assessing risks and impacts associated with climate change.*

The *Victorian State Planning Policy Framework* of the Victorian Planning Provisions reflect this, with the policy applying to non-urban land, Greenfield land and development outside existing settlements in coastal areas. For development in existing settlements, the *State Planning Policy Framework* specifies:

In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development.

Whilst it is difficult to predict the precise nature of impacts associated with climate change, any development in coastal areas should have regard to anticipated extreme weather events, such as storms.

Colac Otway Shire will work with the Western Coastal Board and other government agencies to assess the likely effects of climate change in Apollo Bay and other coastal areas and ensure appropriate strategies are developed to mitigate the likely consequences.

The Apollo Bay Harbour Coastal Hazard Vulnerability Assessment indicates all key projects are at low risk from the effect of coastal processes such as sea level rise and storm surge

### 2.3 Harbour Precinct existing conditions

A review of the existing conditions within the Precinct allows current opportunities and constraints of the precinct

to be identified and assessed. Figure 2 identifies some of the issues that have been considered and influenced the preparation of the master plan. This is followed by a more detailed explanation of the issues facing the Harbour Precinct.



**Figure 2: Harbour Precinct Existing Conditions**



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### Relationship between Harbour and Town Centre

The Apollo Bay Harbour is located approximately 400 metres from the southern end of the town centre. The distance between the visitor centre and the heart of the commercial area and the heart of the Harbour Precinct is around 800 metres.

Existing connections between the town, foreshore open space and the harbour are indirect and under developed. At present, the landform and golf course both mitigate against improving this connection.



Aerial view of harbour showing Fishing Co-Op and Boat Ramp

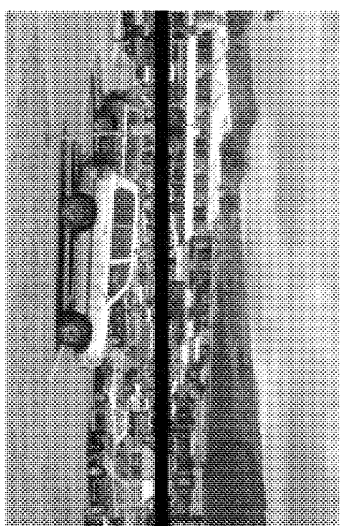
### Traffic and Parking

Existing provision of parking within the harbour is limited and not well organised. A small unsealed car park that can be accessed by cars and maintenance vehicles is located behind the beach (beside the western breakwater). There is a second unsealed parking area behind the boat ramp. Parking organisation for cars and boats and trailers is quite informal and inefficient.

Provision is made for some limited parking and truck loading on the harbour side of the Fishermen's Co-operative building. There is an uneasy mix between the

service/operational function of the Co-operative and access by customers to the fish sales area.

Parking within the commercial area, especially along Great Ocean Road, is at a premium even in non-peak times. This parking is parallel on the western side against the shops and angle parking on the opposite side facing the foreshore reserve. The angle parking is convenient to the beach and shops but it dominates the streetscape visually and blocks views from the footpath in the commercial area to the ocean.



Parking overflowing onto grass areas adjacent to the town centre

### Topography

The precinct is a highly modified coastal dune system. It has level variations of around 15 metres with a general slope towards the ocean. It was probably previously more undulating with low lying drainage areas that may have held seasonal water as vegetated wetland or swamp. These areas have likely been filled and drained with the development of the golf course. Remnants of perimeter dunes remain at the interface with the beaches.

### Coastal Processes

The construction of the harbour at Point Bunbury has substantially modified the pattern of sand movement along the foreshore. This has been well documented in two studies (*Apollo Bay Coastal Process* and *Apollo Bay Sand Study*). These studies explain and quantify the issues of

sand movement at Apollo Bay including recommended maintenance regimes that appear to be only partially implemented at present.

### Future of Golf Course

The Apollo Bay golf course comprises approximately 10 hectares of coastal Crown Land. The lease on the existing golf course expires in 2016 but the terms of a new lease are being negotiated.

The 9-hole golf course is a public course with a special setting almost right in the town and with great coastal views. It is well used by locals and visitors year round and is well maintained in terms of fairways, greens and general landscape.

The 2007 Master Plan proposed the relocation of the golf course, which was primarily driven by State Government policy, as outlined in the Victorian Coastal Strategy, to encourage non-foreshore dependent uses to be removed from coastal areas. Relocation of the golf course has been supported in previous studies such as the *Apollo Bay Harbour Study* and *South East Precinct Urban Design Study*.

The failure to gain approval for the *Great Ocean Green* development that included an 18 hole golf course and the general lack of community support for this relocation has occurred since the 2007 Master Plan was completed. The current master plan now indicates the retention of the golf course for the future.



Picturesque golf course

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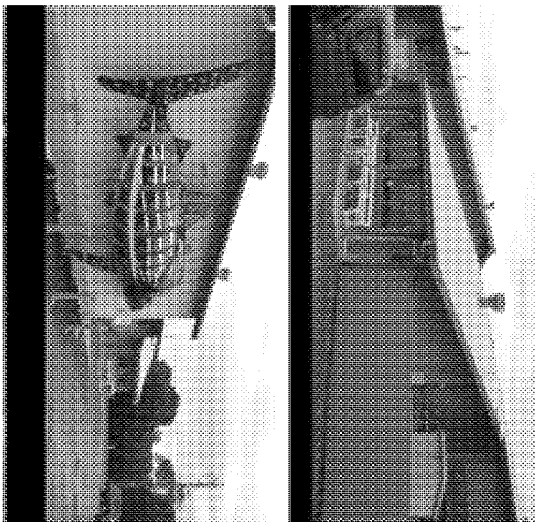
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### Fisherman's Co-operative Building and Operations

The Fisherman's Co-operative occupies a building on leased Crown Land at an elevated point about 8 metres high overlooking the harbour. The building is a non-descript functional building thought to be originally developed just prior to World War 2. The asbestos roof has recently been replaced with colorbond sheeting.

Internally the building accommodates a series of tanks, cool stores and associated plant. There is a fish sales area and fish and chip shop entered from an elevated terrace that overlooks the harbour. This terrace is used for staff and customer parking, as well as loading produce in and out of the building with a range of commercial vehicles.

The building is prominent, unattractive and less than ideal in terms of its functional operations. The unfortunate mix of public and commercial activities is problematic and not sustainable under increasing standards of public liability.



Views of existing Fisherman's Co-Op building

### Heritage Issues

The *Colac Otway Heritage Study 2003* highlights the Precinct's heritage significance. An amendment process (C27) has been undertaken since the 2007 Master Plan to include the Apollo Bay Pier Precinct in a Heritage Overlay (HO300) within the Planning Scheme. The physical description of the Pier Precinct in the *Colac Otway Heritage Study* states that it "extends north and east from Trafalgar Street, and is bounded to the south by Breakwater Road. The Apollo Bay Pier Precinct comprises the Apollo Bay Fisherman's Co-operative building, constructed in stages and utilising various materials including iron, timber and brick, the timber and stone piers and breakwaters, and beacons."

Any redevelopment within the precinct will need to be mindful of the heritage issues associated with the Harbour, to ensure that the cultural significance of the Precinct is not compromised.

Whilst the Harbour Precinct contains some known sites of Aboriginal significance, the full extent of Aboriginal heritage sites is unknown. Some of the heritage issues are outlined in the *Archaeological Investigation Blackella's Well & Middens, Apollo Bay Harbour* (2006) study and *Archaeological Investigation Point Bunbury* (2003) study. Redevelopment of the Precinct will most likely require further archaeological investigation in selected areas to ascertain the full extent of Aboriginal heritage significance and to decide on appropriate protection/management measures.

The redevelopment of the Harbour presents an opportunity to provide interpretive elements within the Precinct highlighting Apollo Bay's indigenous and fishing/maritime heritage.

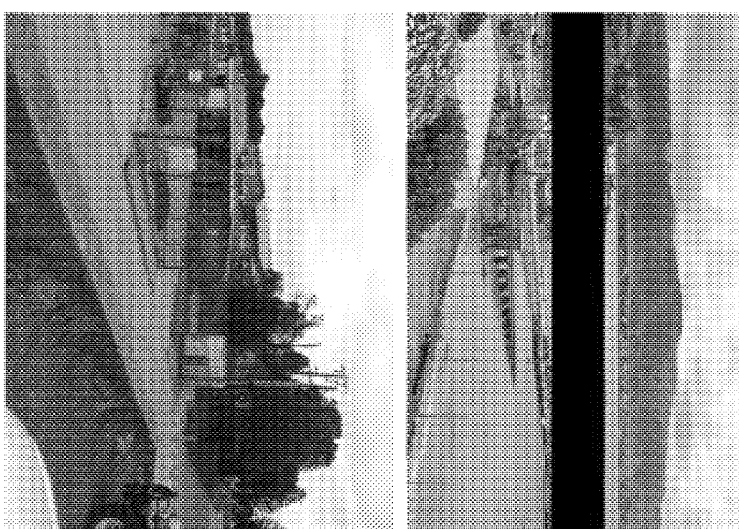
### Port Operations

The existing Port operation/repair facility is located in the south-west corner of the Harbour, east of the unsealed car park. The current operation consists of 2 sheds (one contains an office, tea room and toilets and the other is used for works and storage) and a slip that can only repair one boat at a time. The steel frame structure on the site

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was intended to be a shed to store a truck and crane but has never been completed.

The current location of the Port facility is a critical issue for the ultimate development of the master plan, as it is situated at the key access point to the Precinct and water's edge. This has the potential to create a conflict between the Port's operations and the introduction of community/tourist facilities that would result in larger numbers of people visiting the locality.



Views of existing port operations area



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## Built Form

Few buildings are located within the Precinct and those that exist are generally single storey (eg. Fisherman's Co-operative building, Golf Club House, Port sheds and Sailing Club portable building).

The natural surroundings (both land and water) dominate most views and it will be important to respect the unique natural setting of the Precinct in any redevelopment. The topography of the precinct provides opportunities to locate new buildings to take advantage of the views and still be sympathetic to the landscape and view lines of the broader precinct.

Higher built form (of up to three storeys) is recommended in the *Apollo Bay Structure Plan* for the town centre (Business 1 Zone) and within 400 metres of the centre (back towards the residential area).



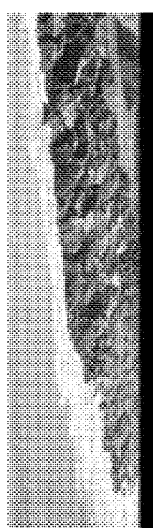
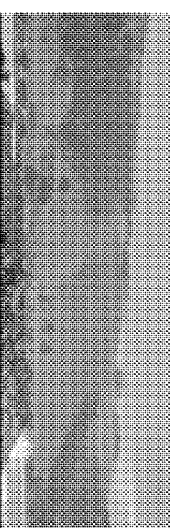
Existing Sailing Club portable building

## Views

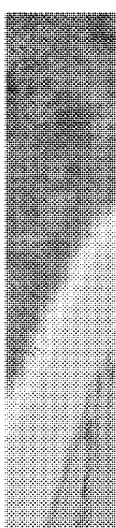
Significant views of the Harbour occur from within and external to the Precinct and include:

- Views to the boats within the harbour from points along the breakwaters.

- Views of the town, ocean and surrounding undulating countryside from the breakwaters.
  - Views from the Fisherman's Co-operative to the Harbour, along the beach and ocean beyond.
  - Views from Nelson Street through the golf course and to the beach/ocean.
  - Views from the southern dunes across the golf course (to the north) and ocean beach (to the south).
- Views of the harbour from the town are limited at present and an opportunity exists to strengthen the visual connection between the town centre and harbour through careful landscaping and built features.



Eastern breakwater



Harbour Beach looking west from boat ramp

## 2.4 Key issues identified for Master Plan

Following preliminary investigations by the consultant team and discussions with selected stakeholders during the preparation of the 2007 Draft Master Plan, the following issues were identified as important drivers for development of the master plan:

- Improvement to pedestrian and road linkages between the Harbour Precinct and town centre.
- Maintenance of Port and commercial fishing operations, whilst improving the amenity of the area.
- Separation of the Port and commercial fishing operations from the tourist activities to avoid conflicts and safety issues.
- Maintenance and enhancement of the existing open golf course landscape as an asset to the town because of its views, cultural value and level of development in terms of lawns, services and established planting.
- Development of year-round facilities for use by residents and visitors to Apollo Bay.
- Respect and protection of the cultural heritage, including Aboriginal archaeological sites (middens and drinking well) and European heritage.
- Topography – including the significant level change between the Fisherman's Co-operative and Harbour water edge (estimated at approximately 8 metres).
- Natural coastal processes, such as sand movement and ocean swells.
- Development of a Precinct that is iconic and a unique experience.
- Development of a strong sense of entry to the Harbour Precinct.
- Maximising key views:
  - to the Harbour Precinct;
  - through the Precinct to the beach and ocean, and;
  - from the Precinct to the town centre (and vice versa).



2.5 Draft Master Plan 2007

The Harbour Capacity Study in 2006 led to the completion of a draft Apollo Bay Harbour Master Plan in 2007. The draft master plan drew significant community opposition with the key contentious elements of this master plan being the removal of the golf course, introduction of camping at Point Bunbury, a new access road through the foreshore and a proposed hotel / wellbeing centre.

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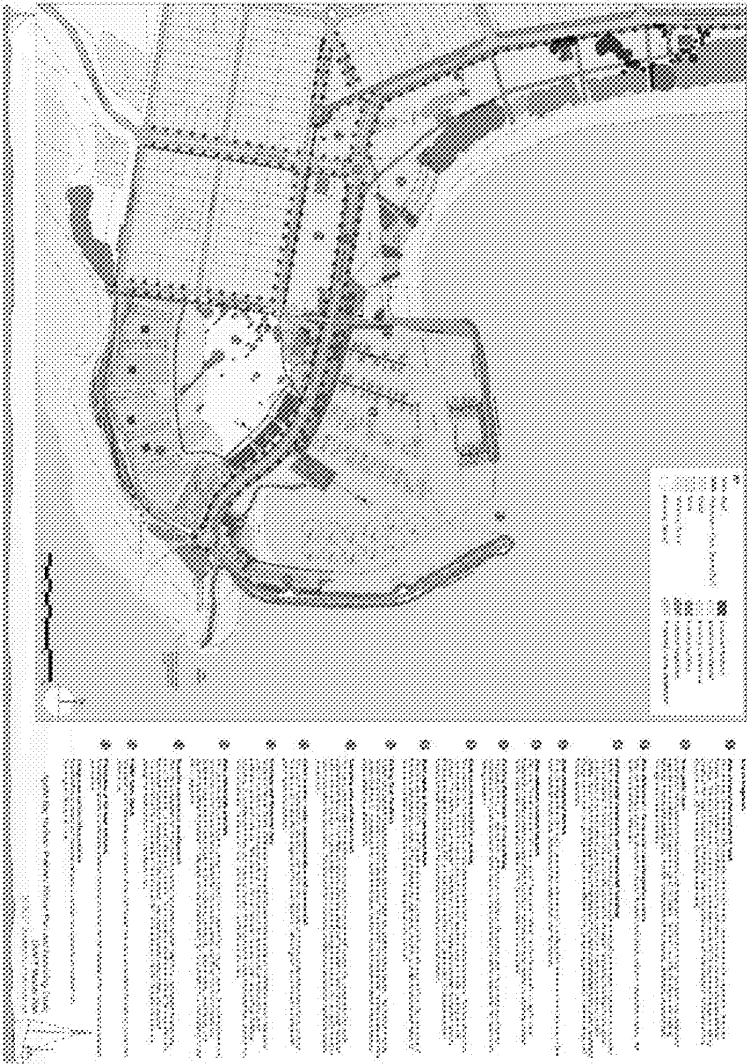


Figure 3: Draft Master Plan 2007



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2.6 Enquiry by Design Plan 2008

In developing a business case for the project the State Government determined further planning work was required. This led to an Enquiry by Design (Ebd) process in 2008 which reassessed the draft Master Plan and resulted in a plan that deleted the new access road based on the retention of the golf course and provided for a lower scale hotel/health and wellbeing centre.

Council adopted the Ebd plan at its meeting in October 2008. Council and the State Government later agreed that prior to seeking expressions of interest for the private investment component it would be preferable to undertake a planning scheme amendment that gives effect to the adopted plan to provide greater certainty to investors. Council received grants from Tourism Victoria and the Department of Planning and Community Development to undertake the amendment process.

Since adoption of the 2008 Ebd Plan some in the community further questioned the appropriateness of the hotel component which ultimately led to Council removing the hotel and health and wellbeing centre from the master plan.

Council resolved in February 2012 to "proceed with the Planning Scheme Amendment process based on the Apollo Bay Harbour Master Plan adopted at the October 2008 meeting of Council with the change to the area for a potential hotel and wellbeing centre being retained as an area of public open space".

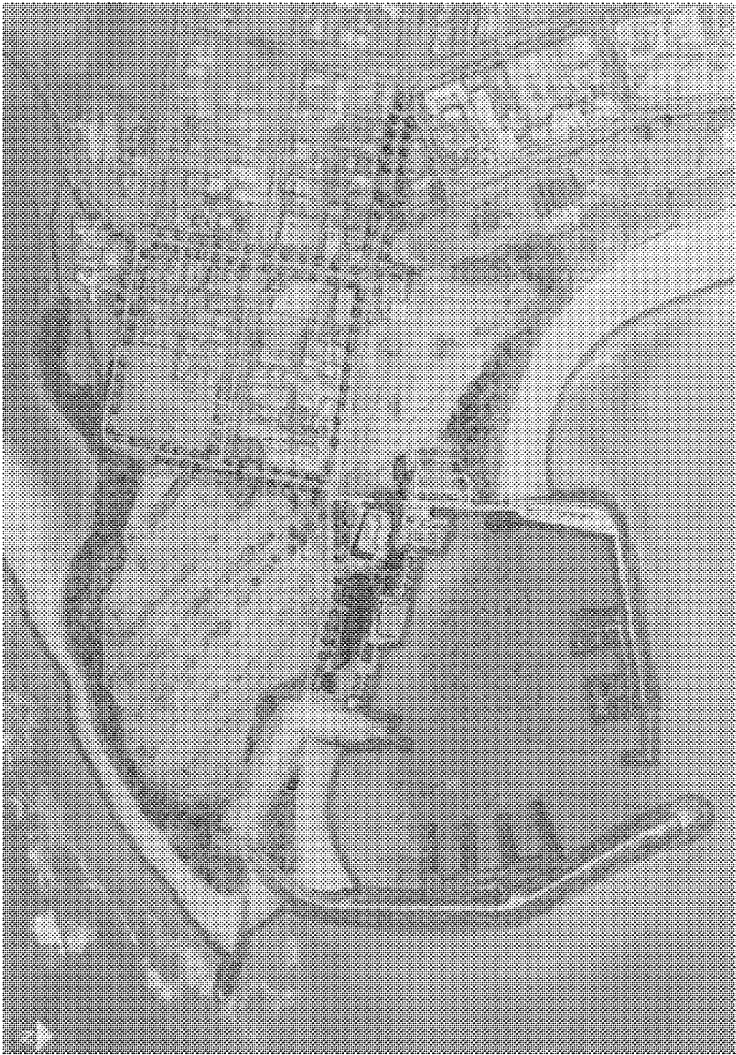


Figure 4: Enquiry by Design Plan 2008

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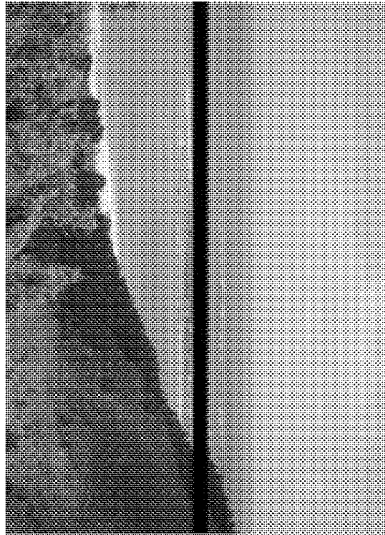
## 2.7 Items to be considered

The list of items to be considered in the preparation of the new master plan was obtained from the project brief, based largely on the 2007 Draft Master Plan and subsequent Enquiry by Design process (2008), as well as more recent Council resolutions (2012). These generally included:

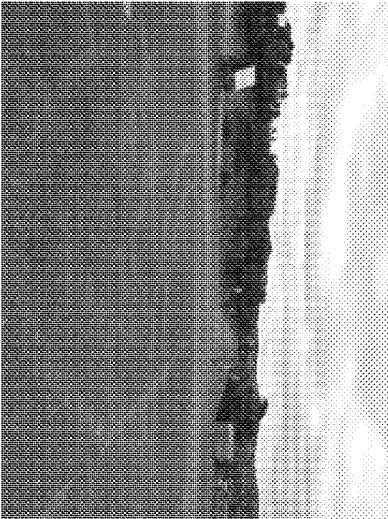
- Community facilities such as public toilets and change rooms
- Rebuilding of the Port/Harbour operation facilities adjacent to the current site including enhanced facilities for Harbour Management, boat repairs, an upgraded slip and sling berth for emergency access for marine rescue
- A wide boardwalk providing pedestrian connections through the precinct;
- A small recreational marina to be developed on the eastern breakwater
- Retain and widen current boat ramp to increase capacity
- Formalisation of car, boat and trailer parking to maximise efficiency
- New sailing club facilities for club activities, race management, storage, repairs, toilets and showers
- New space for water based commercial activity within the harbour, such as a floating restaurant
- Small extension to western pier and eastern breakwater (requiring more detailed investigation)
- Improvements to Fisherman's Co-operative operations/building
- Small amount of Retail/hospitality (eg. cafes and restaurants, small specialty stores)
- Cruiser and fishing excursions ticketing facilities
- Interpretation/ information centre
- A new Great Ocean Road Aboriginal Interpretive Centre
- Widening and enhancement of Nelson Street as the Harbour entry road

The ultimate outcome on the ground will be influenced to some degree by Council's requirements, market demand and commercial viability. It should be noted that no

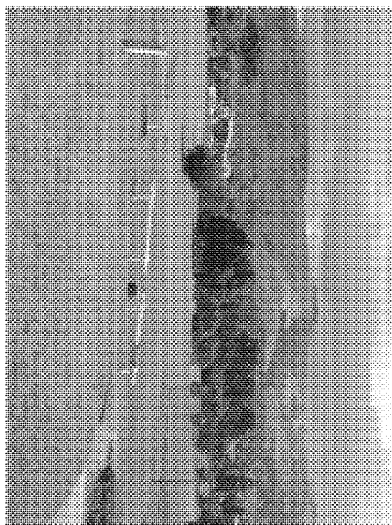
market and commercial viability testing has been carried out in relation to this new master plan.



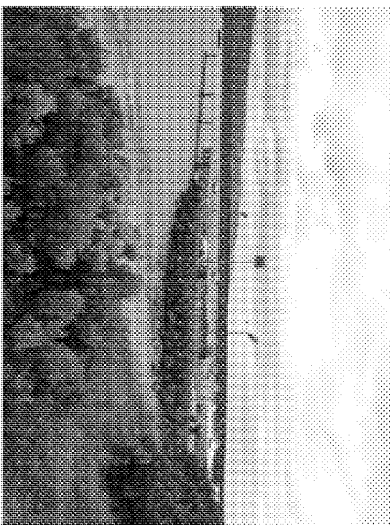
View towards Apollo Bay Harbour from the hinterland



Existing trailer parking area requiring major upgrade



View across golf course to surrounding hills



Existing boat ramp area to be enlarged and improved

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## 3. Apollo Bay Harbour Precinct Master Plan

### 3.1 Precinct Vision

The proposed redevelopment of the Apollo Bay Harbour Precinct presents an exciting opportunity to create a unique experience along the Great Ocean Road that both residents and tourists can enjoy year round.

The overarching objective outlined in the adopted *Apollo Bay Structure Plan 2007*, which was strongly supported by the community and stakeholders as an appropriate direction for the Harbour Precinct, has been expanded to produce the following Vision.

**The Apollo Bay Harbour Precinct will be a new focal point for the town and surrounding region and a 'must see' development on the Great Ocean Road.**

**The precinct will be developed with a tourism, fishing, boating, commercial and recreational focus, strengthening links to the town centre of Apollo Bay and providing improved community benefits.**

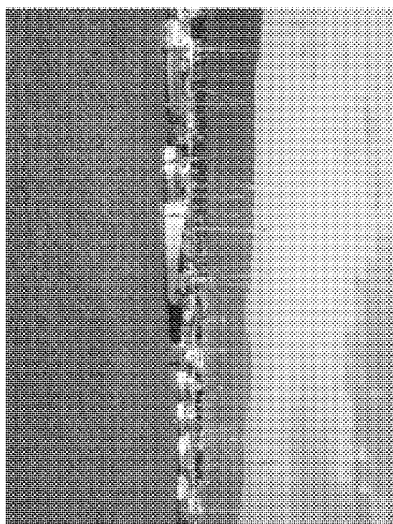
**The Apollo Bay Harbour Precinct will demonstrate best practice in its design and management and contain a range of high quality community and tourist facilities, services and public spaces that will provide enjoyable experiences for residents and visitors year round.**

**Components of the new development will showcase the fishing/maritime and indigenous cultural heritage of the town and respect and enhance the surrounding natural environment.**

It should be noted that the reference to 'improved community benefit' implies social, environmental and economic benefits.

The above Vision encapsulates the critical elements that have arisen from the consultation and research to date, in particular:

- The desire to provide an exciting and popular mixed use Precinct for the enjoyment of residents and visitors year round.
- The importance of maintaining and improving the Port and commercial fishing operations.
- The importance of high quality design principles for buildings and public spaces in the unique coastal setting.
- The importance of improving vehicle and pedestrian links between the Harbour and town centre, in order to maximise exposure and access to both activity nodes.
- The opportunity to protect/enhance and interpret the cultural and natural landscape values within and adjoining the Precinct.
- The commitment to providing improved community benefits.



Fishing and recreational boats moored in the harbour

### 3.2 Tourism Market Assessment

Tourism activity will provide the foundation for the success of the Precinct. An increase in tourists will subsequently generate demand for more accommodation in the town.

In order to understand the existing tourism market for Apollo Bay and the region, an assessment of current

relevant data/information was undertaken during the preparation of the Draft Master Plan in 2007. This information has not been updated. The initial analysis provides an insight into some of the issues that will impact on the development of the master plan, including uses that should be incorporated into the Precinct and the timing of particular elements.

The market research generally indicates that:

- Apollo Bay is anticipated to grow at a faster rate than the Shire.
- Approximately 620,000 visitors come to Apollo Bay annually.
- The number of hotel, motel and guest house rooms is estimated at 342 with 967 bed spaces (based on establishments with 5 or more rooms).
- Overnight visitors are estimated at 92,800 annually.
- The daily average number of visitors to Apollo Bay ranges from approximately 1,350 in winter to approximately 2,500 in summer.
- Whilst visitation to the Great Ocean Road has been declining in recent years (along with domestic tourism activity), the Great Ocean Road has maintained about 14% share of all visits to Victoria.

Based on accommodation occupancy rates for establishments with five or more rooms, Apollo Bay performs well relative to other regional areas (51.8% occupancy in Apollo Bay compared to 44.5% for regional Victoria). When occupancy rates for Melbourne establishments are included, the Victorian average rate increases to 60%. It is generally accepted that an industry benchmark of 55-60% occupancy is considered desirable.

### 3.3 Key elements of the Master Plan

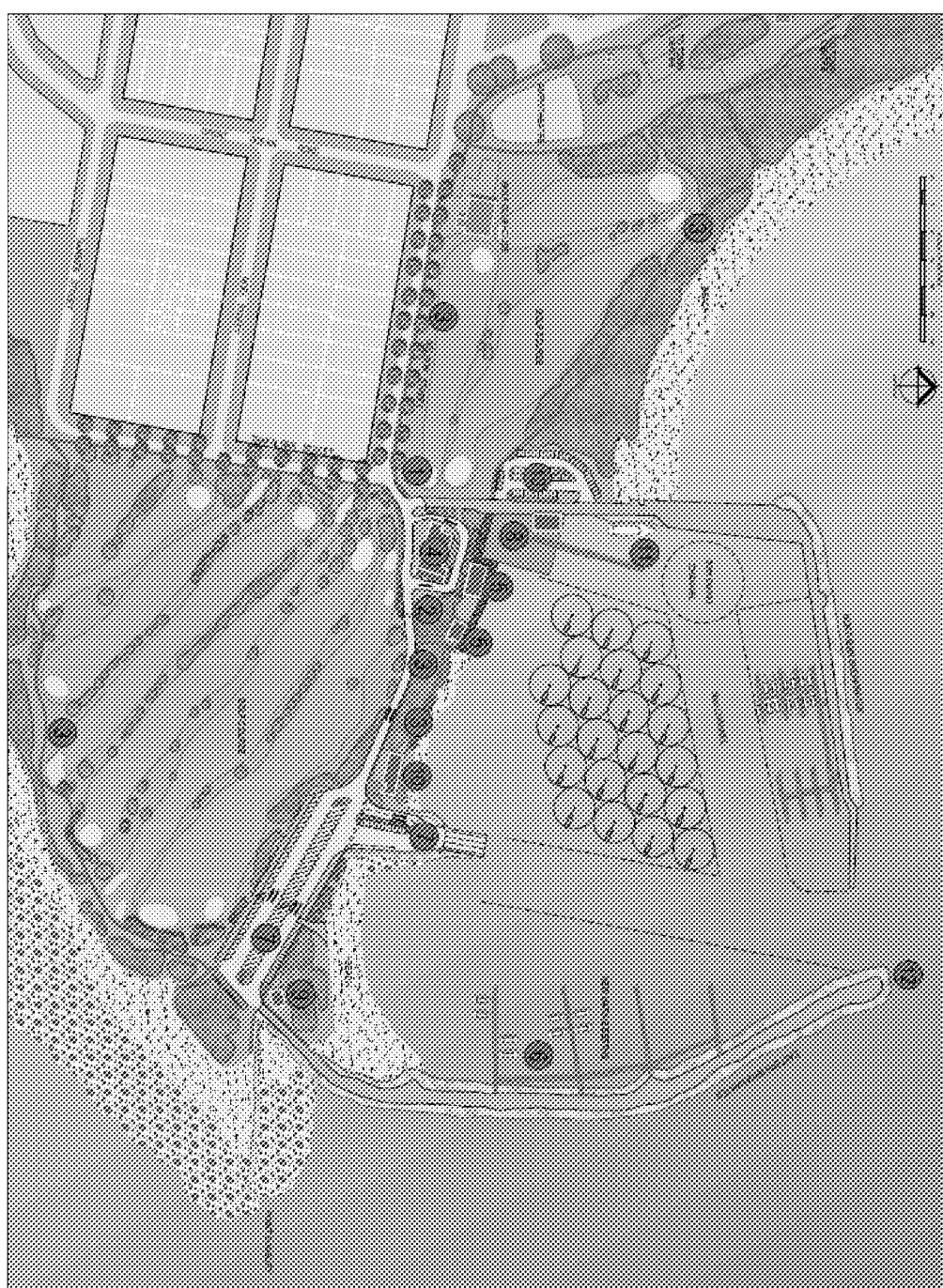
The new master plan reflects the outcomes of consultation and Council resolutions subsequent to completion of the 2007 draft master plan




















This section describes the key elements of the Apollo Bay master plan presented below.

MEIN-1437



**Figure 5: Master Plan, 2013**



|   |                     |
|---|---------------------|
|  | SOLID               |
|  | ROUN                |
|  | DIAGONAL            |
|  | CROSS               |
|  | STIPPLE             |
|  | DIAGONAL, REVERSE   |
|  | DIAGONAL            |
|  | REVERSE CROSS-HATCH |
|   | STIPPLE             |
|    | DIAGONAL, REVERSE   |
|    | DIAGONAL            |
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Apollo Bay Harbour  
Master Plan Report

## Road System

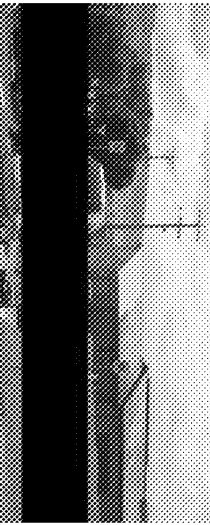
### Harbour Precinct Entry Road (Number 1 on plan)

An improved entry experience into the Harbour precinct is required to improve the visibility, safety and attractiveness of the area. The retention of the golf course for the immediate future restricts the scale of this improvement. The master plan recommends an upgrade to the western end of Breakwater Road where it intersects with Nelson St and Trafalgar Street. Some minor modification will be required to the golf course in this vicinity to achieve this.

The radius of the entry road will be made less, as well as gateway style treatments (artwork, screens, signage, feature pavement, lighting etc) to provide for an improved first impression of the harbour precinct. Pedestrian paths will also be provided and separated from vehicular movements at this location.

These pedestrian connections should continue to the town centre along the northern side of Nelson Street to connect to paths west of the golf clubhouse. Providing for improved connections between the Harbour Precinct and the town centre would increase exposure and accessibility to both activity nodes, providing a mutual benefit. The minor commercial activities targeted for the harbour should support the role of the town centre, rather than compete with it. The overall intent is to strengthen the retail role of Apollo Bay and its attractiveness as a place to visit and stay for longer periods of time.

Both Nelson Street and Trafalgar Street should be planted as formal avenues using Norfolk Island pine trees to both sides of the road, further improving the visibility of the entries to the harbour precinct.



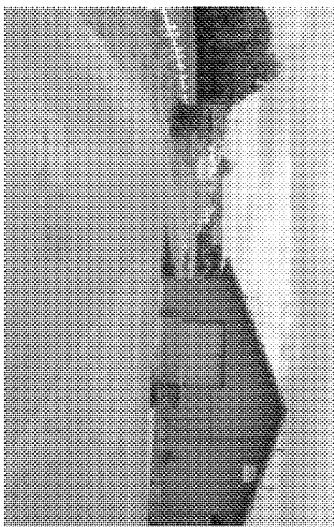
Entry to Breakwater Road

### Other Road Treatments (Number 2)

Breakwater Road will remain as the primary access road through the precinct and will generally follow its current alignment with some minor modifications. The road width should be minimised to allow for 2 way traffic and where space and topography permits, parking to be provided along its length east of the existing Co-op building.

The road carriageway should be formalised with asphalt surface, line marking and an edge treatment. It is recommended the edge treatment be flush kerbs with vegetated drainage swales adjacent, rather than barrier kerb and channel. It is vital that the road infrastructure is respectful of the coastal location and these types of green infrastructure treatments be implemented.

The road around the existing co-op building should remain as a one-way access but again some formalisation of the edge and proper configuration of car parking is required, as well as separation of pedestrians and safe crossing points.



Breakwater Road looking west towards Co-Op building

### Pedestrian/Bicycle Access (Number 3)

The shared pedestrian/bicycle paths outlined on the master plan build upon existing routes and current and predicted desire lines. The following key routes are highlighted:

- Along the foreshore opposite the town centre (behind the dunes and vegetation and against the golf course). A new generous 3.0 metre wide promenade is required to connect the Harbour precinct to the town centre via Mother's Beach carpark.
- From the existing paths that terminate west of the golf club house, along Nelson Street to the new entry road.
- Along the eastern breakwater.
- Pedestrian access will continue to be provided to the western and northern breakwaters - these paths could be separated from operational vehicles or operate as shared zones with priority for pedestrians depending on detailed assessment of public safety issues.
- Along the dunes at the southern end of the golf course. This would take the form of a nature walk highlighting coastal vegetation and providing beach access and coastal viewing points.
- If achievable with vegetation and topographical constraints, a new path along the north side of Breakwater Road, connecting the existing Co-op building to the proposed Aboriginal Interpretive Centre.

In addition, a 6 metre (approx) wide boardwalk is proposed along the Harbour water's edge, east of Mother's Beach carpark to the current eastern end of the harbour works area. The alignment of this is through the existing harbour works area which will need to be rebuilt to the north side of the boardwalk. Small commercial buildings are proposed to be located along this boardwalk. From the eastern end of the boardwalk, steps leading down to the beach would be provided as well as steps leading up to Breakwater Road. Additionally, an informal nature / interpretive path will continue eastwards from the boardwalk to the proposed Aboriginal Interpretive Centre.

This path system will provide a walking circuit that connects the Visitor Centre and town centre to the harbour, as well as linking with the Great Ocean Walk path system.

MEET



Apollo Bay Harbour  
Master Plan Report

### Public Open Space

An increase in accessible public open space will be achieved through the implementation of the master plan. This will primarily be a result of the new boardwalk/promenade along the southern harbour edge, where currently access is restricted due to the works area. Improvements to pathways and new access stairs will also open up previously unavailable space to be enjoyed by more people.

### Fisherman's Co-operative (Number 4)

Due to the heritage significance of the Fisherman's Co-operative building and cost of relocating the operation, it is to be retained with a possible extension on the eastern end. The building would not be accessible to the public because of safety issues associated with the fish processing operations and loading undertaken on site. Road access for commercial vehicles transporting fish from the wharf to the Co-operative will remain unchanged.

In addition to the existing Co-operative building, which would be utilised principally for administrative functions and fish processing, a new building is proposed to house fresh fish sales, fish and chip shop, seafood restaurant, interpretive centre and toilets. This building is proposed to be located closer to the water's edge, to the north of the existing co-operative building, on the new boardwalk promenade.

### Harbour Edge Buildings (Number 5)

Small commercial buildings could be provided along the Harbour water's edge adjoining the 6 metre wide boardwalk. Uses in these buildings could include shops, cafes and restaurants at ground level and multi use event and meeting spaces above for club, community and commercial activities.

It is anticipated that private sector investment would fund these commercial sites, which would be constructed in a coordinated manner having regard to market demand.

### Marina (Number 6)

A marina for recreational boats is proposed along the eastern breakwater. Investigations will be required to establish whether the Harbour floor will require deepening

to accommodate the boats. The marina should be developed from the south, in accordance with demand for berths. In the short term, it is anticipated that only one or two piers would be constructed. The marinas would be floating with controlled access and feature Mediterranean berths and swing moorings.

Any deepening of the Harbour would require further detailed investigation, in accordance with the relevant controls protecting the Harbour (eg. Coastal Management Act). Consideration of environmental issues would form a critical component of the investigation.



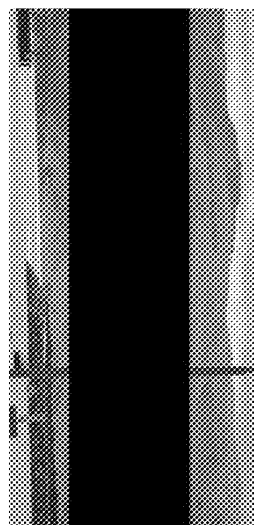
Entrance to the Harbour

### Boat Launching and Trailer Parking (Number 7)

The boat launching facilities currently located in the middle of the Harbour will be retained and widened to increase launching capacity. A total of 3 launching lanes will be provided, an increase of 1 lane from existing.

The trailer parking area, which currently operates very informally, will be upgraded with better pavement surfaces, linemarking and landscaping. This is intended to improve the efficiency and capacity of this area to cope with peak demands, noting however that major peaks will still cause overflow to surrounding streets, but not within the golf club area.

NEWPORT

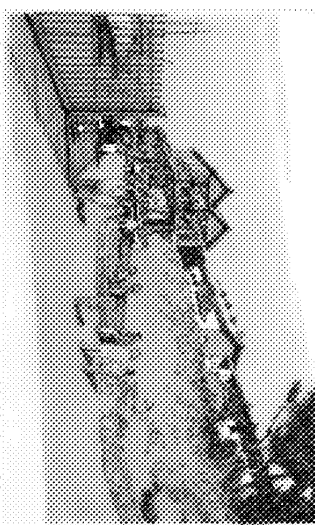


Boat launch area

### Port Operations & Harbour Masters Yard (Number 8)

It is proposed to relocate and expand the Port operations and boat repair facility slightly to the north of their current location, to enable the creation of the public promenade / boardwalk. It is also proposed to co-locate the Harbour Masters Office with these facilities.

New buildings for equipment storage, staff amenities and administration would be provided. The site should have attractive buildings and transparent fencing so boat repair operations can be viewed from public walkways.



Artist view looking east along promenade with Harbour Master buildings / works area relocated to the left and new double storey Co-op restaurant & café. (Source: EDD report)



Apollo Bay Harbour  
Master Plan Report

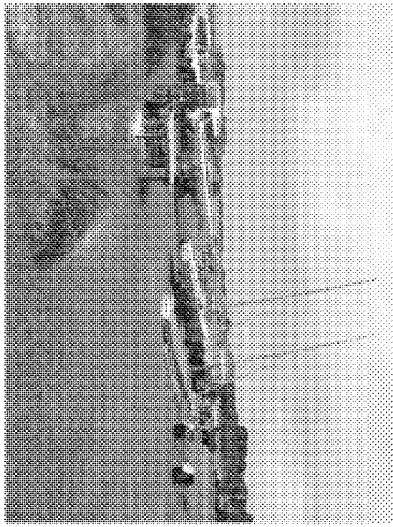
#### Sailing Club Facilities (Number 9)

The Sailing Club currently operates from a portable building and has no facilities such as change rooms, showers or dry boat storage. The Club also relies on portable toilets.

A new club building is proposed, possibly a relocation of the steel-frame structure in the harbour works area, to be located at the eastern end of the trailer parking area where ready access to the harbour beach can be obtained. This building could contain toilets, storage space and race control facilities.

#### Great Ocean Road Aboriginal Cultural Centre (Number 10)

The possibility of a major new interpretive / cultural centre to celebrate indigenous heritage could be accommodated in the precinct, subject to a more detailed business case. The proposed location is the current site of the sailing club



Sailing boats / trailers utilising grassed areas for parking

#### Other Commercial Development (Number 11)

The master plan provides for a commercial use on the western breakwater that has a demonstrable need for a harbour side location (such as a floating restaurant) and would be subject to stringent criteria and controls. Any

commercial development would need to be integrated with the overall commercial development of the Precinct and take into account environmental and built infrastructure limitations on the site and the potential for disruption to business through the implementation of the master plan.

The use and development would require planning approval from the Shire, pursuant to the Colac Otway Planning Scheme. As the site is located on Crown Land, it would also need approval from the Department Environment and Primary Industries, pursuant to Section 40 of the Coastal Management Act.

Issues that would need to be addressed to the satisfaction of DEPI and the Responsible Authority include, but are not confined to:

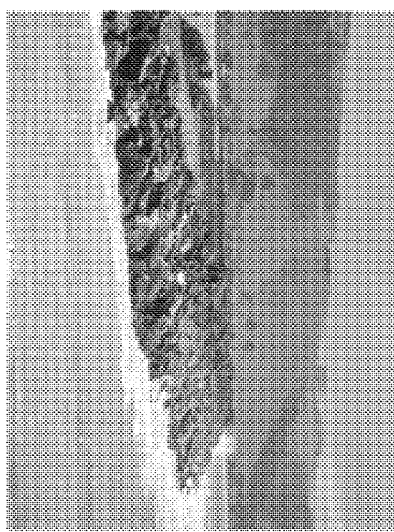
- Adequate customer parking.
- Management of any conflict with the existing commercial fishing operations.
- Management of vehicle and pedestrian traffic associated with the use, including service vehicles.
- Customer access, including disabled access.
- Continued public access.
- Waste disposal methods (including construction waste, sewerage, grey water and putrescible waste disposal).
- Minimisation of disturbance to the seabed/marine environment resulting from the commercial operation, eg. pile driving, increased noise and vibration.
- Capacity of services to accommodate the operation (eg. connection to sewage and electricity). It should be noted that the western breakwater (Fisherman's Landing) has no sewage or grey water disposal facilities and limited power and potable and fire fighting water.
- Response plan to spills into the Harbour water.

#### Eastern Breakwater Extension (Number 12)

The 60-metre extension to the eastern breakwater (as outlined in the *Future Capacity Study*) is seen as a critical component to implementing this master plan. At present, access by boats entering or leaving the Harbour is unreliable due to ocean waves crossing the entrance and/or restricted water depth.

## NEW

An extension to the breakwater is one of the key measures required to protect the Harbour entrance and allow the full potential of the harbour to be explored and realised. This measure will need to be supported by other management strategies, such as dredging of the entrance and on going sand management south of the groynes at Point Bunbury. Further technical study is required to confirm the need and extent of this proposal.



Eastern Breakwater

#### Mothers Beach Carpark (Number 13)

The existing Mothers Beach carpark will be retained and upgraded with new pavement surface, line marking, landscaping and pedestrian access paths. This carpark is part of the pedestrian connection between the town centre and the harbour foreshore, which will be enhanced by the new promenade pathway.

A new toilet and change facility building is proposed to service the beach and harbour users and visitors.



### 3.4 Implementation of Master Plan

Given the anticipated 10 to 20 year timeframe to implement the master plan, it is important to note that the development of the Harbour Precinct is intended to be undertaken in stages.

The staging of the development will be influenced by a number of factors including leasing arrangements, initial and on going public sector investment and private sector interest. It is anticipated that the Harbour redevelopment will be driven primarily by market demand.

#### Funding of Developments

As a result of the master plan, private sector investment in the project will be attracted to a number of development sites. This investment will need to be supported by public sector funds for key public infrastructure (eg. Port facilities and boat ramp) and public realm improvements.

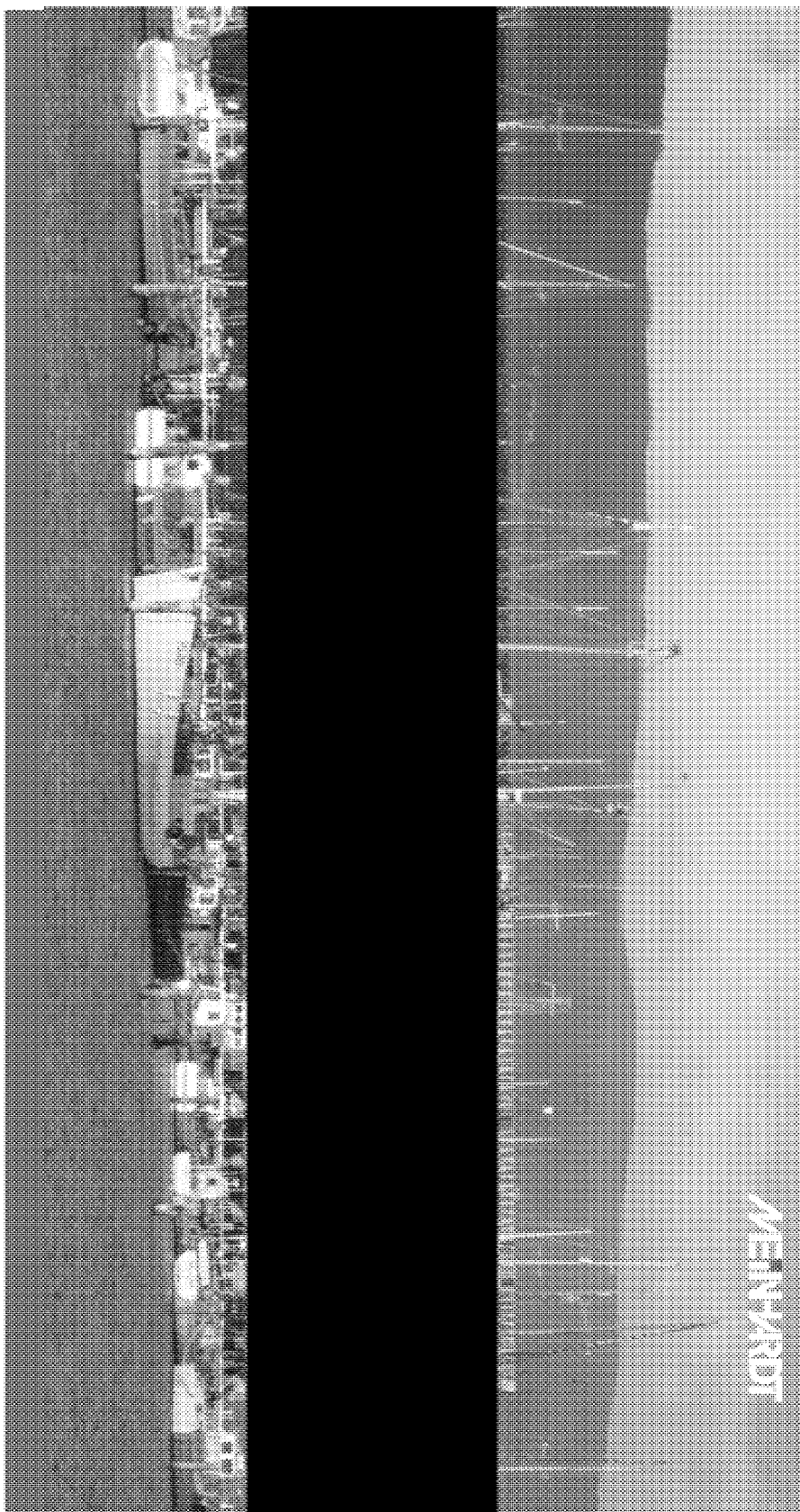
### 3.5 Next Steps

A comprehensive planning scheme amendment will introduce the master plan into the Colac Otway Planning Scheme. This will involve a further formal opportunity for community input, and ultimately the finalisation of the master plan.

Prior to preparing the amendment the Project Steering Committee and the Community Reference Group will be provided with a briefing on the final master plan. As the Council resolution from February 2012 effectively responded to the community concern over the hotel and wellbeing centre it is not anticipated that another period of comment will be provided prior to commencing the amendment process.

A planning scheme amendment is expected to be placed on public exhibition towards the middle of 2013.





## Part B

### Development Guidelines

St 15: see Council-owned meeting house building at Apollo Bay Harbour Master Plan Report - Final Report August 2013.DWG



1. Introduction

These development guidelines arise from the Master Plan prepared for the Harbour and are to be read in conjunction with relevant State, regional and local Planning policies for the Apollo Bay Harbour, township and foreshore areas and relevant guidelines for marine and boating areas, coastal parks and places of cultural and environmental significance.

The guidelines provide information on the preferred siting and scale of buildings, land-use and interface issues for the following two key precincts, which are highlighted in Figure 6:

- 1. The Harbour Entry & Central Precinct
- 2. The Boating & Sailing Precinct

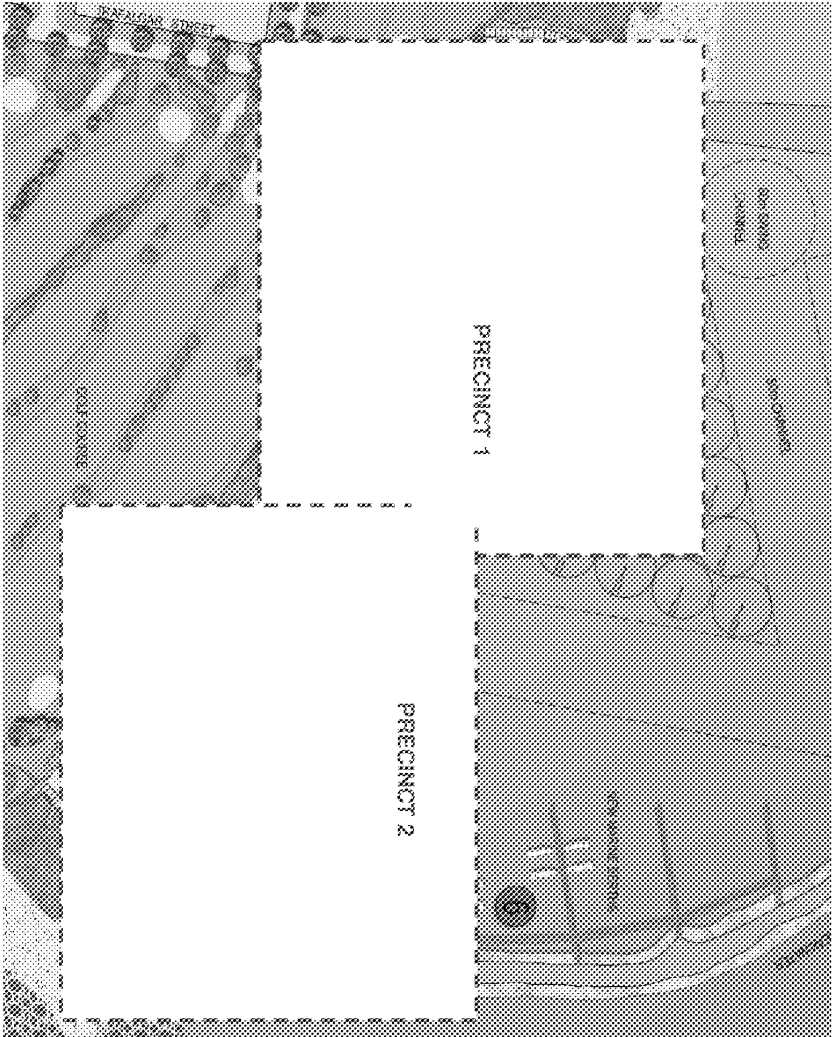


Figure 6: Overall Precinct Plan



Apollo Bay Harbour  
Development Guidelines

NEW

## 2. Purpose of Guidelines

The purpose of this document is to provide information to developers and decision makers about land use and built form expectations for Apollo Bay Harbour Precinct.

It is also intended to:

- Provide Local and State Government agencies with a holistic vision for how recreational and commercial fishing, boating and tourism based activities can be co-located within the Apollo Bay Harbour Precinct.
- Help decision makers and developers determine the capacity of development that can be accommodated whilst preserving the valued natural characteristics of the Precinct.
- Provide guidance as to the scale, footprint and design measures needed to achieve the preferred character sought for the Precinct.
- Provide an advocacy document that can assist Government agencies in determining capital works programs and State, Regional and local funding opportunities within the Precinct.

It is important to note that the guidelines are not prescriptive; rather they have been prepared to guide the detailed design phase and decision making process.

Proposals that provide an alternative response/solution to a site, which is underpinned by the principles outlined in this document, should be encouraged.

## 3. Development Principles

The envisaged redevelopment of Apollo Bay Harbour Precinct aims to have minimal impact on and enhance the environment. It encompasses a small number of waterfront buildings oriented towards the harbour, which tie into the neighbouring

open space and recreational network west of the Harbour Precinct. The project also aims to support a sustainable fishing town and be a vibrant venue that integrates with the surrounding town centre and coastal settlement.

The Master Plan includes a combination of land and marine infrastructure, with landside components including Harbour management services, tourism, hospitality and commercial/retail (eg. community meeting and recreation spaces, Sailing Club facilities, interpretive centre, restaurants and cafes).

Marine infrastructure includes an enlarged boat ramp and a recreational marina. The expansion of the existing commercial berths and protection of the Harbour entrance are other key aspects of the redevelopment. To support the marine aspects of the Harbour Precinct, a relocated and improved boat repair and Port operations base is incorporated into the Master Plan.

These guidelines focus on the built form outcomes associated with the landside components.

The development will be characterised by minimal impact, high quality robust coastal architecture and significant landscaping.

The General Development Principles, outlined as 'Sustainable Strategy' and 'Development Guidelines', have been set down to underpin the broad development goals stated above and provide a realistic framework for the Harbour Precinct. The development principles detailed below also encompass the *Siting and Design Guidelines for Structures on the Victorian Coast*, Victorian Coastal Council (May 1998). Reference should also be made to *Good Design and the Coast*, Issue 03, by the Office of the Victorian Government Architect.

### 3.1 Climate Change

The issue of climate change is an important consideration for coastal communities. Whilst it is difficult to predict the precise nature of impacts associated with climate change, any development in coastal areas should have regard to rising sea levels

and anticipated extreme weather events, such as storms.

The *Victorian Coastal Strategy 2008* sets out the policy and strategic direction for responding to coastal hazard risks in the context of climate change. The Strategy identifies the need to:

*Plan for sea-level rise of not less than 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology with assessing risks and impacts associated with climate change.*

To some extent, Apollo Bay's rising topography would protect elements of the redevelopment from rising sea levels. For elements that are to be located close to the water, the design can be easily adjusted to keep all buildings and roads above any likely design level. The promenade could be designed to become inundated in extreme events, if its interface with the water is considered an important element.

With regard to the materials to be used in the construction of buildings and other infrastructure, the guidelines recognise the harsh environment within which this Precinct is located. Consequently, high quality and durable materials and finishes have been recommended.

### 3.2 Sustainable Strategy

A sustainable strategy plays an integral role in the development. The guidelines for the Apollo Bay Harbour Precinct have regard to a Triple Bottom Line, which considers environmental/ ecological, social and economic implications.



### 3.2.1 Environmental / Ecological Principles

#### Integration with Existing

- Reinforce the qualities of the harbour precinct and facilitate the integration of the Apollo Bay town centre in a staged and orderly manner.
- Ensure modest changes to existing structures.
- Adhere to a 'soft-edge' waterfront development.
- Use landscape screening to minimise the visual impact of buildings from surrounding vantage points.
- Integrate and enhance buildings that have service functions (eg. Fisherman's Co-operative, boat storage and maintenance), and also minimise visual intrusion whilst maximising natural surveillance.
- Develop a physically and visually coherent built form within the coastal landscape setting and character.

#### Built Form Siting

- Minimise impact on the marine ecosystem and surrounding coastal setting.
- Protect sensitive habitat zones (i.e. native vegetation and marine life) by locating higher intensity development in low environmental value zones.
- Maximise coastal, sea and green open space views and vistas towards and from all commercial and community buildings/activities on site.
- Minimise visual blocking of boardwalks by and from structures.
- Minimise car intrusion into sensitive habitat.
- Ensure minimal visual intrusion of required car parking.
- Minimise built form impact (scale and footprint) and respond to surrounding context and character.
- Maximise northerly solar access and use of natural light and ventilation.

#### Building Fabric

- Encourage retention and re-use of buildings of heritage and community value, including the heritage listed Co-Op building, thereby reducing the embodied energy and waste in creating a new future for the site.
- Adopt best practice energy reduction for new development where possible.

#### Building Materials

- Utilise where appropriate materials from the local area and local coastal architectural character.
- Encourage subdued palettes.
- Select durable high quality materials with enduring finishes that are appropriate to a coastal environment.
- Use ecologically friendly materials and low embodied energy materials, recycled/recyclable materials and earth construction, eg. recycled timber.
- Ensure self-washing of roofs, greater than 5 degrees.
- Use of glass to maximise views whilst avoiding glare / reflection (by utilising elements such as eaves overhang, pergolas, louvers and other types of screening system).

#### Landscape & Public Realm

- Utilise where appropriate materials from the local area and local landscape architectural character.
- Minimise disturbance to indigenous vegetation and use local indigenous species in landscaping where possible and appropriate.
- Maintain and enhance the open views to the ocean, harbour and hills.

- Reinforce the established landscape character, including:
  - The structure of tall open trees (Norfolk Island Pines) that are well established on the golf course
  - The landscape of open lawns for ease of public use and maintenance
  - Indigenous vegetation associations providing shelter and stability to the dune systems.

#### Water Sensitive Design Measures - Precinct Based

- Ensure stormwater harvesting and reuse from all major roof surfaces.
- Support grey water treatment and recycling for use in landscaping.
- Minimise the area of impervious surface finishes.

#### Waste Minimisation

- Minimise construction waste through a construction management plan for each stage of the development.
- Provide on-going waste management and sorting areas.
- Encourage greater community and tourist awareness of waste minimisation and ecological responsibility.

#### Reduce Carbon Footprint

- Adopt leading practice passive solar energy principles to minimise energy demand of new or extended buildings.
- Include on-site renewable energy sources, eg. photovoltaic panels & thermal solar water heating.
- Maximise north facing façades as renewable energy collectors.



Apollo Bay Harbour  
Development Guidelines

- Support alternative sustainable transport initiatives, including new walking and cycling networks both through and at the street interfaces with the site.
- Provide high quality public transport infrastructure (eg. bus stops at eastern end of Nelson Street).
- Provide high quality and secure short-term bicycle facilities in all commercial areas and lockers/ showers within the waterfront area.

3.2.2 Social Principles

- Respect the setting and visually complement the surrounding coastal landscape and village (by reinforcing and integrating the boating precinct and the town centre).
- Respect, protect and interpret the Aboriginal and European history of the Precinct.
- Promote local ecological values by building an on-site Interpretive and Education Centre and developing nature walks to contain and direct visitor access.
- Provide dedicated areas for both fishing and boating, free of constraints that might arise when located in close proximity to tourism.
- Ensure the design language highlights the public elements of the precinct and promotes active ground floor uses in buildings.

Sustainable Mobility

- Extend walking and bike trails into and through the site.
- Improve shared pathway to provide for safer cycling and walking alternatives linking the Apollo Bay Town Centre and Harbour.
- Integrate new road design with landscape design to ensure provision of safe and convenient paths, street trees to provide shade and bicycle parking facilities.
- All public and commercial spaces are to be designed to allow access for people of all abilities.
- Ensure compliance with the Disability Discrimination Act throughout the Precinct.

St/Exec Shared Council Meeting/Council Meetings 2013 Apollo Bay Harbour Master Plan Report - Final Report August 2013.DOC

3.2.3 Economic Principles  
Economic Sustainability

- Support the on-going viability of fishing operations.

4. Development Guidelines

To assist the development of the Apollo Bay Harbour, a series of development guidelines have been prepared.

The guidelines are detailed for each of the two precincts that comprise the Apollo Bay Harbour:

1. Harbour Entry & Central Precinct
2. Boating and Sailing Precinct

They focus on:

- Built Form – addressing Land Use and Built Form/Space Requirements
- Landscape and Public Realm Design.

The Development Guidelines depict appropriate uses (community infrastructure, commercial/retail and tourism/hospitality), siting, amenity, scale, aesthetics, materials and finishes.

APOLLO BAY HARBOUR  
DEVELOPMENT GUIDELINES



## Precinct Plan

Expanded Co-op building

New harbour edge buildings fronting boardwalk

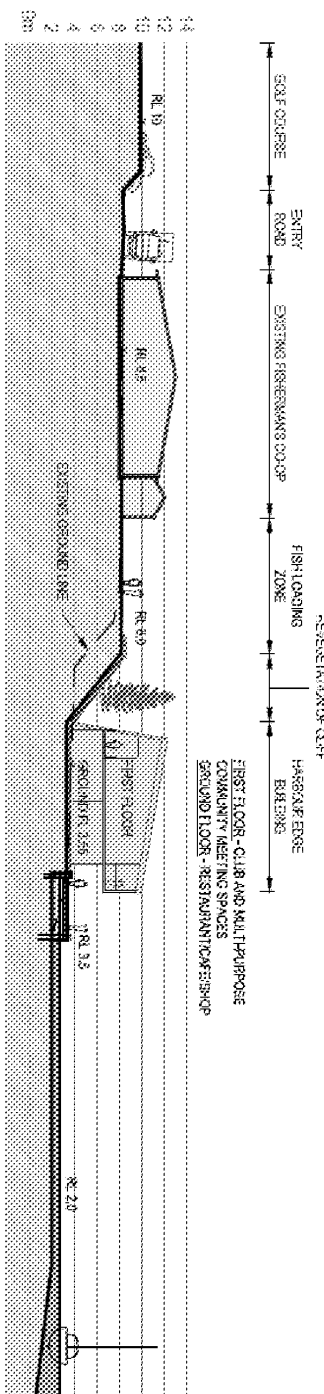
CROWNE

**New pedestrian paths**

Expanded Co-op building

New harbour edge buildings fronting boardwalk

CROWNE





Apollo Bay Harbour  
Development Guidelines

NEW-YARD

Existing Fisherman's Co-op Building (No. 4)

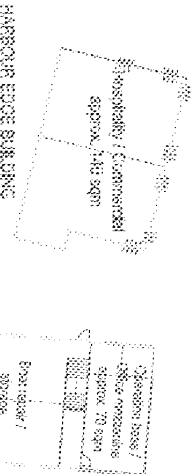
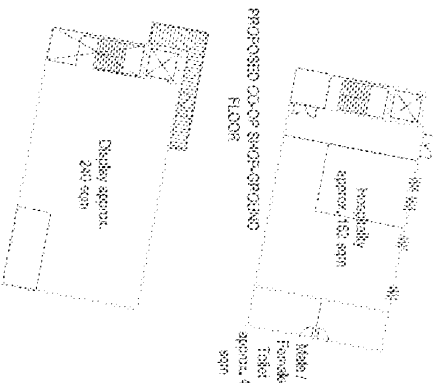
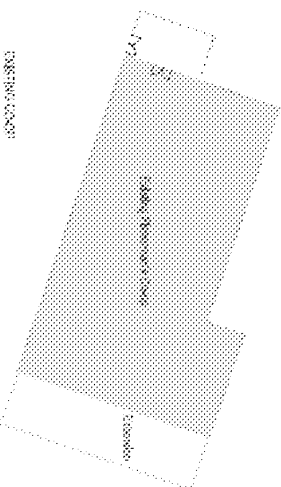
- Existing building to be retained and repaired.
- Building may be used for seafood processing and storage.
- Possible extension to the east, if required, with improved loading bay.
- West facade to be upgraded due to its high visibility to the Harbour Entry Road
- Formalise parking and access arrangements around building, retain one-way access.
- Provide outdoor tables and chairs north of existing carpark for public use.

New Fisherman's Co-op Sales / Community Building (No. 5)

- Potential to house new interpretive centre or community facility, public toilets and hospitality facilities such as restaurant or cafe.
- Ground floor to have retail / hospitality focus with active edges to the boardwalk promenade.
- Upper floor for potential interpretive or community space, with balcony to maximise harbour views.

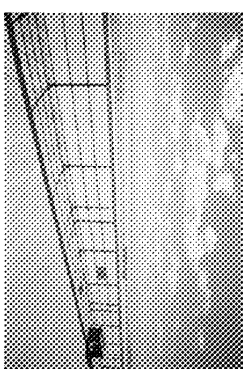
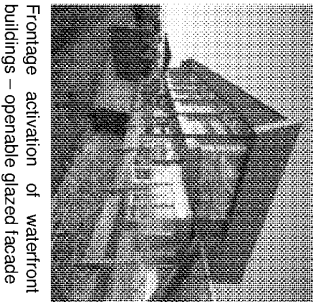
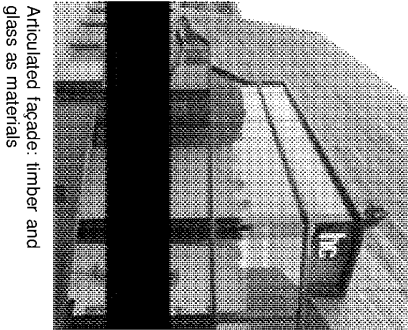
Harbour Edge Building (No. 5)

- Ground floor to have retail / hospitality focus with active edges to the boardwalk promenade.
- Building should follow the same architectural style as the New Fisherman's Co-op building, including the following:
  - East, west and north facades to be glazed and operable to provide flexibility and views to harbour.
  - Shading device to be provided on north facades.
  - Provide for temporary wind protection for outdoor dining areas and use materials that are highly transparent eg. glass.



Harbour Master's Office / Port Operations (No. 8)

- Building to be used for storage and repair of boats
- Maximum building height of 7 metres. Building to be highly articulated and to demonstrate design excellence and use of high quality coastal materials.
- Upper level mezzanine to house Harbour Master's Office where clear view of harbour can be obtained, including space for toilets, offices and tearoom.
- Provide access to office directly off western breakwater to improve safety for visitors by avoiding need to enter the boat yard.





Apollo Bay Harbour  
Development Guidelines

**Aboriginal Cultural Centre (No. 10)**

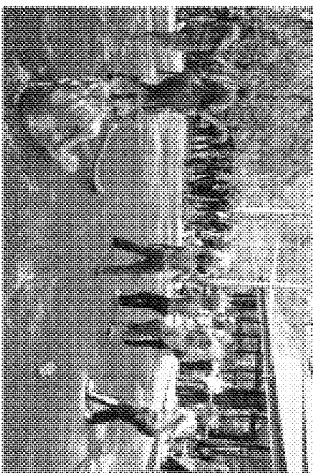
- Subject to detailed business case, building could be a double-storey construction featuring extensive glazing to all facades and shading devices to north side.
- Aboriginal Cultural interpretation to be provided through displays and other temporary structures and installations, rather than overtly in the actual building design or fabric.
- Building to feature similar architectural style to New Fisherman's Co-op and Harbour Edge Building, to ensure lasting robustness and re-adaptation to other uses.
- Integrate design for indoor / outdoor transition.
- Building could incorporate externally accessed public toilets to service boat ramp area.

**Public Realm (No. 1, 2, 3)**

- Breakwater Road to have a 7m wide pavement allowing for 2 lanes of traffic movement.
- Incorporate Water Sensitive Urban Design treatments to road edges and carparking areas including porous pavements, drainage swales.
- New divided entry road with landscaped median between Nelson Street and the western breakwater access road, including new safe pedestrian crossings for the golf course and general public.
- Proposed 6 metre wide boardwalk from western breakwater heading east to provide promenading access to new harbour side buildings. Boardwalk may be over edge of water to maximise interaction. Utilise large robust timbers suitable for coastal exposure and achievement of aesthetic outcomes.
- New pathway routes along Breakwater Road and from eastern end of boardwalk to the Aboriginal Cultural Centre.
- New stair access from Breakwater Road to the boardwalk
- Supplementary planting consisting of indigenous coastal vegetation in areas to provide screening and slope stabilisation.



Yellow Water Visitor Centre, Kakadu National Park



Fitzroy Falls Visitor Centre, Morton National Park



Brambuk Centre, Grampians National Park



Generous width boardwalk to water's edge



Water sensitive design elements



Less formal pathways through sensitive areas



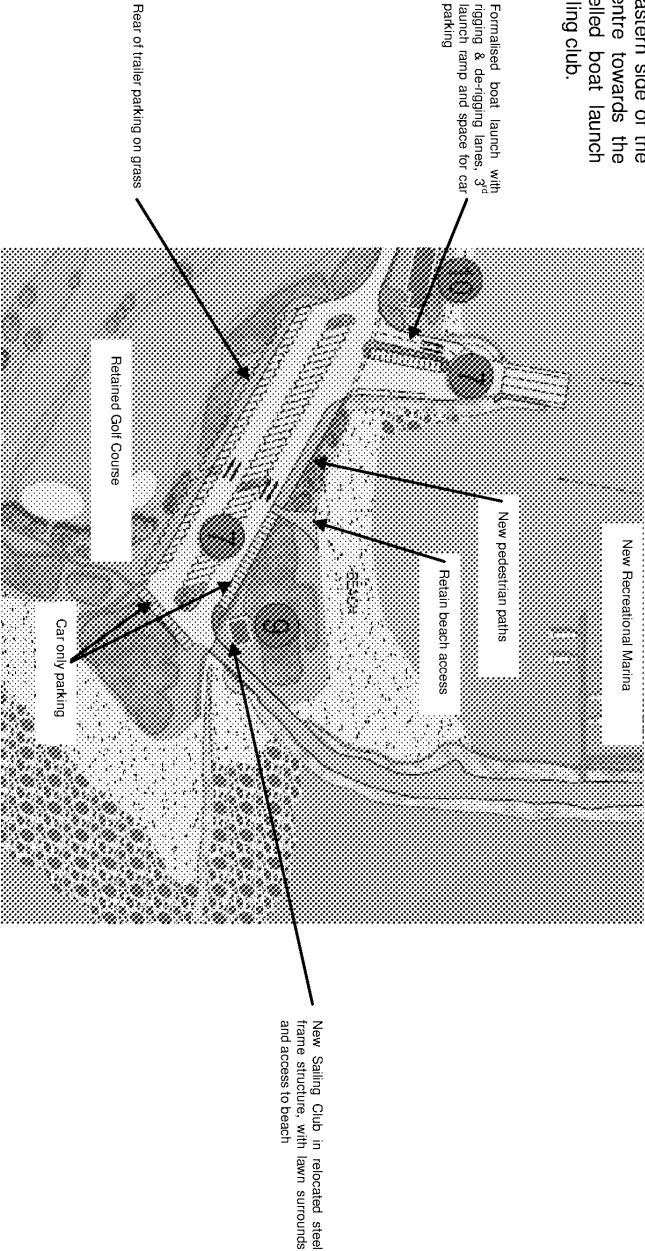
Apollo Bay Harbour  
Development Guidelines

MEIN+ARDT

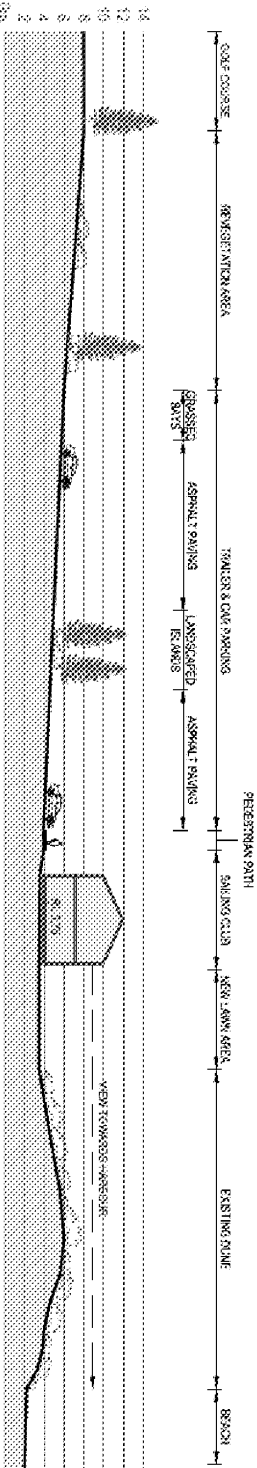
4.2 Boating and Sailing Precinct

Precinct Plan

This precinct extends from the eastern side of the proposed Aboriginal Cultural Centre towards the east, encompassing the remodelled boat launch facility, trailer parking area and sailing club.



Cross Section





Apollo Bay Harbour  
Development Guidelines

NEW-ADT

**Boat Launch Infrastructure (No. 7)**

- Existing boat ramp to be widened towards the west to create a third launching lane.
- Create 2 lanes for combined queuing and rigging, asphalt surfaced manoeuvring area and de-rigging parking bays for improved efficiency and operation of boat launching.
- New centrally located car parking bays to service the Aboriginal Cultural Centre, incorporating landscape screening and pedestrian paths.
- Formalise linemarking and signage to educate users on operation of boat launch.

**Trailer Parking (No. 7)**

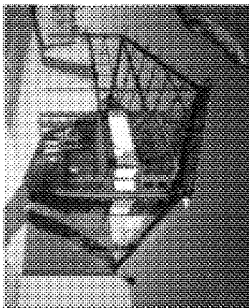
- Existing trailer parking area to be formalised through new asphalt surfaces, linemarking, landscaping and signage.
- Curtail spread of informal parking and gravel paved areas to improve visual appearance.
- Southern parking bays (rear-in) to feature grassed surfaces for the rear half of each bay to reduce impact and improve infiltration.
- Central parking bays can either be rear-in or forward parking and can also be configured to cater for vehicles only during non-peak boat use times.
- Allow for 2 way access lanes around parking area.

**Sailing Club (No. 9)**

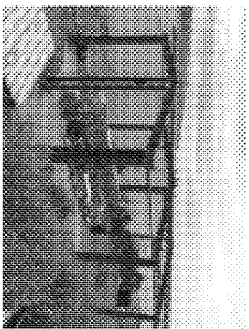
- Provision of some car parking bays to only service other users of the precinct, such as beach goers, coastal walkers, sightseers etc.
- Consider re-use of steel framed structure from existing harbour works area as the basis for the new sailing club building.
  - Building to incorporate storage and social function space, mezzanine level office, toilets and race control room.
  - Surrounds to club to be grassed to allow for casual small sailing craft to be temporarily parked.
  - Sailing Club location provides roll-in access to the Harbour Beach.
  - Building facades should be articulated with emphasis on light and shade with screens and light weight coastal materials.

**Public Realm**

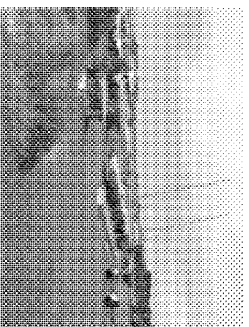
- Incorporate Water Sensitive Urban Design treatments to road edges and parking areas including porous pavements, drainage swales.
- Supplementary planting consisting of indigenous coastal vegetation in areas to provide screening and slope stabilisation.
- Provide new pedestrian pathways through precinct to connect to broader area, including path connection from Aboriginal Cultural Centre to the Sailing Club and beyond to the ocean beach.
- Incorporate quality street furniture such as lighting, seats, picnic tables, bins, bollards.
- Remove old and worn public realm infrastructure such as timber post and rail barriers and upgrade to new standards as required.



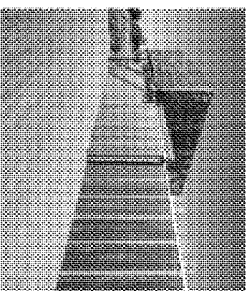
Integrate surveillance requirements into design solutions



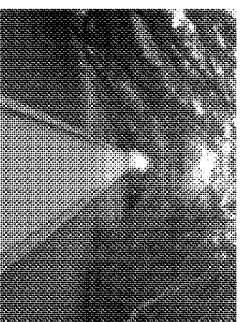
Possibility to relocate & reuse existing structure for new sailing club



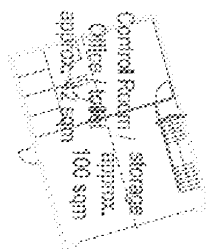
Grassed trailer parking areas



Building materials to integrate with coastal character



Boardwalk paths to protect fragile environments



SAILING CLUB



COLAC OTWAY PLANNING SCHEME

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Proposed

**SCHEDULE 2 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ2**

**APOLLO BAY HARBOUR**

**Purpose**

To provide for the co-ordinated redevelopment of the Apollo Bay Harbour that is consistent with the *Apollo Bay Harbour Master Plan 2013 Incorporated Document*.

To upgrade the boating facilities to a regional level facility in accordance with the Boating Coastal Action Plan 2007.

To accommodate Port Operations in new and improved facilities.

To contribute to the development and growth of regional tourism.

To ensure that the combination of uses, their overall density and the scale, character and level of development are compatible with:

- The amenity of the surrounding area.
- The skyline as seen from the northern and eastern breakwater.
- The capacity of the existing road system and any proposed modifications to accommodate an increase in traffic.
- The need to provide for ongoing commercial port operations and commercial tourism uses.

To ensure retailing in the Apollo Bay shopping centre is not adversely impacted by small scale commercial development at the Apollo Bay Harbour.

To provide safe and efficient vehicle, pedestrian and cycling movements and linkages between the Harbour and the shopping centre.

To encourage a high standard of coastal urban design.

To ensure development is protected from climate change impacts such as sea level rise and storm surge.

To ensure any redevelopment is consistent with the heritage values of the precinct.

To provide for the ongoing operation of the Apollo Bay golf course.

**1.0**

**Table of uses**

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**Section 1 - Permit not required**

| Use   | Condition  |
|---|--|
| <b>Any use associated with the Port Operations or the management of the Harbour by a public authority</b> | Must be generally in accordance with the <i>Apollo Bay Harbour Master Plan 2013 Incorporated Document</i>  |
| <b>Car park</b>   | Must be generally in accordance with the <i>Apollo Bay Harbour Master Plan 2013 Incorporated Document</i><br><br>Must meet the requirements of Clause 4 of this schedule |
| <b>Food and drink premises (other than Hotel)</b>   | Must not exceed 200sqm in leasable floor area per premises   |



COLAC OTWAY PLANNING SCHEME

|   |  |
|---|--|
| <b>Industry (other than Materials recycling, Refuse disposal, Transfer station, Rural industry, Car wash, Dry cleaner, Motor repairs and Panel beating)</b> | Must be generally in accordance with the <i>Apollo Bay Harbour Master Plan 2013 Incorporated Document</i><br><br>Must be directly related to Harbour or marine based activity            |
| <b>Office</b>   | Must be in conjunction with the Fishermans Co-op, sailing club facility or Port operations   |
| <b>Place of assembly</b>  | Must be for the Aboriginal interpretive centre or community spaces in the Harbour edge buildings in accordance with the <i>Apollo Bay Harbour Master Plan 2013 Incorporated Document</i> |
| <b>Pleasure boat facility</b>   | Must be generally in accordance with the <i>Apollo Bay Harbour Master Plan 2013 Incorporated Document</i>  |
| <b>Primary produce sales</b>  | Produce must be derived from the sea   |
| <b>Utility installation</b>   |  |
| <b>Wharf</b>  | Must be generally in accordance with the <i>Apollo Bay Harbour Master Plan 2013 Incorporated Document</i>  |

**Section 2 - Permit required**

| Use  | Condition                             |
|--|---------------------------------------|
| <b>Aquaculture</b>   |                                       |
| <b>Food and drink premises</b>   | If the Section 1 condition is not met |
| <b>Market</b>  |                                       |
| <b>Office (other than Medical centre)</b>  | If the Section 1 condition is not met |
| <b>Place of assembly (other than Amusement parlour and Aboriginal interpretive centre)</b>             |                                       |
| <b>Renewable energy facility</b>   |                                       |
| <b>Shop (other than Adult sex bookshop, Department store, Restricted retail premises, Supermarket)</b> |                                       |
| <b>Zoo</b>   | Must be for a salt water aquarium     |

**Section 3 - Prohibited**

| Use                           |
|-------------------------------|
| Any use not in Section 1 or 2 |

**2.0**

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**Use of land**

**Application requirements for Section 2 uses**

An application to use land must be accompanied by the following information, as appropriate:

- For any use that is not consistent with the *Apollo Bay Harbour Master Plan 2013 Incorporated Document* a report must be prepared that addresses the need for the use in the Harbour and demonstrate that it will not impede any use that is supported by the *Apollo Bay Harbour Master Plan 2013 Incorporated Document*.



COLAC OTWAY PLANNING SCHEME

- The purpose of the use and the types of activities that will be carried out.
- Plans drawn to scale showing the layout of the proposed use, including all buildings and works, landscaping and works.
- The likely effects, if any, on adjoining land including noise levels, traffic, the hours of operation, light spill, and delivery and despatch of goods, materials and waste management.
- Details of all infrastructure, drainage and effluent disposal requirements.

**Decision Guidelines**

Before deciding on an application to use land, the responsible authority must consider:

- The consistency of the use with the *Apollo Bay Harbour Master Plan 2013 Incorporated Document*.
- The effect upon the Apollo Bay Shopping Centre.
- The effect of the use on the operations of the Harbour.
- Providing and connecting to services and utilities.

**3.0**

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**Subdivision**

**Decision guidelines**

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

- Consistency with the *Apollo Bay Harbour Master Plan 2013 Incorporated Document*.
- The effect the subdivision will have on the potential of the area to accommodate the uses supported by the *Apollo Bay Harbour Master Plan 2013 Incorporated Document*.

**4.0**

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**Buildings and Works**

A permit is not required for:

- The redevelopment of the Mother's Beach car park, extension of the boat ramp, the boat trailer/car park and car parking associated with the Fisherman's Co-op building.
- Minor public works such as construction of pathways, trails, seating, picnic tables, drinking taps, shelters, sculptures and art work, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure provided these are in locations that are generally consistent with the *Apollo Bay Harbour Master Plan 2013 Incorporated Document*.
- Dredging works undertaken by or under the authority of the relevant Harbour management authority to maintain navigable depths in existing channels or waterways and the Harbour to ensure continued access to facilities.
- Works undertaken on behalf of the relevant Harbour management authority for the maintenance repair or removal of any navigation aid or open framed marine structure.

**Development Plan**

Prior to the granting of a permit for the construction of buildings and works in Precinct 1 (Harbour Entry and Central Precinct) that contains the Fisherman's Co-op, Port operations area, boardwalk, retail/commercial space and community use, Aboriginal interpretative



COLAC OTWAY PLANNING SCHEME

centre, Mother's Beach carpark, a Development Plan must be approved by the responsible authority. The development plan must be generally in accordance with the *Apollo Bay Harbour Master Plan 2013 Incorporated Document*. The purpose of the Development Plan is to resolve a complex set of site issues and must include details of the following matters, as appropriate:

- A site context plan and report that is based upon accurate cadastre showing contours to 0.2 metre and demonstrates how the buildings and works satisfy the design guidelines contained in the incorporated document;
- Location of existing site features and their relationship to proposed changes;
- An assessment of the operational requirements of the Apollo Bay Harbour Port Operations and the representation of these requirements on the Development Plan;
- An implementation plan that identifies how the Port Operations area will be redeveloped and whether this can be achieved in stages. The plan should also address any interim measures for the Port Operations that will not undermine the ability to achieve the Master Plan outcomes for this area;
- Pathways / pedestrian access including separation of Harbour traffic from pedestrians;
- The location, height, dimensions and cross sections for all buildings and works showing natural ground levels and any areas of cut and fill;
- The proposed use of each building; and
- The materials and finishes of all buildings.

**Car parking – Precinct approach**

The approach to parking is precinct-based. Parking is to be provided at the following four nodes:

- Mother's Beach carpark – approximately 71 car parks;
- Fisherman's Co-op – approximately 6 car parks;
- Boat trailer car park – approximately 45 car spaces and 63 boat trailer spaces; and
- Breakwater Road – parallel parking that maintains the two-way vehicle movement.

The upgrading of these parking facilities will be used as justification to waive the Clause 52.06 parking requirements generated by individual projects or uses identified in the *Apollo Bay Harbour Master Plan 2013 Incorporated Document*.

**Application requirements**

An application for buildings and works must be accompanied by the following information, as appropriate:

- For any building and works that is consistent with the *Apollo Bay Harbour Master Plan 2013 Incorporated Document* a report that addresses the design guidelines of the incorporated document.
- Plans and elevations drawn to scale showing the location, height, colour, material and finishes of all buildings and location of public lighting to improve security and safety.
- The effect of the development on visual and landscape character.
- Built form and character, and the relationship of the proposed development to existing development on or near the site.
- Means of accommodating storage requirements and the effect of any outdoor storage.



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- Means of providing safety and security enclosures and the effect of any fencing or enclosure.

**Decision guidelines**

Before deciding on a permit application or to approve a development plan, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement;
- The purpose of the Schedule;
- The comments of the Department of Environment and Primary Industries;
- The *Apollo Bay Harbour Master Plan 2013 Incorporated Document*;
- The impacts of the development on local and regional recreational and tourism activities;
- The effect of the development on the operations of the Harbour;
- The impact on coastal processes;
- Wastewater and stormwater disposal and discharge;
- The use of lighting to increase security for the precinct;
- The visual impact of the development when viewed from surrounding land and water; and
- The impact of traffic generated by the proposed use and development and whether any additional traffic management or traffic control works are likely to be required in the area.

**5.0 Advertising signs**

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C73  
Proposed

Advertising sign requirements are at Clause 52.05. This schedule is in category 3.





**APOLLO BAY HARBOUR MASTER PLAN  
INCORPORATED DOCUMENT**

**COLAC OTWAY SHIRE COUNCIL**

**August 2013**

Date adopted by Council



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## 1 Introduction

This document relates to the use and development of land at the Apollo Bay Harbour as a safe boat Harbour, providing facilities for commercial and pleasure craft and associated public and private uses. It applies to land zoned Special Use Zone – Schedule 2 (Apollo Bay Harbour Master Plan) in the Colac Otway Planning Scheme.

This document sets out the following information:

- Requirements for Section 1 Uses
- Development Plan Preparation Requirements
- Development Principles and Development Guidelines

This document is incorporated into the Colac Otway Planning Scheme.

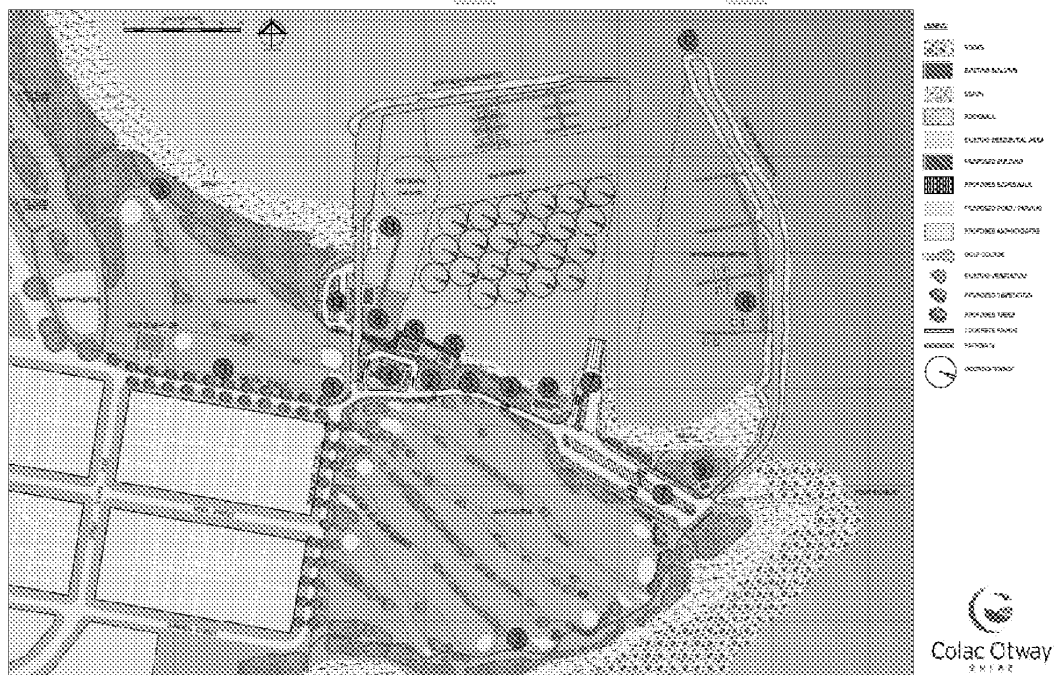


Figure 1 Apollo Bay Harbour Master Plan



## 2 Requirements for Section 1 Uses

A Master Plan for the Apollo Bay Harbour has been completed by the Colac Otway Shire Council. The Apollo Bay Harbour Master Plan is shown in Figure 1. The Master Plan contains the following two precincts:

1. **Harbour entry and central precinct**
2. **Boating and sailing precinct**

Schedule 2 to the Special Use Zone and the Heritage Overlay provide for the use and development of the Apollo Bay Harbour that is consistent with the Master Plan.

The following numbering corresponds with the key projects identified on the Apollo Bay Harbour Master Plan.

The Apollo Bay Harbour redevelopment must provide or meet all of the following:

1. The **Harbour Precinct Entry Road** will be upgraded to straighten the 'dog leg' south of the Fisherman's Co-op building and provide safer access to the Harbour.
2. **Breakwater Road** will be upgraded to formalise a two-way vehicle movement with asphalt, linemarking and edge treatment that includes flush kerbs with vegetated drainage swales. Parallel parking will be provided along Breakwater Road if there is sufficient space.
3. The provision or upgrade of **pedestrian/bicycle paths** throughout the precinct as shown on the Apollo Bay Harbour Master Plan, which includes;
  - A new 6.0 metre (approx) wide boardwalk along the Harbour water's edge east of Mothers Beach car park to the current eastern end of the Harbour works area.
  - A new 3.0 metre (approx) wide promenade to connect the Harbour to the town centre via Mother's Beach carpark. This will link with existing paths between the golf course and beach.
  - A new path from the existing paths that terminate west of the golf club house, along Nelson Street to the new entry road.
  - Pedestrian access will continue to the western and northern breakwaters - these paths could be separated from operational vehicles or operate as shared zones with priority for pedestrians depending on detailed assessment of public safety issues.
  - A new path along the dunes at the southern end of the golf course. This would take the form of a nature walk highlighting coastal vegetation and providing beach access and coastal viewing points.



- If achievable with vegetation and topographical constraints, a new path along the north side of Breakwater Road, connecting the existing Co-op building to the proposed Aboriginal Interpretive Centre.
- 4. Retain and provide for the eastern extension of the **Fisherman's Co-Op building** for fish processing operations. The provision of approximately 6 dedicated car parking spaces at the Fisherman's Co-op.
- 5. Construct new double storey buildings located on the water's edge south of the 6.0 metre wide boardwalk. Uses in these buildings could include **shops, cafes and restaurants** at ground level and multi use event and meeting spaces above for club, community and commercial activities. This would be subject to a detailed business case assessment.
- 6. Provide a **new recreational marina mooring** along the eastern breakwater wall. This is to be based on Mediterranean berths and swing moorings.
- 7. Widening of the **boat launching facility** to 3 lanes. Upgrading of the boat trailer parking area to provide approximately 63 boat trailer parks and 45 car parks. This includes a new formal access arrangement to the boat launching facility, sealed pavement surfaces, linemarking, drainage and landscaping.
- 8. Relocate and expand the **Port Operations** and boat repair facility to the north to provide for the pedestrian boardwalk. A Harbour Master's Office will be provided, together with new buildings for equipment storage, staff amenities and administration. Transparent fencing will be provided to enable public viewing of the working Harbour.
- 9. A new double storey **Sailing Club Facility** at the eastern end of the boat trailer park to provide clubrooms, race control facilities, toilets and storage space.
- 10. A **Great Ocean Road Aboriginal Cultural Centre** to the west of the boat trailer parking area. This is subject to a detailed business case assessment.
- 11. Provision for other **commercial water based development** (floating restaurant).
- 12. Provide for an **extension of the eastern breakwater** by approximately 60 metres to enable safe access to the Harbour.
- 13. Upgrading of the **Mother's Beach car park** to provide approximately 71 car parking spaces. This includes a new toilet/change facility building, sealed pavement surfaces, linemarking and landscaping.



### **3 Development Plan Preparation Requirements**

In addition to the completed Master Plan, Schedule 2 to the Special Use Zone requires the preparation of a Development Plan for Precinct 1 (Harbour Entry and Central Precinct). This Development Plan will address the interrelationship of the Port operations and its future needs and requirements with the publically accessible areas that has a strong tourism focus.

This Development Plan is required prior to a permit being granted for the construction of any buildings and works.

The Precinct 1 Development Plan will include, as appropriate:

- A site context plan and report that is based upon accurate cadastre showing contours to 0.2 metre and demonstrates how the buildings and works satisfy the design guidelines contained in the incorporated document;
- Location of existing site features and their relationship to proposed changes;
- An assessment of the operational requirements of the Apollo Bay Harbour Port Operations and the representation of these requirements on the Development Plan;
- An implementation plan that identifies how the Port Operations area will be redeveloped and whether this can be achieved in stages. The plan should also address any interim measures for the Port Operations that will not undermine the ability to achieve the Master Plan outcomes for this area;
- Pathways / pedestrian access including separation of Harbour traffic from pedestrians;
- The location, height, dimensions and cross sections for all buildings and works showing natural ground levels and any areas of cut and fill;
- The proposed use of each building; and
- The materials and finishes of all buildings.



## 4 Development Principles and Development Guidelines

### 4.1 Development Outcomes

The Apollo Bay Harbour is to make an outstanding contribution to the operational effectiveness of the Port Operations and the tourism appeal of the Harbour by:

- Improving boating and fishing facilities consistent with the Harbour's regional level status under the *Boating Coastal Action Plan 2007* and the *Western Boating Coastal Action Plan 2010*.
- Improving pedestrian and road linkages between the Harbour Precinct and town centre.
- Maintaining Port and commercial fishing operations, whilst improving the amenity of the area.
- Separating Port and commercial fishing operations from the tourist activities to avoid conflicts and safety issues.
- Maintaining and enhancing the existing open golf course landscape as an asset to the town because of its views, cultural value and level of development in terms of lawns, services and established planting.
- Developing year-round facilities for use by residents and visitors to Apollo Bay.
- Respecting and protecting cultural heritage, including Aboriginal archaeological sites (e.g. middens and drinking well) and European heritage.
- Maximising the opportunities provided by the change in topography, including the significant change between the Fisherman's Co-operative and Harbour water edge (estimated at approximately 8 metres).
- Considering natural coastal processes, such as sand movement and ocean swells and coastal vulnerability including climate change implications.
- Developing a Harbour that is iconic and provides a unique experience.
- Developing a strong sense of entry to the Harbour Precinct from the Great Ocean Road.
- Maximising key views:
  - to the Harbour Precinct;
  - through the Precinct to the beach and ocean, and;
  - from the Precinct to the town centre (and vice versa).



## **4.2 Development Principles**

The following Development Principles are consistent with the:

- . *Siting and Design Guidelines for Structures on the Victorian Coast*, Victorian Coastal Council (May 1998),
- . *Good Design and the Coast, Issue 2003*, by the Office of the Victorian Government Architect,
- . *Victorian Coastal Strategy 2008*.

### **4.2.1 Environmental/Ecological Principles**

#### **Integration with Existing**

- Reinforce the qualities of the Harbour and facilitate the integration with the Apollo Bay town centre in a staged and orderly manner.
- Ensure modest changes to existing structures.
- Adhere to a 'soft-edge' waterfront development.
- Use landscape screening to minimise the visual impact of buildings from surrounding vantage points.
- Integrate and enhance buildings that have service functions (eg. Fisherman's Co-operative, boat storage and maintenance), and also minimise visual intrusion whilst maximising natural surveillance.
- Develop a physically and visually coherent built form within the coastal landscape setting and character.

#### **Built Form Siting**

- Minimise impact on the marine ecosystem and surrounding coastal setting.
- Protect sensitive habitat zones (i.e. native vegetation and marine life) by locating higher intensity development in low environmental value zones.
- Maximise coastal, sea and green open space views and vistas towards and from all commercial and community buildings/ activities on site.
- Minimise visual blocking of boardwalks by and from structures.
- Minimise car intrusion into sensitive habitat.
- Ensure minimal visual intrusion of required car parking.
- Minimise built form impact (scale and footprint) by responding to surrounding context and character.
- Maximise northerly solar access and use of natural light and ventilation.



- Diminish vandalism by maximising surveillance (e.g. use of boardwalks, pathways and articulated built form).
- Ensure public access to public land is maintained except where the interests of security or safety predominate.
- New buildings will be setback and elevated consistent with the Coastal hazard Vulnerability Assessment (CHVA).
- Development should not cause any detrimental affects to natural coastal processes.
- Avoid continuous overshadowing of foreshore areas.

#### **Building Fabric**

- Encourage retention and re-use of buildings of heritage and community value, including the heritage listed Fisherman's Co-Op building, thereby reducing the embodied energy and waste in creating a new future for the site.
- Adopt best practice energy reduction for new development where possible.

#### **Building Materials**

- Utilise where appropriate materials from the local area and local coastal architectural character.
- Encourage subdued palettes.
- Select durable high quality materials with enduring finishes that are appropriate to a coastal environment.
- Use ecologically friendly materials and low embodied energy materials, recycled/recyclable materials and earth construction, e.g. recycled timber.
- Ensure self-washing of roofs greater than 5 degrees.
- Use of glass to maximise views whilst avoiding glare/reflection (by utilising elements such as eaves overhang, pergolas, louvres and other types of screening system).

#### **Landscape & Public Realm**

- Minimise disturbance to indigenous vegetation and use local indigenous species that are resistant to coastal exposure in landscaping where possible and appropriate.
- Maintain and enhance the open views to the ocean, Harbour and hills.
- Reinforce the established landscape character, including:
  - The structure of tall open trees (Norfolk Island Pines) that are well established on the golf course
  - The landscape of open lawns for ease of public use and maintenance



- Indigenous vegetation associations providing shelter and stability to the dune systems.
- Replace substandard road pavements & other port infrastructure with new pavements, furniture and other public infrastructure that is consistent, well designed, high quality and complements the coastal environment.

#### **Water Sensitive Design Measures - Precinct Based**

- Ensure stormwater harvesting and reuse from all major roof surfaces.
- Support grey water treatment and recycling for use in landscaping.
- Minimise the area of impervious surface finishes.

#### **Waste Minimisation**

- Minimise construction waste through a construction management plan for each stage of the development.
- Provide on-going waste management and sorting areas.
- Encourage greater community and tourist awareness of waste minimisation and ecological responsibility.

#### **Reduce Carbon Footprint**

- Adopt leading practice passive solar energy principles to minimise energy demand of new or extended buildings.
- Include on-site renewable energy sources, e.g. photovoltaic panels and thermal solar water heating.
- Maximise north facing façades as renewable energy collectors.
- Support alternative sustainable transport initiatives, including new walking and cycling networks both through and at the street interfaces with the site.
- Provide high quality public transport infrastructure (eg. bus stops at eastern end of Nelson Street).
- Provide high quality and secure short-term bicycle facilities in all commercial areas and lockers/ showers within the waterfront area.

#### **4.2.2 Social Principles**

##### **Cultural and Aesthetic**

- Respect the setting and visually complement the surrounding coastal landscape and development by reinforcing and integrating the boating precinct and the town centre.



- Respect, protect and interpret the Aboriginal and European history of the Precinct.
- Promote local ecological values by building an on-site Interpretive and Education Centre and developing nature walks to contain and direct visitor access.
- Provide dedicated areas for both fishing and boating, free of constraints that might arise when located in close proximity to tourism.
- Ensure the design language highlights the public elements of the precinct and promotes active ground floor uses in buildings.

#### **Sustainable Mobility**

- Extend walking and bike trails into and through the site.
- Improve shared pathway to provide for safer cycling and walking alternatives linking the Apollo Bay Town Centre and Harbour.
- Integrate new road design with landscape design to ensure provision of safe and convenient paths, street trees to provide shade and bicycle parking facilities.
- All public and commercial spaces are to be designed to allow access for all abilities.
- Ensure compliance with the Disability Discrimination Act throughout the Precinct.

#### **4.2.3 Economic Principles**

##### **Economic Sustainability**

- Support the on-going viability of fishing operations and the Co-op.



### 4.3 Development Guidelines

Precincts 1 and 2 of the Harbour are shown in Figure 2.

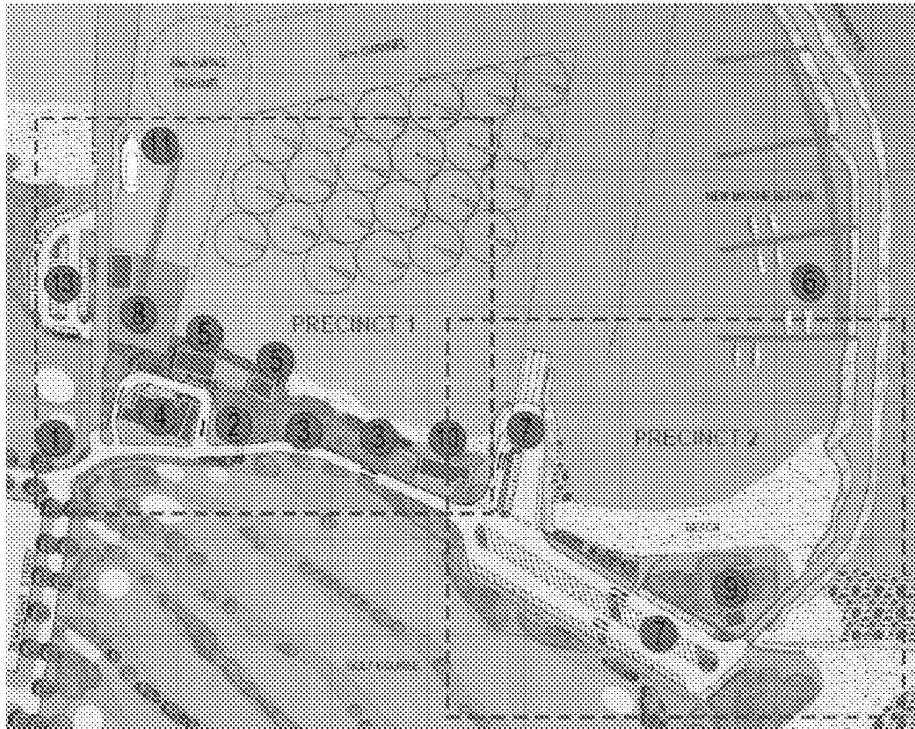


Figure 2 Apollo Bay Harbour Precinct Plan

#### 4.3.1 Precinct 1 - Harbour Entry and Central Precinct

This precinct extends from the intersection of Nelson Street and Breakwater Road (Harbour entry), north to the Mother's Beach carpark and east to the edge of the existing boat ramp. It comprises the existing Fisherman's Co-Op building, relocated Harbour works area, proposed new Fisherman's Co-Op food outlet with associated other retail/community Harbour-front buildings, possible Great Ocean Road Aboriginal Interpretive Centre, new Harbour-side boardwalk, and improved road, pedestrian and parking infrastructure.

Figure 3 contains a cross section of how Precinct 1 will be developed and indicates any new development at the water's edge will not have a building height greater than that of the existing Fisherman's Co-op building.



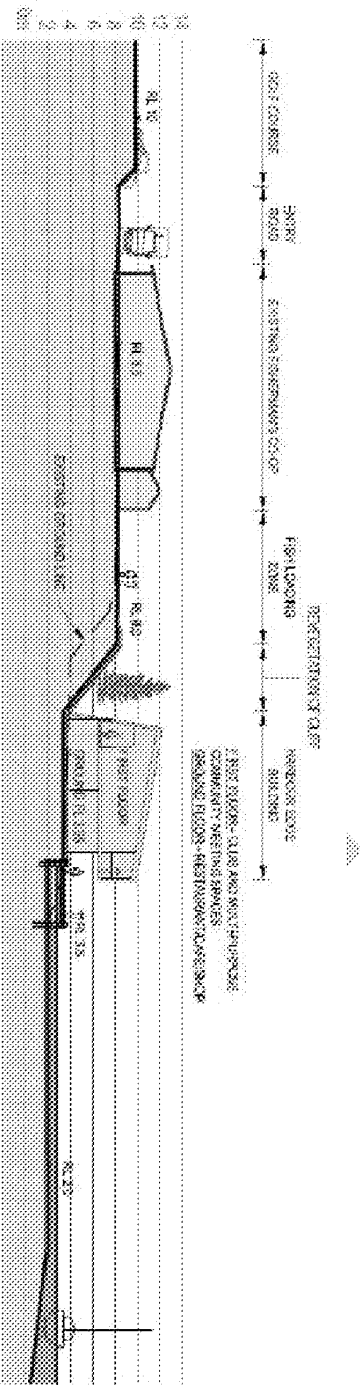
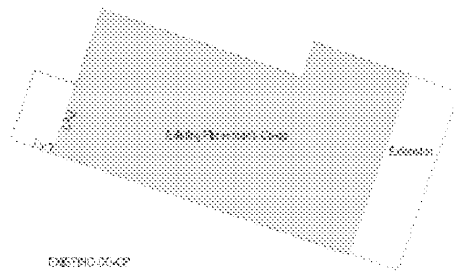


Figure 3 Precinct 1 Cross Section

Existing Fisherman's Co-op Building (No. 4)

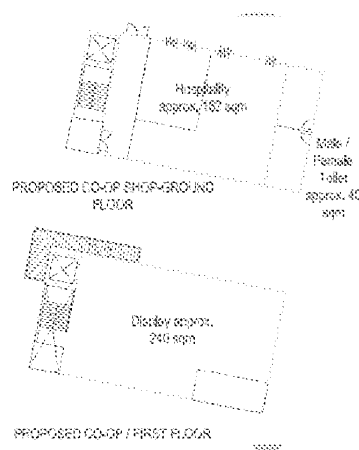
- Existing building to be retained and repaired. Building may be used for sealood processing and storage.
- Possible extension to the east if required, with improved loading bay.
- West facade to be upgraded due to its high visibility to the Harbour Entry Road
- Formalise parking and access arrangements around building, retain one-way access.
- Provide outdoor tables and chairs north of existing carpark for public use.





#### New Fisherman's Co-op Sales / Community Building (No. 5)

- Potential to house new interpretive centre or community facility, public toilets and hospitality facilities such as restaurant or café.
- Ground floor to have retail/hospitality focus with active edges to the boardwalk promenade.
- Upper floor for potential interpretive or community space, with balcony to maximise Harbour views.

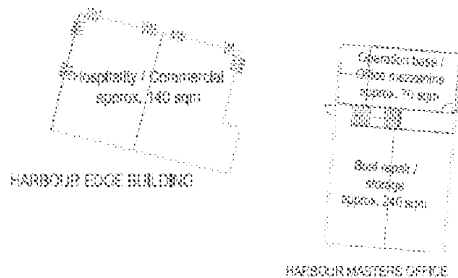


#### Harbour Edge Building (No. 5)

- Ground floor to have retail / hospitality focus with active edges to the boardwalk promenade.
- Building should follow the same architectural style as the New Fisherman's Co-op building, including the following:



- East, west and north facades to be glazed and openable to provide flexibility and views to Harbour.
- Shading device to be provided on north facades.
- Provide for temporary wind protection for outdoor dining areas and use materials that are highly transparent eg. glass.



#### **Harbour Master's Office / Port Operations (No. 8)**

- Building to be used for storage and repair of boats
- Maximum building height of 7 metres. Building to be highly articulated and to demonstrate design excellence and use of high quality coastal materials.
- Upper level mezzanine to house Harbour Master's office where clear view of Harbour can be obtained, including space for toilets, offices and tearoom.
- Provide access to office directly off western breakwater to improve safety for visitors by avoiding need to enter the boat yard.

#### **Aboriginal Cultural Centre (No. 10)**

- Subject to detailed business case, building could be a double-storey construction featuring extensive glazing to all facades and shading devices to north side.
- Aboriginal Cultural interpretation to be provided through displays and other temporary structures and installations, rather than overtly in the actual building design or fabric.
- Building to feature similar architectural style to New Fisherman's Co-op and Harbour Edge Building, to ensure lasting robustness and re-adaptation to other uses.
- Integrate design for indoor / outdoor transition.
- Building could incorporate externally accessed public toilets to service boat ramp area.

#### **Public Realm (No. 1, 2, 3)**

- Breakwater Road to have a 7m wide pavement allowing for 2 lanes of traffic movement.



- Incorporate Water Sensitive Urban Design treatments to road edges and carparking areas including porous pavements, drainage swales.
- New divided entry road with landscaped median between Nelson Street and the western breakwater access road, including new safe pedestrian crossings for the golf course and general public.
- Proposed 6 metre wide (approx) boardwalk from western breakwater heading east to provide promenading access to new Harbour side buildings. Boardwalk may be over edge of water to maximise interaction. Utilise large robust timbers suitable for coastal exposure and achievement of aesthetic outcomes.
- New pathway routes along Breakwater Road and from eastern end of boardwalk to the Aboriginal Cultural Centre.
- New stair access from Breakwater Road to the boardwalk
- Supplementary planting consisting of indigenous coastal vegetation in areas to provide screening and slope stabilisation.

#### **4.3.2 Precinct 2 – Boating and Sailing Precinct**

This precinct extends from the eastern side of the proposed Aboriginal Cultural Centre towards the east, encompassing the remodelled boat launch facility, trailer parking area and sailing club.

Figure 4 contains a cross section of Precinct 2 that indicates the only major built form addition will be the new double storey sailing club building. This precinct will retain its open vistas to the golf course, the ocean and the surrounding hills and slopes.

##### **Boat Launch Infrastructure (No. 7)**

- Existing boat ramp to be widened towards the west to create a third launching lane.
- Create 2 lanes for combined queuing and rigging, asphalt surfaced manoeuvring area and de-rigging parking bays for improved efficiency and operation of boat launching.
- New centrally located car parking bays to service the Aboriginal Cultural Centre, incorporating landscape screening and pedestrian paths.
- Formalise linemarking and signage to educate users on operation of boat launch.

##### **Trailer Parking (No. 7)**

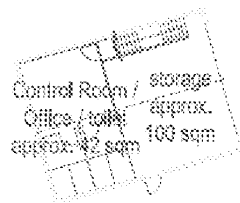
- Existing trailer parking area to be formalised through new asphalt surfaces, linemarking, landscaping and signage.
- Curtail spread of informal parking and gravel paved areas to improve visual appearance.
- Southern parking bays (rear-in) to feature grassed surfaces for the rear half of each bay to reduce impact and improve infiltration.



- Central parking bays can either be rear-in or forward parking and also be configured to cater for vehicles only during non-peak boat use times.
- Allow for 2 way access lanes around parking area.
- Provision of some car parking bays to only service other users of the precinct, such as beach goers, coastal walkers, sightseers etc.

#### **Sailing Club (No. 9)**

- Consider re-use of steel framed structure from existing Harbour works area as the basis for the new sailing club building.
- Building to incorporate storage and social function space, possible mezzanine level office, toilets and race control room.
- Surrounds to club to be grassed to allow for casual small sailing craft to be temporarily parked.
- Sailing Club location to provide roll-in access to the Harbour Beach.
- Building facades should be articulated with emphasis on light and shade with screens and light weight coastal materials.



**SAILING CLUB**

#### **Public Realm**

- Incorporate Water Sensitive Urban Design treatments to road edges and parking areas including porous pavements, drainage swales.
- Supplementary planting consisting of indigenous coastal vegetation in areas to provide screening and slope stabilisation.
- Provide new pedestrian pathways through precinct to connect to broader area, including path connection from Aboriginal Cultural Centre to the Sailing Club and beyond to the ocean beach.
- Incorporate quality street furniture such as lighting, seats, picnic tables, bins, bollards that complement the coastal environment.
- Remove old and worn public realm infrastructure such as timber post and rail barriers and upgrade to new standards as required.









## Assembly of Councillors Record

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### Assembly Details:

Date: 11 / 7 / 13  
Time: 6.00 am/pm

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

### In Attendance:

Councillors: Cr L Russell  
Cr C Smyth

Officer/s: Neil Allen  
Lawrence 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: \_\_\_\_\_

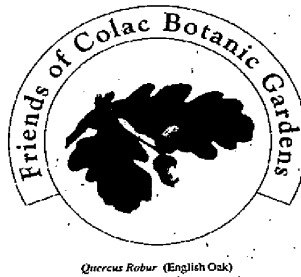
Officer/s: \_\_\_\_\_

Left meeting at: \_\_\_\_\_

Completed by: L. Brooker

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## MINUTES

Meeting, Thursday 11th July, 2013 at 6pm at the Colac Botanic Café

**PRESENT:** Anne Mercer (AM) in Chair, Ros Scanlan (RS) secretary, Chris Bell (CB) treasurer, Pauline Maunsell (PM), Sue Mulder (SM), Jen Todorovic (JT)

In attendance: Neil Allen (NA), Lyn Russell (LR), Chris Smith (CS), Laurence Towers (LT)

**APOLOGIES:** Margot Fitzpatrick, Jan McMahon, Helen Paatsch,

### MINUTES OF PREVIOUS MEETING

Minutes received: 1.PM 2. CB Carried

### Business Arising:

- Tim Entwisle talk - Several members attended the talk on Botanic Gardens in 21<sup>st</sup> Century. The committee purchased Gwen Pascoe's book "Long Views, Short Vistas" on Guilfoyle gardens.
- Rose arbour – Richard Barley advises there is no standard arbour used in botanic gardens. AM is seeking local advice on building a suitable structure.

### CORRESPONDENCE

**Out:** Hepburn Shire Council: Thanks and congratulations re booklet on Daylesford's 150<sup>th</sup> anniversary; correct address given.

**In:** Elm Watch, with subscription renewal reminder  
 Hepburn Shire Council: Booklet commemorating Daylesford BG 150<sup>th</sup>  
 Colac Otway Shire: Funds for book research granted  
 COS : grant application for website not successful  
 Lisa Loughnane COS: re 'Active in Parks' signage -100% positive response to the proposed project which will now go ahead.  
 Garden Plant Conservation Association of Australia  
 Association of Friends of Botanic Gardens: AGM  
 Correspondence received: 1.CB, 2.SM Carried

### Business arising from correspondence:

COS grant – AM & HP or RS will attend civic reception  
 Active in Parks signage - RS to respond positively and to request viewing of the proposed signs.  
 Assoc. of Friends AGM – RS to send proxy forms.

### TREASURER'S REPORT

Tabled June Report and Financial Report for Financial Year 2012-2013.  
 RS will deputise as Treasurer while CB is away.  
 Accounts passed for payment.  
 1.CB 2. SM Carried.



**GARDENER'S REPORT**

Report tabled.

Monthly Gardens Reports are now available on the Shire website,  
<http://www.colacotway.vic.gov.au> under the heading: About the Shire.

**POTTING REPORT**

PM collected sales receipts and restocked the stall in JM's absence.

**GENERAL BUSINESS**

- AGM will be held on Thursday 8<sup>th</sup> August at 6pm. It will be followed by the August committee meeting. CB & SM are apologies. 1. SM 2. JT Carried
- 150<sup>th</sup> planning:
  - Gallipoli Oaks project- re Anzac centenary in 2015. The Friends will offer assistance to the RSL in this project.
  - Calendar photos – PM has selected 6 photos for most months to choose from. Some months need more photos. The style of photos and layout to be decided. PM, JT and John Simmonds to meet re choice. Calendar will be completed by mid 2014.
  - LR has requested a meeting of the FCBG executive with shire staff to put in place the events for the 150<sup>th</sup> anniversary. To meet 16<sup>th</sup> July.
- NA reported that all is going well with regards to the Botanic Gardens and commented on the quality of LT's work.
- Spring Plant Sale - date to be decided next meeting. The Surf Coast Living Newsletter has offered to publicise the sale.

**RAFFLE:** Won by SM

**NEXT MEETING:**      **AGM - Thursday 8<sup>th</sup> August at 6pm**  
The August General Meeting will follow.





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### Assembly Details:

Date:

19.7.13

Time:

9.00 am/pm

Assembly Location:

Salesyards Colac

(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Race Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

### In Attendance:

Councillors:

Cr C Smith

Officer/s:

Neil Allen, Leanne Brooker, Greg Anderton,  
Graeme Riches, Roger Fox, Laurie Sharp

Matter/s Discussed:

Salesyards Advisory C'ttee 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:

10.50am

Completed by:

L. BROOKER

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## COLAC LIVESTOCK SELLING CENTRE ADVISORY COMMITTEE

MINUTES of the Colac Livestock Selling Centre Advisory Committee  
held on Friday 19 July 2013, 9.00am  
at Colac Livestock Selling Centre (Saleyards)  
TRIM Ref: F12/915 (D13/48250)

[illegible]



| ITEMS & ACTIONS   | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|---------------------|-----------------|
| <p>staff and community. Areas being worked on will be blocked off during construction stages.</p> <ul style="list-style-type: none"> <li>Roger distributed plans to meeting. They will be displayed at the Saleyards by Graeme Riches.</li> <li>Public address to go in. No design yet but Roger making some preliminary enquiries. Looking at a 'zoned' system. Could come in under \$10,000. It will be linked to office. This is all preliminary at present.</li> <li>Looking at a couple of tanks to meet 'fire regulations'. Auditors did recommend sprinkler system but this would be too expensive.</li> </ul> <p>Neil Allen thanked Roger for the update.</p> <p>Roger Fox left meeting 9.25am.</p>   | Graeme Riches       | 19 July 2013    |
| <p><b>5. MONDAY SALE / BUSINESS PLAN</b></p> <ul style="list-style-type: none"> <li>Monday Sale – Peter Delahunty (apology from this meeting) submitted the following to be read out at meeting: <ul style="list-style-type: none"> <li><i>I would like it recorded that the UDV supports the shifting of sale day from Thursday to Monday as we believe this will increase sale numbers and competition from buyers.</i></li> </ul> </li> <li>Neil Allen asked should Committee explore further about bringing in other sales, ie sheep, goats etc.</li> <li>Serge Beani read out a report on his thoughts and recommendations for the future ongoing success of the Saleyards (copy attached to minutes). Overall his proposal is that a Working Group be formed made up of members of this Advisory Committee, to start a process with other Councils (Geelong, Camperdown, Ballarat) in seeking support and incorporation into a centralised selling centre in Colac and how to support agents, sellers and Councils in the impact of this change. Those present were all in agreement, although they feel Ballarat should be advised but not included in the possible merger of Centres. Merger should involve Colac, Camperdown and Geelong. Neil advised he has already had some preliminary discussions with Geelong. With roof coming on at Colac, it is the perfect time to start these discussions. Jamie advised that the Charles Stewart company vision is: <i>Centres need to be bigger with more input; supportive of merger of the 3 centres (Colac, Camperdown, Geelong); sale days could be Tuesday (export market) and Thursday (domestic market).</i> Those present agreed that a Working Group should be formed. Serge Beani was nominated to coordinate the Working Group. Neil advised that any discussion on the Saleyards, to be mindful of the <b>Trade Practices Act</b>. Neil advised that these discussions on possible merger should form part of the Business Plan. <ul style="list-style-type: none"> <li><b>Recommendation/s:</b> <ul style="list-style-type: none"> <li><i>That a joint Working Group be formed to start a process with Colac, Geelong and Camperdown in seeking support and incorporation into a centralised selling centre in Colac, and how to support agents, sellers and Councils in the impact of this change.</i></li> <li><i>That the Working Group members be:</i> <ul style="list-style-type: none"> <li>Serge Beani (Coordinator)</li> <li>Cr Chris Smith</li> <li>Neil Allen</li> <li>Graeme Riches</li> <li>Carl Fish</li> <li>Jamie McConachy</li> </ul> </li> </ul> </li> </ul> </li></ul> |                     |                 |



| ITEMS & ACTIONS  | RESPONSIBLE OFFICER   | ACTION DUE DATE                       |
|--|---|---------------------------------------|
| <p><i>Moved: Serge Beani</i><br/> <i>Seconded: Graeme Riches</i><br/> <i>Carried: 11:0</i></p> <p>It was agreed that this Working Group hold its first meeting on Wednesday 24 July 2013, 9.00am at the Saleyards.</p>   | Working Group members   | 24 July 2013                          |
| <p><b>6. AUDIT REPORT</b></p> <ul style="list-style-type: none"> <li>• Neil advised an Audit has been undertaken on the Saleyards. Neil is working through the issues identified. Some of the identified issues are: <ul style="list-style-type: none"> <li>○ Procedures – <i>Graeme Riches and Leanne Brooker are working on these.</i></li> <li>○ Security Cameras – <i>Neil advised not a priority to address</i></li> <li>○ Restricting access and use on weekends – <i>Neil asked what was this Committee's thoughts on closing the Saleyards over the weekends. After some discussion it was agreed to put this on the Agenda for the next Advisory Committee meeting (Leanne Brooker to record). Neil raised issue of the Truck Wash and the costs associated. He prepared an Analysis which he prepared which shows the Saleyards water costs (per minute) and what Barwon Water charge. It is clear from this analysis that we need to revisit the current fee charged for the Truck Washing facility. Graeme mentioned he has made some enquiries about installing Avdata. It was agreed that some more work on the 'facts and figures' was needed before a recommendation can be made to Council to increase the fees. This item to be on Agenda for next meeting (Leanne Brooker to record).</i></li> <li>○ Updating Saleyards financial system – <i>Neil advised that Graeme Riches is working with Council's Finance Department.</i></li> <li>○ Waste Material – <i>Neil advised that Graeme Riches and Greg Anderton have organised signage to be erected at the Saleyards advising that this is closing down.</i></li> <li>○ Council should liaise with EPA – <i>Neil advised this is not necessary</i></li> <li>○ Review Compliance with National Competition – <i>Neil advised this is not urgent</i></li> <li>○ Longer Term dedicated Saleyards Manager – <i>Neil advised Greg Anderton is the current Saleyards Manager and this is working well and no need to appoint additional person</i></li> <li>○ Advisory Committee Meetings dates to be set – <i>As previously agreed in the TOR and again at this meeting, it was agreed that the meetings be held on a quarterly basis, with additional meetings set on a needs basis. At the conclusion of each meeting, the next meeting date to be recorded.</i> <ul style="list-style-type: none"> <li>▪ <b>Recommendation(s) –</b><br/> <i>That the minimum requirement for the Colac Livestock Selling Centre Advisory Committee meetings be set at quarterly intervals with additional meetings set on a needs basis, however, at the conclusion of meetings, the following meeting date to be recorded.</i></li> </ul> </li> </ul> </li> </ul> <p><i>Moved: Cr Chris Smith</i><br/> <i>Seconded: Laurie Sharp</i><br/> <i>Carried: 11:0</i></p> | <p>Graeme Riches/Leanne Brooker</p> <p>Leanne Brooker</p> <p>Leanne Brooker</p> <p>Graeme Riches/Finance</p> <p>Graeme Riches/Greg Anderton</p> | <p>23 Aug 2013</p> <p>23 Aug 2013</p> |



| ITEMS & ACTIONS   | RESPONSIBLE OFFICER   | ACTION DUE DATE  |
|---|---|--|
| <p><b>7. OTHER BUSINESS</b></p> <ul style="list-style-type: none"> <li>• <u>Rodney Boyle</u><br/>Rodney raised some maintenance issues brought to his attention by the Transport Association members. <ul style="list-style-type: none"> <li>○ Stock get shifted without Transport Association members being notified. Suggestion was to have a communication/notice board whereby it can be recorded if stock have been moved from selling pen or holding yards to another area. <ul style="list-style-type: none"> <li>○ <b>Recommendation(s) –</b><br/><b><i>That a Communication/Noticeboard be erected by Graeme Riches whereby it can be recorded by appropriate people if they move stock from a selling pen/holding yard to another area, whereby it informs the Transport Company of appropriate pen/yard to collect the stock for transportation.</i></b></li> </ul> </li> </ul> </li> <li><b>Moved: Rodney Boyle</b></li> <li><b>Seconded: Graeme Riches</b></li> <li>○ Loading up of stock closest to the truck wash area. No easy access.</li> <li>○ Animal Welfare.</li> <li>○ Thank you from the Transport Association for fixing the light over the truck wash and improving entrance.</li> </ul> <p>Neil thanked Rodney for raising the above issues and recommended that Rodney and Graeme Riches meet to discuss and resolve above and future issues.</p> <ul style="list-style-type: none"> <li>• <u>Cr Chris Smith</u><br/>Cr Smith asked was there any chance of getting an 'extension' on the races (bumper heights). Graeme Riches and Laurie Sharp to investigate what can be done to improve this.</li> <li>• <u>Jamie McConachy</u><br/>Jamie asked had there been any follow up on promotion of the Saleyards on the Radio. Neil advised he has had discussions with Council's PR department and that they have made some preliminary investigations with the local radio company. There is still further investigation required and Neil will report back to this Committee at next meeting.</li> <li>• <u>Terry Dove</u><br/>Terry asked about Committee thoughts on renaming of the Saleyards, especially if we go down the path of merging with the other Centres. Those present agreed it was a good suggestion. It was agreed to discuss further at next meeting and members are asked to think of alternate names. Leanne Brooker to record on next Agenda. <ul style="list-style-type: none"> <li>○ <b>Recommendation(s) –</b><br/><b><i>That the Colac Livestock Selling Centre Advisory Committee consider renaming the Saleyards and that members put some suggestions forward at the next meeting.</i></b></li> </ul> </li> <li><b>Moved: Terry Dove</b></li> <li><b>Seconded: Jamie McConachy</b></li> <li><b>Carried: 11:0</b></li> </ul> | <p>Graeme Riches/Rodney Boyle</p> <p>Graeme Riches/Laurie Sharp</p> <p>Neil Allen/Council's PR Department</p> <p>Leanne Brooker</p> | <p>Ongoing</p> <p>ASAP</p> <p>23 Aug 2013</p> <p>23 Aug 2013</p> |
| <p><b>8. NEXT MEETING</b></p> <p>The next meeting of the Saleyards Advisory Committee will be held on <b>Friday 23 August 2013, 9.00am at the Saleyards.</b></p> <p><b>Meeting closed 10.50am</b></p>   |   |  |



Colac Selling Centre

## 1 HAVE COLAC SELLING CENTRE

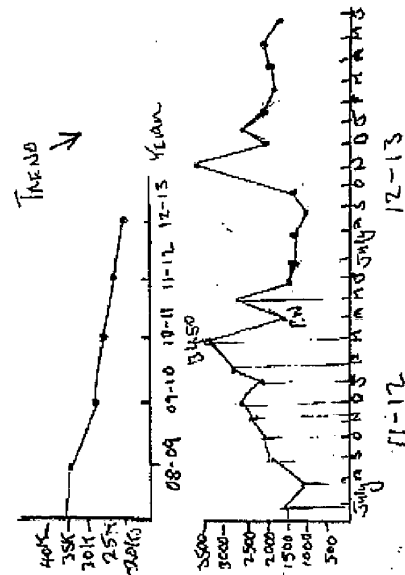
BECOME A COMPETITIVE AND MAJOR SELLING CENTRE.

## 2 CURRENT CONDITION

- A PERCEPTION THAT THERE IS LACK OF BUYER COMPETITION
- DISTRICT FARMERS SUPPORTING ALTERNATIVE SALES OPTION
- CLOSE PROXIMITY OF OTHER SALES CENTERS I.E. G/LONG C/DOWN - BULLMART
- CURRENT DAY OF SALE [THURSDAY]?
- STILL HAVING BACK LASH ON PNE WEIGHT V POST WEIGHT

## 3 EFFECT

SALE NUMBERS



## 4 ADVANTAGE

- Colac is Major AGG CENTER I.E. BARN, BEEF, DRY, IND, FARM EQUIPMENT, SUPPLIES & SERVICE. FISHING, HUNTING AND RECREATION. AIRPORT.

## 5 SALE VARY ADVANTAGE

- Major Roads
- Room for Development
- ONLY SALE YARDS TO HAVE ROOF WEST OF MELBOURNE IN VIC
- Position to TAKE LEAD IN BECOMING MAJOR SELLING CENTER FROM GEELONG TO WEST OF C/DOWN HEADING NORTH TO BULLMART

## 6 ACTION NEEDED

- Promotion of Colac Selling Centre ON WHAT WE ARE DOING.

LOOK → OTHER ITEMS

- Form Joint Committee From Housing Group - Council REPS. START DISCUSSION WITH GEELONG C/DOWN BULLMART ON PLANS FOR COLAC AND HOW TO INCORPORATE OTHERS INTO C.S.C. By

- INCENTIVES TO COUNCILS AGENTS AND SELLERS
- STOP DAY CHARGE WITH VIEW FOR MAJOR DAY SALES TO ENTER WITH REVENUE. LONG - EASY

## 7 PROPOSAL

- THAT A Joint Working Group BE FORMED TO START A PROCESS WITH OTHER COUNCILS G/LONG - BULLMART - C/DOWN IN SEEKING SUPPORT AND INCORPORATION INTO A CENTRALIZED SELLING CENTRE IN COLAC AND HOW TO SUPPORT AGENTS SELLERS AND COUNCILS IN THE IMPACT OF THIS CHANGE.

S. BEANI  
19/7/2012





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### Assembly Details:

Date: 22 / 7 / 13

Time: 10.00 am/pm

Assembly Location: Sp + D Conference Room  
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

### In Attendance:

Councillors: Cr C Smith

Officer/s: Ranjani Jha

Matter/s Discussed: Colac Aerodrome Committee of Management Meeting

(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

### Conflict of Interest Disclosures: (refer page 5)

Councillors:

Officer/s:

Left meeting at: 1.00pm

Completed by: L BROOKER



## Council Meeting Running Order

Wednesday, 24 July 2013

**Venue – COPACC Meeting Rooms, Colac**  
**12.30pm – 2.30pm**

**Present:** Cr Lyn Russell, Cr Stephen Hart, Cr Brian Cook, Cr Mick McCrickard, Cr Michael Delahunty (from 12.35pm)

**Apologies:** Cr Terry Woodcroft

**Staff:** Rib small, Colin Hayman, Jack Green, Neil Allen, Rhonda Deigan

**Part:** Doug McNeill, Don Lewis, Gemma Browning

**Conflict of Interest:** Nil


**12.30 –  
2.30 pm**

**Councillor Briefing Session**



|  |   |  |
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|  <p><b>Agenda</b></p> | <h1>Councillor Workshop</h1> <p><b>Wednesday, 14 August 2013</b><br/><b>COPACC Meeting Room</b><br/><b>9.00 am to 3.15 pm</b></p>   |  |
|  | <p><b>ATTENDEES:</b><br/>Cr Lyn Russell (Mayor) (absent from 12.15pm -12.45pm), Cr Stephen Hart, Cr Chris Smith (10.30am – 10.35am), Cr Michael Delahunty, Cr Brian Crook</p> <p>Rob Small (CEO)<br/>Colin Hayman (GM, Corporate &amp; Community Services)<br/>Jack Green (GM, Sustainable Planning &amp; Development)<br/>Neil Allen (GM, Infrastructure &amp; Services)</p> <p><b>Apology:</b> Cr Terry Woodcroft</p> |  |
|  | <h2>Agenda Topics</h2>  |  |
| 9.00 am  | Declaration of Interest   |  |
| 9.00 am – 9.20 am  | Planning Committee Briefing Session   |  |
| 9.20 am – 9.30 am  | C67 Overlay Update  | Rob small/Jack Green/Doug McNeill  |
| 9.30 am – 10.00 am   | Apollo Bay Outdoor Pool   | Ian Seuren/Russell Whiteford   |
| 10.00 am – 10.10 am  | Apollo Bay Harbour Masterplan   | Doug McNeill/Don Lewis/Gemma Browning  |
| 10.10 am – 10.25 am  | C75 Open Space Strategy Planning Scheme Amendment   | Doug McNeill & Don Lewis   |
| 10.30 am – 10.35 am  | Planning Committee Meeting  |  |
| 10.35 am – 10.55 am  | Morning Tea   |  |
| 10.55 am – 11.30 am  | Measuring Effectiveness of Colac Marketing Strategy   | Michael Swanson  |
| 11.30 am – 12.15 pm  | DisabilityCare Australia  | Doug McNeill/Michael Swanson/Blaithin Butler/Gary Eggleton & various representatives |
| 12.15 pm – 12.45 pm  | Lunch   |  |
| 12.45 pm – 2.10 pm   | Statutory Planning Workshop   | Doug McNeill/Blaithin Butler   |
| 2.10 pm – 2.40 pm  | Regional Health & Wellbeing Plan  | Anne Sommerville/Greg Fletcher   |
| 2.40 pm – 3.15 pm  | Wye River Waste Collection Risk Mitigation Measures   | Ranjani Jha  |




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|  <p>Colac Otway<br/>SHIRE<br/>Naturally Progressive</p> | <div> <div>COLAC OTWAY SHIRE<br/>YOUTH COUNCIL</div> <div>Minutes</div> <div>15 July 2013<br/>4.05PM TO 5.00PM<br/>Rehearsal Room COPACC</div> </div>   |       |
| 1.   | <p><b>1. ATTENDEES:</b><br/> <b>Youth Councillors:</b> Tassia Georgakis (Chair), Tom Robinson, Taylah Walters, Claire Whytcross, Bonnie Darlow, Kyras Howell, Jasmine Steen, Amy Brauer, Spencer Cochrane<br/> <b>Mentors:</b> Terry Woodcroft, Cr. Chris Smith, Emma Warton, Rhonda Deigan, Kerri Bauer<br/> <b>Office Bearers – please sit with your Adult Mentor</b></p>   |       |
| 1.   | <p><b>CALL MEETING TO ORDER</b></p> <p><b>CALL FOR APOLOGIES:</b> Josh Smith, Sinead Leamer, Chloe Robbins</p>  | Chair |
| 2.   | <p><b>MINUTES OF THE LAST MEETING:</b></p> <p><b>2.1 Adopt minutes: of 24 June 2013</b></p> <p><i>Moved: Amy Brauer Second: Spencer Cochrane Carried</i></p> <p><b>2.2 BUSINESS ARISING FROM THE MINUTES:</b></p> <ul style="list-style-type: none"> <li>- Bonnie, Chris and Amy went shopping to spend the rest of the budget. La Porchetta, Offshore, Bike Guru and Target Vouchers were purchased.</li> <li>- Banner has been ordered. Banner was \$165. \$200 money spent on voucher. Balance can be used for the purchase of shirts for next year.</li> <li>- Colac City Band are holding a Trivia afternoon 24<sup>th</sup> July 2013, Taylah needs names and final numbers.</li> </ul>   | Chair |
| 3.   | <p><b>CORRESPONDENCE:</b></p> <p><b>In: Shape It! Grants.</b><br/> <b>Out:</b></p> <p><i>Moved: Tom Robinson Second: Bonnie Darlow Carried</i></p>  |       |
| 4.   | <p><b>2013 Youth Council Projects/Events Involvement</b></p> <ul style="list-style-type: none"> <li>- Elderly: Proposal written.</li> <li>- Disability: Found price for cheap equipment at the Reject Shop and Rebel sports. Someone to approach Special School and ask for a date.</li> <li>- Talent quest: Not available.</li> <li>- Fun Run: Chloe to organise if fun run can be held at Planet Mud.</li> <li>- Skate Park: Not available.</li> <li>- Bullying/ smoking campaign: Not available.</li> <li>- Straight shooters event: To be discussed at a later date.</li> <li>- 2 major projects to be chosen at next meeting.</li> <li>- Informal meeting to be held next Monday.</li> <li>- All Youth Councillors to help with all projects.</li> <li>- Colac Youth Health Hub Art Exhibition to be held on Friday the 9<sup>th</sup> of August 7.30pm, Youth councillors agreed to go. (formal dress). Opportunity to promote Youth Council projects at this event.</li> </ul> |       |
| 5.   | <p><b>YOUTH COUNCILLORS REPORTS</b></p>   |       |



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|    | <p><b>Whip around, 1 minute update each</b></p> <p>-Tassia: Poster given to school.</p> <p>--Spencer:Nil.</p> <p>-Amy Brauer: Nil.</p> <p>-Taylah Walters: Picture on facebook. Knocking school. Small workshops to show how you to vote, apply for loans. Support idea.</p> <p>-Emma Warton: Proposal to hold a youth forum and invite Federal Government candidates and Councillors. Young people get to stand up be heard and have their questions answered. Wondering if Colac Youth Council would like to be involved. 12-25 year olds. Inviting friends and family to come.</p> <p>-Chris Smith: OBI planning to hold a forum for Federal election candidates, a forum for Colac Youth could be held the same day. --Jasmine Steen: Nil.</p> <p>- Kyrrah Howell - Nil</p> <p>-Bonnie Darlow: Suggested that a similar event to the one run by the Bike Guru be held for skate park users.</p> <p>-Tom: Racism to have more awareness or to be included in one of the Youth Council projects.</p> <p>-Rhonda:Nil.</p> <p>-Claire Whytcross:Nil.</p> |  |
| 6. | <p><b>OTHER BUSINESS:</b></p> <ul style="list-style-type: none"> <li>• Shape It! Grants 2013: Not in a position at this stage to apply for grants.</li> <li>• Colac Otway Shire Youth Council Charter: Councillors should come back to next meeting with any updates.</li> <li>• Colac Otway Shire Annual Report – review and provide feedback to next meeting. <ul style="list-style-type: none"> <li>○ Supporting 50<sup>th</sup> Anniversary open day at Colac Aero Club.</li> <li>○ Supporting the Colac Youth Hub Art Gala.</li> </ul> </li> </ul>  |  |
| 7. | <p><b>NEXT MEETING – 29 July 2013</b></p> <p>NOTE <b>**Please bring pen and paper**</b></p>  |  |



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|  <p>Colac Otway<br/>SHIRE<br/><small>Maturity. Progression.</small></p> <p><b>Minutes</b></p> | <h1 style="text-align: center;">COLAC OTWAY SHIRE<br/>YOUTH COUNCIL</h1> <p style="text-align: right;">29 July 2013<br/>4.03PM TO 5.00PM<br/>Rehearsal Room COPACC</p>  |       |  |
| 1.   | <p><b>1. ATTENDEES:</b><br/> <b>Youth Councillors:</b> Josh Smith (Chair), Chloe Robbins, Taylah Walters, Sinead Leamer, Claire Whytcross, Bonnie Darlow, Kyrah Howell, Spencer Cochrane<br/> <b>Mentors:</b> Terry Woodcroft, Cr. Chris Smith, Emma Warton, Rhonda Deigan,<br/> <b>Office Bearers – please sit with your Adult Mentor</b></p>  |       |  |
| 1. 4.00 PM   | <p><b>CALL MEETING TO ORDER</b></p> <p><b>CALL FOR APOLOGIES:</b><br/> Tassia Georgakis, Amy Brauer, Jasmine Steen, Kerri Bauer, Claire Whytcross (from 4.30pm)<br/> <b>Moved: Taylah Walters Seconded: Spencer Cochrane</b></p>  | Chair | <p><b>2. MINUTES OF THE LAST MEETING:</b></p> <p><b>2.1 Adopt minutes: of 15 July 2013</b></p> <p><b>Moved: Spencer Cochrane Second: Taylah Walters Carried</b></p> <p><b>2.2 BUSINESS ARISING FROM THE MINUTES:</b></p> <ul style="list-style-type: none"> <li>Informal meeting held on 22 July to discuss the finalising of details for Youth Council projects by 29 July 2013.</li> </ul> |
| 2. 2.1   | <p><b>3. CORRESPONDENCE:</b></p> <p><b>In:</b></p> <ul style="list-style-type: none"> <li>Citizen's Agenda</li> </ul> <p><b>Out:</b></p> <p><b>Moved: Spencer Cochrane Second: Taylah Walters Carried</b></p>   | Chair |  |
| 2.2  |   |       |  |
| 3.   | <p><b>4. 2013 Youth Council Projects/Events Involvement</b></p> <ul style="list-style-type: none"> <li>Talent Quest- Discussions held with owner of Straight Shooters re holding the event at that venue. Event would be held from 12.00pm to 5.00pm on a Saturday.</li> <li>Paint Fun Run – Contact made with Planet Mud who have indicated that they would be happy to hold the event at their venue at a discounted rate.</li> <li>Skate Park – For insurance purposes, an outside group would be required to host the event. Suggestion that the Youth Council support the Bike Guru day at the Skatepark next year.</li> <li>Elderly – Claire to check with Mercy Place about</li> </ul> |       |  |



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|    | <p>pool competition.</p> <ul style="list-style-type: none"> <li>Disability- Colac Specialist School celebrating 100 years of Specialist Schools in Victoria in September. Invitation for Youth Council to assist on the day and to support monthly afternoon sports. Thursday 12<sup>th</sup> September b.y.o picnic lunch. Wanting to have a representative on youth council next year.</li> <li>Bullying/Smoking Cessation- No poster but promotional video is being progressed.</li> </ul> <p><b>Motion: That the skate park project be deferred to the 2014 Youth Council</b><br/><b>Moved : Bonnie Darlow Seconded:Spencer Cochrane</b></p> <p>Suggestion that we run a Youth Council day trip to Planet Mud (Forrest/Yeodene), instead of running an event, and put forward to next year's Youth Council.</p> <p><b>Motion: That the paint fun run be deferred to the 2014 Youth Council and replaced with a potential Youth Council day trip to Planet Mud.</b><br/><b>Moved: Taylah Walters Second: Spencer Cochrane</b></p> <p><b>Motion: That the Talent Quest and Video Presentation be held as a combined event in late October.</b><br/><b>Moved: Sinead Leamer Second: Chloe Robbins</b></p> <ul style="list-style-type: none"> <li>Senior citizen event to be progressed.</li> </ul> |  |
| 5. | <p><b>YOUTH COUNCILLORS REPORTS</b></p> <p><b>Whip around, 1 minute update each</b><br/>Terry Woodcroft:</p> <ul style="list-style-type: none"> <li>Attending and Assisting battle of the bands: <ul style="list-style-type: none"> <li>Taylah</li> <li>Bonnie</li> <li>Josh</li> </ul> </li> <li>Cool Awards: Need presenters for the awards: <ul style="list-style-type: none"> <li>Taylah</li> <li>Tom Robinson?</li> </ul> </li> <li>Youth Health Hub Gala Evening 9/8/13 <ul style="list-style-type: none"> <li>Wear badges/ semi formal</li> <li>Opportunity to present to promote our event.</li> <li>Attendees: Kyras, Claire, Chloe, Tassia, Taylah, Tom, Bonnie, Sinead, Josh.</li> </ul> </li> <li>Taylah was duly congratulated on her Colac City Band Trivia Afternoon.</li> </ul>   |  |



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|----------------|--|--|
| 6.             | <p><b>OTHER BUSINESS:</b></p> <ul style="list-style-type: none"> <li>• Colac Otway Shire Youth Council Charter <ul style="list-style-type: none"> <li>◦ deferred</li> </ul> </li> <li>• Colac Otway Shire Annual Report <ul style="list-style-type: none"> <li>◦ To be put in the Youth Council Annual Report for our 2013 achievements:</li> <li>◦ Combined Talent Quest and Video Contest</li> <li>◦ Visit to Mercy Health</li> <li>◦ Assisting Colac Specialist School</li> </ul> </li> <li>• “Battle of the Bands” – 23/8/13 – as discussed under “Whip Around”</li> <li>• The “Cool” Awards - as discussed under “Whip Around”</li> <li>• Y.P.C. Art Competition – Youth Councillors to promote.</li> <li>• Youth Health Hub Art Gala Evening – as discussed under “Whip Around”</li> <li>• Youth Council Equipment – play equipment available for use.</li> <li>• Youth Council Meeting Venue – 12 August meeting to be held in Civic Hall.</li> </ul> <p>Meeting closed at 5.10pm</p> |  |
| 7. <b>NOTE</b> | <p><b>NEXT MEETING – 12 August 2013</b></p> <p><b>**Please bring pen and paper**</b></p>   |  |







## Old Beechy Rail Trail Committee Meeting

MINUTES of the Old Beechy Rail Trail Committee  
held on Monday 3 June 2013  
at 10.00 am – 12.30 pm

| ITEMS & ACTIONS  | RESPONSIBLE OFFICER | ACTION DUE DATE |
|--|---------------------|-----------------|
| <p><b>1. ATTENDEES:</b><br/>Cr Chris Smith (Chair), Craig Clifford DSE, John Wilson COS, Jodie Fincham COS, Tricia Jukes, Anthony Zappelli, Tony Grogan, Bernard Jordan, Noel Barry, Nigel Jenkins, Cr Terry Woodcroft, Rob Small Colac Otway Shire CEO – (Part)</p> <p><b>2. APOLOGIES:</b><br/><br/>Christine Humphris, Cyril Marriner, Glen Anderson</p> <p><b>3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING:</b><br/><br/>Minutes taken as read.<br/><br/>Moved – Anthony Zapelli<br/>Sec – Tony Grogan<br/>Carried</p> <ul style="list-style-type: none"> <li>• 20<sup>th</sup> year since Cliff Young ran.</li> <li>• Limerick read out in relation to Cliff Young, written by Tony Grogan (winner of competition.)</li> <li>• A motion was put at the most recent Council meeting that all Instruments of Delegation be accepted except the Instruments of Delegation for the OBRT Committee.</li> <li>• A new motion put – (4 points of change, 3 were not contentious) <ul style="list-style-type: none"> <li>1. DSE change to DEPI</li> <li>2. Council deemed minutes go to Council and therefore confidential matters raised at OBRT Meetings should be included as an In Committee Report at Council</li> <li>3. Members of Lavers Hill &amp; District Progress Association</li> <li>4. When and how Committee members can talk to landholders about entering their property.</li> </ul> </li> <li>• Committee was advised that a guest would be joining the meeting today (Rob Small CEO Colac Otway Shire) to discuss the OBRT Instrument of Delegation and the proposed changes outlined above.</li> </ul> |                     |                 |



| ITEMS & ACTIONS   | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|---------------------|-----------------|
| <p><b>4. BUSINESS ARISING:</b></p> <p><b>4a Tony Grogan to pass on well wishes to Bob Whitehead</b></p> <ul style="list-style-type: none"> <li>Tony has not done this yet and intends to locate where Bob has moved to.</li> </ul> <p><b>4b Query regarding status of pavilion structure at Beech Forest</b></p> <ul style="list-style-type: none"> <li>The structure has been removed by Council as was deemed unsafe.</li> </ul> <p><b>4c Community Funding application</b></p> <ul style="list-style-type: none"> <li>Tricia Jukes has submitted an application. A letter has been received advising application has been received at Council.</li> </ul> <p><b>4d Installation of Station sign</b></p> <ul style="list-style-type: none"> <li>Noel advised the sign could be erected this coming Sunday, weather permitting, between 12.00 – 2.00pm.</li> <li>Noel to organise barricade tape with Cosworks.</li> <li>Phil and Noel to attend to installation, Tony Grogan and Chris Smith will try to attend and provide assistance.</li> <li>Official unveiling to be held at a later date.</li> </ul> <p><b>4e Fence at McDevitt</b></p> <ul style="list-style-type: none"> <li>John Wilson to check with Andrew Daffy re fence at McDevitt. Confirmation is required whether a cyclone farm gate is required as opposed to a wooden one which was removed for harvesting purposes.</li> </ul> <p><b>4f Use of Recreation Vehicle Policy</b></p> <ul style="list-style-type: none"> <li>Jodie read out the current revised policy.</li> <li>Committee had opportunity to provide feedback on Use of Recreational Vehicle on OBRT Policy. Some feedback had been received.</li> <li>Further discussion followed as members were able to ask questions to clarify some issues which included: <ul style="list-style-type: none"> <li>If a large vehicle is to be used on the Trail, would this need to go before the Committee for a decision or could it be decided by the Council Officer?</li> </ul> </li> <li>There was no reference in the Policy to the Officer making a decision. All decisions must go before the entire Committee.</li> <li>Committee identified the following issues with extra large vehicles on the Trail: <ul style="list-style-type: none"> <li>Bridges along the trail might not be possible for a large vehicle fit.</li> <li>Would a 22 seater bus be permitted to go along the Trail under this policy?</li> <li>It was agreed that an application would need to be</li> </ul> </li> </ul> |                     |                 |



| ITEMS & ACTIONS   | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|---------------------|-----------------|
| <p>submitted for consideration and advice provided about issues with larger vehicles and possibility of not being able to fit on the trail.</p> <ul style="list-style-type: none"> <li>• Terry Woodcroft has been using a Police Youth vehicle on the Trail as part of the youth treks.</li> <li>• Support vehicle (VicPol Youth vehicle) Terry Woodcroft needs to apply to the Committee. There is a need for formal application.</li> <li>• Committee agreed an application would need to be submitted in the future.</li> <li>• Committee happy to leave Use of Rec Vehicle to go through the process of Council.</li> </ul> <p><b>4g Golden Gumboot event</b></p> <ul style="list-style-type: none"> <li>• Jodie to contact Events Officer Hege Eier and invite her to speak with Tricia and Christine regarding gumboot painting as both have agreed to assist.</li> </ul>   |                     |                 |
| <p><b>5. CORRESPONDENCE</b></p> <p><b>IN:</b></p> <ul style="list-style-type: none"> <li>• Mackillop Family Services, Ross Cuthbertson – use of the Old Beechy rail Trail by a group for a school bike camp.</li> <li>• Camperdown/Timboon Rail trail Committee article for Rail Trails Australia and images from gathering at Glenfyne hall with neighbouring rail trail committees.</li> </ul> <p><b>OUT:</b></p>   |                     |                 |
| <p><b>6. WORKS REPORT</b></p> <ul style="list-style-type: none"> <li>• Submitted by John Wilson</li> <li>• Colac Station section - Mercy Health have declined the offer of their driveway becoming a part of the Old Beechy Rail Trail, through a Licence Agreement. Section (of approx. length 200m) of the Trail will therefore need to be confined to the width of the easement that has been provided to the north and to the east of the existing bowling green. This section will require survey and design work prior to construction.</li> <li>• Quotes have closed for the section of Trail through the Colac Railway Yard. Selection of tenderer expected for the construction of these works before the end of the week. It is expected that construction can proceed during winter with construction period is expected to be no more than 6 weeks.</li> <li>• Dinmont to Ditchley section – Section of Trail has also been split in to two portions, with construction through the “gully” section occurring first. Construction of this portion is now largely completed, with only a few minor corrections to be scheduled. The “northern” portion of this Trail section will be tendered separately.</li> </ul> |                     |                 |



| ITEMS & ACTIONS   | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|---------------------|-----------------|
| <ul style="list-style-type: none"> <li>Beech Forest to Ferguson section - VicRoads has given approval for the proposed Beech Forest to Ferguson alignment. A Planning Permit for Vegetation removal/soil erosion overlay) is still to be confirmed.</li> <li>Beech Forest to Ferguson section – Six Licence Agreements have been returned. It is proposed that tender documents for this portion be advertised around September/October 2013, to allow construction over the summer period.</li> <li>Andrew Daffy has advised that the gate removed and from this location between the Trail and the Old Beech Forest Road at Dinmont remains on site and will be re-established</li> <li>Requesting time frames from John Wilson to enable Committee to assist John</li> </ul> |                     |                 |
| <p><b>7. GENERAL BUSINESS</b></p>   |                     |                 |
| <p><b>FRIENDS REPORT</b></p>  |                     |                 |
| <ul style="list-style-type: none"> <li>Lovat Station construction/preparation almost complete and anticipated installation later in the year</li> <li>Colac Station sign ready to install</li> <li>29 April a rail motor came through Colac from Warrnambool</li> <li>Noel asked the significance of a palm tree at Colac Station</li> <li>Anthony Zappelli provided images of the trail through Humphris' property which shows the Gully section is finished.</li> </ul>   |                     |                 |
| <p><b>Chair Chris Smith welcomed Colac Otway Shire CEO Rob Small to the meeting to discuss the Instrument of Delegation for the OBRT and issues that were discussed at the May Council meeting.</b></p>   |                     |                 |
| <p><b>CEO ROB SMALL – OBRT INSTRUMENT OF DELEGATION</b></p>   |                     |                 |
| <ul style="list-style-type: none"> <li>New inclusion of Lavers Hill &amp; District Progress Association members</li> <li>New name change from DSE to DEPI</li> <li>6.1.2 change confidential minutes of the OBRT are to be as an In Committee Report</li> <li>Discussion on 5.12 <ul style="list-style-type: none"> <li>5.12 is in conflict with 5.9 i.e, the way we act now if Anthony Zappelli wants to talk to a private landowner, he can do so.</li> <li>5.12 now suggests 5.12.1 is about the OBRT needs to obtain approval from Council before making any decisions.</li> </ul> </li> </ul>  |                     |                 |



| ITEMS & ACTIONS   | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|---------------------|-----------------|
| <p><b>Rob Small:</b></p> <ul style="list-style-type: none"> <li>• Issues were raised so Council will know what has been going on.</li> <li>• In the past Council had been provided with good information on the development of the trail.</li> <li>• This information was included so Council has notice and awareness of what Committee has been doing.</li> <li>• Information has been provided recently through CEO updates.</li> <li>• Rob Small says it does not necessarily mean literally you need Council approval before speaking to land owners.</li> <li>• 5.12 was added by a Councillor in light of past issues.</li> <li>• No leases are signed by any Landholder without it going to full Council.</li> <li>• Rob Small does not want to see the capacity of Committee diminished, and suggested to perhaps include an Annual Program Report.</li> <li>• Rob Small was determined Committee to have a discussion before the Instrument of Delegation goes back to Council. Suggestion, forwarding notice of programs to Council will be helpful.</li> <li>• Chris Smith commented that what we have in the Minutes (what goes to Council) provides this detail.</li> <li>• Approval to enter negotiation goes too far.</li> <li>• Rob Small does not want to see it being unduly prescriptive.</li> <li>• John Wilson stated developing a works report would be possible to identify what is coming up.</li> <li>• Annual works report would be "indicative". A supplementary report could be sent to Council.</li> <li>• Tony Grogan, conflict between 5.9 and 5.12.1 – any approach to private land should be made by a member of the Committee.</li> <li>• Chris Smith, 5.12.1 is a whole new point that has been added. Minutes are an up to date record of what is being done.</li> <li>• Rob Small, all negotiations relating to the Trail rely on good will.</li> <li>• It was agreed that an annual "indicative" works report/program be submitted by Committee to Council</li> <li>• All of 5.12 becomes 5.9.</li> <li>• Changes were made to the document using track changes via PowerPoint presentation.</li> </ul> <p>Moved – Tony Grogan<br/>Sec – Tricia Jukes<br/>Carried</p> <ul style="list-style-type: none"> <li>• Terry Woodcroft needs to leave meeting at 12.00pm</li> <li>• Terry would like to pass on official thank you from Trinity</li> </ul> |                     |                 |



| ITEMS & ACTIONS   | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|---------------------|-----------------|
| <p>College School board. Very grateful on use of the Trail through 7 May – 10 May, over 100 students who walked entire Trail</p> <ul style="list-style-type: none"> <li>• Collaborative effort between VicPol and Trinity School</li> <li>• Trail looked excellent</li> <li>• Officially passed on comments.</li> </ul> <p><b>Request for further historical information on Stations</b></p> <ul style="list-style-type: none"> <li>• Is there any possibility to provide a history of each of the Stations, further History of the Trail? Boards are great but supports are needed.</li> <li>• There is knowledge in the room to get further information.</li> </ul> <p><b>CODE OF CONDUCT</b></p> <ul style="list-style-type: none"> <li>• Information distributed for Committee.</li> <li>• Tony Grogan identified that it may create a situation where volunteers may not want to continue.</li> <li>• Nigel Jenkins stated that he thinks that it is very important to outline the expectations, as someone who has worked with managed volunteers. Nigel does not think the document is onerous. Good to have.</li> </ul> <p><b>8. EXECUTIVE OFFICER REPORT</b></p> <ul style="list-style-type: none"> <li>• Presented to Committee by Jodie Fincham</li> </ul> <p><b>Treasurer's Report</b></p> <ul style="list-style-type: none"> <li>• \$2,284 currently in the account.</li> <li>• Nigel Jenkins asked that it be noted that the meeting thanks Rob Small for attending today.</li> <li>• Owner of the Gellibrand Shop is moving on and the Shop is for sale</li> </ul> <p><b>9. ITEMS FOR FUTURE MEETING</b></p> |                     |                 |

Time Meeting Concluded:12.45pm

**NEXT MEETING** – Monday, 5 August 2013 10.00am COPACC



**RIDF Funding (Regional Infrastructure Development Funding)**

- Ongoing monitoring of works progress. Regular team meetings continue to be held with Capital Works Co-ordinator and Manager Capital Works.
- On site meeting conducted 30 April with a representative from Regional Development Victoria (RDV), Manager Recreation Arts and Culture, Manager Capital Works, Capital Works Co-ordinator, Recreation & Events Co-ordinator. Discussions held with RDV regarding project timelines and inspection of completed works.
- Report prepared and submitted for RDV by 31 May 2013.

**OBRT Brochure**

- Reprint of brochures received.
- Distribution of new brochures has been arranged. Approximately 1 ½ boxes left in stock.

**Licence agreements**

- Licence Agreements currently being circulated to private landowners along Beech Forest to Ferguson section of trail. Midway, Towers and Poklar family have provided agreements. Still waiting on responses from others.

**OBRT Survey**

- Survey currently featured on the following websites: Colac Otway Shire, Otways Tourism and Rail Trails Australia.

**Golden Gumboot**

- Preparations for 2013 event have commenced.

**Pedestrian Counters**

- Data report presented with figures recorded from Friday 31 May 2013.
- Report with figures to be distributed to Committee.









CitiPower Pty



Powercor Australia Ltd  
ABN 89 064 651 109

## CONFIDENTIALITY DEED – CITIPOWER/POWERCOR DISCLOSING CONFIDENTIAL INFORMATION TO OTHER PARTY

This **CONFIDENTIALITY DEED** is made on the date specified in Item 1 of the Schedule

### BETWEEN

The party or parties described in Item 2 of the Schedule ("**Disclosing Party**")

### AND

The party or parties described in Item 3 of the Schedule ("**Receiving Party**")

### RECITALS

The parties have agreed that all Confidential Information provided to, or otherwise obtained by the Receiving Party, is subject to the terms and conditions set out in this Deed.

### THE PARTIES AGREE:

#### 1. DEFINITIONS AND INTERPRETATION

##### 1.1 Definitions

In this Deed, unless the context otherwise requires:

**"Confidential Information"** means any and all information directly or indirectly disclosed or provided by or on behalf of the Disclosing Party, whether before or after the date of this Deed and whether orally, in writing, in machine readable form or by any other means, in connection with the Permitted Purpose including:

- (a) any GIS Information; and
- (b) any information that is described in Item 4 of the Schedule.

**"GIS Information"** means information (including maps) relating to the distribution network of the Disclosing Party and the assets relating to such distribution network, which information may be included on the Disclosing Party's Geographic Information System or any other relevant system.

**"Permitted Persons"** means officers, employees and representatives of the Receiving Party.

**"Permitted Purpose"** means the purpose described in Item 5 of the Schedule.

##### 1.2 Interpretation

In this Deed unless the context otherwise requires:

- (a) words denoting the singular number shall include the plural and vice versa;
- (b) words denoting natural persons shall include corporations and vice versa;

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- (c) headings are for convenience only and shall not affect interpretation;
- (d) references to recitals, clauses and Schedules are references to recitals, clauses and Schedules to or of this Deed and a reference to this Deed includes any Schedule;
- (e) references to any party to this Deed shall include its successors or permitted assigns; and
- (f) words denoting any gender shall include all genders.

## **2. COVENANTS BY THE RECEIVING PARTY**

### **2.1 Keep Secret and Confidential**

The Receiving Party covenants and undertakes:

- (a) to keep secret and confidential all Confidential Information which has been made available, or which has become known by any means, to the Receiving Party;
- (b) to limit disclosure of the Confidential Information to the Permitted Persons who require it solely for the Permitted Purpose;
- (c) not to use or permit the use of the Confidential Information by any person or for any purpose other than those Permitted Persons who require it solely for the Permitted Purpose; and
- (d) not at any time to:
  - (i) disclose or divulge in any way or form any of the Confidential Information to any person (other than to the Receiving Party's Permitted Persons pursuant to clause 2.1(b)), firm or corporation without the prior written consent of the Disclosing Party. The Disclosing Party's consent may be subject to the condition that the third party enters into a separate confidentiality deed with the Disclosing Party; or
  - (ii) use or attempt to use the Confidential Information in any manner which may injure or cause loss to or be calculated to injure or cause loss to the Disclosing Party.

### **2.2 To Protect and Safeguard**

- (a) The Receiving Party must establish and maintain appropriate security measures to protect the Confidential Information against unauthorised access, use, disclosure or publication.
- (b) If the Receiving Party becomes aware of any unauthorised access to or use or disclosure of the Confidential Information, the Receiving Party must at its own expense immediately do each of the following:
  - (i) notify the Disclosing Party of the unauthorised access to or use, disclosure or publication of, the Confidential Information;
  - (ii) do everything that is necessary to remedy the unauthorised access to or use, disclosure or publication of, the Confidential Information; and
  - (iii) comply with all reasonable directions of the Disclosing Party in relation to the unauthorised access to or use, disclosure or publication of, the Confidential Information.



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## **2.3 Permitted Persons**

The Receiving Party must use its best endeavours to ensure that each of the Permitted Persons to whom the Confidential Information is disclosed in accordance with this Deed complies with the obligations in this Deed as if that Permitted Person were a party to this Deed.

## **2.4 Copies of Confidential Information**

- (a) Subject to clause 2.4(b), the Receiving Party must not copy or allow a copy to be made of the Confidential Information without the prior written consent of the Disclosing Party.
- (b) The Receiving Party (and the Permitted Persons to whom the Confidential Information is disclosed in accordance with this Deed) may make such copies of the Confidential Information as is reasonably required solely for the Permitted Purpose.

## **2.5 Return of Confidential Information**

If this Deed ends or the Disclosing Party requests the return of the Confidential Information at any time, the Receiving Party must immediately return to the Disclosing Party the Confidential Information in whatever medium it is held (or, if it is not possible to return any of the Confidential Information because of the medium it is held in, the Receiving Party must delete that Confidential Information). The Receiving Party must also notify the Disclosing Party that the Confidential Information has been returned or certify to the Disclosing Party that the Confidential Information of the Disclosing Party has been deleted (as applicable).

## **3. EXCEPTIONS**

The obligations set out in this Deed shall not prevent the disclosure of Confidential Information:

- (a) which at the time of disclosure is in the public domain as evidenced by printed publication or otherwise, other than through the fault or default or breach of this Deed by the Receiving Party;
- (b) which is made available to the Receiving Party by a third party which did not derive the Confidential Information from the Disclosing Party;
- (c) which is required to be disclosed by the Receiving Party by an Order of any Court of competent jurisdiction; or
- (d) which is required to be disclosed by the Receiving Party pursuant to any law or regulation having the force of law (provided that the Receiving Party first notifies the Disclosing Party and provides the Disclosing Party with an opportunity to seek protection of the Confidential Information).

## **4. INDEMNITY**

- (a) The Receiving Party acknowledges that the Confidential Information is of value to the Disclosing Party and that any failure by the Receiving Party to maintain the confidentiality of the Confidential Information will cause loss to the Disclosing Party.



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- (b) The Receiving Party must indemnify the Disclosing Party (and keep the Disclosing Party indemnified) against any claim or proceeding that is made or commenced, and any liability, loss, damage, cost or expense (including legal costs on a full indemnity basis) that the Disclosing Party incurs or suffers, by reason of or arising from:
  - (i) any breach of this Deed by the Receiving Party; or
  - (ii) any unauthorised disclosure by a person who received the Confidential Information from the Receiving Party.
- (c) The Disclosing Party agrees to notify the Receiving Party of a claim within 7 days of the Disclosing Party becoming aware of such claim. The Disclosing Party agrees to keep the Receiving Party updated on the progress of any claim and to regularly consult with the Receiving Party in relation to the claim.

**5. REMEDIES**

The Receiving Party acknowledges and agrees that if a breach of this Deed by the Receiving Party causes the Disclosing Party loss which cannot be adequately redressed by an award of damages, the Disclosing Party may also obtain injunctive relief (including specific performance).

**6. DISCLOSING PARTY NOT LIABLE**

- (a) The Receiving Party acknowledges that the Disclosing Party makes no warranty at any time (whether express or implied or in any form) as to the accuracy, completeness or relevance of any of the Confidential Information and has no obligation to keep the Confidential Information updated or error free. The Receiving Party will in no way rely on the accuracy of the Confidential Information and will use its own judgement in reviewing such information.
- (b) The Receiving Party further acknowledges and agrees that where the Confidential Information provided includes the GIS Information, such GIS Information may not be accurate as the distribution network of the Disclosing Party may be modified from time to time. In particular, where the GIS Information includes information regarding the Disclosing Party's underground cables, the Receiving Party acknowledges that:
  - (i) it must use caution in relation to the information provided about the Disclosing Party's underground cables;
  - (ii) the underground cable information provided is a schematic representation and does not necessarily reflect true geographic location; and
  - (iii) while the Disclosing Party may provide spatial information and some information about the attributes of the underground cables, any information relating to the depths, offsets and other physical features of the cables is not provided.

The Receiving Party must before undertaking any actions that may affect the distribution network of the Disclosing Party and the assets relating to such distribution network in any way, obtain additional information from the Disclosing Party about such network and assets.

- (c) The Disclosing Party is not liable for any loss or damage suffered by the Receiving Party or any other person as a result of the Receiving Party's use of the Confidential Information.



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**7. TERM OF THIS DEED**

This Deed will commence on the date specified in Item 6 of the Schedule and end on the date specified in Item 7 of the Schedule (or sooner by prior written agreement between the parties).

**8. ASSIGNMENT**

The Receiving Party may not assign any of its rights under this Deed without the prior written consent of the Disclosing Party (such consent not to be unreasonably withheld).

**9. REASONABLENESS OF PROVISIONS OF THIS DEED**

The parties acknowledge and agree fully that they have entered into this Deed with a clear sense of reasonableness of the provisions of this Deed and accept that such provisions are reasonably required for the well being and protection of the Disclosing Party.

**10. INTELLECTUAL PROPERTY RIGHTS**

All rights to the Confidential Information are owned by the Disclosing Party and are subject to copyright. The Receiving Party must not do or permit any act to be done which infringes upon the Disclosing Party's existing copyright or other intellectual property rights in relation to the Confidential Information.

**11. SEVERABILITY**

If a clause or part of a clause can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

**12. GOVERNING LAW**

This Deed is governed by and construed in accordance with the laws from time to time in force in the State of Victoria, Australia. The parties submit to the non-exclusive jurisdiction of the courts of Victoria and any courts competent to hear appeals from such courts.



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**Executed as a Deed**

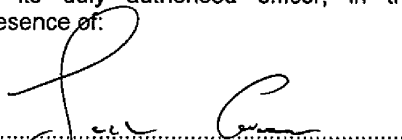
Signed sealed and delivered on behalf  
of  
**THE PARTY THAT IS DESCRIBED IN  
ITEM 2 OF THE SCHEDULE** by its duly  
authorised officer, in the presence of:



Signature of witness


RASHI SAGI VENKATA  
Name

Signed sealed and delivered on behalf  
of  
**THE PARTY THAT IS DESCRIBED IN  
ITEM 3 OF THE SCHEDULE**  
by its duly authorised officer, in the  
presence of:



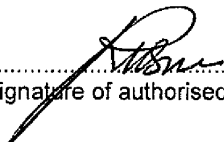
Signature of witness

JACH DAVID GREEN  
Name

  
Signature of authorised officer

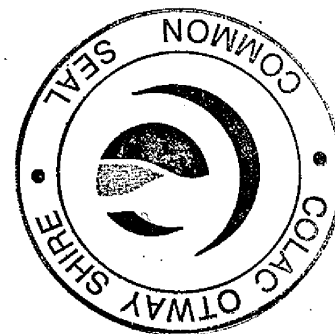
NICHOLAS CECORN  
Name

TEAM LEADER GIS MARKET ST  
Position

  
Signature of authorised officer

ROB SMALL  
Name

CEO  
Position







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**SCHEDULE**

|        |                              |  |
|--------|------------------------------|--|
| Item 1 | Date of execution of Deed    | 15/08/2013   |
| Item 2 | Description of party/parties | CITIPOWER PTY<br>ABN 76 064 651 056<br>POWERCOR AUSTRALIA LTD<br>ABN 89 064 651 109  |
| Item 3 | Description of party/parties | COLAC OTWAY SHIRE<br>2-6 RAE ST<br>COLAC VIC 3250  |
| Item 4 | Confidential Information     | VICGRID94 - ESRI FILES<br>PROVIDING:<br><ul style="list-style-type: none"> <li>• HV NETWORK OH/UG</li> <li>• ZONE SUBSTATIONS</li> <li>• PEAK DEMAND DATA</li> </ul>                     |
| Item 5 | Permitted Purpose            | COLAC OTWAY SHIRE IS RUNNING THIS PROJECT ON BEHALF OF 10 COUNCILS ACROSS THE BARWON SOUTH WEST. WE ARE AFTER ENERGY DEMAND (PREFERABLY PEAK DEMAND FOR SUMMER COOLING) BY SERVICE AREA. |
| Item 6 | Commencement date of Deed    | AUGUST 2013  |
| Item 7 | End date of Deed             | AUGUST 2016  |







## Joint Committee

### 8 May 2013 Minutes



1. **Welcome.** Helen Paatsch agreed to chair the meeting, and welcomed all.
2. **Present:** Helen Paatsch, Stephen Hart, Colin Hayman, Jackie Dullard, Simon Dewar, Roslyn Cousins
3. **Apologies:**

| Agenda Item   | Discussion   | Action  |
|---|--|---|
| <b>4. Minutes</b><br>20/2/2013                              | Minutes were accepted.<br><i>Moved by Stephen Hart and seconded by Colin Hayman</i>  | Carried   |
| <b>5. Business arising</b>                                  |  |   |
| 5.1 Agreement<br>Amendment                                  | Amendment to go to Colac Otway Shire meeting in May for approval for signing & sealing. Already signed & sealed by Colac Secondary College.  | Colin Hayman                                      |
| 5.2 Transport<br>Connections Funding<br>for improved access | Proposals have been tested against the new regulations for Disabled Access. Work to be completed by COSWorks by the end of the financial year.   | Colin Hayman                                      |
| 5.3 Meeting Room<br>Fees                                    | Report to be emailed to the committee in the next week.  | Simon Dewar                                       |
| 5.4 Pull down screen  | Pending.   | Simon Dewar                                       |
| 5.5 Fobs  | Addition 'keys' have been obtained to facilitate afterhours access.  |   |
| <b>6. Equipment</b>   |  |   |
| 6.1 Urn & Glassware   | Jackie reported that as no surplus glassware has been identified, purchase of an urn and any needed glassware should proceed, as per the decision on 20/2.   | Roslyn  |
| 6.2 Wheelchairs   | Staff passed on a customer request for access to wheelchairs for assisting frail customers.<br>Roslyn to price and proceed with purchase of two wheelchairs, subject to funds being available either from the Transport Connections or the hire fees.<br><i>Moved by Stephen Hart, seconded Jackie Dullard.</i><br><br>An updated prioritised list of equipment requirements is to be prepared for the August meeting. | Roslyn<br><br>Carried<br><br>Roslyn & Simon Dewar |
| <b>7. General Business</b>                                  |  |   |
| 7.1 Feedback  | A successful 3 day conference for 150 people was held in April. The organisers will be contacted for suggestions for improvements and that a feedback form will be developed.  | Roslyn  |
| 7.2 Community Hub   | A request has been forwarded by Councillor Brian Crook for temporary space for the Community Hub Inc during their building redevelopment. Simon will investigate a 'cost only' weekly charge hire and library staff will contact the Community Hub regarding their requirements.<br><br>That the Community Hub Inc. be offered available space for their   | Roslyn & Simon Dewar                              |



## Joint Committee

### 8 May 2013 Minutes



Colac Community Library  
and Learning Centre

|                        |  |                    |
|------------------------|--|--------------------|
|                        | period of redevelopment at cost price pending the agreement be approved by committee members Colin Hayman and Simon Dewar.<br><b>Moved by Stephen Hart and seconded by Colin Hayman</b>  | Carried            |
| 7.3 Membership         | The current term for community members ends in August 2013. Helen Paatsch has agreed to continue for a second term.<br><br>Following the signing & sealing of the Amendment to the agreement, recruitment will commence for two community members.<br><br>CRLC to undertake recruitment for two community positions.<br><b>Moved by Stephen Hart and seconded by Simon Dewar</b> | Roslyn             |
| <b>8. Next meeting</b> | Wednesday, 14 August 2013, 5pm   | Roslyn -<br>Agenda |
| Meeting closed:        | 5.45pm   |                    |