



**Colac Otway  
SHIRE**

## **AGENDA**

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

**18 DECEMBER 2013**

**at 5:00 PM**

## **COPACC Meeting Rooms**

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**

**18 DECEMBER 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 COPACC Meeting Rooms on 18 December 2013 at 5.00 pm.

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## **AGENDA**

### **1. OPENING PRAYER**

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

### **2. PRESENT**

### **3. APOLOGIES**

### **4. MAYORAL STATEMENT**

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

Colac Otway Shire encourages 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.

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.

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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 27/11/13.

**Recommendation**

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

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

OM131812-1 CEO'S PROGRESS REPORT TO COUNCIL  
OM131812-2 COLAC OTWAY YOUTH COUNCIL

### **Corporate and Community Services**

OM131812-3 REVIEW OF COUNCIL LEASING POLICY  
OM131812-4 UPDATE ON BLUEWATER FITNESS CENTRE REDEVELOPMENT  
OM131812-5 LICENCE AGREEMENTS OLD BEECHY RAIL TRAIL  
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OM131812-7 FRAUD CONTROL PLAN

### **Infrastructure and Services**

OM131812-8 ROAD MANAGEMENT PLAN REVIEW

### **Sustainable Planning and Development**

OM131812-9 PLANNING SCHEME AMENDMENT C79 - IMPLEMENTATION OF NEW  
STATE RESIDENTIAL ZONES

### **General Business**

OM131812-10 ASSEMBLY OF COUNCILLORS  
OM131812-11 MINUTES FROM YOUTH COUNCIL MEETINGS

### **Notices of Motion**

OM131812-12 COMMISSIONER FOR RED TAPE  
OM131812-13 PASSENGER TRAIN SERVICES

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



**CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	
<b><u>OM131812-1</u></b>	<b><u>CEO'S PROGRESS REPORT TO COUNCIL</u></b>
<b><u>OM131812-2</u></b>	<b><u>COLAC OTWAY YOUTH COUNCIL</u></b>





**OM131812-1****CEO'S PROGRESS REPORT TO COUNCIL**

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

**EXECUTIVE****Regional Management Forum (RMF)**

The Acting Chief Executive Officer attended a meeting of the RMF in Camperdown on 28 November 2013. Agenda items included:

- Presentation –Food and Fibre into China Strategy
- Great South Coast Food Strategy Update
- Presentation – Regional Growth Plans
- Great South Coast Heavy Vehicle Supply Chain Constraints Project
- Regional Development Australia Barwon South West Committee Update.

A briefing on the Regional Policy Advisory Committee's - Education Aspiration for Regional Victoria Report followed the RMF meeting.

**G21 Board Meeting**

The Mayor and Acting CEO attended the G21 Board meeting in Geelong on 29 November 2013 in Geelong. Agenda items included:

- G21 Regional Health & Wellbeing Plan Presentation
- CEO Contract
- G21 2014 Marketing & Communications Plan and Engagement Strategy
- G21 Audit & Risk Committee Meeting Report
- 2014 G21 Canberra Delegation
- 2014 G21 Stakeholder Forum
- G21 Strategy Day – Councillor Feedback Session for January 2014
- G21 Regional Growth Plan Implementation Plan Advocacy Strategy
- Regional Leadership Conference
- DRAFT – G21 Board Meeting Schedule for 2014
- Barwon South West Regional Development Australia update
- Barwon South West Regional Management Forum update
- G21 Pillar updates.

**South West Sustainability Partnership**

As Chair of this committee, the CEO attended a meeting of the South West Sustainability Partnership in Warrnambool on 5 December 2013. Discussion included:

- Update - Ironbark discussions regarding installation variations
- Update - Discussions with suppliers regarding purchasing LEDs
- Great South Coast Streetsmart Lighting Project Update.

**Great South Coast Board Meeting**

The Mayor and General Manager, Sustainable Planning & Development, attended the Great South Coast Board meeting in Warrnambool on 6 December 2013. Agenda items included:

- Presentation – Leadership Great South Coast
- Presentation – VicRoads: Princes Highway West Long Route Study (Mr William Tieppo, VicRoads Regional Director South West Victoria)

- VicRoads Condition Report
- Regional Roads – A Pillar Priority
- Executive Officer Appointment
- Agricultural Education in the Great South Coast
- Great South Coast Regional Trails Project
- 2014 Meeting Schedule
- Strengthen our Communities Pillar
- Improve our Connections Pillar
- Sustain our Natural Assets Pillar
- Position for Economic Growth Pillar
- Regional Priorities.

## **CORPORATE & COMMUNITY SERVICES**

### **L2P Learner Driver Mentor Program**

At the last L2P Learner Driver Mentor Program Steering Committee meeting it was noted that the number of volunteer mentors has increased. Currently 11 mentors are being trained.

The Committee continues to seek sponsorship for the program as the grant received does not cover all of the costs involved with the program.

It should be noted that the Steering Committee is chaired by Cr Brian Crook. A Council officer also attends the Committee meetings as Council is the auspicing body for the grant.

### **Performance Audit – Shared Services in Local Government**

Colac Otway Shire has been selected to participate in the Victorian Auditor-General's Office (VAGO) "Performance Audit – Shared Services in Local Government".

The following information is taken from the VAGO audit specification.

#### **Audit Objective and Sub-objectives**

*The audit objective is to assess the effectiveness, efficiency and economy of shared services initiatives undertaken by local Councils. It also aims to:*

- *better understand success factors and reasons for initiatives stalling and to identify common barriers to the take up and implementation of shared services by Councils and how effectively these have been addressed.*
- *assess the guidance and support provided to Councils by Local Government Victoria (LGV).*

#### **Audit Criteria and Method**

*To address the audit objective, the audit will assess the following:*

1. *Shared services initiatives are soundly based and include identification of the expected costs and benefits.*
2. *There are appropriate governance arrangements and effective co-ordination across the relevant partners, underpinned by appropriate legal and funding arrangements.*
3. *Effective project management practices are in place to plan and implement initiatives.*
4. *There is effective monitoring, evaluation and reporting of initiatives, which demonstrate the achievement of intended objectives and outcomes and cost benefits and identify learnings to inform continuous improvement.*

5. LGV has provided appropriate support and guidance, in partnership with the local government sector to assist Councils in developing, implementing and managing shared services initiatives.

Proposed Tabling Date

The audit is scheduled for tabling in Parliament in April 2014.

## HEALTH & COMMUNITY SERVICES

### Maternal & Child Health

Maternal & Child Health (M&CH) have had a month where the birth notices have been similar to the average but there has been an increase of additional consultations and home visits for the 40 families currently enrolled in our Enhanced Home Visiting service.

Staff have attended professional development in Geelong and Warrnambool in relation to engaging young parents and infant attachment.

### Statistics – November 2013

- 17 infants enrolled from birth notifications
- 9 First Time mothers

<u>Key Ages and Stages Consultations (KAS)</u>					
Home visits 15					
<b>2wks</b>	14	<b>4wks</b>	21	<b>8wks</b>	21
<b>4mths</b>	21	<b>8mths</b>	16	<b>12mths</b>	20
<b>18mths</b>	13	<b>2yrs</b>	10	<b>3.5yrs</b>	6

Other services provided include:

- 84 additional consultations
- 5 KAS assessments provided to Aboriginal families
- 23 phone consultations
- 7 opportunistic immunisations
- 8 child and family referrals (maternal emotional health and child referrals for illness being the main reasons for referral)
- 29 child and family counselling sessions provided with the majority of referrals and counselling for maternal emotional and child nutrition issues
- New Parents Groups - 4 sessions in Colac
- 41 families currently enrolled under Enhanced Home Visiting service (vulnerable and at risk families), which includes 1 new family that enrolled this month.

### Rural Access

Rural Access has been contributing to several development strategies currently occurring in the Barwon Region. These include disability workforce development, and the initial stages of a localised response to the cessation of refugee supports. This project is being led by the G21 Health and Wellbeing Pillar, as a result of the change in the Commonwealth Government.

People with a disability living in this shire have been identified and nominated to take part in a number of projects, workshops and forums highlighting either their experiences of living in the Barwon Region with a disability or their experience of the new funding scheme managed by the National Disability Insurance Agency.

On 29 November 2013 the annual Celebration Dance recognising the International Day of People with Disabilities was held at the Colac Tigers Football Club Rooms. Rural Access staff led volunteers from local service organisations to support young people with a disability to host this dance, which celebrated their achievements. The local band 'Thumbs Up', comprising people with disabilities, and the Trinity College band 'Sophisticated Swing' played throughout the night. Over 70 people with disabilities, some with carers, attended the dance and enjoyed the local talent and the opportunity to socialize with their peers.

## **RECREATION ARTS AND CULTURE**

### **EVENTS**

#### **Great Victorian Bike Ride (Gellibrand 28 November and Birregurra 29 November 2013)**

The Great Victorian Bike Ride arrived in Gellibrand and Birregurra bringing an economic boost to businesses and community groups. More than 5,200 cyclists and a large support crew enjoyed the country hospitality and the beautiful surroundings of the Otways. Riders started arriving around 9 am at both locations and didn't take long to set up their campsites and explore the local area.

#### **Colac and District Motorcycle Riders Annual Xmas Appeal (7 December 2013)**

The annual Xmas Toy Appeal was carried out on Saturday 7 December 2013 from 10 am to 12 pm followed by a meeting in Memorial Square. Collection boxes had been placed in the foyer of Colac Otway Shire and other businesses in Colac to collect the toys and enable the public to donate funds on the day. The toys are then distributed by the Salvation Army and St Vincent De Paul to local families in need over the Christmas period.

#### **Carols by Candlelight (13 December 2013)**

Community groups joined together again for the 67<sup>th</sup> Carols by Candlelight at Memorial Square. The Colac City Band celebrated another year by participating in this event, which was organised by Community Hub Inc. The Colac Otway Shire community enjoyed a traditional family event beginning with a market, followed by free activities for the children such as Christmas tree decorations, free face painting and an air castle. Santa arrived at 6 pm with free Santa bags. Well-known local entertainer Jamie McGuane acted as MC encouraging those who attended to join in the traditional singing.

#### **Upcoming Events**

Events which will be held throughout the Colac Otway Shire in January 2014 include the Custom Car and Bike Show in Colac (18 January) and Australia Day Celebrations in Forrest (26 January).

## **RECREATION**

### **Alvie Playground Development Project**

Community consultation regarding the proposed Alvie playground development was held with the Red Rock Region Progress Association, Alvie Recreation Reserve Committee of Management, Alvie Recreation Reserve regular user groups and the Alvie Consolidated School and St Brendan's primary school. This consultation process demonstrated a show of support for the proposed Alvie playground development being located at the Alvie Recreation Reserve by those groups. Quotations are currently being sourced from playground suppliers to determine equipment selection, which will be presented to the local

community groups for consideration. The project also includes installation of a shelter, BBQ and picnic furniture.

### **Colac Otway Shire's Playground Maintenance Assessments**

The bi-annual Playground Maintenance Program Audit has been undertaken by external auditors Ray Hutchison and Associates to assess maintenance requirements. Council's existing Playground Inspection Program addresses maintenance requirements identified through the regular maintenance program audits. This program is effective in permitting replacement of worn out equipment, or upgrades where Australian Standards have changed rendering the equipment non-compliant. All playgrounds are currently subject to independent audits twice per annum (May and November).

## **COPACC**

### **Business Events**

More than 2,300 people attended live performances at COPACC during the month of November 2013. The traditional month for end of dance school year concerts, November, attracted thousands of friends and family members from four Colac dance schools. The COPACC team has received formal thank-yous from each of the schools in recognition of the smooth-running of the shows and the technical support provided.

Overall more than 5,000 people attended more than 60 business events at COPACC in November.

Advance bookings for business events during 2014 at COPACC are looking extremely positive.

### **COPACC Programme**

The *Choir of Heart and Soul*, formed through a COPACC initiative in September 2012, continues to meet independently at COPACC each week. The Choir took to the stage with nationally recognised choirmaster Jonathon Welch for the last Morning Music performance of the year on 4 December 2013. The audience enjoyed the carols concert and the choir. The choir, of men and women, has grown to 20.

Tickets for COPACC's 2014 five show Morning Music Season, sponsored by Arundell, Murray & Ryan and Lemon Twist Café, are now on sale.

Perennial Australian singer Debra Byrne's one woman cabaret show *Ripe* was appreciated by COPACC audiences in November 2013, as was Grace Knight's jazz cabaret, *Keep Cool Fool*, in early December.

## **BLUEWATER FITNESS CENTRE**

### **Redevelopment Project**

The Bluewater Fitness Centre Redevelopment has commenced with contracts finalised and BDH Constructions taking over the site early December 2013. The project is expected to take 12 months to complete.

The relocated gymnasium at the Colac Youth and Recreation Centre continues to be well received and well used by members and casual users. Council appreciates the regular users of the Youth Centre for being flexible in the sharing of the facility.

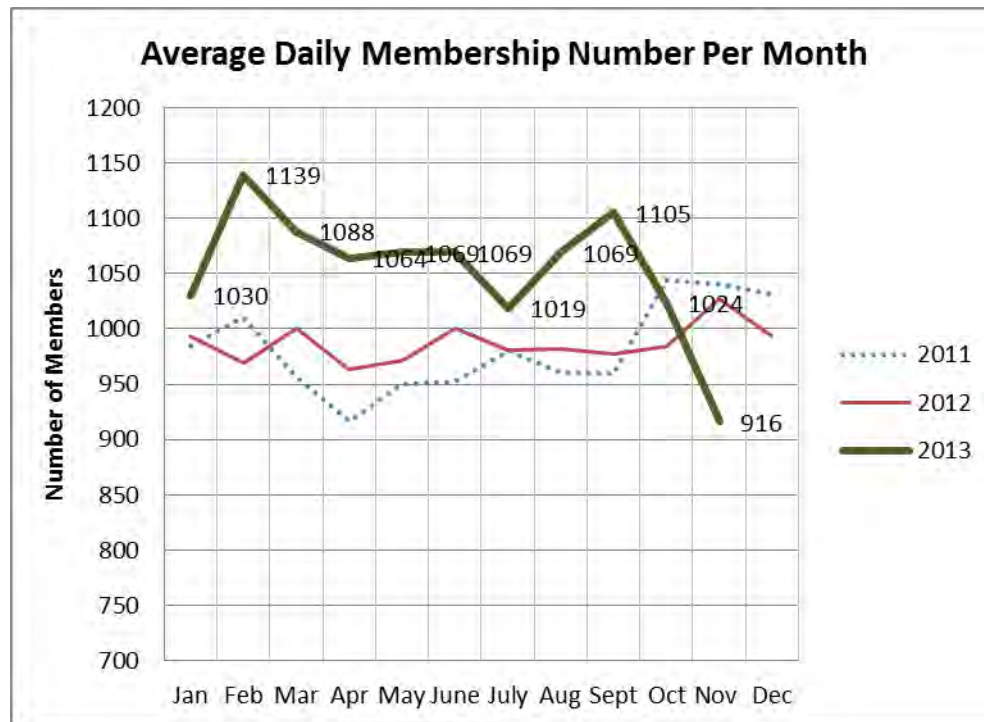
### **Dry Programs**

Bootcamp Mission 4 was again an outstanding success with approximately 75 participants undertaking the 6 week program during November and December 2013. All participants

reported improved results from a health and fitness perspective however the social aspect of the program proved to again be an important benefit for participants.

### Bluewater Memberships

The closure of Bluewater has had an impact on membership numbers with the daily average membership number for November dropping to a three year low of 916. This figure reflects the number of Bronze members who only utilised aquatic services and have now cancelled their membership. Overall, membership numbers have been consistently higher in 2013 than in previous years.



## INFRASTRUCTURE & SERVICES

### CAPITAL WORKS

ACTIONS	STATUS	% COMPLETION	PROGRESS COMMENTS
Develop a Subdivision Guide for Colac Otway Council and report to Exec prior to reporting to Council for formal adoption.	In Progress	80%	The Infrastructure Design Manual (IDM) was adopted by Council in October 2013 and forms the basis of the subdivision guidelines for Council.
Adopt Infrastructure Design Manual and undertake internal and external awareness raising campaign.	Completed	100%	The IDM was adopted by Council at October 2013 Council Meeting.
Review the system used to file and archive technical drawings. Options to consider are linkage with Asset Management System or TRIM.	Completed	100%	Completed. It is intended that the Authority Asset Management Module be

ACTIONS	STATUS	% COMPLETION	PROGRESS COMMENTS
			used to store Council's technical drawings. The new Asset Management System is expected to be commissioned within the next 12 months.
Manage preparation of 2013/14 capital works program including designs and specifications for projects.	In Progress	75%	Designs and specifications for the rehabilitation of Weering School Road, Division Road and Warrowie Road have been completed. Plans and specifications are being developed for Barham River Road and Ferrier Drive, Apollo Bay. Both of these projects are also included on Council's 2013/14 Sealed Road Renewal Programme. The design of Sand Road Bridge rehabilitation is in progress.
Apollo Bay Footpath Strategy	In Progress	25%	The Apollo Bay Commuter Footpath Strategy is presently being drafted. It is intended that this will be presented to Council in February 2014. The Strategy will aim to address the issues of providing a network of footpaths in the township of Apollo Bay which is safe and convenient for pedestrians to use.
Complete the 2013/14 component of the Old Beechy Rail Trail project funded by RIDF.	In Progress	75%	Tenderers have been short listed for the Beech Forest to Ferguson section of the Trail, with the contract award imminent. Quotations have been received for a section of Trail at Ditchley, with the contract expected to be awarded by the end December 2013. Tender documents are being

<b>ACTIONS</b>	<b>STATUS</b>	<b>% COMPLETION</b>	<b>PROGRESS COMMENTS</b>
			prepared for a third section through Mercy Place, Colac.
Facilitate the review of Council's Road Safety Strategy in conjunction with Colac Road Safe.	In Progress	85%	A joint Road Safety Strategy is being developed in conjunction with Corangamite Shire. The document is in the final editing stage. At the completion of this stage the document will be forwarded to Victoria Police Colac, VicRoads and the Colac Community Road Safety Council for comment, prior to final editing and public release.
Undertake a Parking Study for the township of Wye River	In Progress	70%	Alternative parking control measures are to be investigated by Council officers along Sarsfield Street, Separation Creek.
Implement the Cressy Shelford Road rehabilitation plan.	In Progress	50%	Actions associated with the rehabilitation plan are progressing. Construction of part of the fire access track have been completed. Weed management has been undertaken along the track Nov 2013, and further targeted control will be undertaken autumn 2014. Monitoring plots are being installed to inform and measure the success of weed control, threatened species recovery, and to inform the burning regime.



**SUSTAINABLE ASSETS**

<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	25%	This project has commenced and involves the consolidation of Council's disparate sources of asset information into a single asset register. Activities are progressing with work being completed in conjunction with the Finance Unit. Data and attribute structures are still being finalised to ensure that maximum benefit can be derived from the new asset system.
Asbestos Register Update.	In Progress	10%	A consultancy brief is being developed for a review of Council's existing Asbestos Register.
Review annual budget requirements for renewal program and present to Exec as part of the budget process and incorporate into long term and capital works plans.	In Progress	50%	Modelling of future asset renewal needs has been completed in preparation for the 2014/15 Budget. The outcomes of this will be reported to the Executive Management Team and Council early in the 2014 calendar year.
Monitor the performance and condition of Council's various asset types through programmed inspections and data collection.	In Progress	25%	Quotations to conduct a condition survey of Council's footpath network closed 27 November 2013. Submissions received are being evaluated. It is anticipated that field survey work will commence during January 2014. This will provide up to date condition information for our footpaths which will be used to develop future works programmes.
Community infrastructure and asset renewal plan.	In Progress	40%	Draft Asset Management Plans for all of Council's infrastructure asset categories including: roads; bridges; parks & gardens; footpaths and buildings have been finalised. This suite of documents also includes a General Asset Management Plan which provides details

<b>ACTIONS</b>	<b>STATUS</b>	<b>% COMPLETION</b>	<b>PROGRESS COMMENTS</b>
			around the processes and procedures used. It is anticipated that these documents will be presented to Council in the new year for adoption.
Complete road and footpath network inspections to meet frequencies prescribed by Council's Road Management Plan.	In Progress	42%	Routine inspections have been completed for Colac Area 1 footpaths and roads within the Elliminyt urban area. All inspections are conducted in accordance with Council's Road Management Plan.
Implement the 2013/14 Kerb & Channel Renewal Programme.	In Progress	5%	Works associated with the kerb and channel renewal programme are expected to commence in February 2014.
Manage building maintenance programme to address programmed and reactive maintenance needs.	In Progress	42%	Major building maintenance works completed recently include structural repairs to the flooring in the Apollo VIC Public Toilets. Other maintenance works over the reporting period have generally been minor or routine in nature.
Coordinate inspections and reporting of Essential Safety Measures relating to nominated Council buildings.	In Progress	10%	A tender brief is currently in development for delivery of inspection services by external contractors. It is anticipated that quotations will be sought prior to Christmas.
Footpath Renewal Program	In Progress	80%	Footpath replacement works completed during November 2013 include sections of the network in Wilson Street and Manifold Street, Colac. Further works are programmed to be completed in Calvert Street during December 2013.
Annual Road Resealing Program	In Progress	30%	Council's 2013/14 Sealing Programme commenced 2 December 2013. The majority of this year's works are based in the urban localities of Colac and Apollo Bay. It is hoped that all works under contract will be completed by January 2014.

ACTIONS	STATUS	% COMPLETION	PROGRESS COMMENTS
Bridge Reconstruction Program	In Progress	15%	Tenders closed on 20 November 2013 for replacement of the Lyness Access bridge, Carlisle River. This is a design and construct contract and a report is being presented to Council at its December 2013 meeting for award. Quotations for consultancy services to prepare a remediation plan for the Sand Road Bridge, Glenaire closed 27 November 2013 and are presently being evaluated. Both of these projects are being completed under Council's \$1M allocation from the Country Roads and Bridges Initiative.
Building Renewal Program	In Progress	25%	<p>The following is a status summary of projects being completed under the 2013/14 Building Renewal programme:</p> <ul style="list-style-type: none"> <li>• Carlisle River Recreation Reserve Clubrooms roof replacement - Complete</li> <li>• Painting of the former Home Hardware building - Commenced 2 December 2013</li> <li>• New cabinetry to Beeac Tennis Clubrooms - Completed</li> <li>• Refurbishment of the Irrewillipe Recreation Reserve Clubrooms (Stage 1) to address risk and compliance issues - <ul style="list-style-type: none"> <li>○ Project documentation being compiled prior to seeking quotes.</li> </ul> </li> <li>• Larpent Hall kitchen renovation - <ul style="list-style-type: none"> <li>○ Project documentation being compiled prior to seeking quotes.</li> </ul> </li> </ul>

ACTIONS	STATUS	% COMPLETION	PROGRESS COMMENTS
			<ul style="list-style-type: none"> <li>Refurbishment of the Lake Colac Foreshore public toilets -               <ul style="list-style-type: none"> <li>Project documentation being compiled prior to seeking quotes</li> </ul> </li> </ul>

#### OTHER HIGHLIGHTS FOR THE PERIOD

**Bluewater Fitness Centre Redevelopment** - Council officers have recently met with both the successful Contractor, BDH, and the design team in order to finalise the scope of works including areas of potential cost savings. Site establishment works have commenced.

**Pirron Yallock Recreation Reserve Clubrooms** -The new modular building was delivered to site on 16 December 2013. The new building is presently being connected to existing services with access ramps and steps being constructed. It is anticipated that the new rooms will be available for public use prior to Christmas.

**Potable Water Treatment Systems** - A consultant's report has been received which details design alternatives for the treatment of harvested stormwater at Council buildings which are not connected to mains supply. The aim is to bring Council's remote facilities in line with best practice guidelines associated with the provision of potable water at community facilities. It is intended to use these templates to complete works at the Irrewillipe Recreation Reserve Clubrooms which has an allocated budget under this year's Building Renewal Programme. Future works at other Council sites will be subject to budget approval.

**Roof Safety Systems** - Fall prevention equipment has been installed at various Council facilities including: the Rae Street office; Pound Road depot; and Carlisle River Recreation Reserve Clubrooms. This is to improve safety for Council officers and contractors when working at heights.

#### COSWORKS

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

##### **Minor Patching**

Minor patching works are ongoing on sealed roads to keep up with potholes and edge breaks in all areas of the Shire.

##### **Storm Damage**

Over the past month there has been an above average amount of fallen, hanging and dangerous trees due to strong winds damage. This has been widespread throughout parks, reserves and roads throughout the whole of the Shire. Clean up of several landslips has occurred in the Apollo Bay areas.

##### **Road Regrading**

Road regrading has been increased due to improved weather condition in all sections of the Shire.

##### **Routine Drainage Works**

Routine drainage works were completed in the last month in Apollo Bay, Wye River, Kennett River, Separation Creek, Skenes Creek and Marengo townships. Drainage works were also completed in the Forrest, Gellibrand and Carlisle areas.

**Major Patching Works**

Major patching works were completed in preparation for resealing works that are planned for December 2013.

**Major Drainage Works**

Major drainage works were completed on Flaxmill Road, Clark Street, Spring Street, Howarth Street and Armstrong Street.

**Reseal Aggregate**

Reseal aggregate cartage has been completed to all stacksites in preparation for this year's reseal program.

**Roadside Slashing**

Council's roadside slashing program is progressing well. Slashing has been completed in Apollo Bay, Larpent, Irrewillipe, Bungador, Cororooke, Alvie, Dreeite, Cressy, Beeac, Barwon Downs, Gerangamete and Pennyroyal areas.

**Sport Ovals**

The mowing of the ovals is ongoing due to increased growth.

**Tree Maintenance**

Tree maintenance works were completed at Seven Bridges Road, Bushbys Road, Memorial Square and the Colac Visitor Information Centre. Trees have also been trimmed along select Colac streets in preparation for sealing works.

**Bridge Maintenance**

Deck beams were replaced on Raffertys Bridge.

**Township Mowing**

Township mowing has increased due to ideal growing conditions. Mowing has been completed at Apollo Bay, Lavers Hill, Gellibrand, Beech Forest, Barwon Downs, Carlisle, Beeac, Cressy, Birregurra and Colac.

**Reach Arm Mowing**

Reach arm mowing works were undertaken on Old Coach Road, Hiders Access, Melanesia Track, Hendrickson Track, Phillips Track and Hordern Vale Access.

**Road Construction**

- **Warrowie Road**

Warrowie Road has been ripped, crushed, reshaped and compacted. A base layer has been applied, shaped, compacted and primer seal completed. Minor clean up works are still to be completed. This section of road has been reopened to public traffic.

- **Weering School Road**

Underground pipes have been replaced with new pipes of an increased capacity. The road has been ripped, crushed, reshaped and compacted. A new sub-base layer of granular material has been applied, shaped and compacted. The pavement base layer is to be applied and primer sealed. It is estimated that these works will be completed prior to Christmas 2013.

**MAJOR CONTRACTS/WASTE UNIT****Regional Litter Campaign**

Over this coming summer and through to Easter next year the Barwon Regional Waste Management Group (BRWMG) and its member Councils are campaigning against illegal

littering from cars within the Barwon region. The litter prevention campaign received funding from the Victorian Government, via Sustainability Victoria's Roadside Litter Prevention Grants program. The program was launched at the RACV Club in Torquay on 16 December 2013. Council staff will be working with the Otway Coast Committee and Traders to implement the program.

Some facts about littering in Victoria:

- 50% of Victoria's litter is cigarette butts
- 20% of litter found on our beaches is drink bottles
- 14,560 tonnes of litter is generated by Victorians each year
- 86% of EPA litter fines are for cigarette butts
- 3kg is the amount of litter the average person is responsible for in Victoria every year
- 50% of litter found in Victorian parks is drink bottles



### Australian Waste and Recycling Expo

Council staff attended the Australian Waste and Recycling Expo where there were 110 exhibitors, 14 seminars and 108 tonnes of equipment on display.

Key Seminars included:

- The State Waste Reform Agenda
- Sustainability Victoria's programs to deliver the Waste Reform Agenda
- EPA's programs for delivering the Waste Reform Agenda
- Future of E Waste
- Planning and procurement of waste infrastructure.

Waste industry related products of interest that may have application within the Shire included:

- Big Belly Solar powered compactor public waste bins – This is a waste bin fitted with a solar powered compactor that can hold up to four times the waste of a standard bin its size. It can be linked via a sim card which can alert a contractor when emptying is required and record when the bin has been emptied.
- Underground bins – This consists of a lower bin platform with 2 to 4, 1,100 litre rear lift bins which sit underground and an upper platform with 2 to 4 standard size bins.

This system maximises collection capacity with limiting visual impact and can be used in situations where a large number of residential bins can create undesirable clutter along small streets or cul-de-sacs.

- Node for waste in public places – A collection of 4 x 800 litre bins which sit to form a cluster of four bins which has a slightly higher capacity than 13 standard 240 litre bins. This could be useful for high usage areas such as the foreshore at Apollo Bay.
- Worm lovers compact bins – environmental worm farms which come with training and could be ideal for implementation into community groups or schools to encourage environmental awareness.

### **Tenders**

Tenders opened since the last reporting period:

1330 – Design & Construct - Lyness Road Bridge

1331 – Engineering Design Services – Sand Road Bridge Rehabilitation

1332 – Consultancy Services – Bruce Street Landfill Monitoring & Feasibility Study

Tenders awarded since the last reporting period:

1325 – Supply & Deliver Street Sweeper – to MacDonald Johnston

1326 – Supply & Deliver Tip Truck & Dog Trailer – to Whitehorse Trucks

1327 – Supply & Deliver Backhoe/Loader – to Komatsu Australia

1328 – Supply & Deliver Wood Chipper – to Rayco Equipment

1329 – Supply & Deliver Tow Behind Work Broom – to Sewell Sweepers

No tenders have been advertised since the last reporting period.

### **Subdivision Works**

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

<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)	Civil works have been completed for this subdivision stage. A certificate of compliance is expected to be issued in December 2013 following sign off from various other authorities.

### **Colac Livestock Selling Centre Roof Construction**

The Contractor, MKM Constructions, expects all steel framing to be completed in December 2013 and ready to have sheet roofing installed in February 2014.

Workers are busy completing rehabilitation of the cattle enclosures in stage one to accommodate the major cattle sales occurring in January 2014. Over the course of construction, pens and lanes in the facility have been removed to allow for crane and vehicle access to erect the roof. Currently coordination between the saleyards operations and building construction requirements has been successfully undertaken. The next critical stage in coordinating saleyards activities will need additional efforts to ensure all works and the January 2014 sale days are facilitated to run smoothly.

All works are programmed to be completed by March 2014.



**Annual Bituminous Spray Sealing Works**

Bituminous spray sealing works commenced in Colac in December 2013 and are expected to be completed by January 2014 (weather permitting).

This year the successful tenderer, Inroads, has a greater amount of urban works to be completed in Colac. A notification to the affected property owners or occupiers is normally done a few days before the short term work starts in their street to ensure the area is free of all vehicles and so that residents may plan for possible interruptions to their daily activities.

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

The draft report for this project is currently being finalised in partnership with the CFA which has been involved in peer reviewing the documents produced by consultants Tract and Terramatrix. Council was briefed on the outcomes of the draft report at a workshop on 4 December 2013. It is anticipated that the draft will be reported to the January 2014 Council meeting, with a recommendation that it be placed on public exhibition for 6 weeks.

**Development Plans for Colac Residential Areas**

With financial assistance from the State Government Rural Planning Flying Squad funding program, consultant firm 'Mesh Planning' is currently finalising draft Development Plans for three priority sites in Colac covered by the existing Development Plan Overlay (DPO2) planning control. Currently, the proposed subdivision of the remaining undeveloped lots in these areas requires a development plan to be submitted with all planning applications which is often too costly for the landholder to provide. The draft development plans for each of the three precincts, when completed, will be exhibited for public comment.

**Amendment C76 (Birregurra Structure Plan & Neighbourhood Character Study)**

The public exhibition period for Amendment C76 closed on 13 December 2013. The amendment implements both the Birregurra Structure Plan 2013 and the Birregurra Neighbourhood Character Study 2012. Written submissions will be reviewed by officers and reported to Council for consideration at the January 2014 Council meeting. The recommendation will most likely be that submissions be referred to a panel.

**Amendment C74 (Apollo Bay Settlement Boundary Review)**

With the financial assistance of the State Government Rural Planning Flying Squad, a consultant planner is currently finalising an amendment to implement the recommendations of the Apollo Bay Settlement Boundary and Urban Design Review, adopted by Council in 2012. The amendment will include changes to the Municipal Strategic Statement to reflect the new town boundary recommended in the Study, which includes land up to Wild Dog Creek, and will make adjustments to the existing Design and Development Overlays applying within the town. A rezoning of the Rural Conservation zoned land between Pisces Caravan Park and Wild Dog Creek to a residential zone will also be incorporated into the amendment, along with amendments to the planning controls applying to the Mariners Vue land. The amendment will be placed on exhibition early in 2014.

**Colac Structure Plan Review**

Council officers are working closely with Regional Development Victoria (RDV) to secure funding to match a contribution allocated by Council in the 2013/14 Council budget to undertake a review of the Colac Structure Plan. The project cannot commence until external funding is committed.



## **Economic Development**

### **Business Development**

Council is organising a business event in partnership with Crowe Horwath. The business event will be held in March 2014 titled 'secrets of my success'. The event will be an after five event featuring a panel of local business leaders sharing with the audience their success in business. A Crowe Horwath representative will also be on the panel to give general advice on topics mentioned throughout the night.

### **Tourism**

Colac VIC has serviced 3,248 customers during November 2013 which is up 17% on last year. Phone enquiries have increased from the Melbourne food followers in anticipation of the opening of Brae Restaurant at Birregurra. Retail sales for the centre are up 4% which is defying the current trends in the current retail climate.

International visitation is mainly from China, Germany, New Zealand and the UK. National visitation is from QLD and the ACT.

Colac VIC staff have been mentoring and assisting Camperdown Information Centre volunteers. The Colac VIC Coordinator has been a good resource for the Camperdown VIC, sharing information and knowledge of running a centre.

The Great Ocean Road Visitor Information Centre had a total of 11,300 visitors in November 2013, which represents similar numbers when compared to the previous year. There have been a high number of international visitors throughout the month mainly from Germany, UK and China.

Visitation over the Melbourne Cup weekend was down by 16% on the previous year with the majority of visitors travelling from Melbourne and surrounds. The main enquiries received by the centre throughout November were for accommodation and attractions within the region. The centre's free WIFI has been extremely popular amongst visitors.

GORVIC staff are preparing for yet another busy summer period with phone enquiries for accommodation expected to increase over the Christmas/New Year's period.

The Age newspaper has contacted Council to feature Colac in their '6 reasons to visit' section of an upcoming Saturday edition. Council staff have provided the newspaper with images, suggested locations and experiences while in Colac. Locations such as Colac's Botanic Gardens, art galleries and residential streetscape images are some of the items requested by the newspaper.

### **Regional Tourism Board**

Expressions of Interest to establish the inaugural Great Ocean Road Regional Tourism (GORRT) Board of 5 Council appointed and 5 industry /skilled directors and an independent Executive Chairman have closed. The due date for EOI submissions closed on 30 November 2013. The interim Board is aiming to have the GORRT Board appointed by 1 January 2014.

Council coordinated a trade familiarisation for the intra-state tourism industry called the 'Otway Free Day'. The day's events showcased Otway Harvest Trail produce at the Forrest Brewery, the Cape Otway Lightstation and the Otway Fly Tree Top Adventures. The event was attended by 38 businesses from across Melbourne and the geographic area of the new GORRT Board. The day was thoroughly enjoyed by all who attended and thanks should also go to the team members of Council's Visitor Information Centres who assisted with preparation for the event.

Council's Tourism Development Officer assisted with the coordination of a forum where Craig Lapsley (Victorian Fire Services Commissioner) presented information and advice on bushfire preparedness. The forum took place on the 28 November 2013 in Lorne.

The 30th Great Victorian Bike Ride travelled through the Colac Otway Shire on 28, 29 and 30 November 2013. Over 5,200 riders participated in the event starting in South Australia and travelling around the Great Ocean Road and into the hills of the Otways, with a rest day at Port Campbell and the Twelve Apostles. Council's Tourism Development Officer and Events team held promotional displays at the Gellibrand event expo.

#### **Forrest Mountain Bike Strategy**

A survey has been developed to help guide the Forrest Mountain Bike Trails Strategy. The survey will give key stakeholders, Forrest residents, organisations and mountain bike enthusiasts the ability to provide feedback on the current trails network. The survey will also help guide the future direction of mountain biking and how it links to the township of Forrest. The survey is being promoted through email, websites, Facebook and via the project steering group. The survey closes on 20 December 2013 and it is anticipated that a draft strategy will be completed in early 2014. The survey can be accessed at: <https://www.surveymonkey.com/s/ForrestMTBStrategySurvey>. A hard copy of the survey is also available by contacting the Economic Development Unit.

#### **Advancing Country Towns (ACT)**

A skills & workforce audit survey has been developed by consultants, Grant Thornton, for the Skills & Workforce Development Plan project. The survey gathered vital data from businesses within the Shire regarding recruitment, business planning, skills gaps and demographic modeling. The survey was sent to those registered on Council's business database and promoted through the project steering group. The survey closed on 13 December 2013 with a steering group meeting to be held in early 2014 to discuss the findings.

Work is continuing with the Green Feasibility Study project. Consultant 'Community by Design' is close to completing the tender documents and project scope. The consultant has completed a number of phone interviews with local business and community members to gather data on the areas of green business. The tender documents will be sent out to seek submissions from consultants for the feasibility study to be completed. It is anticipated that the tender will be sent out in early 2014.

#### **Small Town Improvement Program**

Projects funded under the 2013/2014 Small Town Improvement Program are progressing well. The Carlisle River Street Tree & Vegetation Management Plan has commenced with Council officers meeting with the community group to discuss the process of completing this project.

A meeting was held onsite with Council officers, VEMCO and the Beech Forest District Progress Association regarding the tree sculpting project. VEMCO, as a measure of goodwill to the community, will crop street trees that were trimmed during VEMCO's maintenance program, to enable them to be sculpted as part of the tree sculpting project.

Council officers have met with representatives from the Red Rock Progress Association (RRPA) to discuss a proposal for footpaths within the Cororooke township and a pathway linking the townships of Cororooke and Coragulac. RRPA will seek quotes to submit an application under next year's Small Town Improvement Program.

**Tourism Signage**

Council has endorsed a Tourism Directional Signage Policy which adopts the VicRoads Signing Guidelines 2009. The new policy will ensure there is a consistent approach to tourism directional signage throughout the Shire. By adopting the VicRoads Signing Guidelines, international and interstate visitors to the Shire will be consistently guided when travelling throughout the area.

**Environment & Community Safety****Fire Inspections have started**

Over 6,000 Fire Inspection Courtesy letters were sent out in October 2013 to advise landholders of their responsibilities for maintaining their property to prevent fires. The fire inspection process is underway and the first round of property inspections has been completed. Given the seasonal conditions the compliance rate is high; however over 100 fire prevention notices have been issued. If people have any questions about what to do or reasons for delay they need to contact Council and talk to Council's Municipal Fire Prevention Officer. If the necessary works are not undertaken in a timely manner a fire prevention notice will be issued to the landowner. If this notice is not complied with, a fine will be issued and contractors sent in to clean up the property. The fine for not complying with a fire prevention notice is \$1,444. Inspections started in early November 2013 even though the Fire Danger Period (FDP) did not commence until 1 December 2013 which is one month later than last year. This change to the FDP start date has been brought in by the CFA to allow people in rural areas to burn off without a permit for an extra month. Now that the FDP has commenced no burning can be undertaken without a permit.

**Victorian Coastal Strategy (VCS)**

The Draft strategy was released for comment and submissions closed on 4 December 2013. The VCS is reviewed every five years and is now in its fourth iteration. The VCS sets out the framework for how we manage the coast in accordance with the objectives of the *Coastal Management Act 1995* under the direction of the Victorian Coastal Council. The VCS sets out a long term vision, identifies key issues to be addressed, and principles, policies and actions to guide decision making. Staff have attended a number of information sessions and held a workshop with Councillors to discuss the strategy. A Council submission has been made that identifies areas of the strategy we support and also areas where the strategy is lacking or needs some modification. The key issues relate to planning for sea level rise, financing mechanisms, emergency management and the functioning of the regional coastal boards.

**Animal Permits**

Under the new local law provisions adopted in September 2013 permits are required to keep more than a certain number of animals based on land size. Permits have been sent out to owners with registered animals that exceed the numbers prescribed in the local law where there have been no problems reported to Council. Council will now be able to respond to complaints made about issues where too many animals are on a property, are located on a property where a permit has not been issued, and require a permit to be applied for, that may or may not be granted. If a permit is not granted the owner will be required to relocate the animals or face penalties. Council will only refuse to issue a permit for excess animals where there is safety issue or a significant nuisance is being caused.

**Animal Emergency Management Plan**

Local Laws Officers are in the process of developing Council's Municipal Emergency Animal Welfare Plan that will be produced pursuant to Section 20 (1) of the *Emergency Management Act 1986* and assist in the management of animal welfare during an emergency. The plan will be developed with reference to the *Victorian Emergency Animal Welfare Plan*. A draft plan is expected to be completed by the end of 2013.

**Attachments**

Nil

**Recommendation(s)**

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

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**OM131812-2****COLAC OTWAY YOUTH COUNCIL**

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

**Purpose**

The purpose of this report is to inform Council of the achievements of the 2013 Colac Otway Youth Council and to seek Council endorsement of the revised Colac Otway Shire Youth Council Charter.

**Declaration of Interests**

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

**Background**

The intention of the Colac Otway Youth Council is to make the Colac Otway district a better place for today's youth and for the future generations by honourably representing the youth within the district, initiating projects, enhancing existing youth activities and promoting youth involvement in the community.

A Youth Council is appointed on an annual basis following a formal application process.

The 2013 Colac Otway Youth Council comprised of five students from Colac Secondary College, five students from Trinity College and two students from Lavers Hill P-12 College. One of the Trinity College students moved to the Colac Secondary College during the course of the school year. 2013 Youth Council members were:

- Tassia Georgakis (Chairperson)
- Josh Smith (Vice chair)
- Amy Brauer (Treasurer)
- Claire Whytcross (Secretary)
- Spencer Cochrane
- Tom Robinson
- Chloe Robbins
- Sinead Leamer
- Bonnie Darlow
- Kyras Howell
- Jasmine Steen
- Taylah Walters.

The Youth Council was supported by mentors including a Councillor and representatives from the community, CO-PYLiT (Colac Otway Police Youth Liaison Team), Colac Area Health and Colac Otway Shire.

The Colac Otway Youth Council Charter states that the Youth Council Chairperson will arrange for an annual report to be prepared for presentation to Colac Otway Shire Council annually at the conclusion of each Youth Council term. The 2013 Youth Council Chairperson, Tassia Georgakis, has read and approved this report to Council with respect to 2013 Youth Council activities.

The Colac Otway Shire Youth Council Charter provides the direction for the appointment of the Youth Council and the rules and regulations around its operation and should be reviewed each year.

### **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**

As per previous Colac Otway Youth Councils, the 2013 Youth Council has undertaken a range of activities in 2013 including:

- A trek along the Old Beechy Rail Trail
- Attendance at the Meriba Services Club presentation of the book, "Pioneers & Suffragists".
- Participated in flights at the Colac Aero Club
- Providing support to the Colac Aero Club at its Open Day
- Participation in the Anzac Day Dawn Service and March
- Providing assistance at the COOL and Young Ambassador Awards
- Providing assistance at the "Battle of the Bands"
- Providing assistance to the Colac Area Health Youth Hub Art Gala
- Attendance at a COPACC theatre production, "39 Steps"
- Attendance and assistance given to the Colac Special School Activities Day
- The holding of a pool competition with the residents of Mercy Place Colac
- The staging of a Talent Quest and Video Competition.

While the Colac Otway Shire Youth Council Charter was provided to each Youth Councillor throughout the year for review, no formal review took place and no changes were recommended.

However, preparations for the recruitment of the 2014 Colac Otway Shire Youth Council have commenced and it was felt a review of the Charter by the Mayor, as the new Councillor representative, in conjunction with the Chief Executive Officer, would be timely. This review has recommended the following change:

1. Inclusion of the following clause:

#### **"10.0 MENTORS**

The Council will appoint mentors to support the initiatives of the Youth Council. All Mentors must have current Working with Children and Police Checks and are further subject to the approval of the Council for each term of the Youth Council.

The Council may appoint as many mentors as deemed appropriate to support the students."

This change is to ensure that Council fully endorses mentors who volunteer to support these young people. It was felt that Council was not discharging its obligations properly in not endorsing the mentors.

As part of these preparations, letters have been sent to each of the principals of the Shire's secondary schools encouraging their schools to nominate students for the 2014 Youth Council. An information sheet and nomination form were also prepared to accompany the letters with nominations closing on 10 February 2014.

### **Proposal**

To acknowledge the achievements and activities of the 2013 Colac Otway Youth Council and to endorse the revised Colac Otway Shire Youth Council Charter for presentation to the 2014 Colac Otway Shire Youth Council for its review. After the review process has been completed, any further changes to the Youth Council Charter will be presented to Council for approval.

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

There are no financial implications associated with this report.

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

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

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

There are no environmental and/or climate change considerations associated with this report.

### **Community Engagement**

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

The method selected has been to collaborate. The Colac Otway Youth Council continues to provide an effective mechanism for Council and other key agencies to engage with young people of the Colac Otway Shire. The Youth Council meet formally on a fortnightly basis at the Colac Otway Performing Arts and Cultural Centre.

The 2014 Colac Otway Shire Youth Council will be invited to review the Colac Otway Shire Youth Council Charter, with any further changes to be brought back to Council for approval.

### **Implementation**

If adopted, the revised Colac Otway Shire Youth Council Charter will be provided to the 2014 Colac Otway Shire Youth Council for its review.

### **Conclusion**

The Colac Otway Youth Council continues to provide an effective mechanism for Council to engage with young people of the Shire. The revised Colac Otway Shire Youth Council Charter seeks to formalise the process for the appointment of mentors and the formal checks that they are required to undergo.

### **Attachments**

1. Colac Otway Shire Council Youth Charter
2. Colac Otway Shire Youth Council Information Sheet and Nomination Form

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

- 1. Notes the report and acknowledges the achievements and activities of the 2013 Colac Otway Youth Council.***
- 2. Endorses the Colac Otway Shire Youth Council Charter for presentation to the 2014 Colac Otway Shire Youth Council for its review.***

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**CORPORATE AND COMMUNITY SERVICES**

| <b>ITEM</b>              |   |
|--------------------------|---|
| <b><u>OM131812-3</u></b> | <b><u>REVIEW OF COUNCIL LEASING POLICY</u></b>                      |
| <b><u>OM131812-4</u></b> | <b><u>UPDATE ON BLUEWATER FITNESS CENTRE REDEVELOPMENT</u></b>      |
| <b><u>OM131812-5</u></b> | <b><u>LICENCE AGREEMENTS OLD BEECHY RAIL TRAIL</u></b>              |
| <b><u>OM131812-6</u></b> | <b><u>GREAT OCEAN ROAD CLOSURE FOR EVENTS GUIDELINES REVIEW</u></b> |
| <b><u>OM131812-7</u></b> | <b><u>FRAUD CONTROL PLAN</u></b>                                    |



**OM131812-3****REVIEW OF COUNCIL LEASING POLICY**

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

**Purpose**

The purpose of this report is to present for Council's consideration a review of Policy 4.2 – Council Leasing Policy following the consideration of an Internal Audit undertaken on Building Maintenance – Essential Safety Measures (ESM).

**Declaration of Interests**

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

**Background**

An Internal Audit was recently undertaken on Building Maintenance – Essential Safety Measures. The Internal Audit Report was considered by the Audit Committee at their December 2013 meeting.

A recommendation from the Audit was that Council should:

*“Review the maintenance schedule presently contained in the Council Property Leasing Policy and ensures it adequately addresses all ESM requirements.”*

**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**Review of Council Policy

Following the Internal Audit on Building Maintenance – Essential Safety Measures it is proposed to make changes to Schedule A of the Policy.

Council has in place a 'Council Property Leasing Policy that was adopted in July 2013.

The policy includes a 'maintenance schedule and responsibilities for occupier and Council' for community groups, not or profit associations and sporting clubs.

As part of the Audit the maintenance schedule was reviewed. Some of the maintenance responsibility rests with council, (i.e., fire extinguishers and emergency lights and exit signs).

Whilst it may be possible to shift maintenance responsibilities from Council to occupier, the responsibility to ensure these Essential Safety Measures are maintained ultimately rests with Council in its capacity as a building owner and cannot be shifted.

Changes to Policies:

The following changes are proposed to the Maintenance Schedule which is documented in Schedule A of the Policy:

- Delete Fire Extinguishers item
- Reword the Emergency Lights and Exit Signs Item to:

| Item  | Occupier's Responsibility   | Council's Responsibility   |
|---|---|--|
| Essential Safety Measures (e.g. fire extinguishers, exit lights, etc) | <ul style="list-style-type: none"> <li>• Notification to Council of maintenance or servicing issues</li> <li>• Not to interfere or obstruct essential safety measures elements</li> </ul> | <ul style="list-style-type: none"> <li>• Undertake inspections, servicing, and maintenance of all specified essential safety measures as required under the relevant Building Regulations</li> <li>• Meet all costs associated with this function</li> </ul> |

**Proposal**

It is proposed that Council adopts the revised Council Property Leasing policy.

**Financial and Other Resource Implications**

There will be a direct impact to existing building operations and maintenance budgets in line with an increased responsibility for inspecting and maintaining Essential Safety Measures in Council buildings under lease. There will be a requirement to defer some maintenance items in the 2013/14 financial year to accommodate the commencement of Essential Safety Measure inspections and associated activities. There will be a need to increase building maintenance budgets in future years to ensure that Council fulfils its statutory obligations.

**Risk Management & Compliance Issues**

The policy has been revised taking into account the recommendation from the Internal Audit report on Building Maintenance – Essential Safety Measures.

**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 policy changes are as a result of consideration by Officers of the recommendations from the Internal Audit Report on Building Maintenance – Essential Safety Measures.

As the changes only impact on Council's responsibilities, they are not required to go out for public consultation, so the process has been to "inform".

**Implementation**

Once the policy is endorsed the policy manual will be revised. The revised policy will also be available to the public via Council's website.

**Conclusion**

The changes to the Council Property Leasing Policy are as a result of a recommendation from the Internal Report on Building Maintenance – Essential Safety Measures.

**Attachments**

1. Council Property Leasing Policy - No 4.2

**Recommendation(s)**

***That Council adopts the revised Council Property Leasing Policy – No. 4.2.***

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**OM131812-4****UPDATE ON BLUEWATER FITNESS CENTRE  
REDEVELOPMENT**

|             |                                |           |           |
|-------------|--------------------------------|-----------|-----------|
| AUTHOR:     | Colin Hayman                   | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | 11/96582  |

**Purpose**

The purpose of this report is to provide an update to Council on the redevelopment of the Bluewater Fitness Centre.

**Declaration of Interests**

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

**Background**

At the In-Committee meeting of Council held on 23 October 2013 Council resolved to award the contract for the redevelopment of Bluewater Fitness Centre to BDH Constructions Pty Ltd.

As a result of discussions between Council and the contractor the contract price is \$10.96 m. Included in the contract are various contingency amounts which are standard for this type of contract. It will be the aim to achieve savings where possible as the project progresses.

At the In-Committee meeting Council also resolved to finance its contribution by the following method:

- ***Resolves to refer funding of up to \$1,702,000 to its 2014/15 budget for the redevelopment of the Bluewater Fitness Centre.***
- ***Resolves to allocate its remaining funds from the Local Government Infrastructure Program totalling \$535,000 to the budget for the redevelopment of the Bluewater Fitness Centre.***
- ***Resolves to commit \$300,000 from the 2014/15 Building Renewal Programme to the budget for the redevelopment of the Bluewater Fitness Centre.***

The Bluewater Fitness Centre is located within the broader Beechy Precinct which is Colac's Education, Recreation and Community precinct. The Beechy Precinct aims to establish a state of the art secondary education facility within an education, recreation and community precinct in Colac.

***Warm Water Pool***

The development of an indoor warm water pool has been on the Colac Otway community's agenda for many years. In 2005, Council commissioned a feasibility study into the need for a warm water pool following the closure in August 2003 of Colac's only warm water therapeutic pool located at Colanda, which was closed due to safety concerns.

The 2005 Bluewater Fitness Centre Hydrotherapy Pool Feasibility Study was a lengthy investigation which incorporated significant consultation with the community. The Study was a joint initiative between Colac Otway Shire and the Department of Human Services (DHS).

The Study concluded that there is significant demand for a warm water facility to service the Colac and district community. The Study also concluded that Bluewater Fitness Centre was the most appropriate location for an indoor warm water pool. However, due to a lack of capital funds, the development of a warm water pool had not progressed any further. Following a continued push by the local community, Council reviewed the 2005 Feasibility Study in October 2011 to provide updated information, specifically around capital and operational costings.

#### *Stadium and Dry Program Rooms*

The existing sports stadium is undersized and does not meet State Sporting Association guidelines in terms of size and required run-off areas for basketball and netball. In addition, the gymnasium and program rooms are also undersized for their various purposes and of poor configuration, having been developed as make-shift facilities within the overall building footprint. The facility was constructed in 1976 and is showing signs of deterioration.

Like many school facilities developed at that time, the stadium is undersized and does not meet the compliance requirements of state sporting associations. Local sporting associations have worked within the constraints of the poor facilities for many years. However it is now both opportune and imperative that improved and expanded facilities are provided.

A number of years ago, Council in conjunction with the Colac Secondary College, Centre user groups and State Sporting Associations identified the need to undertake a major redevelopment of the Centre. To progress the investigation of a major redevelopment, Council with the support of the State Government undertook the *Bluewater Fitness Centre Sports Stadium Feasibility Study (2008)*.

The study identified the need for updated and additional facilities to cater specifically for indoor community sport and recreation competitions and activities. Acknowledging the recent redevelopment of the Colac Secondary College and the joint use arrangements for the Bluewater Fitness Centre Stadium, the demands on the stadium facility far outweigh its current capacity. Hence the proposed redevelopment to update and extend facilities to include an additional third court and supporting amenities has been progressed. The facilities are aged and there is clear evidence of its high use through signs of wear and tear.

In August 2010, Council received a Federal election commitment of \$3,783,000 to redevelop the stadium. This commitment was well short of the \$6m required to complete the project as proposed. Subsequent funding applications were made to the State Government to meet the shortfall to complete the project. The Department of Education and Early Childhood Development also confirmed a commitment to the stadium redevelopment through the revitalisation of the Colac Secondary College which amounted to the upgrade costs for the changeroom and ablution facilities

An additional opportunity presented itself with respect to the Warm Water Pool. Council were encouraged to apply to the Federal Government's Health and Hospitals Fund which it did so in 2011. Council's application requested \$3.6m from the program however whilst the application was successful, it was for a reduced amount of \$2.8m.

Council officers again applied for additional funding from the State Government and were able to source funds for the Warm Water pool on the provision that water play elements were included and that Council contributed funds to the project.



**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.

**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.

The Redevelopment of the Bluewater Fitness Centre is a key strategic activity in the Council Plan under “A Place to Live and Grow”. The project is also very relevant to other pillars in the Council Plan:

- The community has the services and facilities it needs now and into the future
- Promotes a healthy and vibrant community
- Encourages active participation in recreation, arts and leisure pursuits.

**Issues / Options**Initial Project Funding

Based on the funding received from Federal and State Governments, along with the community, the development of the project was progressed on a \$10,000,000 budget with the following funding contributions:

| Source                                                 | Amount              |
|--------------------------------------------------------|---------------------|
| Federal Government – 2010 election commitment          | \$3,783,000         |
| Federal Government– Health & Hospitals Fund            | \$2,800,000         |
| State Government– SRV & RDV (three different programs) | \$2,150,000         |
| State Government – DEECD                               | \$430,000           |
| State Government – LGIP                                | \$200,000           |
| Colac Basketball Association                           | \$100,000           |
| Colac Warm Water Group                                 | \$25,000            |
| Council (Requested)                                    | \$512,000           |
| <b>Total</b>                                           | <b>\$10,000,000</b> |

Tender Process

The redevelopment project went through a rigorous design process with input from a variety of key stakeholders.

Tenders for the project closed on 30 September 2013.

Tenders were invited from six (6) preferred contractors following an expression of interest process undertaken by Council in May-June 2013.

The scope of works included refurbishment of the existing building, extension of the indoor stadium to include an additional court, and construction of a new warm water pool and associated infrastructure. There were three additional options for the works – (1) construction of a splash pad, (2) joinery fitout and (3) soft landscaping.

The contract is a lump sum contract that is not subject to rise and fall with provisional and contingency sums included.

Council requested tenderers submit a proposed time frame for completing the works, but nominated a preferred construction period of 12 months.

The tenders that were received were evaluated and scored using the following selection criteria:

| <b><u>Criteria</u></b>                                                            | <b><u>Weighting</u></b> |
|-----------------------------------------------------------------------------------|-------------------------|
| Tendered price                                                                    | 60                      |
| Track record and proven performance of the contractor and subcontractors          | 15                      |
| Capacity and Resources                                                            | 10                      |
| Tenderer's relevant experience and experience of key personnel and subcontractors | 10                      |
| Local content                                                                     | 5                       |

Based on the selection criteria and further assessment, the Evaluation Panel recommended that the tender of BDH Constructions Pty Ltd be accepted.

BDH Constructions Pty Ltd ("BDH") is a Colac based company that has successfully completed a number of projects for Council including Council Offices Redevelopment (2011), COPACC Civic Hall Theatre Alterations (2010) and Colac Skate Park Extension (2010).

Other recent projects undertaken by BDH include construction of the Colac Secondary College and Colac Community Library & Learning Centre and construction of the Colac Trade Training Centre. The company has constructed a number of domestic pools and a holiday accommodation resort pool. The current work of BDH in constructing the Barham River intake structure to service Apollo Bay (Barwon Water) also demonstrates relevant experience in this area.

Revised Project Funding

The cost of delivering this important project is in excess of the available budget allocation. Throughout the design phase of the project, a number of Cost Plans were provided by Council's contracted Architects through their sub-consultant Quantity Surveyor.

Based on the information received and in consideration of the current economic climate and the downturn in the construction industry, Council was advised it could reasonably expect a very competitive price possibly lower than the Cost Plan. Based with this information, it was determined to go out to the market through a competitive tender process.

The budget available is \$10M with the total project costs being calculated at \$12.025M. Total project costs comprise the following components:

| <b>Project Component</b>                                                        | <b>Cost (\$)</b>    |
|---------------------------------------------------------------------------------|---------------------|
| <b>Construction (lump sum)</b>                                                  | \$11,200,000        |
| <b>Professional and technical services and specifications</b>                   | \$600,000           |
| <b>Relocation of BWFC gym/dry programmes to Youth Club</b>                      | \$100,000           |
| <b>Project Management</b>                                                       | \$80,000            |
| <b>Equipment for redeveloped facility</b>                                       | \$120,000           |
| <b>Cost savings from relocation – funded through 2013/14 operational budget</b> | (\$75,000)          |
| <b>Total</b>                                                                    | <b>\$12,025,000</b> |

As a result of more up to date figures this table has been revised. This table is below under "Revised Project Costs".

In considering the shortfall there were a number of options in addressing the shortfall. These were:

- Complete the full scope of works as specified with Council to provide the balance of funding
- Complete the project with cost savings to be found within the current scope
- Redesign the project to match probable available budget or
- Abandon the project.

These options 1, 2 and 3 are more fully detailed as follows. The figures are based on what was originally presented to Council:

### 1. Complete Full Scope of Works as Specified

A total budget of \$12.025M is required to deliver the project based on the current design and specification.

| <b>Costs</b>                |                     |
|-----------------------------|---------------------|
| Project cost                | \$12,025,000        |
| Cost savings                | \$0                 |
| <b>Revised Project Cost</b> | <b>\$12,025,000</b> |

| <b>Budget</b>                                                    |                     |
|------------------------------------------------------------------|---------------------|
| External funding                                                 | \$9,488,000         |
| Remaining Local Government Infrastructure Programme funds (LGIP) | \$637,000           |
| 2014/15 Building Renewal Programme                               | \$300,000           |
| <b>Total Budget</b>                                              | <b>\$10,425,000</b> |
|                                                                  |                     |
| <b>Shortfall to be funded by Council</b>                         | <b>\$1,600,000</b>  |

## 2. Complete Project with Cost Savings within Scope

The tender included three options which are separable portions. These were the northern splash pad, joinery, and landscaping. Through the tender evaluation process a number of other cost saving opportunities were identified by potentially substituting specified items with alternative equivalents. It was considered that an additional \$400,000 in cost savings could be realised through both reducing the tender options and delivering them in an alternative way and further negotiating cost savings with the successful tenderer.

| Costs                |              |
|----------------------|--------------|
| Project cost         | \$12,025,000 |
| Cost savings         | (\$400,000)  |
| Revised Project Cost | \$11,625,000 |

| Budget                                   |                    |
|------------------------------------------|--------------------|
| External funding                         | \$9,488,000        |
| Remaining LGIP funds                     | \$637,000          |
| 2014/15 Building Renewal Programme       | \$300,000          |
| Total Budget                             | \$10,425,000       |
|                                          |                    |
| <b>Shortfall to be funded by Council</b> | <b>\$1,200,000</b> |

Council resolved to include the northern splash pad option and the joinery fit out option in the contract.

The landscaping will be undertaken outside of the contract which is expected to result in cost savings in the overall project costs.

## 3. Project Redesign to Match Available Budget

It was possible to revisit the current scope and redesign some elements to match the available budget. A redesign would result in additional consultant costs, a delay in delivery timelines and ultimately a significant impact on the community. In this scenario the scope would have needed to be scaled back to fit within a budget of \$10.625 as detailed in the table below. Given the likely escalations in construction costs between now and when the project is ready to be started, the risk of a potential budget overrun existed.

| Source of Funds      | Budget Amount (\$)  |
|----------------------|---------------------|
| External funding     | \$9,488,000         |
| Remaining LGIP funds | \$637,000           |
| Council              | \$500,000           |
| <b>Total</b>         | <b>\$10,625,000</b> |

The preferred option for Council was to deliver the project based on the current design and to identify cost savings prior to the signing of the Contract.

This required Council to provide up to at least \$1.7M from its own funds in the 2014/15 budget along with the remaining balance from its Local Government Infrastructure Programme allocation (\$537K) and an allocation from the 2014/15 Building Renewal Programme (\$300K).

The increase to \$1.7M from Council's own funds from \$1.6M was as a result of Council resolving to allocate \$535,000 from the LGIP fund rather than \$637,000 detailed in the original funding option.

The preferred option was agreed to by Council at the In-Committee meeting on the 23 October 2013.

#### **Revised Project Costings and funding:**

The revised Project costings and funding are based on the contract price and the funding options as agreed to by Council on 27 November 2013.

Negotiations regarding cost savings continued with the successful tenderer before the contract was signed and will continue as the project progresses.

| <b>Project Component</b>                                                 | <b>Cost (\$)</b>    |
|--------------------------------------------------------------------------|---------------------|
| Construction (lump sum)                                                  | \$10,955,860        |
| Consultant fees, etc.                                                    | \$600,000           |
| Relocation of BWFC gym/dry programmes to Youth Club                      | \$60,000            |
| Project Management                                                       | \$80,000            |
| Equipment for redeveloped facility                                       | \$120,000           |
| Cost savings from relocation – funded through 2013/14 operational budget | (\$60,000)          |
| Landscaping                                                              | \$100,000           |
| <b>Total Project Costs</b>                                               | <b>\$11,855,860</b> |

| <b>Revised Funding Budget</b>      | <b>Funding (\$)</b> |
|------------------------------------|---------------------|
| External funding                   | \$9,488,000         |
| Remaining LGIP funds               | \$535,000           |
| 2014/15 Building Renewal Programme | \$300,000           |
| Funded by Council                  | \$1,532,860         |
| <b>Total Funding</b>               | <b>\$11,855,860</b> |

#### Redevelopment of Bluewater Fitness Centre

The redevelopment of the Bluewater Fitness Centre is a once in a generation project. The existing facility was constructed in two stages, the stadium in 1976 and the aquatic centre in 1992. This revitalisation of the facility will provide lasting benefits to the community over a 20 to 30 year period.

Council will rarely get this opportunity to undertake a project of this nature and scope through receiving such significant Federal and State Government funds (\$9.5m). This is an extraordinary achievement in light of the current financial climate. In many cases, government funding programs require a 50% contribution, or at best a 33% contribution. In this instance, should Council contribute the requested \$1.53M, it would equate to an approximate 15.5% contribution. In the overall scope, this is an outstanding result and unlikely to occur again.

The project also provides this Council with an opportunity to leave a lasting legacy for our community and make a significant contribution to its health and wellbeing. Some 25 years ago, the then Council had the fortitude and foresight to commit to an indoor aquatic centre in Colac. Since that time, the facility has been extensively used by all members of the community and continues to provide significant health and social benefits to the region.

Bluewater Fitness Centre is a facility for all ages and abilities. The Centre receives more than 150,000 visitations a year ranging from infants to the elderly. The Centre is home to:

- More than 3,000 different people who use the current centre.
- Greater than 1,000 members.
- 650 Colac Secondary School students.
- 300 Learn to Swim students.
- Colac Basketball Association with 900 registered basketball participants.
- The Colac Swimming Club and Colac Night Netball Association.
- Casual gym users and dry program attendees of more than 25 programs.
- Primary school swimming programs, and
- Seniors health and fitness programs.

Overall, the facility is used by approximately 20% of our residents but the benefits are much broader in health and wellbeing terms. The facility is more than a fitness centre; it is a significant community and social hub that should not be undervalued.

The redevelopment of the centre will allow for an expansion of services and programs which create new opportunities for the community.

Importantly, it is anticipated that the new facility components, in partnership with Environmentally Sustainable Design elements, will assist in reducing Council's ongoing net cost of operating the Bluewater Fitness Centre.

It was considered necessary to award the contract and proceed with the redevelopment of the Bluewater Fitness Centre in a timely manner to uphold Council's commitment to upgrade the facility. It also avoids cost escalations if the project is delayed or deferred.

### **Proposal**

Council has resolved to accept the tender from BDH Constructions for the redevelopment of the Bluewater Fitness Centre including acceptance of Tender Option 1, the Northern splash pad and Tender Option 2, joinery fit out within the contract. Landscaping will be completed via an alternative delivery method as it is considered that cost savings can be made in this area.

This report is for Council to note the progress and financial implications of the project.

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

As noted in the background to this report at the In-Committee meeting Council resolved to finance its contribution by the following method:

- ***Resolves to refer funding of up to \$1,702,000 to its 2014/15 budget for the redevelopment of the Bluewater Fitness Centre.***
- ***Resolves to allocate its remaining funds from the Local Government Infrastructure Program totalling \$535,000 to the budget for the redevelopment of the Bluewater Fitness Centre.***
- ***Resolves to commit \$300,000 from the 2014/15 Building Renewal Programme to the budget for the redevelopment of the Bluewater Fitness Centre.***

The amount proposed to refer to the 2014/15 budget is now \$1,532,860.

Council has previously resolved to utilise funds from the Local Government Infrastructure Programme being \$535,000. A commitment of \$300,000 from Council's 2014/15 Building Renewal Programme will also be required. It is considered that this is appropriate given that significant parts of the Centre upgrade works can be considered asset renewal.

Council may consider including loan borrowings of up to \$1.53M in the 2014/15 budget as an option to funding its cash contribution towards the project.

Section 144 of the *Local Government Act 1989* (the 'Act') grants Council the power to borrow money to enable it to perform the various functions it is responsible for. Pursuant to section 145 of the Act Council may borrow money in the instance *'to meet the consideration still outstanding under a contract which has been partly or wholly performed and in respect of which the power to borrow conferred by section 144 could have been exercised at the time the contract was made.'* This will allow Council to award the tender for the redevelopment of the Bluewater Fitness Centre and commence works without the full budget amount being available.

The final full amount required to be funded by Council is unknown at this stage until the degree of cost savings has been calculated and agreed to. With large scale refurbishment and extension works such as these there is always a risk of potential cost overruns due to latent conditions. While the consultants have undertaken all care and diligence in documenting existing conditions there are elements of the project that will largely be unknown until work commences. Budget progress for this project will be more fully understood by the time that Council is considering its 2014/15 budget and may have some influence over the full amount of the additional funding that Council is required to include in the budget.

To assist Council with the decision on the Bluewater Fitness Centre redevelopment additional information was provided to Council in a confidential memo.

The additional information that was provided, addressed a number of questions and issues that had been raised with respect to the redevelopment particularly related to financial concerns.

The information included:

- Introduction
- Expenditure/Commitments to date
- Council's Borrowing Capacity
- Potential borrowings for the Blue Water Fitness Centre redevelopment
- Strategic Resource Plan
- Comparisons with the Large Shire Grouping
- Future Rate Increases
- Colac Livestock Selling Centre.

The information below has been updated to reflect the latest known amounts and information. Additional information has also been included.

## INTRODUCTION

A recommendation that was included in the report to Council was that Council:

***"Resolves to refer funding of up to \$1,600,000 to its 2014/15 budget for the redevelopment of the Bluewater Fitness Centre."***

This was subsequently changed by a resolution of Council to:

***"Resolves to refer funding of up to \$1,702,000 to its 2014/15 budget for the redevelopment of the Bluewater Fitness Centre."***

This part of the recommendation was included in committee as the acceptance of the tender required approval of funding to move forward. The awarding of the tender could not proceed unless there was a resolution to fund any additional amount if required.

It is also important to note that it was the clear intention that once a tender was awarded that discussion would take place with the successful tenderer to reduce costs where possible. This is why the original recommendation indicated up to \$1.6 million as subject to the negotiations and other possible funding sources, the funding required could be substantially reduced. Once the budget process for 2014/15 proceeds, officers will be able to provide a more accurate picture of what amount will be required. As previously noted, officers believed that the final amount would be lower.

It was the intention that once the tender had been awarded, information could be included in open Council and a note that, depending on the final amount, additional funding will probably be required. The amount and method of funding will need to be further considered as part of the 2014/15 budget process.

The amount to be referred to the 2014/15 budget process is \$1.53M.

#### **EXPENDITURE/COMMITMENTS TO DATE**

To date an amount of \$531,554 has either been paid or has been committed. This has been predominantly for architects fees and Information Technology requirements.

If the project needs to be redesigned further significant architect fees would need to be expended.

Council has also received \$2.05 million in grants to date. Once a contract is awarded further grants will be forthcoming as part of the funding agreements.

Further grants will be received through the life of the project as the project reaches various milestones. Council funding is not expected to be required until the 2014/15 budget period, hence the recommendation.

#### **Funding Options for Bluewater Fitness Centre Redevelopment**

As the actual amount to be funded by Council and the method of raising the funds still needs to be determined, additional information on funding options had not been included in the report to Council.

As indicated information on a number of issues was provided to Councillors.

#### **COUNCIL'S BORROWING CAPACITY**

Council is subject to no statutory limit to the level of borrowings.

In the past the Victorian State Government reviewed the level of Council borrowings.

Although no statutory limits exist the Victorian Auditor General (VAG) does rate the risk of financial sustainability of a Council and there are in addition a number of indicators that provide a guide as to acceptable debt levels.



- Liquidity: Current Assets/Current Liabilities (VAGO > 1.5) (Borrowing Prudential > 1.1 - *previously indicated > 1.0*)
- Indebtedness: Non-current liabilities to own source revenue (VAGO < 40%)
- Debt Management: Total debt as a percentage of rate revenue (VAGO < 25%  
- *subsequently deleted as was incorrect*), (Prudential < 80%)
- Debt Commitment: Finance costs and loan repayments as a percentage of Rate Revenue (VAGO < 5%), (Prudential < 5%).

Each of these indicators provides for trend analysis of Council debt levels. In most cases they relate to more than just borrowing levels and may also include employee and landfill provisions and trust fund retentions. It is for this reason that trends tend to be used rather than hard and fast rules of acceptability. Colac Otway Shire like most Councils, tends to focus on achieving an overall low risk rating. The indicator or ratio thresholds for liquidity; indebtedness; debt management; and debt commitment mentioned previously are low risk thresholds.

Ultimately the borrowing capacity of the Colac Otway Shire is dependent on a number of factors, such as: the level of rates and charges levied; the level of self-sourced revenue; the term of the borrowings (both in place and planned for); the borrowings already in place; and the level of current and non-current provisions (which are not borrowings in the normal use of the term).

Each variable affects the level of borrowings that would be viewed as acceptable or appropriate, from the perspective of risk.

An estimate of appropriate borrowings from a risk perspective can be determined utilising the indicators:

- Liquidity
- Indebtedness
- Debt Management
- Debt Commitment.

### **Liquidity**

#### **Current Assets to Current Liabilities**

This indicator reflects the short-term liquidity position. That is, its ability to repay current commitments from cash or near cash assets. Councils with a ratio of 110% and below or with a deteriorating trend may be financially at risk of not being able to meet creditor's commitments. Council's result at June 30, 2013 was 267%. The Victorian Auditor General (VAG) assesses that a Council with a liquidity ratio of more than 150% is at the low risk level.

### **Indebtedness**

This ratio indicates our ability to repay debt from our own sources of revenue, such as rates and charges. Council's result at June 30, 2013 was 30.4%. The VAG assesses that a Council with a Indebtedness ration of less than 40% is at the low risk level.

**Debt Management****Total Debt as a % of Rate Revenue**

The *Local Government Act 1989* requires that all loans are secured against the revenue stream from rates. A Council with total debt in excess of the revenue from rates would be unable to meet all debt commitments from rate revenue should they be required to be repaid at the one time. A threshold of 80% has been set. Council's result at June 30, 2013 was 19.2%.

**Debt Commitment****Debt servicing & redemption costs as a % of Rate Revenue**

The ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.

A threshold of 5% has been set. Council's result at June 30, 2013 was 2.96%.

Council's Strategic Resource Plan indicates a level of 5% for this indicator.

Each indicator provides a different piece of the puzzle in making an assessment as to what is acceptable.

The following table was included, but has since been updated as a result of further research.

| <b>Victorian Auditor General</b> |              |                              |                     |                            |
|----------------------------------|--------------|------------------------------|---------------------|----------------------------|
| <b>Indicator</b>                 | <b>Ratio</b> | <b>Acceptable debt level</b> | <b>Current debt</b> | <b>Change from current</b> |
| Liquidity                        | 1.50         | \$11,026,000                 | \$6,199,000         | \$4,827,000                |
| Indebtedness                     | 40%          | \$11,543,600                 | \$8,763,000         | \$2,780,600                |
| Debt management**                | 25%          | \$5,812,250                  | \$4,974,000         | \$838,250                  |
| <b>Servicing the debt</b>        |              |                              |                     |                            |
| Debt commitment                  | 5%           | \$1,167,450                  | \$690,000           | \$477,450                  |

\*\*It should be noted that the Debt Management ratio of 25% above is not a valid measure.

Within the original memo provided to Councillors there was a section detailing a series of ratio or indicators on prudential borrowing limitations (as above). One of those ratios referring to debt management has been detailed in error and attributed to the Victorian Auditor General Office (VAGO). This particular ratio is not one utilised in the standard suite of ratios issued by VAGO. The ratio was originally utilised in a detailed report prepared by a metropolitan council and attributed to VAGO. After discussions with the Council and VAGO it appears that the ratio is one that was referred to in a document prepared by VAGO in 2005, titled "Internal financial reporting in local government". This document included Model financial reports and a suite of key strategic indicators that a council may include as financial health indicators.

The indicators were originally only suggested as a sample and not as a recommendation for councils to use as an indicator for financial health.

This means that the previously issued document that included a prudential debt management ratio of 25% of rates and charges was not correct. On further research, the only ratio detailed that refers to debt management is a ratio of 80%.

The revised table of information contained within the "Funding options for Blue Water Fitness Centre redevelopment" information previously provided to Council should read as follows.

An estimate of appropriate borrowings from a risk perspective can be determined utilising the indicators: Liquidity; Indebtedness; Debt management; and Debt commitment. Each indicator provides a different piece of the puzzle in making an assessment as to what is acceptable.

| <b>Victorian Auditor General</b> |              |                              |                     |                            |
|----------------------------------|--------------|------------------------------|---------------------|----------------------------|
| <b>Indicator</b>                 | <b>Ratio</b> | <b>Acceptable debt level</b> | <b>Current debt</b> | <b>Change from current</b> |
| Liquidity                        | 1.50         | \$11,026,000                 | \$6,199,000         | \$4,827,000                |
| Indebtedness                     | 40%          | \$11,543,600                 | \$8,763,000         | \$2,780,600                |
| <b>Servicing the debt</b>        |              |                              |                     |                            |
| Debt commitment                  | 5%           | \$1,167,450                  | \$690,000           | \$477,450                  |

***Note that the line referring to "debt management" has been removed.***

The other indicators noted above are those that were used some years ago by the State Government when Councils sought loan borrowings.

These indicators have continued to be used by Colac Otway Shire for a number of years to provide a guide for Council borrowing limits.

| <b>State Government (no longer used)</b> |              |                              |                     |                            |
|------------------------------------------|--------------|------------------------------|---------------------|----------------------------|
| <b>Indicator</b>                         | <b>Ratio</b> | <b>Acceptable debt level</b> | <b>Current debt</b> | <b>Change from current</b> |
| Liquidity                                | 1.10**       | \$15,436,000                 | \$6,199,000         | \$9,237,000                |
| Indebtedness                             | 40%          | \$11,543,600                 | \$8,763,000         | \$2,780,600                |
| Debt management                          | 80%          | \$18,599,200                 | \$4,974,000         | \$13,625,200               |
| <b>Servicing the debt</b>                |              |                              |                     |                            |
| Debt commitment                          | 5%           | \$1,167,450                  | \$690,000           | \$477,450                  |

***\*\*The Liquidity ratio has been changed from 1.00 to 1.10.***

In each case, the level of debt is a subjective assessment dependent upon the perspective chosen.

In simple terms, the key indicator is the debt commitment ratio which is the funding used to support the level of borrowings. This ratio indicates that Council has capacity to commit to a further \$477,450 of repayments (principal and interest) based on the data contained with the 2012-2013 financial statements. This is the ratio that is also part of Council's strategic direction in the Strategic Resource Plan.

The table below provides an estimate of what level of borrowings this capacity may support. The values are impacted by both the term of the loan and the interest rate.

| Interest Rate | Term     | Borrowing capacity |
|---------------|----------|--------------------|
| 6.25%         | 5 years  | \$2,050,000        |
| 6.25%         | 10 years | \$3,550,000        |
| 6.25%         | 15 years | \$4,650,000        |

The other indicators provide varying levels of borrowing capacity ranging from an additional \$13.625 million to \$2.78 million, however it is the debt commitment ratio that is the critical indicator from the reporting risk perspective.

### **POTENTIAL BORROWINGS FOR THE BLUEWATER FITNESS CENTRE REDEVELOPMENT**

Through the course of moving from concept to final construction contracts, the costs of the Blue Water Fitness Centre redevelopment have grown beyond the existing budgetary and funding limits. Based on current requirements there is a funding shortfall of approximately \$1.53 million.

One of the possible funding mechanisms available to Council includes the use of borrowings. Borrowings should only be considered where there is a net return from the asset to the community. This extrapolation from the net return on investment approach commonly accepted and utilised by all successful enterprises, provides for a net social or community benefit rather than a simple financial return on investment. So in considering whether to source funding via borrowings Council should first consider whether there is a net benefit.

Assuming that there is a net benefit, information from Council's primary banking institution has been sought to provide realistic costs with regard to sourcing \$1.53 million and the likely costs to Council. The table below provides the cost to Council over varying terms for the \$1.53 million.

| Interest Rate | Term     | Borrowing capacity | Total Interest | Total Cost  | Annual debt commitment |
|---------------|----------|--------------------|----------------|-------------|------------------------|
| 5.94%         | 10 years | \$1,530,000        | \$502,810      | \$2,032,808 | \$203,281              |
| 6.14%         | 15 years | \$1,530,000        | \$814,923      | \$2,344,923 | \$156,328              |

The varying terms will each have an impact on future rate and charges increases for the 2014-2015 budget. The table below illustrates the likely impact.

| Term     | Impact on Rates & Municipal Charges | Impact on Rates & all charges |
|----------|-------------------------------------|-------------------------------|
| 10 years | 0.90%                               | 0.81%                         |
| 15 years | 0.69%                               | 0.62%                         |

The actual impact on the indicators depends upon a range of factors, such as when the borrowings are drawn down, the cash remaining to be spent on the project at year end, the term of the loan and the interest rate at draw down.

For simplicity sake, the table below presents the impacts on the indicators with a number of assumptions made.

- All indicators have utilised the 2013-2014 original budget as the base position from which to extrapolate the impact of the additional borrowings.
- More specific assumptions have been made for the indicators of liquidity, indebtedness and debt management, whereby the loan is drawn down at 30 June 2014 in accordance with the terms in the prior tables.
- For the final indicator of debt commitment the assumption has been made that a full year of finance costs and debt redemption is recognised.

| Indicator       | Actual    | Budget    | 10 year term | 15 year term |
|-----------------|-----------|-----------|--------------|--------------|
|                 | 2012-2013 | 2013-2014 |              |              |
| Liquidity       | 266.8%    | 161.58%   | 158.97%      | 160.12%      |
| Indebtedness    | 30.4%     | 29.50%    | 34.36%       | 34.53%       |
| Debt Management | 21.4%     | 19.75%    | 25.90%       | 25.90%       |
| Debt commitment | 2.96%     | 3.31%     | 4.13%        | 3.94%        |

The use of either borrowings from financial institutions or via internal reserve borrowings are ultimately the same if we consider the internal borrowings as a debt to be repaid. The only indicator that would vary is the debt commitment ratio, as the interest or finance cost of internal borrowings is the equivalent of the lost investment income (which will vary dependent upon the term of the loan). For example there is currently a gap of approximately 1.5% between the finance cost and the investment cost. This means that internal borrowings are not free money but may be considered less costly, providing sufficient reserves remain keep Council from having to utilise its overdraft facility. This overdraft facility is considerably (16%) more costly than both loss on investment and the cost of borrowing.

The use of internal borrowings will have an impact on Council's indicators. Some likely impacts include:

- Underlying result will deteriorate as investment interest shrinks;
- Liquidity ratio will have a significant deterioration as there is less cash in reserves;
- Indebtedness ratio will deteriorate as own source income (investment interest income) shrinks; and
- Self-financing ratio will deteriorate as underlying revenue (investment interest income) shrinks.

| Indicator         | Actual<br>2012-2013 | Budget<br>2013-2014 | Internal<br>borrowings |
|-------------------|---------------------|---------------------|------------------------|
| Underlying result | -7.25%              | -3.39%              | -3.40%                 |
| Liquidity         | 266.80%             | 161.58%             | 139.87%                |
| Indebtedness      | 30.36%              | 29.50%              | 29.56%                 |
| Self-financing    | 24.69%              | 39.61%              | 39.52%                 |

There are also other issues with the concept of borrowing from reserves. Reserves are established for a purpose and there are differing levels of restrictions depending upon the reserve which limit the purpose for which the funds from the reserve can be used. In addition in committing to repay a reserve, such as the employee long service leave reserve, there is a commitment or liability to repay a reserve to an identified level. This repayment

will have an impact on the rates, just as the repaying an external debt or borrowing. The difference is only in the quantum of the repayment.

Some reserves, such as the Kerbside bin reserve, although holding funds, has been established solely for the purpose of replacing the kerbside bins throughout the shire, with the first round of replacements scheduled in 2014-2015 for green waste bins. The reserve fund has been accumulating from the waste collection charge, which is a charge that can only be utilised for the purpose for which it is collected, that is, waste collection. Council is expected to add \$124,477 to this reserve from the waste collection charge during 2013-2014. Any anticipated use of a fund such as this would require additional legal advice being sought.

## **VICTORIAN AUDITOR GENERAL – FINANCIAL SUSTAINABILITY INDICATORS**

Financial sustainability is defined in a number of different ways. A generally accepted definition is whether local governments have sufficient current and prospective financial capacity (inflows) to meet their current and prospective financial requirements (outflows).

To be sustainable, local governments need to have some excess capacity at any point in time to be able to manage future financial risks and shocks without having to radically adjust their current revenue or expenditure policies.

The indicators utilised by the Victorian Auditor General to assess the financial viability of councils are:

- Underlying Result – whether enough revenue is generated to cover operating costs (including the cost of replacing assets, reflected in depreciation expense).
- Liquidity – whether sufficient working capital exists to meet short term commitments.
- Self-Financing – whether sufficient operating cash flows are generated to invest in asset renewal and to repay any debt incurred in the past.
- Indebtedness – whether there is an over reliance on debt to fund capital programmes.
- Capital Replacement – whether assets have been replaced at a rate consistent with the rate of their consumption.
- Renewal Gap – whether existing assets have been maintained at a consistent rate.

The matrix below shows a mixed result for 2012/13, with the indicators for Capital Replacement and Renewal Gap showing a Medium risk level.

| Indicators              | Colac Otway Result | Risk Levels                |                               |                   |
|-------------------------|--------------------|----------------------------|-------------------------------|-------------------|
|                         |                    | High                       | Medium                        | Low               |
| Underlying Result Ratio | 3.7%               | Negative 10% or less       | Between negative 10% and zero | Greater than zero |
| Liquidity Ratio         | 267%               | Equal to or Less than 100% | Between 100% and 150%         | Greater than 150% |
| Indebtedness Ratio      | 30%                | Greater than 60%           | Between 40% and 60%           | Less than 40%     |
| Self-Financing Ratio    | 21%                | Less than 10%              | Between 10% and 20%           | Greater than 20%  |
| Capital Replacement     | 124%               | Equal to or less than 100% | Between 100% and 150%         | Greater than 150% |

|             |     |                           |                      |                   |
|-------------|-----|---------------------------|----------------------|-------------------|
| Renewal Gap | 97% | Equal to or less than 50% | Between 50% and 100% | Greater than 100% |
|-------------|-----|---------------------------|----------------------|-------------------|

*\*\*The figures for the year are different as to what are indicated in the 2012-13 Annual Report following a review undertaken.*

It is not expected that additional borrowings for the Bluewater Fitness Centre Redevelopment would affect the current ratings. It is expected that Colac Otway would remain in the Low Risk Category.

## STRATEGIC RESOURCE PLAN

Council's Strategic Resource Plan 2013-14 to 2016-17 includes a section on Long-Term Borrowing Strategies.

The following is from section 4 pages 21 & 22.

### “4.7 FUTURE LOAN PROGRAMME

*The use of loans to fund capital expenditure is an effective mechanism of linking the payment for the asset to successive generations who receive benefits over the life of that asset. This matching concept is frequently referred to as “intergenerational equity”.*

*The intergenerational equity theory is based on the premise that successive generations and new residents should contribute to infrastructure or facilities that they will enjoy and benefit from. Generally these include major facilities (preschools, halls, arts centres) where the benefit of the investment will extend beyond the current ratepayers.*

*Council will review its need for loan funds annually when consideration of the capital investment programme is undertaken.*

*An indicative level of borrowing will be applied to the 2013-2014 SRP following the development of a 10-year capital works programme.*

*Council, following the adoption of a 10-year capital works programme will review the level of the borrowings within the policy limit.*

### **Strategic Direction**

- 1. That Colac Otway Shire Council, based on compliance with the State Government Prudential Guidelines, borrows funds for capital investment projects that provide intergenerational equity.***
- 2. That Colac Otway Shire Council retains its debt servicing and redemption costs at or below 5 cents in the rate revenue dollar, towards interest and principal, over the life of this SRP.***
- 3. That Colac Otway Shire Council commits to a maximum ten (10) year term for all new borrowings.***

## COMPARISONS WITH THE LARGE SHIRE GROUPING

Each year data is compiled comparing Colac Otway with the 16 Large Rural Councils.

For 2012/13 the data indicates the following comparisons with respect to Debt Management:

### **Total Loans and Borrowings:**

- Average - \$6.78m, Median - \$6.81m. **(COS - \$4.97m)**

### **Principal Repayments:**

- Average - \$1.08m, Median - \$1.09m. **(COS – \$392,000)**

### **Debt Servicing (Interest):**

- Average. - \$483,000, Median - \$387,000. **(COS - \$298,000)**

### **Debt Servicing Ratio:**

- Average - 0.7%, Median - 0.7%. **(COS – 0.7%)**

### **Debt Commitment Ratio:**

- Average - 5.2%, Median - 4.9%. **(COS – 3.0%)**

## FUTURE RATE INCREASES

At the Council meeting on 24 July 2013 the following resolution was passed:

### ***“That Council:***

- 1. Aims to reduce the extent of future rate rises.***
- 2. Instructs the Chief Executive Officer to ensure that all future draft budgets contain an increase in average Council rates, including the municipal charge, general rate and waste management charge of less than six per cent.***
- 3. Notes that this doesn't mean that any such budget will necessarily be approved.***
- 4. Notes that any budget containing an average increase of six per cent or more has no prospect of being supported by the majority of Council.***
- 5. Instructs that this arrangement is to continue unless this resolution is explicitly rescinded.”***

## **THE COLAC LIVESTOCK SELLING CENTRE**

As part of the information provided to Council the following was also included as a result of questions raised with respect to the Livestock Selling Centre.

Even though this report focuses on the Bluewater Fitness Centre Redevelopment, this information has been included in the report as it was provided to Council with the information on financial aspects of the redevelopment.



**Livestock Selling Centre Loan**

| Loan Description | Loan Purpose                  | Institution Name  | Maturity Date | Loan Date |
|------------------|-------------------------------|-------------------|---------------|-----------|
| CBA Loan 12      | Livestock Selling Centre Roof | Commonwealth Bank | 28/06/23      | 28/06/13  |

| Loan Term Years | Current Interest Rate | Repayment Frequency | Number Repayments |
|-----------------|-----------------------|---------------------|-------------------|
| 10              | 5.80%                 | Monthly             | 120               |

| Standard Instalment | Annual Repayment | Interest Amount | Principal Amount |
|---------------------|------------------|-----------------|------------------|
| \$ 9,817.11         | \$ 117,805.32    | \$ 589,079.80   | \$1,178,000.00   |

**Colac Livestock Selling Centre Operations**

The information below provides information on the operating activities of the Colac Livestock Selling Centre (CLSC).

An additional column has been added since the original report to indicate the effect of the loan repayments on the 2013-2014 budget figures.

| Account Type             |                         | 2011-2012           | 2012-2013           | 2013-2014           |
|--------------------------|-------------------------|---------------------|---------------------|---------------------|
| <b>Income</b>            |                         | <b>(629,546.26)</b> | <b>(571,775.40)</b> | <b>(662,120.00)</b> |
|                          | Other revenue           | (19,709.10)         | (22,493.00)         | (25,000.00)         |
|                          | User fees and charges   | (609,837.16)        | (549,282.40)        | (637,120.00)        |
| <b>Expense</b>           |                         | <b>501,147.68</b>   | <b>477,573.46</b>   | <b>653,505.32</b>   |
|                          | Administration          | 20,000.00           | 20,000.00           | 20,000.00           |
|                          | Contracts               | 136,318.90          | 127,973.59          | 131,288.00          |
|                          | Depreciation            | 28,432.00           | 30,407.00           | 45,407.00           |
|                          | Employee benefits       | 180,646.48          | 181,455.76          | 210,400.00          |
|                          | Internal                | 11,041.02           | 10,241.16           | 12,440.00           |
|                          | Loan repayments (p & i) | 0                   | 0                   | 117,805.32          |
|                          | Materials and services  | 124,227.28          | 107,035.95          | 115,165.00          |
|                          | Other expenses          | 482.00              | 460.00              | 1,000.00            |
| <b>(Surplus)/deficit</b> |                         | <b>(128,398.58)</b> | <b>(94,201.94)</b>  | <b>(8,614.68)</b>   |

The results are not a purely accrual nor cash perspective but a combination of both and this approach has been applied historically as the norm.

This approach does not treat the Colac Livestock Selling Centre as a completely separate entity. For example, there are no provisions for leave, recognition of future liabilities or other cost neutrality activities applied, but do include expenditure for depreciation and administration.

The CLSC has been providing a notional surplus consistently for at least the past three (3) financial years. The market place that the CLSC inhabits is subject to cyclical behaviour in

terms of throughput. However from a general trend perspective, when income has reduced the associated expenditure has also reduced (and vice versa).

Of particular interest is the 2013-2014 period. During this period, Council has commenced the repayment of the borrowings taken out to fund the CLSC roofing project that is currently being constructed (\$117,805). The impact on the result is evident although there is a further impact due to the increase in depreciation expense arising from the newly constructed roof (\$15,000 for part year only). The impact of both the borrowings and the new roof has increased the operating costs of the CLSC by \$132,805; although there is also expected to be an increased throughput as a result of the new roof.

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

The selected tenderer, BDH Constructions Pty Ltd, has a good track record of management of risks and completion of contracts to specification and on time. Council should be confident that contracting with BDH Constructions Pty Ltd will minimise exposure to occupational health and safety issues and non-compliance with the contract.

BDH Constructions Pty Ltd is registered under the Australian Government Building and Construction OHS Accreditation Scheme which was a specific requirement of the tender.

The tender process, including evaluation, was monitored by a probity auditor to ensure that the entire process was transparent and followed due process. Council's probity auditor noted that all processes associated with, and leading to the preparation of the Evaluation Panel Report met appropriate standards of probity.

Council also sought legal advice with respect to the funding of Council's contribution to the shortfall specifically referring funding to the 2014/15 Budget to help fund the contractual cost. Mention is also made of borrowing funds.

The advice provided indicated that *"we do not think that there is any legal impediment to Council adopting the Recommendation contained in the report. Put another way, it is our view that it is legally open to Council to commit to the contract and to refer the proposed loan to next year's budget."*

*"Council is deciding to do no more than consider such borrowings. It is open to Council to decide that no loan be taken out. True it is that, in that event, there could be a funding shortfall. It would however, be open to Council to propose rate increases or expenditure reductions to raise funds that will be necessary to finance the contract."*

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

The Tender Evaluation Panel assessed that BDH Constructions Pty Ltd has adequate systems in place to deliver and implement an effective environmental plan. This plan will need to be approved by Council's project manager prior to the commencement of works. Council's history of engaging BDH Constructions Pty Ltd lends support to its ability to deliver projects with proper consideration to the environment.

### **Community Engagement**

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

The method selected has been to inform, with notification provided to BDH advising them of Council's acceptance of their tender.

**Implementation**

The Contract has been awarded to BDH Constructions Pty Ltd who proposed to commence within four weeks of the contract award and complete all works within 12 months from commencement. The construction program offered by BDH Constructions Pty Ltd also allows a staged completion and handover of the facility, so that the stadium and gym can reopen prior to the full completion of works. This partial handover is anticipated to be approximately eight months from the commencement of works and would be highly beneficial to Council in the Centre resuming its operations.

**Conclusion**

Redevelopment of the Bluewater Fitness Centre is a significant project for Council which, once complete, will provide quality sport and leisure opportunities for the community for generations to come. Through the ongoing efforts of Council and its officers, Council has been very fortunate in being able to attract significant financial assistance for this project from both Federal and State Governments. In order to provide a quality facility which will be a focus for sport and active recreation within the shire, Council will be required to compliment the funds that it has received with its own cash contribution.

**Attachments**

Nil

**Recommendation(s)**

***That Council notes the report on the progress of the redevelopment of the Bluewater Fitness Centre.***

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**OM131812-5****LICENCE AGREEMENTS OLD BEECHY RAIL TRAIL**

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

**Purpose**

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

**Declaration of Interests**

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

**Background**

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

A funding agreement was signed between the Minister for Regional and Rural Development and the Colac Otway Shire for the State of Victoria to provide funding of \$500,000 for the enhancement/upgrade of the Old Beechy Rail trail. Part of this project identified the creation of an 11 kilometre section off-road along the 45km trail.

**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.

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

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

In accordance with the Regional Development Victoria (RDV) Regional Growth Fund (RGF) Funding Agreement, Licence Agreements are required to enable the construction of new off road sections of the Old Beechy Rail Trail. Council has the option of signing and sealing the Agreements as presented.

**Option 2**

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

Rail Trail and to meet funding body requirements for the construction of the new off road sections.

**Proposal**

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

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

1. A Poklar
2. R Towers
3. C Espinoza, N Espinoza, L Espinoza
4. Midway Plantations Pty Ltd
5. C Cooper
6. L Szulik.

**Financial and Other Resource Implications**

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

**Risk Management & Compliance Issues**

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

**Environmental and Climate Change Considerations**

Not applicable to this report.

**Community Engagement**

The community engagement strategy 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 consult.

Council has been kept informed through the tabling of the Beechy Rail Trail Advisory Committee minutes.

**Implementation**

Correspondence was provided to all relevant landowners between Colac and Ferguson where the trail passes over private land. Licence Agreements were presented for consideration and landowners were encouraged to seek advice as deemed appropriate, prior to returning to Council for signing and sealing. All parties have agreed to sign the agreements. A letter containing a copy of the signed and sealed Licence Agreement will be forwarded to all affected landowners following approval by Council.

**Conclusion**

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

**Attachments**

1. Blank Licence Agreement - Old Beechy Rail Trail

**Recommendation(s)**

***That Council signs and seals the licence with A Poklar, R Towers, C Espinoza, N Espinoza, L Espinoza, Midway Plantations Pty Ltd, C Cooper, L Szulik and Colac Otway Shire Council for licence of Land Occupancy (Beechy Line Rail Trail.)***

~~~~~v~~~~~





OM131812-6

**GREAT OCEAN ROAD CLOSURE FOR EVENTS  
GUIDELINES REVIEW**

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

**Purpose**

The purpose of this report is to present and seek adoption of the '*Guidelines for Considering the Closure of the Great Ocean Road to Conduct Events*'.

**Declaration of Interests**

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

**Background**

The Great Ocean Road (GOR) is one of Victoria's most scenic routes and a popular location choice to stage major events. A number of events are held each year in Victoria's south-west that require a partial or complete closure of the GOR. Whilst these events provide great opportunities for people to experience the GOR and the surrounding region, closure of the road can affect local residents, businesses and tourists.

In 2008, a set of guidelines were developed to provide a framework for considering requests for the closure of the GOR to conduct events. A Steering Committee was formed to formulate the 'Guidelines for considering the closure of the Great Ocean Road to conduct events' and included representation from VicRoads (Secretariat), Victoria Police, Colac Otway Shire and Surf Coast Shire.

The original guidelines were developed to assist VicRoads and the Colac Otway and Surf Coast Shires in managing the level of requests and responding to community concerns associated with this closure.

Whilst the GOR is the responsibility of VicRoads, there are obvious implications for the Colac Otway Shire community who reside along and/or visit the coast. There are two events which straddle both Colac Otway and the Surf Coast Shires and therefore any agreement that is sought should consider the two Shires who deal with community impacts.

The original guidelines were subject to review within 4 years and the review duly commenced in 2012. Following a formal review process including a thorough community engagement process, the revised guidelines were presented to Council in draft form at its October 2013 meeting. Council endorsed the draft '*Guidelines for considering the closure of the Great Ocean Road to conduct events*' and commenced public exhibition for a period of six weeks.

**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**

In reviewing the original guidelines, careful consideration has been given to ensuring that any closure of the GOR for events is managed appropriately and effectively. There are a number of events held each year in Victoria's south-west that require a partial or complete closure of the GOR.

It is acknowledged that whilst these events provide great opportunities for people to experience the Great Ocean Road and the surrounding region, and provide significant economic benefits to the region, closure of the Great Ocean Road can affect local residents, businesses and tourists. This is even more evident in the landlocked communities between Lorne and Apollo Bay.

**Key Issues**

Through research, discussions with key stakeholders and via consultation with the community during the development of the draft guidelines, the following key issues were identified:

- Closure of the GOR for events can have detrimental social and economic impacts on local communities, in particular the landlocked communities between Lorne and Apollo Bay, i.e. Wongarra, Separation Creek, Wye River, Kennett River and Sugarloaf.
- That local businesses should be included and receive benefits from events.
- The need for transparent economic benefits from events.
- Fairness to all communities along the GOR.
- That the length of closures is reduced as much as possible.
- Robust planning and communication must be undertaken.
- Safety at all times.

The draft guidelines include the following provision for events:

- 2 x one day events may be permitted and restricted to 1 May to 31 October (excluding School Holidays and Public Holidays).
- Every six years, a permit will be issued to accommodate the Great Victorian Bike Ride along the section of the GOR identified in these guidelines.

The draft guidelines were open for submissions within the Colac Otway Shire from Wednesday 2 October to 13 November 2013. Eleven submissions were received during this period.

The Steering Committee met on Monday 25 November 2013 to discuss the submissions and consider the possibilities of any additional changes to the draft guidelines.

(NB: The Surf Coast Shire adopted the original draft guidelines on Tuesday 22 October 2013).

**Submissions**

A total of 10 written and 1 verbal submissions were received. Two submissions were positive whilst the remaining 9 raised several issues that were previously identified through the original community engagement process. The submissions are summarised in Attachment 1.

Submissions were received from residents and tourist representatives across the Shire including Wye River, Apollo Bay, Forrest, and Skenes Creek. Other submissions were received from Bicycle Network and IMG (new owners of the Great Ocean Road Marathon).

In summary, the Steering Committee agreed to the following suggested changes based on the submissions received:

- Change the date from September 5 to November 25, 2013.
- Add to the Definitions, the 'Document Name'.
- Relocate the '**Duration of Events**' paragraph to be positioned directly under the paragraph 'Road Closures'.
- Add to the paragraph '**Number of events permitted yearly**' an extra sentence – 'Events must be subject to each municipality's Event Approval processes'.
- Change the word 'Bid' to 'application'.
- Include in the paragraph '**Road Closures**', the sentence: 'This also applies in particular to the land locked 5 hamlets located on the Great Ocean Road – Wongarra, Kennett River, Wye River, Sugarloaf and Separation Creek'.

In considering the submissions, the Steering Committee agreed that many of the above issues raised by the submitters would be addressed through the development of an operational document, which is planned to support the implementation of the Guidelines. It is anticipated that the operational document will require event organisers to specify how they will minimise adverse impacts in regard to the 5 land locked hamlets.

A number of changes to the Draft Guidelines have been made following consideration of the submissions by the Steering Committee. A summary and analysis of the consultation and submissions received can be found in Attachment 1 – Submission report – Great Ocean Road Guidelines Closures for Events, November 2013.

### Options

Following this round of community engagement on the Draft Guidelines there are a number of options available to Council:

1. Oppose the adoption of the Guidelines. These Guidelines have created a more robust process around which events obtain approval to close the Great Ocean Road. Significant work has been undertaken in developing the Guidelines, including a thorough consultation process with the community. The Surf Coast Shire Council adopted the Guidelines on 22 October 2013.
2. Undertake a further review of the Guidelines and additional community consultation and return to Council for further consideration. The draft Guidelines have been on public exhibition in accordance with Council's Community Engagement Policy and have had input from the Colac Otway community, external partners and stakeholders.
3. Acknowledge the extensive input to the Guidelines and adopt the document for implementation.

Option 3 is the recommended option.

### **Proposal**

It is proposed that Council adopts the '*Guidelines for considering the closure of the Great Ocean Road for events*'.

**Financial and Other Resource Implications**

The financial implications to Council resulting from the review of the draft guidelines was at a cost of \$3,000. This cost was Council's contribution towards consultant fees for community consultation.

Events that currently utilise the GOR provide significant economic benefits to the region. For example, it is estimated that the 2013 Great Ocean Road International Marathon contributed approximately \$7.6 million into the regional economy, predominantly within the Colac Otway Shire.

**Risk Management & Compliance Issues**

The draft guidelines have been developed to protect and enhance the use of the GOR with regard to events for both the local communities and event organisers in the Shire for now and into the future.

A risk assessment will be included in the event bid process and must be in accordance with ISO 31000. In addition to these guidelines, each Council has a robust event application process and the risk assessment will be detailed within these applications.

**Environmental and Climate Change Considerations**

The consideration of environmental factors is important in the planning and management of the GOR. The draft guidelines identify that the community is expecting improved environmentally sustainable management of the GOR following events.

The draft guidelines state that an assessment of the environmental impact events have on the local environment will be considered through the event approval process. The co-ordinating road authority and/or municipalities may introduce an event bond to ensure the environmental impacts are minimised by each event.

**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.

"Consult" was chosen as the method of engagement for the development of the draft Guidelines. A Steering Committee representing the key agencies has evaluated the 2008 *'Guidelines for considering the closure of the Great Ocean Road to conduct events'* and identified areas for improvement.

Extensive community engagement was undertaken in accordance with Council's Community Engagement Policy. Draft copies of the guidelines were available for public comment. Copies of the document were available on the Council's website, the Colac and Apollo Bay Customer Service Centres and the Colac and Apollo Bay libraries.

**Implementation**

After the conclusion of the public exhibition period, all written submissions and comments were reviewed by the Steering Committee. Modifications to the draft guidelines have been made as deemed appropriate.

**Conclusion**

The *'Guidelines for considering the closure of the Great Ocean Road to conduct events'* have been reviewed using a robust community engagement process. Whilst the review has taken some time, it has been completed with the intention of creating greater understanding of major events for our local communities and assisting Council in determining the level of tolerance when events require the closure of the GOR.

**Attachments**

1. Submission report - GOR Guidelines Closures for Events, November 2013
2. Final GOR Closure for Events Guidelines November 2013

**Recommendation(s)**

***That Council adopts the 'Guidelines for considering the closure of the Great Ocean Road to conduct events'.***

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**OM131812-7****FRAUD CONTROL PLAN**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/95592

**Purpose**

The purpose of the report is to provide the Council with a copy of the Fraud Control Plan for adoption.

**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 Fraud Control Plan was developed by Crowe Horwath in conjunction with staff and has been developed in conjunction with the Fraud and Corruption Risk Assessment.

At the Audit Committee held on 3 April 2013 a report on the Internal Audit – Fraud Management Review was considered.

At the April 2013 Audit Committee meeting, the Committee considered the revised Fraud Prevention and Control Policy and recommended:

*“That a Fraud Control Plan is developed in line with the recommendations of the Victorian Auditor General within 12 months and presented to the Audit Committee for consideration.”*

At the 25 June Audit Committee meeting it was noted that as a part of the Risk Assessment that a Fraud Control Plan would be developed.

At the 4 December 2013 Audit Committee meeting the Committee resolved:

***“That the Audit Committee recommends to Council that the Fraud Control Plan be considered by Council for adoption.”***

**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.

Best practice fraud control in the local government sector recognizes that the foundation of an effective fraud control framework is a detailed fraud control plan. The Fraud control plan is the linkage document that brings together all aspects of

the fraud control framework to ensure that they operate consistently and informed of each other.

Council's fraud control plan is prepared along these lines and should be considered as part of a broader suite of Council policies, procedures and practices that constitute the Colac Otway Shire's Fraud Control Framework.

### **Issues / Options**

#### Victorian Auditor General

In June 2012 the Victorian Auditor-General prepared a report "Fraud Prevention Strategies in Local Government."

Recommendation 1 from that report was that Councils should:

*"Develop and maintain an up-to-date fraud control plan clearly documenting their fraud prevention, detection and response initiatives and responsibilities."*

Section 2.3.1 of the report:

#### **"Fraud Control Plan**

*A soundly based fraud control plan is a critical element of a Council's fraud control framework. However all five examined Councils had yet to develop such a plan.*

*The fraud control plan documents the approach to controlling fraud at a strategic, tactical and operational level, including the responsibilities for implementing and monitoring related activities.*

*Key features of a sound fraud control plan include:*

- *a summary of the Council's major fraud risks identified through a robust fraud risk assessment;*
- *details of strategies and controls for mitigating material fraud risks;*
- *clear roles and responsibilities for implementing and monitoring key prevention, detection and response initiatives;*
- *Performance measures, including procedures for assessing the plan's effectiveness.*

*A sound fraud control plan provides the basis on which a Council can obtain assurance that it is aware of all its major fraud risks and that it has adequate prevention, detection and response initiatives in place.*

*The fraud control plan should be periodically reviewed and updated as needed, following an assessment of its effectiveness. It should also be tailored to the needs of each Council, reflecting its relative size, structure and fraud risk profile.*

*It is important to note that a fraud control plan is a key operational document that explains how the Council's discrete fraud policy, risk register, prevention, detection and response strategies should co-ordinate, be operationalised and reviewed. Therefore, the plan is not simply a mechanism for physically co-locating these separate elements, it is the overarching guiding framework that demonstrates their effective co-ordination in practice.*



*The absence of a fraud control plan at the selected Councils means they cannot demonstrate their fraud prevention, detection and response strategies are soundly based, co-ordinated, purposely implemented and reviewed. “*  
*p. 11-12*

### Fraud Control Plan

Attached to this report is the Colac Otway Shire – Fraud Control Plan.

The Plan includes the following:

1. Fraud Control Framework
2. Council's Approach to Fraud Prevention
3. Context of Fraud Control
4. Regular Program for Fraud Risk Assessment
5. Council's Code of Conduct
6. Council's Fraud Prevention Policy
7. Key Fraud Risks and Internal Controls

The purpose of this Fraud Control Plan is to clearly document Council's approach to controlling fraud at both strategic and operational levels and the actions and responsibilities for implementation and monitoring of key fraud control measures.

### **Proposal**

That Council adopts the Fraud Control Plan.

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

As part of the Plan there will be fraud awareness training undertaken as part of Council's compliance training program.

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

The Fraud Control Plan seeks to enhance integrity and reduce the risk of fraud as well as assist staff to make decisions in the reporting of fraud, corruption and other criminal offences. It is also designed to protect security, reputation, public money and property, whilst maintaining a high level of services to the community consistent with good governance of Council.

In accordance with the Fraud Control and Reporting Policy each Business Unit is required to review its Fraud Risks as part of Council's comprehensive risk assessment process.

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

Not applicable.

### **Community Engagement**

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

The method selected has been to consult and involve.

The development of the Fraud and Corruption Risk Assessment involved extensive consultation with staff.

The Fraud Control Plan was developed in conjunction with the Risk Assessment.

The Audit Committee has also considered a number of fraud documents:

- Fraud Prevention/Control Policy

- Fraud and Corruption Risk Assessment
- Fraud Control Plan

**Implementation**

Once adopted, the Plan will be made available through Council's website and form a part of the documentation that the Risk Management Committee monitors on a regular basis.

**Conclusion**

The purpose of this Fraud Control Plan is to clearly document Council's approach to controlling fraud at both strategic and operational levels and the actions and responsibilities for implementation and monitoring of key fraud control measures.

**Attachments**

1. Fraud Control Plan

**Recommendation(s)**

***That Council adopts the Fraud Control Plan.***

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**INFRASTRUCTURE AND SERVICES**

| ITEM                     |                                           |
|--------------------------|-------------------------------------------|
| <b><u>OM131812-8</u></b> | <b><u>ROAD MANAGEMENT PLAN REVIEW</u></b> |



**OM131812-8****ROAD MANAGEMENT PLAN REVIEW**

|             |                           |           |           |
|-------------|---------------------------|-----------|-----------|
| AUTHOR:     | Adam Lehmann              | ENDORSED: | Rob Small |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | 11/95398  |

**Purpose**

The purpose of this report is to seek Council's endorsement for the adoption of the revised draft Road Management Plan (Version 3.0).

**Declaration of Interests**

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

**Background**

In accordance with the *Road Management Act 2004 (the 'Act')* and the *Road Management (General) Regulations 2005*, Council is required to conduct a review of its Road Management Plan within the period of six months after each general election (or by the next 30 June). Council resolved to advertise its intention to review its Road Management Plan (Version 2.0) at its Ordinary Meeting of 22 May 2013 in line with this statutory time frame. The review of the Plan has been thorough and has included a considerable amount of input from key areas across Council and public consultation.

The purpose of the Road Management Plan is to establish a management system for the implementation of Council's road management functions based on policy and operational objectives that are within the available resources.

The Plan sets the standard of service and defines the level of risk that is considered reasonable for the road related assets that are maintained by Council for the benefit of the community. These road related assets include roads, kerbs, footpaths, signage, traffic management devices and stormwater drains.

The Road Management Plan is Council's risk management plan for roads that outlines the inspection regimes, defines the type and size of defects to be remediated and the relative response times to remediate those defects.

Providing that the service levels outlined in the Plan are completed in accordance to the documented standards, Council has a reasonable legal defence to any public liability claims. The levels of service outlined in the Plan set the minimum standards to which Council will maintain its road assets.

The Road Management Plan does not apply to new works and relates more specifically to renewal and maintenance activities. New or upgrade type road projects are considered separately as part of Council's annual capital works budget process.

**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.

The review of the Road Management Plan is in direct response to the requirements of both the 'Act' and the *Road Management (General) Regulations 2005*. Sub-regulation (3)(b) requires that "each incoming Council must review its road management plan during the same period as it is preparing its Council Plan".

**Issues / Options**

In conducting the review of its Road Management Plan, Council must ensure that the standards in relation to and the priorities to be given to, the inspection, maintenance and repair of the roads and classes of roads to which the Plan applies are appropriate.

The review included involvement by other key areas of Council and examined key principles within the existing Road Management Plan relating to:

- Council's Municipal Public Road Register
- Legislative compliance under the *Road Management Act 2004*
- Suitability of inspection frequencies
- Service level standards
- Road and footpath hierarchies
- Risk exposure to Council.

General changes have been made to the current Road Management Plan to reflect operational arrangements which have been implemented since its initial adoption. The intent of the revised Plan and its adherence to the requirements of the 'Act' does not differ from the original Road Management Plan. Details of the changes made to the revised draft of the Road Management Plan are detailed and summarised in the table below.

| Issue                                                   | Outcome                                                                                                                                                                                                                                                                |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General review of Road Management Plan Service Levels   | Service levels have been reviewed to ensure that they are reasonable and deliverable. There has been no change to existing maintenance standards, response times, or inspection frequencies. Maintenance standards for 'Minor' or limited use roads have been defined. |
| Review of Road Hierarchy                                | 'Fire access' roads and limited use roads have been defined to provide greater clarity around function and standards.                                                                                                                                                  |
| Update to Footpath Hierarchy                            | The footpath hierarchy has been revised to ensure alignment with other footpath related strategies.                                                                                                                                                                    |
| Updates to the Public Road Register and hierarchy plans | The Municipal Public Road Register has been reviewed and updated to ensure that it accurately describes the public roads which Council is responsible for managing. A set of Criteria has been developed in order to establish what should be a 'public road'.         |

| Issue                                       | Outcome                                                                                                                                                                                              |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Definitions of road and road related assets | The <i>Road Management Act 2004</i> clearly defines road assets and road related assets. The Road Management Plan has been updated to ensure service delivery is aligned with the intent of the Act. |

### Proposal

A review of the current Road Management Plan has been completed to ensure that all statutory time frames are met. It is proposed that Council adopts the revised Road Management Plan so that it can continue to rely on the legal defence that it offers against public liability claims.

The required process under the Act following the adoption of the draft Plan is to place a notice of adoption in the Victoria Government Gazette and in a newspaper generally circulating in the municipality.

### Financial and Other Resource Implications

The Road Management Plan requires Council to clearly specify its levels of service which can be achieved within existing levels of funding. The Act requires that an authority must achieve full compliance with these standards. It is therefore critical that suitable funding levels are sustained within Council's budget for all operational and maintenance activities identified within the Plan.

### Risk Management & Compliance Issues

The Road Management Plan is Council's risk management plan for roads that outlines the inspection regimes, defines the type and size of defects to be remediated and the relative response times to remediate those defects.

Providing the service levels outlined in the Plan are completed in accordance to the documented standards, Council has a reasonable legal defence to any public liability claims relating to roads and footpaths. The levels of service outlined in the Plan set the minimum standards to which Council will maintain its road assets.

### Environmental and Climate Change Considerations

The Road Management Plan sets maintenance requirements that can require the removal of vegetation within the road reserve. All trimming and removal of native vegetation is conducted in accordance with Council's Agreement with the Department of Environment and Primary Industries for the Removal of Native Vegetation for the Maintenance of Public Roads. This Agreement provides exemptions under clause 52.17- 6 of the Victorian Planning Provisions.

### Community Engagement

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

The method selected was to inform and consult. Public consultation was conducted in accordance with section 223 of the *Local Government Act 1989*. An invitation to make comment on the revised draft of Council's Road Management Plan was advertised in the Colac Herald on 4 October 2013 and in the Victoria Government Gazette on 10 October 2013.

A minimum of six weeks (6) was given for the lodgement of written submissions. No submissions were received with respect to the revised Plan at the close of the submission period on 22 November 2013.

### **Implementation**

If adopted, officers will proceed with a public notice in the Victoria Government Gazette and local newspapers stating that Council has adopted a Road Management Plan and advise where copies of the plan may be inspected or obtained.

The draft Plan would take effect immediately upon resolution by Council.

Monitoring of Council's road management activities will be undertaken to assess the level of compliance achieved with the standards of the Plan. The need for any ongoing amendments to the Plan will be reported periodically for separate resolution according to the statutory process detailed by the Act.

### **Conclusion**

By resolving to adopt the draft Road Management Plan Council will more clearly inform the community of the service levels for roads and paths and it will improve the management of road related risks for Council.

### **Attachments**

1. Road Management Plan

### **Recommendation(s)**

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

1. ***Adopts the revised Road Management Plan (Version 3.0) which has been drafted in accordance with the requirements of Division 5 of the Road Management Act 2004.***
2. ***Publishes a notice of the adoption of the Road Management Plan in the Victoria Government Gazette and the Colac Herald stating the following as required by Section 55 of the Road Management Act 2004, that:***
  - a) ***The Road Management Plan has been adopted on 18 December 2013.***
  - b) ***The Road Management Plan and Register of Municipal Public Roads may be inspected or obtained from Council's Customer Service Centres and website.***

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**SUSTAINABLE PLANNING AND DEVELOPMENT**

| ITEM                     |   |
|--------------------------|---|
| <b><u>OM131812-9</u></b> | <b><u>PLANNING SCHEME AMENDMENT C79 - IMPLEMENTATION OF<br/>NEW STATE RESIDENTIAL ZONES</u></b> |



**OM131812-9****PLANNING SCHEME AMENDMENT C79 -  
IMPLEMENTATION OF NEW STATE RESIDENTIAL ZONES**

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

**Purpose**

The purpose of this report is for Council to consider Amendment C79 to the Colac Otway Planning Scheme which seeks to implement the new State residential zones into the Colac Otway Planning Scheme and resolve to request the Minister for Planning to prepare, adopt and approve the amendment under section 20(4) of the *Planning and Environment Act 1987*.

**Declaration of Interests**

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

**Background**

The Victorian Planning System Ministerial Advisory Committee was commissioned in June 2011 by the Victorian Government to examine all aspects of the planning system, including possible zone reform. Recommendations around review of Victoria's zone structure were subsequently made. In 2012 public comment was sought on the proposed zone reforms and a Reformed Zones Ministerial Advisory Committee was established to consider all submissions and to advise the Minister for Planning. A total of 917 submissions related to residential zones. The Government considered the Advisory Committee's recommendations, suggested changes to the zones and progressed to approve final residential, commercial and industrial zones in 2013.

The final new residential zones (General Residential Zone, Neighbourhood Residential Zone and Residential Growth Zone) were introduced into the Victoria Planning Provisions on 1 July 2013. The three amended residential zones (Township Zone, Low Density Residential Zone and Mixed Use Zone), two new commercial zones and three amended industrial zones were introduced into the Victoria Planning Provisions on 15 July 2013.

Amendment C79 is required as the existing Residential 1 Zone is due to be removed from the Planning Scheme on 1 July 2014. The amendment will implement the new residential zones in alignment with current Council policy.

The General Residential Zone (GRZ) enables moderate housing growth and is applicable in most residential areas where moderate growth and housing diversity is provided. Therefore it is appropriate for the bulk of the current Residential 1 zoned land in the Colac Otway Shire. The Neighbourhood Residential Zone (NRZ) is appropriate for areas where single dwellings prevail and the low density nature of development is to be retained. This is appropriate for specific areas of Apollo Bay and Marengo as detailed later in this report. The Residential Growth Zone enables medium density development in appropriate locations near activity centres and other areas suitable for increased housing activity such as smaller strategic redevelopment sites. It is not proposed to utilise the zone in Colac Otway Shire at this time as there is no strategic work that has been completed to justify any appropriate locations.

**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**

Upon release of the updated and new residential zones by the State Government consideration was given to the most appropriate translation of these new provisions into the Colac Otway Planning Scheme. It is recommended that the NRZ is the most appropriate zone to be applied to specific areas of Apollo Bay and Marengo. The GRZ is recommended for the balance of the Residential 1 zoned land in Colac and Apollo Bay. All remaining townships, such as Birregurra, are in the Township Zone and are unaffected by this amendment.

The amendment will ensure that the strategic work that was completed to inform Amendment C55 is not compromised. Amendment C55 was gazetted on 18 July 2009 and introduced three distinct Design and Development Overlay (DDO) schedules into Apollo Bay. These DDO schedules implemented the recommendations from the Apollo Bay and Marengo Neighbourhood Character Study 2003, as updated by the Apollo Bay Structure Plan 2007. The NRZ is considered appropriate for the area currently covered by the DD07 control in Apollo Bay and Marengo which is designed to maintain the lower density characteristics of this residential area.

The NRZ is also recommended for the area in Apollo Bay currently covered by the Development Plan Overlay (DPO) Schedule 4 at Mariners Vue. This area was rezoned through Amendment C17 and the NRZ is the best suited as it aligns closely with the intentions of the DPO that is currently in place, and the low density nature of development permitted (minimum lot size of 600m<sup>2</sup>).

The key variations that the NRZ implements include:

- New text under the purpose of the zone which confirms the zone aims to implement neighbourhood character policy and limit opportunities for increased residential development;
- Limiting the number of dwellings on a lot to two;
- Limiting the building height for a dwelling to 8m, unless specified in a schedule to the zone. Please note the proposed schedule for Apollo Bay and Marengo will include a variation to a 9m height limit to align with the current requirements of the DD07;
- Increase from 6 persons to 10 persons that may be accommodated without a permit in a bed and breakfast;
- No permit requirement for a medical centre up to 250m<sup>2</sup> in size, adjoining or with access to a Road Zone, if it meets the parking requirements set out in clause 52.06-3 and is located in an existing building;
- Altering of conditions and an increase in floor area, from 180m<sup>2</sup> to 250m<sup>2</sup>, for a place of worship that does not require a permit;
- Exemption from notice and review for subdivision applications where lots each contain existing dwellings or car parking spaces; and
- Additional information provided in relation to application requirements and decision guidelines.

The GRZ is proposed to apply to the balance of the Residential 1 Zone in Apollo Bay and Colac. The GRZ is the default residential zone and is the zone that is most closely linked to the current Residential 1 Zone. It would encourage moderate housing growth and diversity while respecting urban character. The key variations that the GRZ implements include:

- Increase from 6 persons to 10 persons that may be accommodated without a permit in a bed and breakfast;
- No permit requirement for a medical centre up to 250m<sup>2</sup> in size, adjoining or with access to a Road Zone, if it meets the parking requirements set out in clause 52.06-3;
- Altering of conditions and an increase in floor area, from 180m<sup>2</sup> to 250m<sup>2</sup>, for a place of worship that does not require a permit;
- Removal of 80m<sup>2</sup> maximum leasable floor area condition for a convenience shop (permit still required);
- Exemption from notice and review for subdivision applications where lots each contain existing dwellings or car parking spaces; and
- Additional information provided in relation to application requirements and decision guidelines.

All of the new residential zones include schedule provisions where Councils may provide locally specific variations to default controls. The schedules enable Councils to apply specific variations to design standards (such as street setback or maximum building heights) as well as list additional application requirements or decision guidelines. In the case of the NRZ it is proposed to only include a variation to the default maximum building height to ensure that it aligns with the height restrictions in the current DDO7 (which triggers a permit at 8m and limits development to 9m). The DDO7 and DPO4 will remain in place and will continue to uphold appropriate design standards which align with the neighbourhood character attributes identified through the Apollo Bay and Marengo Neighbourhood Character Study 2003. This is the most functional way to approach the implementation of the new zones, as the NRZ is unable to facilitate a full implementation of the policy and control currently contained in the DDO7 and DPO4. If the design requirements were introduced through the schedule to the NRZ in addition to the DD07 and DPO4 this would create unnecessary duplication in the scheme. There are no proposed variations to be included in the schedule to the GRZ. This is because there has been no strategic work completed that would justify additional requirements at this stage.

The amendment also introduces the mapping notation changes required in response to the introduction of the new Commercial Zones into the Victoria Planning Provisions in July 2013. The Business 1 and 2 Zones will be shown as Commercial 1 Zone and Business 3 and 4 Zones will be shown as Commercial 2 Zone on the planning scheme maps. The controls have already come into place through Ministerial Amendment VC100, therefore this is essentially a mapping label update.

This amendment may be processed as a standard amendment which would need to meet the notification requirements under section 19 of the *Planning and Environment Act 1987*. However, given the considerable consultation undertaken by the State Government during the development of the new zones, in addition to the consultation undertaken by Council during the implementation of Amendment C55 and Amendment C17 which applied the current controls, it is proposed to request that the Minister approve the amendment without further consultation. Under section 20(4) of the *Planning and Environment Act 1987* the Minister may exempt himself from the requirements of sections 17, 18 and 19 and the regulations in respect of an amendment which the Minister prepares, if the Minister considers that compliance with any of those requirements is not warranted. Amendment C79

is a policy neutral translation of the new residential zones and therefore meets the criteria for the Minister to consider using powers of intervention.

The amendment will give effect to an outcome where the issues have been reasonably considered and the view of affected parties is known.

Given that the practical impacts on the community of this proposed Amendment will be minimal and the planning requirements will not be increased and due to the significant consultation that has already been undertaken to establish the current planning requirements, it is not proposed to undertake further community consultation on these zoning changes.

### **Proposal**

It is proposed to provide the attached amendment material to the Minister for Planning and request that he exercises the power under section 20(4) of the Planning and Environment Act 1987 to exempt himself from notice and prepare, adopt and approve Amendment C79. This will mean that the Minister is the planning authority in this instance and he can approve the amendment without going through a formal public exhibition period.

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

This amendment is not expected to have any financial or resourcing implications. Utilising section 20(4) as the mechanism for processing the amendment will ensure there is no officer time spent on preparing the amendment, administering public exhibition or considering and responding to submissions.

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

Amendment C79 is required as the existing Residential 1 Zone is due to be removed from the Planning Scheme on 1 July 2014. The Department of Transport, Planning and Local Infrastructure has indicated that the GRZ will become the default zone for any remaining Residential 1, 2 or 3 Zones still in the scheme at this time. Therefore it is important to implement the zones in accordance with current policy before this deadline.

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

There are no relevant environmental or climate change considerations.

### **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. As noted earlier in the report there was a formal consultation period, initiated by the State Government, in 2012 when the zoning reform was released for public comment. It is now proposed to process this amendment without any further consultation due to the lack of impact it is expected to have on property owners. It should be noted that a number of other municipalities have chosen to utilise the section 20(4) process to implement the new residential zones, especially when the application of the new zones is policy neutral. Once approved by the Minister, notice of the amendment would appear in the Government Gazette and an advertisement would be placed in the Colac Herald.

### **Implementation**

The attached amendment documentation will be provided to the Minister for Planning along with a request to prepare, adopt and approve Amendment C79 under section 20(4) of the *Planning and Environment Act 1987*. As the planning authority for this amendment the

Planning Minister may then proceed to approve the amendment. The amendment will come into effect once notice of its approval is printed in the Government Gazette.

**Conclusion**

It is recommended that Council requests the Minister for Planning to approve Amendment C79 under section 20(4) of the *Planning and Environment Act 1987*. This is an efficient mechanism to fast track the amendment to ensure that Colac Otway Shire utilises the most relevant residential zones available from the recently updated Victorian Planning Provisions.

**Attachments**

1. Attachment 1 C79 Combined Amendment Documents
2. Attachment 2 Planning Scheme Maps

**Recommendation(s)**

***That Council resolves to request the Minister for Planning to exercise the power under section 20(4) of the Planning and Environment Act 1987 to exempt himself from notice and prepare, adopt and approve Amendment C79.***

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**GENERAL BUSINESS**

| ITEM                      |                                                   |
|---------------------------|---------------------------------------------------|
| <b><u>OM131812-10</u></b> | <b><u>ASSEMBLY OF COUNCILLORS</u></b>             |
| <b><u>OM131812-11</u></b> | <b><u>MINUTES FROM YOUTH COUNCIL MEETINGS</u></b> |



**OM131812-10****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*.

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 Colac Botanic Gardens Advisory Committee | 17 October 2013  |
| • Councillor Workshop                                 | 13 November 2013 |
| • Friends of Colac Botanic Gardens Advisory Committee | 14 November 2013 |
| • Councillor Workshop                                 | 20 November 2013 |
| • Councillor Briefing Session                         | 27 November 2013 |
| • Councillor Workshop                                 | 4 December 2013. |

**Attachments**

1. Friends of Botanic Gardens Advisory Committee - 17 October 2013
2. Councillor Workshop - 13 November 2013
3. Friends of Botanic Gardens Advisory Committee - 14 November 2013
4. Councillor Workshop - 20 November 2013
5. Councillor Briefing Session - 27 November 2013
6. Councillor Workshop - 4 December 2013

**Recommendation(s)**

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

- |                                                               |                                |
|---------------------------------------------------------------|--------------------------------|
| • <b><i>Friends of Botanic Gardens Advisory Committee</i></b> | <b><i>17 October 2013</i></b>  |
| • <b><i>Councillor Workshop</i></b>                           | <b><i>13 November 2013</i></b> |
| • <b><i>Friends of Botanic Gardens Advisory Committee</i></b> | <b><i>14 November 2013</i></b> |
| • <b><i>Councillor Workshop</i></b>                           | <b><i>20 November 2013</i></b> |
| • <b><i>Councillor Briefing Session</i></b>                   | <b><i>27 November 2013</i></b> |
| • <b><i>Councillor Workshop</i></b>                           | <b><i>4 December 2013.</i></b> |

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**OM131812-11****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.

The last meeting of the 2013 Colac Otway Shire Youth Council was held on 4 November 2013. Youth Council will not meet again until the new Youth Council is established in 2014 therefore, the minutes of that meeting have not yet been confirmed.

**Attachments**

1. Minutes - Colac Youth Council - 4 November 2013

**Recommendation(s)**

***That Council notes the unconfirmed minutes arising from Youth Council meeting held on 4 November 2013.***

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**NOTICES OF MOTION**

| ITEM                      |                                                         |
|---------------------------|---------------------------------------------------------|
| <b><u>OM131812-12</u></b> | <b><u>COMMISSIONER FOR RED TAPE</u></b>                 |
| <b><u>OM131812-13</u></b> | <b><u>PASSENGER TRAIN SERVICES (CR BRIAN CROOK)</u></b> |





**OM131812-12      COMMISSIONER FOR RED TAPE (CR FRANK BUCHANAN)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 18 December 2013:

"That the Colac Otway Shire Council invites the Commissioner for Red Tape to Colac to discuss with Councillors and Council officers the increasing complexity of regulations and the impact they have on other Government agencies and also our community."

**Recommendation**

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

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**OM131812-13 PASSENGER TRAIN SERVICES (CR BRIAN CROOK)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 18 December 2013:

The passenger train service between Warrnambool and Geelong is one of the worst serviced lines in the State (three services per day). The south west region should have at least 5 services per day.

In 2011 sustained advocacy and lobbying by Colac Otway Shire resulted in an extra bus service out of Geelong to Colac. This service has been very well patronised. Three services per day is a significant barrier to further opportunities for those living in Colac Otway Shire and the shires of the Great South Coast. At present the G21 Transport Pillar ranks this issue as a tier three priority for the region. Now that a passing loop has been established at Wamcoort it is time to raise this issue to a tier one priority.

The Transport Pillar will position its priorities in January. The G21 Board will be considering their priority projects in February.

I move:

That Council:

1. Writes to the G21 Transport Pillar and G21 Board requesting that the priority of passenger train services between Geelong and Warrnambool be raised from a tier three to a tier one priority and that the Board consider this issue as a priority project in 2014 due to its significance for Colac Otway Shire and Great South Coast Shires.
2. Writes to The Great South Coast Board and member councils seeking their support for this motion and urge them to also write to the Transport Pillar and G21 Board.

**Recommendation**

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

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## IN COMMITTEE

### **Recommendation**

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

<b><i>SUBJECT</i></b>	<b><i>REASON</i></b>	<b><i>SECTION OF ACT</i></b>
Contract Approval Contract 1330 - Design & Construct - Lyness Road Bridge	this matter deals with contractual matters	Section 89 (2) (d)
Report from Delegate to Other Bodies - Audit Committee Minutes	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (f) (h)
Colac Otway Shire Youth Council	this matter may prejudice the Council or any person	Section 89 (2) (h)



# ORDINARY COUNCIL MEETING

## WEDNESDAY, 18 DECEMBER 2013

### ATTACHMENTS

PAGE NO.

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## Colac Otway Shire Youth Council Charter

### 1.0 CONSTITUTION OF THE YOUTH COUNCIL

The Colac Otway Youth Council intends to make the Colac Otway district a better place for today's youth and for the future generations, by honourably representing the youth within the district, initiating youth projects, enhancing existing youth activities and promoting youth involvement in the community.

### 2.0 PRELIMINARY

#### Expectations

Attendance: Youth Council meets twice each month with the exception of the summer school holidays. It is expected the Youth Councillors will send a formal apology by phone or letter to the Shire Offices if they are unable to attend a meeting which should include a brief explanations as to why attendance is not possible. It is expected that Youth Councillors attend a minimum of 15 meetings per year. Leave of absence may be granted under certain circumstances.

#### Performance:

Youth Councillors are expected to take an active role in activities supported or undertaken by Youth Council which are for the benefit of young people or the community.

#### Confidentiality:

It is expected that all discussions within Youth Council Meetings will remain confidential.

### 3.0 OBJECTIVES OF THE YOUTH COUNCIL

- 3.1 To provide a forum for the Colac Otway Shire Council to consult with and receive advice from youth in order to ensure the provision of high quality, affordable and flexible youth programs.
- 3.2 To promote and encourage the involvement of youth in the planning, development and implementation of matters associated with young people in the community.
- 3.3 To ensure that the views of youth are canvassed and conveyed to Council
- 3.4 To provide advice to council on appropriate youth programs.



## 4.0 MEMBERSHIP

- 4.1 For the purposes of this Charter, “Youth” is defined as young people aged between 12 and 25.
- 4.2 The Youth Council is to be selected by a committee of Council which includes the Mayor, Councillor representative and mentors, in line with this Charter.
- 4.3 The Youth Council shall be comprise of the following members:
- Trinity Secondary College(3)
  - Colac Secondary College (3)
  - Lavers Hill P-12 College (2)
  - Apollo Bay P-12 College (2)
  - In addition an extra student would be allowed per 300 students if requested.
  - Acknowledging the logistical barriers for Lavers Hill and Apollo Bay students it is recognised that these students may provide input through other means when attendance is impractical. Such methods of communication could include, but not be limited to, contact directly with the Youth Council Administrator or via telephone conference calls.
  - To provide an opportunity for non school based youth and home schooled youth to have input, a maximum of two representatives are allowed.
  - The final composition and number of youth Councillors are determined by the Interview Panel to ensure a workable size but also encouraging participation where possible.
  - One (1) Councillor (as mentor)
  - One (1) Council Officer (as administrative support)
- 4.4 The Youth Council may invite mentors to attend from other youth focussed service organisations. These appointments would have no voting rights.
- 4.5 To allow adult mentors to be voted in by the Youth Council, even if not part of a youth focused service within the community. These appointments would have no voting rights.
- 4.6 Youth Council leaders and mentors are required to have a Working with Children check registered with Council.

## **5.0 TERM OF APPOINTMENT**

- 5.1 Any person appointed to the Youth Council shall hold office for a period of one (1) year.
- 5.2 The Youth Council is to be inducted by the Mayor at a special function each February.
- 5.3 Any member of the Youth Council may be nominated for subsequent terms but would be required to undergo the recruitment process again. All selections will be based on merit.
- 5.4 In the event of a resignation of a Youth Councillors, the secondary schools will submit the name of one (1) or more persons to the Youth Council for appointment in accordance with the membership clause.
- 5.5 The Youth Council will operate from February to November each year.

## **6.0 MEETINGS**

- 6.1 Meetings must be held not less than once a month. Each formal meeting of the Youth Council must be conducted in accordance with normal meeting procedures.
- 6.2 Failure to attend meeting on three (3) consecutive occasions by a Youth Councillor will result in the automatic loss of membership to the Youth Council unless a leave of absence is otherwise applied for to Youth Council. Excludes Lavers Hill and Apollo Bay Youth Councillors where explanations or alternatives have been arranged as detailed in 4.0
- 6.3 A Youth Councillor may apply for a leave of absence.

## **7.0 QUORUM**

- 7.1 A quorum is formed when a simple majority of members of the Youth Council is present at a meeting.

## **8.0 ADMINISTRATION**

- 8.1 The Colac Otway Shire will oversee the administration of the Youth Council and may call upon the expertise of other youth organisations within the municipality for assistance.

## **9.0 OFFICER BEARERS OF YOUTH COUNCIL**

- 9.1 The Youth Council, at its first meeting, will elect the following office bearers:
- 9.1.1 Chairperson, Deputy Chairperson, Treasurer and Minute Taker
- 9.1.2 The duties of the Youth Council Chairperson will be to:
- a) To Chair all meetings of the Youth Council.
  - b) To act as the liaison person between the Youth Council and the Colac Otway Shire.
  - c) To arrange for an Annual Report of the Youth Council to be prepared for presentation to the Colac Otway Shire Council at the conclusion of each Youth Council term.

## **10.0 MENTORS**

The Council will appoint mentors to support the initiatives of the Youth Council. All Mentors must have current Working with Children and Police Checks and are further subject to the approval of the Council for each term of the Youth Council.

The Council may appoint as many mentors as deemed appropriate to support the students.

## **11.0 FINANCES**

- 11.1 The Youth Council of the Colac Otway Shire has delegated authority to expend monies from the allocated budget.

## **12.0 INSURANCES**

- 12.1 The Colac Otway Shire Council shall arrange and maintain a portfolio of insurance to cover all possible risks. Youth Councillors need to complete Photographic Disclaimer and Volunteer Registration forms prior to taking part in any activities.

## **13.0 REVIEW**

- 13.1 The Youth Council is required to recommend any changes to the Charter on an annual basis.
- 13.2 All changes to the Charter will be subject to approval of the Colac Otway Shire Council.

## **Colac Otway Shire Youth Council Information Sheet**

### **What is Colac Otway Shire Youth Council?**

Colac Otway Shire Youth Council is a group of Colac youth appointed to honourably represent the youth of Colac Otway Shire

1. to provide a forum for the Colac Otway Shire Council to consult with and receive advice from youth in order to ensure the provision of high quality, affordable and flexible youth programs
2. to promote and encourage the involvement of youth in the planning, development and implementation of matters associated with young people in the community
3. to ensure the views of youth are canvassed and conveyed to Council
4. to provide advice to Council on appropriate youth programs.

### **What are the expectations of the Youth Council?**

1. Youth Councillors will meet twice a month except in the summer school holidays and attend a minimum of 15 meetings per year, February to November
2. Youth Councillors are expected to take an active role in activities supported or undertaken by Youth Council which benefit youth or the community
3. Youth Councillors are expected to keep all discussions within meetings confidential
4. Youth Councillors are expected to act in an honourable, honest, inclusive and fair manner and lead by example
5. The term of appointment is for one (1) year but Youth Councillors can be nominated for a subsequent term.

### **Who can be a member of Youth Council?**

1. Students from Trinity College Colac, Colac Secondary College, Lavers Hill P12 College and Apollo Bay P12 College
2. Non-school based youth and home schooled youth

### **How are Youth Councillors chosen?**

The final composition and number of Youth Councillors is determined by the Interviewing Panel which comprises of a committee which includes the Mayor, a Council representative and mentors. An interview is held with all nominated

youths at a date and time set each year. After the interviews all nominations are reviewed and the successful and unsuccessful persons are informed

**How can a youth apply for Youth Council?**

1. Any young person can apply to be a Youth Councillor by being nominated by a teacher at the secondary schools
2. If the youth is non-school based then a member of the community can nominate them
3. A completed nomination form is returned to the Colac Otway Shire by the closing date on the application
4. Nominated youth will be notified of the interview date, time and venue.

**Are Youth Councillors insured?**

1. The Colac Otway Shire arranges and maintains a portfolio of insurance to cover all possible risks.

**Do Youth Councillors need any paper work?**

1. All Youth Councillors are required to complete Photographic Disclaimer and Volunteer Registration forms prior to taking part in any activities. If under 18, permission slips to take part in some activities may be required.

## COLAC OTWAY SHIRE YOUTH COUNCIL NOMINATION FORM

### Nominee Information

Name: .....

Age: ..... Date of Birth: ...../...../.....

School: ..... Year: .....

Home Address: .....  
.....  
.....

### Nominator Information

Name: .....

School/Community Group/Other: .....

Contact Details: .....

Reason for nomination: .....

.....  
.....  
.....

Has the nominee received a copy of the information sheet? Yes/No

**Please return completed form to: Rhonda Deigan**

Colac Otway Shire Council: P O Box 283, Colac

Or in person to: 2-6 Rae Street, Colac or

69 Nelson Street, Apollo Bay

Or Email: [rhonda.deigan@colacotway.vic.gov.au](mailto:rhonda.deigan@colacotway.vic.gov.au)

**Nominations Close by 5.00pm on Monday, 10 February 2014**



## COUNCIL POLICY

<b>Council Policy Title:</b>	<b>Council Property Leasing</b>
<b>Council Policy ref. no:</b>	4.2
<b>Responsible Department:</b>	Corporate and Community Services
<b>Date of adoption/review:</b>	

### 1. INTRODUCTION

The Council's Property Leasing Policy considers the way Council leases out its property assets.

This is a general policy that outlines Council's principles and values. It is not intended to be a rigid set of rules, but rather a framework that assists Council in participating in fair and equitable discussions with all types of tenants.

### 2. POLICY

#### 2.1 AIMS and PRINCIPLES

##### 2.1.1 Aim

To provide guiding principles that will enable the establishment and management of Council's leased assets in a way that is consistent with the Council Plan and maximises the use of the communities assets so that they are managed responsibly.

##### 2.1.2 Principles

This aim will be achieved by addressing issues in harmony with Council's values, inclusive of partnership, consultation and service. These values will provide the foundations for decision making. This will be done through the following key areas:

- Understanding and fostering community benefit.
- Maximising the value of Council's leased assets to Council and to the community.
- Providing an equitable and transparent process for dealing with subsidised leaseholds.
- Providing an easily understood subsidised rental application.
- Equitable and easily understood framework for subsidies.
- Encouraging community responsibility.
- Consideration of ownership of land



### **2.1.3 Objective**

The objective of the policy is to provide straightforward guidelines for the development of occupancy agreements, which clearly define the roles and responsibilities of both the tenant and the Council. The policy will provide a useful tool to ensure the best use of facilities is achieved and a clear relationship established between parties.

## **3. DEFINITIONS**

### **3.1 Lease**

A lease is a right granted by the owner of land to an occupant to have the exclusive use of that land in consideration for a payment, known as rent.

Nature of the interest.

- A lease creates an interest in land. An interest in land is:
  - i) binding on third parties (ie if the lessor sells the land the purchaser will take the land subject to the lease); and
  - ii) is, unless the lease specifies to the contrary, capable of being assigned.
- A lease is also a contractual agreement between the landlord and the tenant under which each party has certain contractual obligations.
- Council is prohibited under the Local Government Act 1989 (Vic) from entering into a lease exceeding 50 years.
- "The Local Government Act requires Council must give public notice of its intention to enter into a lease where:
  - the lease term is one year or more; and
    - the rent exceeds \$50,000 per annum; or
    - the current market rental value of the land is in excess of \$50,000 per annum; or
  - the lease term is 10 years or more; or
  - the lease is a building or improving lease (which is a lease that includes the construction of a premises or improvements or the carrying out of major redevelopment works by either party)."

A lease agreement will be generally used where the site is fully occupied for a specific purpose, such as bowls and hockey clubs or where a club has made substantial financial contributions to the development.

### **3.2 Licence**

A licence gives the licensee a right to occupy land (not exclusively) which without the licence would be unlawful.

Nature of the interest.

- A licence does not create any interest in the land.
- The rights created by a licence are personal and do not run with the land.
- A licence cannot be assigned unless the other contracting party agrees.
- A licence will terminate where the owner of the land ceases to own the land.

A licence agreement will apply when an occupier shares a facility or the premises offer the potential for the facility to be shared promoting greater use of Council assets, for example Cressy Neighbourhood House using the Cressy Maternal and Child Health Centre.

### **3.3 Seasonal Allocation**

A seasonal allocation is an agreement in which a club agrees to occupy a premises in accordance with the terms and conditions of Council's Seasonal Allocation Policy. It will generally relate to a pavilion or sporting ground which may include change rooms, social rooms, kiosks, kitchens, offices and public toilets where used by clubs. It will apply for an occupancy that occurs for a portion of the year and fits within the following seasonal dates set by Council.

Seasonal dates:

Summer	First Saturday in October to second Sunday in March
Winter	First Saturday in April to second Sunday in September

The establishment of these agreements will be in accordance with the seasonal allocation policy and will generally apply to football, cricket and soccer clubs.

The agreements may be in a form of a lease or licence depending on whether the interest satisfies the definition of a lease or licence as set out in paragraph 2.1 and paragraph 2.2 above respectively.

### **3.4 Asset Value**

The asset value of Council land and buildings is prepared by independent valuers. Council undertakes a formal revaluation of its land and buildings on a regular basis every three years.

## **4. TENANT GROUP DEFINITIONS**

Tenants are grouped in four major categories:

### **4.1 Group 1 – Community Services**

This group will receive the greatest discount or subsidy. This will include community groups that service the local community or an underprivileged group or disadvantaged group. The group will be reliant on Council funding and do not have the capacity to generate a significant amount of income. They will not engage in any form of commercial activity and are expected to utilise the premises for at least 60% of the time available.

Examples of these type of tenant include pre-school committees, senior citizen clubs and historical societies.

#### **4.2 Group 2 – Not for Profit Recreation and Sporting Clubs**

This group will pay a rental based upon a percentage of the asset value of the facility and receives a substantial discount or subsidy from a fair market rental. This group will include recreational or community groups that service the community and are readily available to Colac Otway residents. Such tenants may include netball, hockey clubs or the like. The rental for pavilions associated with grass based sports such as soccer, football or cricket clubs will be calculated as group 2 tenants but will generally be allocated a seasonal allocation unless they have made substantial funding contributions to their premises in which case they may be on a lease or licence for a pavilion.

Rental will be assessed in accordance with the factors outlined in 7.2

Examples of this type of tenant would include bowling clubs, tennis clubs and other sporting clubs (without gaming or other commercial facilities).

#### **4.3 Group 3 – Larger Non-Government Agencies (Not for Profit) in Receipt of Significant Grants/Fees or other Income**

This group will attract no discount or subsidy unless agreed by Council due to specific circumstances.

Examples of this type of tenant would include the leasing of:

- Botanic Gardens Tearooms, Colac (Otway Community College)
- Colac Central Bowling Club
- Lake Colac Bowling Club

#### **4.4 Group 4 – Commercial or Resident Group**

This group will attract no discount or subsidy and is for commercial or residential tenants of Council's assets.

Examples of this type of tenant would include the leasing of:

- Apollo Bay Airfield
- Apollo Bay Service Centre
- Caravan Park, Colac
- Caravan Park, Forrest
- Cinema and Auditorium, COPACC
- Fishing Co-Op, Apollo Bay
- Radio Towers

## **5. GENERAL PHILOSOPHY**

### **5.1 Tenants**

The following factors are to be considered when accepting a tenant:

- Community based tenants must service the Colac Otway community and further the goals of the Council Plan as well as where possible maximising the return on the asset.
- Any tenant or licensee must be a legal entity - that is either a person or an incorporated body.
- Any tenant or licensee must have adequate and appropriate insurance coverage.
- All commercial tenants are to be fully reference checked to assure the premises will be suitably maintained and rentals paid on time.

### **5.2 Optimum use of Facilities**

Council's goal is to ensure the greatest community benefit and value can be provided by the utilisation of Council's facilities. This is done by encouraging multi use of facilities and tailoring the services provided by tenants to best suit the community. Council will work with tenants to ensure the highest potential is achieved.

### **5.3 Crown Land**

Where Council acts as the Committee of Management over Crown Land, agreements will be prepared in accordance with the Department of Sustainability and Environment's guidelines. Leases and licences will take the form of those provided by the Department and Council's standard agreement will not be used. Council's standard maintenance schedules will be included within these agreements.

Before committing/entering into a lease for facilities on Crown Land, approval is required from the Department of Sustainability and Environment.

### **5.4 Renegotiation to Standard Terms**

When Council is making a significant financial input to a facility development this will be dependent on the club/organisation being prepared to renegotiate an existing agreement to bring it into line with standard lease terms.

Long term ongoing agreements may be renegotiated by both parties if it is seen to be in the best interests of the parties and for the benefit of the community.

The determination relieves Councils of complying with procedural obligations placed on landlords by the *Retail Leases Act 2003* (Act), such as disclosure of outgoings and notice of lease renewals. Councils are also exempt from the statutory maintenance and repair obligations imposed on landlords.

### **5.5 Retail Leases Act 2003**

In August 2008 the Victorian Minister for Small Business made a determination under the *Retail Leases Act 2003* (Act) to exempt certain leases of Council owned or managed property that the Act would otherwise cover.

The determination only applies to leases entered into after 1 August 2008.

Under the determination, the following two categories of leases (where Council is the landlord) will be exempt.

1. Where the premises are used by the tenant wholly or predominantly for any one or more of the following purposes:
  - Public or municipal purposes;
  - Charitable purposes;
  - As a residence of a practising minister of religion;
  - For the education and training of persons to be ministers of religion;
  - As a club for, or a memorial to, persons who served in the First or Second World War or in any other war, hostilities or special assignment referred to in the *Patriotic Funds Act 1958*;
  - For the purposes of the RSL;
  - For the purposes of the Air Force Association;
  - For the purposes of the Australian League of Ex-Servicemen and Women
2. Where the premises are used wholly or predominantly by a group that exists for the purposes of providing or promoting community, cultural, sporting or recreational or similar facilities or objectives and that applies its profits to promoting its objectives and prohibits payment to its members.

The second category also applies to leases where Council is acting as a committee of management within the meaning of the *Crown Land (Reserves) Act 1978*.

The determination relieves Councils of complying with procedural obligations placed on landlords by the Act, such as disclosure of outgoing and notice of lease renewals. Councils are also exempt from the statutory maintenance and repair obligations imposed on landlords.

This does not exempt the need for a lease.

## **6. RENTAL LEVELS**

### **6.1 Group 1 Tenants**

This group is fully subsidised. A full rental subsidy is offered to approved recreation or community groups that service the local community or an underprivileged or disadvantaged group and are not in receipt of significant grants or other income.

The minimum to apply at the time of the policy adoption is \$1 per annum.

### **6.2 Group 2 Tenants**

The rental calculation for Group 2 tenants will be assessed at the time of a lease being entered into or at renewal of an existing lease.

The greater the net community benefit, the greater the subsidy offered. The following describes the factors that may be considered in determining the level of rental and subsidy.

### *Capital Contribution*

Often groups or clubs have made a significant Capital Contribution on the site. This may include the addition of an asset on the property at the expense of the tenant.

### *Proposed Capital Contribution*

A group or club may enter into a lease agreement undertaking to carry out capital improvements at their expense or in partnership with Council or another agency.

### *Approved Use*

An approved use is one that is determined by the appropriate Council General Manager to fulfil a function, meet a demand, or provide a service, that is consistent with the Council Plan or the needs of the community.

### *Special Needs Group*

A group that actively promotes an activity for disabled, underprivileged or disadvantaged people, a lower socio economic group or other group with special or unique needs, may be eligible for certain levels of subsidy.

### *Limited Revenue Potential*

There are varying degrees of potential for a group or club to raise revenue. Many clubs are limited by the nature of their function which is the reason for having subsidised rentals. Tenants that have a gaming or liquor licence may be charged a higher rental. Groups will be encouraged to seek alternative revenue sources.

### *Community Access*

Maximising the community use of an asset is a Council priority. Groups are encouraged to make a leased facility available to other user groups in order to maximise the utilisation of the facility.

### *Maintenance Ability*

A tenant's ability to maintain a premises may be limited by their type of use. A tenant may undertake more maintenance in exchange for lower rental payments.

### *User Catchment*

Priority is given to tenants whose users are from the municipality. A local catchment would predominantly include residents of the township or surrounding areas. A regional catchment would include users from other areas.

### *Grants and Funding*

Some groups receive financial assistance from the Council. This may impact on level of rental and subsidy.

### *Other*

Other factors may be considered by Council if special circumstances exist.

### **6.3 Group 3 Tenants**

Group 3 tenants will pay a commercial market rental derived from the market unless a discount or subsidy is agreed to by Council due to specific extenuating circumstances.

### **6.4 Group 4 Tenants**

Group 4 tenants will pay a commercial market rental.

### **6.5 General**

Council reserves the right to amend the rental if a tenant gains liquor or gaming licences, or gains access to any other similar commercial means of income generation during the life of an agreement.

## **7. MAINTENANCE AGREEMENTS**

### **7.1 Introduction**

Generally the purpose of undertaking building maintenance is to ensure buildings remain suitable and safe for their intended use and their life cycle is extended as far as practical. It is in Council's interests to ensure its assets are adequately maintained.

Council is responsible for many buildings which it:

- Owns and operates (eg Council office/depot/library/public toilets);
- Owns and operates via a Committee of Management (Council appointed); and
- Manages as a Committee of Management.

### **7.2 Requirements**

The requirement of tenants to maintain their premises will vary depending upon the following factors:

- Ability to maintain
- Revenue potential
- Level of subsidy or grants
- Any special maintenance needs
- Rental level
- The requirements of any applicable retail leasing legislation

The Maintenance Schedule (Schedule A) will form part of the lease or licence agreements and will clearly identify maintenance responsibilities.

Buildings used for community services and not for profit recreation and sporting clubs are to receive maintenance support in accordance with Schedule A unless specified separately in a lease/agreement.

Buildings occupied and controlled exclusively by a club or organisation or buildings determined by Council as having no further use are to receive no Council support.

Community Services and Not for Profit Recreation and Sporting Clubs are defined as a building operated by (refer clause 3.1 and 3.2 for definitions):

- a) a Committee of Management for public purposes;
- b) an incorporated association undertaking community service under the auspices of Council.

Maintenance requirements for Group 3 Tenants (Larger non-government agencies) and for Group 4 tenants (Commercial) will be agreed to between the parties on suitability market controlled conditions.

### **7.3 Principles**

- a) Council has a responsibility to contribute to the maintenance of buildings that have a community use.
- b) Council has no responsibility to maintain/improve buildings on Council owned land occupied by an organisation or group exclusively for private purposes, subject to the requirements of the Retail Leases Act 2003 if the land is occupied pursuant to a lease subject to that Act.
- c) Wear and tear maintenance and works of a recurrent nature are the responsibility of the occupier or management body of the building, subject to the requirements of the Retail Leases Act 2003 if the land is occupied pursuant to a lease subject to that Act.
- d) Major maintenance and capital works are the responsibility of Council unless agreement with lessee.
- e) No guarantee can be given that works required can be funded by Council in any given year.
- f) Ongoing support for any building is subject to review based on use and need.
- g) Where insufficient funding is available an occupier may choose to proceed with works on its own accord subject to all works being approved by Council.
- h) All maintenance and other works shall be undertaken in accordance with good practice and all requirements of other Commonwealth and State Legislation or policy.
- i) All maintenance works undertaken by the tenant are to be reported to Council.
- j) Where maintenance is the responsibility of the tenant they need to ensure that their obligations are carried out as per the Lease or other documentation.

### **7.4 Assessment of Requests**

In assessing requests for major maintenance works Council must consider:

- Reason for request, for example safety issues, damage, deterioration;
- Estimated cost for works;
- Funds available and estimated additional annual works;
- Type of works and whether Council is responsible for the issue;
- Purpose of the building, existing and future use, and need, and
- Alignment with Council's strategic planning objectives.

## **8. GENERAL TERMS AND CONDITIONS**

### **8.1 A standard agreement will be developed for all tenancies except Group 3 and Group 4 Tenants.**

Agreements will be prepared for leases and licences which are tailored to each organisation and varied only when required. Additional clauses will be included in



agreements only when necessary to meet specific requirements of Council or the organisation involved.

Licence agreements will be negotiated in situations where the occupiers share the facility or where the facility is suitable for multiuse and will occupy for a period in excess of 6 months.

Council has a preference to enter such agreements in order for facilities to be used to the greatest potential, rather than only one user. Licences may be used for toy libraries, senior citizens and other clubs that share facilities.

Seasonal allocations will be granted where an organisation will not occupy the premises for the entire year. They may have occupied the premises from year to year but only for a season at a time and the premises will be used by another club in the alternate season. This will apply to some sporting clubs in particular cricket and football.

## **8.2 Rates, Taxes, Charges and Outgoings**

The tenant should pay for all rates, taxes (including GST and stamp duty) charges and outgoings that are levied on the premises or in conjunction with the establishment of the lease, subject to the requirements of the Retail Leases Act 2003 if the land is occupied pursuant to a lease subject to that Act.

## **8.3 Terms**

The term of the agreement will depend upon many factors including the following:

- the tenant;
- the ongoing need for the premises or provided use;
- substantial contributions to capital works;
- the stability of the tenant,
- suitability of the premises to the tenant; and
- the requirements of any applicable retail leasing legislation.

For leases where the rental levels are less than the commercial market rental or are not classified as a retail premises the preferred term of the lease will be for a period of 3 years.

Council sees the optimum term of the agreement as 3 years to best represent the Council and tenants. This allows for regular opportunities to meet and discuss occupancy requirements and to review:

- i) the value Council and the community receives from the lease or licence;
- ii) equity with other organisations in the community.

The regular changes made to leasing/licencing agreements will reflect the changing needs and legislative requirements of all parties to the agreement. It is seen as an opportunity to work with Council's tenants to ensure that they meet the needs of both parties.

A longer term lease may be negotiated where the community organisation is making or has made, a substantial capital contribution to the construction, improvement or maintenance of the property.

Retail Premises leases will be for a minimum of five years (which can include any option periods).

Consideration of a longer lease term will be made on a case by case basis.

Agreements will only exceed 10 years in exceptional circumstances and where there is significant return on investment for Council's asset. When this happens Council will undertake the requirements of section 190 of the Local Government Act including advertising the terms of the proposed agreement. Leases may not exceed 50 years in accordance with the *Local Government Act* (1989).

#### **8.4 Insurance**

All tenants are required to take out public liability insurance noting Council as an interested party or in joint names of the tenant and Council. A minimum cover of \$10m is to be provided unless otherwise stipulated by Council.

As a general principle, Council will fully insure all improvements on a leased premises unless otherwise agreed to in a lease. This amount will either be reimbursed by the tenant or considered as part of the rental structure.

Council will not insure the contents of any leased premises. Tenants may choose to provide this themselves.

Other insurances, such as professional indemnity, are the responsibility of the lessee.

#### **8.5 Use of Premises**

Council must approve any additional or changed use of a leased or licenced premise. Council reserves the right to review the rent or any other lease provisions when providing this consent. The proposed use will be subject to an assessment of derived community benefit and meeting the needs of the Council Plan. If the use changes or the service or organisation cease to exist the current agreement will automatically terminate and the building will be returned back to Council's control.

#### **8.6 Rent Review**

The rental for Group 1 tenants will not be reviewed for the life of the agreement as the agreement is for up to 3 years. Agreements for a period longer than 3 years must include a rental review clause.

Other rents will be reviewed regularly, and adjusted using the Consumer Price Index, a set percentage or a market review.

#### **8.7 Legal Fees**

The tenant will pay all legal costs associated with the establishment of a new lease agreement that differs from Council's standard lease document except if the lease is subject to the *Retail Leases Act* 2003.

### **8.8 Keys and Locks**

All keys should be compatible with the master set held by Council's Infrastructure and Services Department.

### **8.9 Planning Requirements**

All leases will encompass the conditions of any issued Planning Permit, and there must be ongoing compliance with Planning Scheme Requirements.

### **8.10 Safety Requirements**

Tenants are responsible to have in place emergency/evacuation plans and generally adhere to occupational, health and safety conditions.

### **8.11 Smoking**

Council has a Smoke Free Environment in Council owned and managed buildings and adherence is strictly required.

### **8.12 Water and Energy**

Tenants are encouraged to minimise water and energy usage.

### **8.13 Legislation and Regulations**

Tenants will be required to comply with all legislation and regulations etc.

### **8.14 Advertising on Council Facilities**

- a) Internal advertising is allowed in Council facilities without Council approval if it is advertising the group's own or community's activities.
- b) Other internal advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted.
- c) Any external advertising on Council facilities, unless on a designated notice board, requires the prior approval of Council. Political advertising will not be permitted unless approved by Council.

### **8.15 Gaming in Council Facilities**

Council will not generally support gaming facilities in Council owned and/or managed buildings.

## **9. PROCESS FOR ESTABLISHING OF LEASES**

The following outlines the procedures for negotiating and establishing a subsidised leasehold:

- Internal meeting to discuss particulars of proposed tenant with appropriate Council departments:
  - check status of land,
  - confirm statutory requirements,
  - review proposal with respect to Council Property Leasing Policy,
  - seek legal advice where necessary, and

- assess relevance of any compliance with Retail Leases Act.
- Meet with tenant to discuss terms and conditions of lease.
- Forward copy of lease to tenant for review.
- Where required advertise lease in Council's official newspapers inviting submissions pursuant to s.223 of the Local Government Act for a period of 6 weeks.
- Draft report for next Ordinary Council Meeting recommending execution of two copies Lease Agreement (dependent on submission process).
- Arrange for tenant to sign lease.
- Update Lease Register (in accordance with s11(m) of the Local Government (General) Regulations 2004) and store one original of Lease Agreement.
- Forward an original copy of Lease Agreement to tenant.
- Advise Finance, Infrastructure Services, Risk Management, Parks and Gardens and appropriate manager of lease details.
- Establish invoicing arrangement.

## **10. IMPLEMENTATION AND REVIEW**

The Council Property Leasing Policy will be published on Council's website. The Leasing Policy will be subject to periodic review.

### **ADOPTED/AMENDMENT OF POLICY**

<b>Policy Review Date</b>	<b>Reason for Amendment</b>
23 June 2010	Adopted by Council
24 July 2013	Review

**Schedule A**

**Maintenance Schedule and Responsibilities for Occupier and Council for Group 1 Community Services and Group 2 – Not for Profit Recreation and Sporting Clubs categories.**

**GROUP 1 – COMMUNITY SERVICES**

**LEASES**

Apollo Bay Old Cable Station – Historical Society  
Apollo Bay Radio Tower (Emergency Services)  
Apollo Bay Senior Citizens Centre  
Beech Forest Radio Tower (Emergency Services)  
CCDA Theatre (COPACC)  
Colac History Centre (COPACC)  
Lavers Hill Depot Radio Tower (Emergency Services)

**AGREEMENTS/LICENCES**

Cressy Maternal and Child Health Centre  
Kanyana  
Pre-Schools

**GROUP 2 – NOT FOR PROFIT RECREATION AND SPORTING CLUBS**

**LEASES**

Colac Aero Club  
Colac Anglers Club Inc.  
Colac Pistol Club Recreation Reserve  
Colac Players Shed  
Colac Tennis Tournament Club  
Pennyroyal Tennis Courts  
Public Open Space – Kennett River  
Rowing Club, Foreshore Reserve  
Wye River Surf Club  
Yacht Club, Foreshore Reserve

**AGREEMENTS**

Recreation Reserves

Item	Occupier's Responsibility	Council's Responsibility
<b>Air Conditioning and Heating Appliances</b>	<ul style="list-style-type: none"><li>• Service and repair when required</li></ul>	<ul style="list-style-type: none"><li>• Replacement of unit and any major parts</li></ul>
<b>Building</b>	<ul style="list-style-type: none"><li>• Determine and document the specific needs of the building relating to any requests to Council for building alterations.</li><li>• Prepare plans and obtain quotes for requests for minor improvements.</li></ul>	<ul style="list-style-type: none"><li>• Assess all requests submitted.</li><li>• Undertake works required to bring premises and surrounds to appropriate standards to meet the required regulations. This excludes items identified as the lessee's responsibility in this document.</li><li>• Preparation of long-term development plans, design of major building alterations or major structural works.</li></ul>

Item	Occupier's Responsibility	Council's Responsibility
<b>Cleaning</b>	<ul style="list-style-type: none"> <li>Keep premises in clean, sanitary and fresh condition.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Ceilings, Walls and Skylights (internal)</b>	<ul style="list-style-type: none"> <li>Cost of repairs due to major or continual misuse.</li> <li>Regular cleaning</li> </ul>	<ul style="list-style-type: none"> <li>Major repair and/or replacement due to structural faults/age.</li> </ul>
<b>Curtains/Drapes/Blinds</b>	<ul style="list-style-type: none"> <li>Repairs costs.</li> <li>Replacement costs.</li> <li>Supervision of installation of replacement items.</li> <li>Regular cleaning.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Doors (Inc. cupboard doors)</b>	<ul style="list-style-type: none"> <li>Regular cleaning and repair of internal/external doors due to major or continual misuse.</li> <li>Minor adjustments.</li> </ul>	<ul style="list-style-type: none"> <li>Replacement due to age, structural fault.</li> </ul>
<b>Electrical Wiring, Fittings and Lights</b>	<ul style="list-style-type: none"> <li>Additional or security lighting.</li> <li>Cost of repair and replacement of electrical wiring if damage is due to major or continual misuse.</li> <li>Repair and replacement of all light globes.</li> <li>Regular cleaning of all light fixtures.</li> </ul>	<ul style="list-style-type: none"> <li>Replacement of all building wiring from main supply to and including the switchboard.</li> <li>Replacement of light fittings.</li> </ul>
<b>Essential Safety Measures (eg fire extinguishers, exit lights etc)</b>	<ul style="list-style-type: none"> <li>Notification to Council of maintenance or servicing issues.</li> <li>Not to interfere or obstruct essential safety measures elements</li> </ul>	<ul style="list-style-type: none"> <li>Undertake inspections, servicing and maintenance of all specified essential safety measures as required under the relevant Building Regulations.</li> <li>Meet all costs associated with this function.</li> </ul>
<b>Floor Surfaces and Coverings</b>	<ul style="list-style-type: none"> <li>All regular cleaning and maintenance of floor coverings such as carpet and tiles.</li> </ul>	<ul style="list-style-type: none"> <li>Replace to essential areas when excessively worn or dangerous.</li> </ul>
<b>Fly Screens</b>	<ul style="list-style-type: none"> <li>Maintain and replace fly wire.</li> <li>Install additional fly screens</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Garbage</b>	<ul style="list-style-type: none"> <li>Normal fee for service waste collection</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Glass</b>	<ul style="list-style-type: none"> <li>Replace broken or cracked windows arising from misuse.</li> <li>Regular cleaning</li> </ul>	<ul style="list-style-type: none"> <li>Replace due to breakage arising from structural fault, age.</li> </ul>
<b>Grounds</b>	<ul style="list-style-type: none"> <li>Keep all entry/exit areas clear and sweep regularly.</li> <li>Maintain all grounds associated with building by cutting the grass, minor pruning, replacing trees, bushes and flowers if required.</li> <li>Repair fences.</li> <li>Remove dead foliage.</li> </ul>	<ul style="list-style-type: none"> <li>Repair paths, driveways etc.</li> <li>Replacement of essential pavement, driveway and carpark areas; retaining walls and ramps.</li> <li>Replacement of essential/required fences.</li> <li>Structural repairs or capital works re. fences.</li> <li>Trees lopped/pruned to meet security/safety requirements where considered dangerous.</li> </ul>

	<ul style="list-style-type: none"> <li>Seek Council approval for any modification to the grounds.</li> <li>Maintenance of garden beds.</li> </ul>	
<b>Item</b>	<b>Occupier's Responsibility</b>	<b>Council's Responsibility</b>
	<ul style="list-style-type: none"> <li>Maintenance of garden hoses and sprinklers etc.</li> <li>Cleaning and weeding of pavement and driveway areas</li> </ul>	
<b>Internal Appliances eg. Fans, Kettles, Food Processors etc.</b>	<ul style="list-style-type: none"> <li>Replacement as required of minor kitchen appliances.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Vandalism</b>	<ul style="list-style-type: none"> <li>Less than \$1000 (subject to change based on claims history)</li> </ul>	<ul style="list-style-type: none"> <li>More than \$1000 (subject to change based on claims history)</li> </ul>
<b>Keys and Locks</b>	<ul style="list-style-type: none"> <li>Repair and replacement of locks if damaged through major or continued misuse.</li> </ul>	<ul style="list-style-type: none"> <li>Replacement of lost or damaged keys as applies to Council's master key system.</li> <li>Supply of keys for user groups.</li> <li>Repair and replacement of locks as applies to Council's master key system.</li> </ul>
<b>Painting</b>	<ul style="list-style-type: none"> <li>Internal painting if damaged through major or continued misuse or colour scheme changes etc.</li> </ul>	<ul style="list-style-type: none"> <li>Internal and external for structural integrity reasons.</li> </ul>
<b>Permanent Fixtures</b>	<ul style="list-style-type: none"> <li>Regular cleaning of all fixtures.</li> <li>Repair and/or replace if damaged through major or continual misuse.</li> </ul>	<ul style="list-style-type: none"> <li>Replace when required the following items: <ul style="list-style-type: none"> <li>- hot water service</li> <li>- sinks and toilets</li> <li>- verandas attached to the building.</li> </ul> </li> </ul>
<b>Pest Control</b>	<ul style="list-style-type: none"> <li>Keep all areas in a clean and hygienic state.</li> <li>All pest control as required both internal and external.</li> </ul>	<ul style="list-style-type: none"> <li>Pest control relating to structural items (eg. woodborer and termites).</li> </ul>
<b>Plumbing</b>	<ul style="list-style-type: none"> <li>Cost of internal repair due to major or continued misuse.</li> <li>Replacement and repair of internal surface plumbing fittings such as toilet seats, taps and washers etc.</li> </ul>	<ul style="list-style-type: none"> <li>Replacement of damaged or corroded plumbing fittings, toilet bowls and cisterns.</li> <li>Repairs or works required for drainage purposes, including sewerage, drains, water pipes and pits.</li> <li>Replacement of gas pipes.</li> <li>Structural repairs or capital works.</li> </ul>
<b>Roof, Skylight, External Walls, Spouting and Downpipes</b>	<ul style="list-style-type: none"> <li>Cleaning of roof, external walls, spouting, downpipes and guttering.</li> </ul>	<ul style="list-style-type: none"> <li>All maintenance and repair of the structure of the premises as required.</li> </ul>
<b>Signage</b>	<ul style="list-style-type: none"> <li>Maintain and replace all internal/external signs relating to the committee.</li> </ul>	<ul style="list-style-type: none"> <li>Identification signage to be provided by Council where required.</li> </ul>
<b>Smoke Detectors</b>	<ul style="list-style-type: none"> <li>Install, repair and replacement of battery operated smoke detectors. Includes battery replacement as required.</li> </ul>	<ul style="list-style-type: none"> <li>Installation and maintenance of hard wire system where required.</li> </ul>

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<b>Telecommunication Systems (eg. fax, photocopiers, telephones etc)</b>	<ul style="list-style-type: none"><li>• Purchase, service and maintenance cost.</li><li>• Replacement costs.</li></ul>	<ul style="list-style-type: none"><li>• Nil</li></ul>
<b>Whitegoods (eg refrigerator, dishwasher etc)</b>	<ul style="list-style-type: none"><li>• Service and maintenance costs.</li><li>• Replacement costs.</li></ul>	<ul style="list-style-type: none"><li>• Nil</li></ul>





## LICENCE

### A LICENCE TO PASS OVER PRIVATE PROPERTY

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

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

{ INSERT LICENSOR NAME – TYPED } .....

{ INSERT LICENSOR SIGNATURE } .....

Licensor

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

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

..... Councillor

..... Councillor

..... Chief Executive Officer

..... Date

## LICENCE SCHEDULE

1. **Licensor** {INSERT ADDRESS OF LICENSOR HERE}
2. **Licencee** Colac Otway Shire Council of 2-6 Rae Street, Colac, Victoria, 3250
3. **Commencement Date** .....
4. **Term** \* Strike out one as inapplicable  
\*(i) 4 options of 5 years each (i.e. 5 x 5 x 5 x 5 years)  
  
**OR**  
  
\*(ii) 20 years
5. **Licence Fee** One dollar
6. **Payable** On signing hereof
7. **Licenced Land** Property description.  
  
{ATTACH COPY OF MAP}
8. **Specified Purpose** Walking and cycling access for the general public
9. **Special Conditions** **(1) Public Safety**  
  
The Licensor reserves the right to seal off the Licenced Land at any time whatsoever, having first given 3 months notice in writing to the Licensee of its intention, (except in cases of emergency) to prevent access by the general public when in the reasonable view of the Licensor public safety may be threatened by the Licensor's activities on or near the Licenced Land.  
  
**(2) Dispute Resolution**  
  
If a grievance arises out of or relates to this Licence, or the breach, termination, validity or subject matter of it, and if the grievance cannot be settled through negotiation, the parties to the Licence and to the grievance expressly agree to endeavour in good faith to settle the grievance by mediation administered by the Australian Commercial Disputes Centre (ACDC)

before having recourse to arbitration, litigation or some other dispute resolution procedure.

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

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

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

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

(e) This clause shall not merge upon completion.

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

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

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

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

personal injury or property damage arising out of the negligence of the Licensee.

**(5) Signage**

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

## **LICENCE CONDITIONS**

### **1. Grant**

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

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

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

## **2.1 Maintenance**

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

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

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

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

## **2.2 Fire Protection Works**

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

## **2.3 Condition at Termination**

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

## **2.4 Notices**

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

## **2.5 Compliance with Law**

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

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

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

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

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

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

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

#### **3.2 Allow Rubbish**

permit any rubbish to accumulate in or about the Licensed Land

#### **3.3 Burning**

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

#### **3.4 Assignment**

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

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

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

#### **3.6 Void Insurance**

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

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

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

## **4. General Conditions**

### **4.1 Termination on Default**

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

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

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

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

### **5.1 Renewal of Licence**

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

### **5.2 Renewal Procedure**

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

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







## ATTACHMENT 2 - COLAC OTWAY SHIRE - SUBMISSION RESULTS 'Draft Guidelines for considering the closure of the Great Ocean Road to conduct events'

Following the release of the draft 'Draft Guidelines for considering the closure of the Great Ocean Road to conduct events' in October 2013 for a public exhibition period of six weeks, 10 written submissions and 1 verbal conversation were received by Council.

The following table summarises the feedback received. All comments were considered by the Steering Committee with eight recommendations for minor amendments to be made to the Guidelines before it was considered by Council for adoption. 4 have resulted from the submissions whilst another 4 have influenced the Steering Committee to make further changes.

### Summary of Submissions

The following table provides a summary and analysis of formal submissions received in response to the 'Draft Guidelines for considering the closure of the Great Ocean Road to conduct events'.

Submission From	Submission Details	Changes to document?			Response/Change to the document
		Yes	No		
<b>Submitter 1:</b>	<ul style="list-style-type: none"> <li>The conversation was to alert the Shire that the submitter and others in Forrest were not pleased with the Hinterland roads closed for the Amy Grant Fondo.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>Submitter 1 believes that the Amy Gran Fondo should only close one lane.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted. VicPol and Vic roads have always maintained that both lanes must be closed.</li> </ul>
	<ul style="list-style-type: none"> <li>Submitter 1 also commented that he believed that this event did not bring any economic value to the Shire.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Submitter 2:</b>	<ul style="list-style-type: none"> <li>Submitter 2 advised that he thought the events that closed the GOR were great and appreciated all the work that is undertaken to allow them to happen.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

Submission From	Submission Details	Changes to document?			Response/Change to the document
		Yes	No		
<b>Submitter 3:</b>	<ul style="list-style-type: none"> <li>The document looked fair and reasonable, however was sure that some of the community feedback would be negative.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Submitter 4:</b>	<ul style="list-style-type: none"> <li>Applauded the committee for the thoroughness of these guidelines.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>The method and amount of compensation to be paid to businesses that are affected had not been addressed.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Refer below.</li> </ul>
	<ul style="list-style-type: none"> <li>Include in the Guidelines an amount to be paid and how businesses could apply and make their case for such compensation.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>The Steering Committee believes that this is an operational issue particular to the municipalities. Further negotiations to be held with event organisers to work with local business to leverage event benefits.</li> </ul>
<b>Submitter 5:</b>	<ul style="list-style-type: none"> <li>Disappointed that nothing had changed in the guidelines. The community indicated 2 closures per year and was not pleased about the exception clause of the GVBR every 6 years.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>The Guidelines have created a more robust process around which events obtain approval to close the road.</li> <li>This document severely limits more events closing the road until the next review in 2018.</li> </ul>
	<ul style="list-style-type: none"> <li>The community does not accept more than 2 closures per year.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>The Steering Committee discussed that holding the GVBR could be a request from the Minister's department in any case, as it has state-wide significance.</li> <li>At the Wye River community meeting there was some support for the GVBR every 6 years.</li> </ul>
<b>Submitter 6:</b>	<ul style="list-style-type: none"> <li>Appreciated the opportunity to comment and welcomed that the GVBR could return to our region in 3 years using the GOR between Apollo Bay and Anglesea and the efforts to acknowledge the</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>The Steering Committee discussed that holding the GVBR could be a request from the Minister's department in any case, as it has state-wide significance.</li> <li>At the Wye River community meeting there</li> </ul>

Submission From	Submission Details	Changes to document?			Response/Change to the document
		Yes	No		
	RACV GVBR as an exception.				was some support for the GVBR every 6 years.
Submitter 7:	<ul style="list-style-type: none"> <li>Changed the Guidelines date from September 5 to November.</li> </ul>	√		<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The amended Draft Guidelines reflect this change.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Background</b> – addition ‘and are effective for events proposed in 2015 onwards.’</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>This document severely limits more events closing the road until the next review in 2018.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Approval Authority</b> – addition ‘by majority. Vic Roads has the tie-breaking vote’.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Decisions regarding approval requirements of the Guidelines do not rely on a voting process but completed by collaboration by all the relevant agencies.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Number of events permitted yearly</b> – addition ‘The referred to event has the ongoing support of the Steering Committee as one of the two Events, but shall be subject to the pre and post event planning and reporting obligations in these guidelines.’</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>All events are subject to the municipality Event approval process for each council.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Event Bid Process</b> – Remove the word Bid.</li> </ul>	√		<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>The word ‘Bid’ has been removed and replaced with “ GOR Road closure Application”. Throughout the remainder of the document, the word ‘bid’ has been replaced with ‘Application’.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Event Bid Process</b> – Remove the first sentence ‘The Steering Committee will consider interest from suitable event organisers to conduct events on the Great Ocean Road. The method for selecting events will be via a formal competitive application process.’</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>The purpose of the Guidelines was to develop a process to enable other events requesting to close the GOR to make a submission to the Steering Committee.</li> </ul>

Submission From	Submission Details	Changes to document?			Response/Change to the document
		Yes	No		
	<ul style="list-style-type: none"> <li><b>Event Bid Process</b> – Include in 2<sup>nd</sup> Paragraph – ‘and that have an established history to the region’.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>These Guidelines were developed so that other events requesting to close the GOR are able to make a submission to the Steering Committee.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Event Bid Process</b> – Remove in 3<sup>rd</sup> Paragraph – ‘will consider providing’ replace with ‘is able to provide’.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>‘Will consider providing’ and ‘in principle’ report remains in the Guidelines as support is dependent on the performance of the event adhering to all elements of the event plan.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Event Bid Process</b> – Remove in 3<sup>rd</sup> Paragraph – ‘up to a three year’ and replace with ‘multi-year’. And then adding ‘however in most circumstances support will be provided to Events for up to three years. Established Events that have a proven track record and continue to meet the guideline requirements may be granted approval for a longer period.’</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>It is important to allow the process to flow and enable the annual review of events. After this time, the process will be reviewed.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Type of Event</b> – Include in 1<sup>st</sup> paragraph ‘and those with an established history in the region’.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>These Guidelines were developed so that other events requesting to close the GOR are able to make a submission to the Steering Committee.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Approval Lead Time</b> – Remove from 1<sup>st</sup> paragraph – ‘based on the competitive bid process.’</li> </ul>	√		<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Words replaced with ‘based on the competitive application process’.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Event Benefits – Environmental.</b> Include sentence after the paragraph called ‘Environmental’. ‘The Steering Committee shall look favourably on established Events that have a history of delivering on these policies, have additionally attracted investment and sponsorship and facilitate community participation in the Event and the regional generally.’</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Part of the Event Application process. This will also be developed as part of the Steering Committee assessment of the guidelines.</li> </ul>

Submission From	Submission Details	Changes to document?			Response/Change to the document
		Yes	No		
	<ul style="list-style-type: none"> <li><b>Communication Plan</b> – Delete in 1<sup>st</sup> paragraph after the first word, following 'in principle'.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>All events are based on an annual review. All agencies collaborate before permits are issued.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Event Debrief</b> – 2<sup>nd</sup> paragraph. Delete the word 'wishes' and replace with 'has been approved by the Steering Committee'.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Part of the Steering Committee assessment guidelines.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Event Debrief</b> – 2<sup>nd</sup> paragraph, delete the word 'shall' and replace with 'may'.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Steering Committee discretion decision.</li> </ul>
<b>Submitter 8:</b>	<ul style="list-style-type: none"> <li>This submission deals mainly with Risk Assessment and the submitter seems to have some knowledge of the ISO standard. The main risk identified centres around the groups of riders that 'claim the lane' in the lead up to the event. In this case, the example used was the Amy Gran Fondo</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>The Risk Management Plan for the Amy Gran Fondo is part of the Event Application and is reviewed by all stakeholders including VicPol. This situation will again be reviewed for the event in 2014 where additional VicPol resources will be requested to monitor the situation on the day before the event.</li> </ul>
<b>Submitter 9:</b>	<ul style="list-style-type: none"> <li>Requests were made for amendments be incorporated into the final guidelines, to reflect the recognition of the referred event as a significant, long-term regional event. The submitter has also requested that the 'Shire does everything in its power to secure the support of the Surf Coast Shire in adopting these amendments.'</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted. All suggested amendments have been answered under Submission 7.</li> </ul>
<b>Submitter 10:</b>	<ul style="list-style-type: none"> <li>The submitter is greatly concerned that no amendments have been made to the Guidelines after the community meeting at Wye River on 30/7/2013.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>

Submission From	Submission Details	Changes to document?			Response/Change to the document
		Yes	No		
	<ul style="list-style-type: none"> <li>Eight hour closure is too long – requesting the Guidelines to be changed to 7 hours.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Whilst the Guidelines quote 8 hours, the Event Application process which includes the Traffic Management Plan is scrutinised at every opportunity to open the roads as quickly as possible. Currently, both events open the GOR under 8 hours.</li> </ul>
	<ul style="list-style-type: none"> <li>Pg 2. The numbers of events shall be no greater than 2. The Guidelines also refers to the exception clause for the Great Vic Bike Ride (GVBR).</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>The Guidelines have created more robust process around which events obtain approval to close the road.</li> <li>This document severely limits more events closing the road until the next review in 2018.</li> </ul>
	<ul style="list-style-type: none"> <li>Pg 3. <b>Road Closures</b> – mention of the 5 hamlets in the guidelines</li> </ul>	√		<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Additional sentence inserted – ‘This also applies in particular to the 5 land locked hamlets located on the Great Ocean Road – Wongarra, Kennett River, Wye River, Sugarloaf and Separation Creek.’</li> </ul>
	<ul style="list-style-type: none"> <li><b>Duration of Events</b> – The trend to have ‘add on’ events e.g. Piccolo at the Amy Gran Fondo.</li> </ul>		√	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>This is managed through the operational meetings for the Amy Gran Fondo. Opening of the road at particular sectors is monitored by Vic Roads at the Emergency Control Centre. The Piccolo ride for the Amy Gran Fondo in 2014 will not be run.</li> </ul>
	<ul style="list-style-type: none"> <li>Only 2 road closures a year and when the GVBR is run, that a choice has to be made between the two existing events.</li> </ul>		√	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>The Steering Committee considered that the GVBR has unique benefits and diversity for the region.</li> </ul>
<b>Submitter 11:</b>	<ul style="list-style-type: none"> <li>Support for 2 events only and remove the exception clause for the GVBR. There is support for the Great Ocean Marathon however every 6 years for the GVBR, to relocate the Amy Gran Fondo.</li> </ul>		√	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>The Steering Committee considered that the GVBR has unique benefits and diversity for the region.</li> </ul>



## Guidelines for considering the closure of the Great Ocean Road to conduct events (November 25, 2013)

### Background

The Great Ocean Road is one of Victoria's principal tourist routes and one of the world's most famous coastal drives. While principally a tourist road, it provides an equally important role in providing access for residents and business within the coastal towns and villages that abut it.

Given the road's iconic nature, events on the Great Ocean Road attract large numbers of participants, bringing with it an economic benefit to the region, particularly during the off peak tourist season.

Unregulated closures of the Great Ocean Road, for the purposes of conducting events, will impact on the access and mobility of residents and the region's ability to attract tourists, resulting in adverse flow on effects to communities and business.

VicRoads, Victoria Police, Municipalities and the community recognise that whilst major events provide economic and tourism benefits to the region, a balance must be struck to maintain access and mobility for these communities.

The objective of these guidelines is to provide a framework and a consistency in the approach for considering requests for the closure of the Great Ocean Road for the purpose of conducting events that impact upon both municipalities of Surf Coast and Colac Otway Shires through the closure of the Great Ocean Road.

These guidelines have been developed in collaboration with VicRoads, Surf Coast Shire, Colac Otway Shire and Victoria Police, incorporating extensive consultation with the affected communities along the Great Ocean Road.

### Definitions

#### Great Ocean Road

For the purpose of these Guidelines the Great Ocean Road shall be considered as the section of road between the two townships of Anglesea and Apollo Bay (from O'Donohue Road, Anglesea to Cawood St, Apollo Bay).

#### Event

The types of events covered by this Guideline include; triathlons, fun runs, marathons, community sporting events, cycling, motoring and other events.

Road works are not classified as events for the purpose of this document.  
An event is one that is classified to operate during day time hours, (maximum of 8 hours) during the low season, May 1- 31 October.

#### Closure

Where public traffic is restricted from travelling in one or both directions of the Great Ocean Road for a duration of greater than 20 minutes.

#### Note:

- Closure does not include hold and release type management.
- Closures in townships where a reasonable detour is available will not be classified as closures for the purpose of this document.
- One day is defined as no greater than 8 hours.



<u>Inland Route</u>	Roads providing a connection between the Princes Highway and the Great Ocean Road.
<u>Steering Committee</u>	Organisations represented on the steering committee; VicRoads, Surf Coast Shire, Colac Otway Shire and Victoria Police. VicRoads is the secretariat of the Steering Committee.
<u>Low Season</u>	For the purposes of this document, the low season is defined between the dates of 1 May and 31 October.
<u>Yearly</u>	Calendar year not financial year.
<u>Document Name</u>	The name 'Guidelines for considering the closure of the Great Ocean Road to conduct events' to be referred to as 'Guidelines' for the remainder of this document.

### **Approval Authority**

Within the meaning of the Road Management Act 2004, VicRoads is the Responsible Road Authority for the Great Ocean Road and in accordance with the Road Safety Act 1986 Section 99B, has authorising powers to issue a permit for the closure of the Great Ocean Road for a non-road activity.

Victoria Police provide permission for an event to be held on a road in accordance with the Road Safety (Traffic Management) Regulations 2009. (Part 3 – Activities on Roads)

Closures will only be approved with the agreement of the Steering Committee.

### **Municipal Event Policies**

These Guidelines are to be used in conjunction with existing municipal event policies. Suitability of events should be considered by both municipalities in accordance with their own existing Event Policies/Strategic Plans.

In assessing events, impacts on neighbouring municipalities should be considered and appropriate community and stakeholder engagement undertaken.

Contact either Surf Coast Shire 03 5261 0600 or Colac Otway Shire 5232 9400 to determine the co-ordinating municipality.

### **Number of events permitted yearly**

The number of events permitted to conduct a closure of the Great Ocean Road shall be no greater than two per year and must be in the low season. Events must be subject to each municipalities Event Approval process.

In the context of these Guidelines any request to conduct an additional event would be considered as an exception.

Every six years an additional permit may be issued to accommodate the Great Victorian Bike Ride outside of the low season.

### **Event GOR Road Closure Application Process**

The Steering Committee will consider interest from suitable event organisers to conduct events on the Great Ocean Road. The method for selecting events will be via a formal competitive application process.

The Steering Committee appreciates the significant workload involved in preparing and running an event for the first time, and the length of time to develop sustainable events. Due to this, events proposed to run on an annual basis will be considered more favourably.

The Steering Committee will consider providing in-principle support to events for up to a three year period. Event organisers will be required to submit applications based on a set of criteria including but not limited to:

- Regional and local benefits (as per Benefits section)
- Proven event organisation experience.
- Financial capacity and event sustainability.

Whilst in-principle support may be provided for a three year period, event support will be reviewed on an annual basis to ensure events adhere to the application process and benefits detailed in their submission.

### **Low Season Event Timing May 1 – October 31**

Closures are to be restricted to the low season between 1 May and 31 October. Support for events in the low season is a key element of the relevant State Government Departments.

Events will not be considered that involve closures of the Great Ocean Road during school holidays, public holidays or long weekends.

The duration of closures should be kept to a minimum and conducted at times that minimise their impact on traffic.

### **Road Closures**

Each event is to be considered on an individual basis in relation to the location of closures on the Great Ocean Road and any other closures on the wider network related to the event (eg: inland routes). The closure of inland routes should be avoided where ever possible or co-ordinated in such a way to minimise any adverse impacts. This also applied in particular to the land locked 5 hamlets located on the Great Ocean Road - Wongarra, Kennett River, Wye River, Sugarloaf and Separation Creek. Events that minimise closures, particularly in regard to inland routes, will be considered more favourably.

### **Duration of events**

The duration of a closure of the Great Ocean Road for an event shall be limited to no greater than 8 hours in one day with rolling opening times strongly encouraged to minimise community disruptions. Times will be staged and sections clearly advertised.

Events with a closure duration of greater than one day will not be considered.

### **Type of Event**

The types of events to be considered as warranting closure of the Great Ocean Road shall be limited to events of International, National or State significance where coverage of the event and participation is available to a wider audience, and must be able to demonstrate significant benefits to the local communities.

The event must demonstrate a capacity to support, enhance and reflect community values including health and well-being and State and Local Government policies.

Events that allow the general public to access and participate in the event will be considered more favourably than closed or restricted events that do not allow this participation.

However, events able to generate a wider community participation and ancillary participation outside of the direct event shall not preclude the event from being considered.

### **Approval Lead Time**

The Steering Committee shall establish a calendar of approved events for an 18 month rolling period on the Great Ocean Road – based on the competitive application process.

Event proposals are required to take into consideration enough lead time to provide consultation and approvals for events.

## **Event Benefits**

It is acknowledged that some events may impose inconvenience in local access to the community. Documentation shall be provided to the Steering Committee from the applicant via the coordinating municipality to enable an assessment of the benefits and the impacts flowing from the Event. The Steering Committee will review the balance of the impacts/benefits in relation to State and Local Government policies regarding:

**Social:** Community identity and pride can be generated through tourism. A positive sense of community identity can be reinforced and tourism can encourage local communities to maintain their traditions and identity. Events can bring communities together, provide opportunities to fundraise and facilitate community strengthening activities. Events promote a region's liveability. Events can in some instances contribute financially to local infrastructure improvements. However, events that impact on access can have detrimental social impacts. Event organisers will need to consider and provide evidence of how their event provides social returns that outweigh social impacts.

**Economic:** Major events stimulate business and create jobs. Increased spending in the community generated from visitors or tourism businesses can directly and indirectly promote the viability of local businesses.

Tourism operators can play a role in highlighting the broad prosperity that tourism can bring to a community and will contribute to a greater understanding and respect for the value of tourism.

Events bring many visitors to our region, which is particularly important in the low season. An important aspect of major events utilising the Great Ocean Road is that they create awareness of the region and encourage repeat visitation.

The closure of the Great Ocean Road can impact on local business trade. Event organisers will need to identify how local businesses can receive benefits from the event and provide evidence that the benefits to the area outweigh the impacts.

**Environmental:** benefits may include providing financial or in-kind support for the conservation of the local environment and natural resources will enhance the reputation of any tourism business. Tourism, particularly ecotourism, can place a greater focus on the conservation of natural resources through the recognition of their importance to visitor experiences and their economic value to the local community.

The overall benefits to the affected communities must be demonstrated via an independent assessment. The event organiser will need to provide the independent assessment prior to approval. Each Council will provide a list of preferred suppliers. For the event to be considered, the benefits of both municipalities must be demonstrated in the event proposal.

## **Risk Management and Agency/Community Capacity**

A risk assessment must be undertaken in accordance with ISO 31000:2009, and provided as part of the Event Application. This risk assessment must include a risk matrix covering all likely issues.

Each municipality's Event Policies/Strategic Plan requirements need to be considered.

An evaluation must be undertaken to ascertain the ability and level of support available from the agencies for the event. It must also identify the impacts on the local community should the event require the use of local essential services.

The event should aim to be self-sufficient and demonstrate no impact on existing local services that cannot be managed (eg: medical, logistical, infrastructure, crowd management, traffic management, emergency management, access etc.). This must also be considered by the event applicant as a part of the Event Application.

## **Environmental Impact**

An assessment of the environmental impact the event will have on the local environment must be considered and included with the submission of the Event Application.

The co-ordinating Road Authority or Municipality may impose a bond in accordance with Section 99B of the Road Safety Act (1986) or through municipal event plans to recover costs involved in cleaning up after an event where this hasn't been carried out appropriately by the organiser.

Each municipality may introduce an event bond to ensure the environmental impacts are minimised by each event. (Refer to the Shire Event Policy and Event Management Plan for further details).

### **Communication Plan**

Following in-principle approval, a draft communication plan for notification of traffic disruption on the Great Ocean Road will need to be developed and approved by the Steering Committee 6 months prior to the proposed Event date.

The draft communication plan will outline the process that will be undertaken to consult with all affected communities.

Event organisers are to coordinate a pre event community meeting and a debrief post event in the township most affected by the road closure as agreed by the Steering Committee. Municipalities are able to assist with database information. Event organisers will cover the costs of facility hire and other associated costs. Event organisers must liaise with the Steering Committee to structure the format of both meetings.

Typical expectations for additional community consultation include information mail outs and community signage and other promotional information such as media articles, letters, posters, and associated websites.

### **Event Debrief**

Where an event is approved and completed, an independent assessment will be carried out every year of the impacts/benefits to the broader community of the event and its outcomes shall be undertaken with a summary provided to the Steering Committee within 3 months following the event at a Debrief Meeting.

If an event organiser wishes to run an event on an annual basis, any matters raised in the Event Debrief must be included in the Risk Management Plan and mitigated appropriately. If this is not completed to the satisfaction of the Steering Committee, the in-principle agreement to the Event shall be revoked.

### **Confidentiality**

Until such time as in-principle approval is formally provided, the Event Application or the Event shall remain confidential.

### **Review**

These Guidelines will be reviewed by the Steering Committee in 2018.



# Colac Otway Shire – Fraud Control Plan

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## 1. Fraud Control Framework.

Best practice fraud control in the local government sector recognizes that the foundation of an effective fraud control framework is a detailed fraud control plan. The Fraud control plan is the linkage document that brings together all aspects of the fraud control framework to ensure that they operate consistently and informed of each other.

Council's fraud control plan is prepared along these lines and should be considered as part of a broader suite of Council policies, procedures and practices that constitute the Colac Otway Shire's Fraud Control Framework



Image Source: Victorian Auditor-General's Office

## 2. Council's Approach to Fraud Prevention

In accordance with the Australian Standard for Fraud and Corruption Council has developed a Fraud Control Plan. The purpose of the Fraud Control Plan is to document the approach to controlling fraud at the strategic, tactical and operational levels. The Fraud Control Plan directly supports the principles underpinned in Council's Fraud Prevention Policy.

It also details Council's intended action in implementing and monitoring fraud corruption and prevention, detection and response initiatives.

This document is specifically directed to the following:

- CEO, Directors, Managers and the Internal Auditor to inform them of their obligations to include issues of integrity in their day to day management.
- Directors and Managers who bear the primary responsibility for the implementation of the fraud control plan activities on behalf of the CEO.
- Members of the Audit Committee who are required to oversee the issues covered by this fraud control plan.
- Employees, Volunteers and Contractors who have an obligation to report suspicions of fraud and to safeguard Council assets.

The Fraud Control Plan seeks to enhance integrity and reduce the risk of fraud as well as assist staff to make decisions in the reporting of fraud, corruption and over criminal offences. It is also designed to protect the security, reputation, public money and property, whilst maintaining a high level of services to the community consistent with good governance of Council.

Fraud against Colac Otway Council or other parties will not be tolerated in any form or to any degree. Employees, volunteers and contractors are urged to exercise diligence, integrity and the highest level of ethics in fulfilling their duties and in all dealings.

Council is committed to:

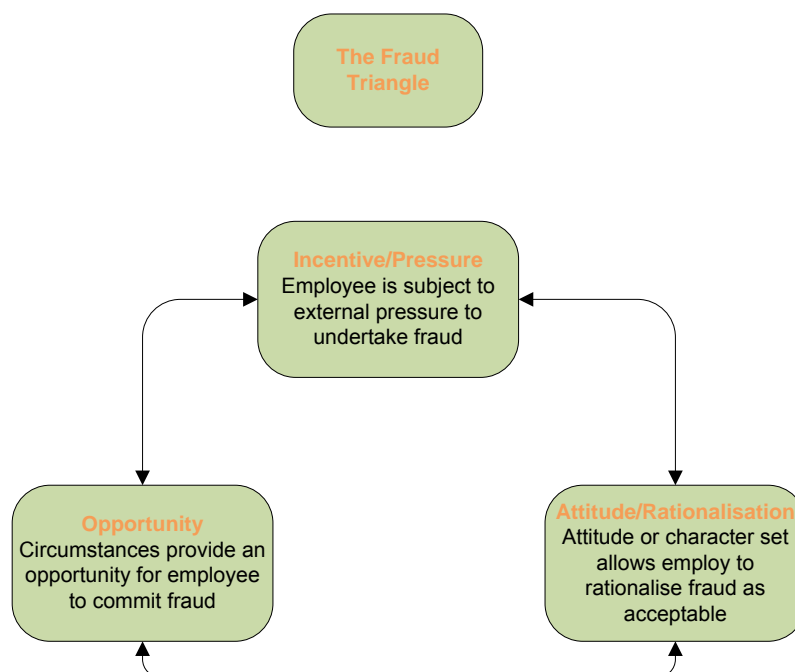
- Encouraging, employees, volunteers and contractors to act with the highest integrity.
- Ensuring employees, volunteers and contractors do not abuse their positions.
- Protecting revenue, expenditure and property from any attempt of fraud by either employees, contractors, volunteers or other parties.

Management of Colac Otway Council has a responsibility to ensure that fraud risk assessments are conducted and appropriate fraud prevention strategies are implemented where necessary.

The effective implementation of this fraud control plan will help to ensure that public confidence in the integrity of Council is maintained. It will also ensure that Council has the capability to minimise the loss of resources due to fraud thereby maximising capacity to achieve its strategic goals.



### 3. Context of Fraud Control



The focus of the fraud control plan is to reinforce and build on the awareness and practice around the Councils Code of Conduct and Fraud Prevention Policy. This will help reduce the opportunity for fraud and the ability for staff to rationalize its conduct.

### 4. Regular Program for Fraud Risk Assessment

Council has developed a process of Business units reviewing risks within their areas through its preparation of formal risk assessments in accordance with the risk management standard. It is within this context that fraud risks are assessed.

In accordance with the Fraud Control and Reporting Policy each Business Unit is required to review its Fraud Risks as part of Councils comprehensive risk assessment process.

### 5. Council's Code of Conduct

Council's Code of Conduct provides clarity in relation to the expectations of the conduct of employees, volunteers, contractors and agents who act on behalf of the Council. Key aspects of the code of conduct are integrity, responsibility, innovation and respect.

### 6. Council's Fraud Prevention Policy

Council's Fraud prevention Policy outlines the principles of fraud control and the processes to be followed in relation to the detection and reporting of suspected fraudulent behavior. The policy outlines the responsibilities of employees, Councilors, contractors and authorized agents.

## 7. Key fraud risks and Internal Controls

The areas of highest fraud risk across Council, and which Divisions they impact upon have been identified as follows.

RISK NO.	RISK DESCRIPTION	RESIDUAL RISK	POSSIBLE IMPROVEMENTS	DUE DATE
1	Misuse of purchase orders (purchasing)	Red	Stop admin staff initiating, review ability of staff to raise and approve PO's, Review delegations, Formalise report of orders raised and approved by same officer	
2	Councillor not declaring conflict of interest	Amber	Lobby state government	
3	Manipulation of sales data and receipts from Sale Yards	Amber	Integrate systems with Council, review governance structure and management reporting	
4	Manipulation in contract management - Fraud and corruption)	Amber	review procedures	
5	Favorable selection of suppliers/contractors	Amber		

**Fraud Awareness and Training**

All council employees, contractors and volunteers are receive comprehensive fraud awareness and code of conduct material as part of their induction process. In addition compulsory fraud awareness training is built into ongoing training and development activities on an annual basis.

The objective of fraud awareness training is to:

- Raise awareness of relevant policies and procedures
- Inform participants of what constitutes fraud
- Communicate CoGG has a zero tolerance to fraud
- Inform staff of their obligation to report suspicions of fraud and that report is to be undertaken.

**Role of the Internal Auditor and the Audit Committee**

In addition to been the recipient of reports of suspected fraud, and the appropriate auctioning of these reports the internal auditor is required to play a key role in ensuring that the policy and procedure framework managing fraud exposures is implemented and operating effectively.

The internal auditor is required to report to the audit committee on the fraud management process across council on a minimum of an annual basis, or more frequently where appropriate.

# **Road Management Plan**

Version 3.0  
Adopted –



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## Road Management Plan

### GENERAL

#### Distribution

The General Manager of Infrastructure and Services shall be responsible for the:

- Control of this Plan,
- Distribution of the Plan, and
- Control and issue of any amendments.

#### Amendment Register

Issue	Date	Details	Amendment By
Version 1.1	April, 2006	Amendment No. 1	Gary Dolan <b>General Manager Infrastructure &amp; Services</b>
Version 2.0	June, 2009	Amendment No. 2	Neil Allen <b>General Manager Infrastructure &amp; Services</b>
Version 3.0	December, 2013	Amendment No. 3	Adam Lehmann <b>Acting General Manager Infrastructure &amp; Services</b>



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## **1.0 INTRODUCTION**

### **1.1 Background**

Colac Otway Shire is the road authority for those roads within the municipality for which it accepts management responsibility. Colac Otway Shire exercises its duty of care to the public in a number of ways, including planning and undertaking repairs and maintenance to the road network that it manages.

Colac Otway Shire demonstrates its duty of care through having in place a reasonable regime to:

- Inspect the road network to discover defects; and
- Plan and implement repairs to overcome these defects

Where a dangerous condition in the road network is shown to exist, Council may satisfy its duty of care to road users which may include taking one or more of the following actions, depending on the circumstances of any particular case:

- Prioritising the condition in a capital works or maintenance program;
- Installing appropriate signs warning of the dangers;
- Closing the road; or
- Repairing the dangerous condition completely.

#### **1.1.1 History**

Negligent repairs and maintenance were known as *miskeasance*. Road authorities in the past may have been liable for injuries and loss caused by misfeasance.

Where a road authority fails to construct, repair or maintain a road under its control, this is known as *nonfeasance*. Under this long-standing common law rule, road authorities in Victoria were protected from findings of negligence in respect of the condition of a road due to any failure to maintain or carry out remedial or improvement works. The High Court of Australia abolished the nonfeasance immunity of highway authorities in May 2001.

The *Road Management Act 2004* was implemented as the long-term resolution to road management issues. For Council to show that it has satisfied its duty of care to road users, it is required to demonstrate that it has in place a reasonable regime for inspecting the road network to discover defects and a reasonable system for planning and implementing repairs to overcome those defects.

#### **1.1.2 Legislative Requirements**

Council has many obligations specified and its activities must fall within the powers provided by Acts of Parliament, associated Regulations and common law.

The foremost legislative powers and duties in relation to Council's management of its road assets are:

- *Local Government Act 1989*
- *Road Management Act 2004*



### **1.1.3 Local Government Act 1989**

This Plan has been developed to reflect the purposes and objectives of Council as specified in sections 6 and 7 of the *Local Government Act 1989*. Section 6 (1) of this Act describes the purposes of a Council that includes the following:

- To provide equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively; and
- To manage, improve and develop the resources of its district efficiently and effectively.

The *Local Government Act 1989* contains the legislation relating to the care and management of all public highways vested in the Council and all roads that are the subject of a declaration under section 204(2).

Section 205(2) states 'A Council that has the care and management of a road:

- a) Must ensure that if the road is required for public traffic, it is kept open for public use (subject to the exercise of any powers that it has to the contrary under Schedules 10 and 11);
- b) May carry out work on the road; and
- c) Is not obliged to do any particular work on the road, and in particular, is not obliged to carry out any surface or drainage work on an unmade road.

### **1.1.4 Road Management Act 2004**

The *Road Management Act 2004* ('the Act') establishes improved road management legislation to provide a more efficient and safer road network for all road users.

The aim of the Act is to establish for road management authorities, management systems for the public road network that they manage. The Act assists Council, as a road authority, to determine its own appropriate management plan and standards in order to manage civil liability by defining and achieving its responsibilities.

The objectives of the Act are to:

- Specify the general rights of road users and their obligations in relation to responsible road use;
- Establish a system for the management of safe and efficient public roads that best meets the needs and priorities of the community within the limitations of Council's resources and budgetary frameworks;
- Establish a system of road classification for the division of responsibilities between State and local road authorities;
- Provide for the keeping of a register which records public roads to be constructed, maintained and managed by Council; and
- Clarify the law relating to civil liability for the management of public roads and other public highways.

As a Road Authority, Council has the general management functions of:

- Provision and maintenance of a network of public roads for use by the community;
- Management of the use of public roads having regard that the primary purpose of a road is use by member of the public;
- Management traffic on public roads; and
- Coordinating the installation of infrastructure on public roads in such a way to minimise adverse impacts on the provision of utility services.

The Act also allows for a road authority to develop and publish a Road Management Plan, and outlines the applicable purpose, contents, powers and procedures.



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#### **1.1.5 Duties of the Road User**

A road user has specific duties in the respect to the use of a public highway, including having regards to the rights of other road users. A road user must also take all due care to avoid causing the risk of damage to a public highway or any infrastructure located in the road reserve.

A person who drives a motor vehicle on a public highway must drive in a safe manner having regard to all the relevant factors including the:

- Standard of construction of the road;
- Prevailing weather conditions;
- Level of visibility;
- Condition of the motor vehicle;
- Prevailing traffic conditions;
- Relevant road laws and advisory signs; and
- Physical and mental condition of the driver.

The *Road Safety Act 1986* requires other road users (other than those driving a motor vehicle) to use a road in a safe manner, having regard to all the relevant factors. Other obligations of road users are also set out in the *Road Safety Act 1986* in regard to relationships with other road users and damage to road infrastructure.

#### **1.2 Road Management Plan**

The Road Management Plan ('the Plan') sets the relevant standards and policy decisions in relation to the discharge of Council's duties in the performance of its road management functions.

This Plan details the management systems that Council will implement to maintain, upgrade and operate its physical road assets cost-effectively.

Colac Otway Shire through the Plan accomplishes its duties by combining engineering principles with sound business practices, and providing tools to facilitate an organised logical approach to decision making.

The following basic elements are included in Council's Road Management Plan:

- The relevant standards and policies in relation to Council's performance of its road management functions;
- Descriptions of the road asset management systems that Council has established and will implement to effectively provide a road network that is appropriate and meets the needs of road users and the community;
- A schedule of maintenance processes and standards, taking into account affordable community needs; and
- Reference to all relevant Codes of Practice.

#### **1.3 Codes of Practice**

Council is guided in their application of the Plan through Codes of Practice, as part of the Act. The codes set out benchmarks of good practice in relation to the road management duties of councils and allow scope for individual councils to set standards and allocate road maintenance priorities according to their particular level of resources.

The Plan should include matters that a relevant Code of Practice specifies.



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Code of Practice objectives include:

- To set benchmarks for exercise of powers and conduct of utilities, service providers and infrastructure managers;
- To clarify and determine operational responsibility for different parts of the road reserve; and
- To provide practical guidance in determining how to allocate resources, develop policies, set priorities and make road management plans.

A Code of Practice cannot:

- Impose a duty;
- Direct how operations may be done;
- Create an enforceable legal right; or
- Impose a liability or penalty.



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## **2.0 COUNCIL OBJECTIVES/POLICY**

The Colac Otway Shire is committed to continual improvement in the way it manages its road network and associated assets. A fundamental component of this task is maintenance or the management of the ongoing performance and condition of this infrastructure.

This Road Management Plan provides a vision for how Council plans to manage its road network. This vision will ensure that the community is provided with a road system that returns optimum economic benefit for the life of the asset while recognising social, safety, environmental and user needs.

This document provides a policy framework to guide Council's management of the road infrastructure under its authority. It defines roles and responsibilities for decision making, outlines the way management requirements should be assessed, and addresses appropriate methodologies for roads based funding.

### **2.1 Key Stakeholders**

A stakeholder represents any groups or individuals having an interest, in this case, the service provided by Council's road network.

The stakeholders in the management of Council's road and other related assets are many and often their needs are wide-ranging. The relevant key stakeholders are:

- Local residents including private car drivers, cyclists, pedestrians, etc;
- Industrial and commercial operators and other transport services;
- Emergency services;
- Enforcement agencies;
- Primary producers;
- Land developers;
- Other Government Departments;
- Tourists and visitors to the area;
- Utilities as prescribed in section 3 of the *Road Management Act 2004*; and
- Council as the custodian of the network, including all internal and external support staff.

The community's needs and expectations are subject to change frequently and are becoming more demanding manifested by demands for services that provide better quality, value for money, environmental awareness and relevant value adding.

### **2.2 Key Outcome Areas**

The specific objectives of Council's vision are:

- To ensure sound road management decisions;
- To ensure that Council's road assets perform effectively throughout their service lives; to appropriate standards, which have been set with due consideration of community expectations;
- To enable a sound basis for establishing road funding requirements; and
- To ensure sound allocation decisions between capital works and maintenance.

### **2.3 Policy Framework**

This policy framework provides that Colac Otway Shire apply a systematic approach to its road management responsibilities.

Maintenance and construction performance criteria are defined to ensure that a safe and efficient road network is provided to the community. Council approved funding levels corresponding to these performance criteria are allocated to achieve such standards.



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## **2.4 Council Plan**

The Road Management Plan is a key document in Council's overall strategic planning objectives and is structured to meet the requirements of the *Road Management Act 2004*.

The Council Plan outlines the principles that support Council's commitments and serves as a standard by which community outcomes can be assessed. The Council Plan is a dynamic document which is updated annually to reflect changing priorities and impacts of external factors.

The Colac Otway Shire's Road Management Plan is consistent with Council's commitment to providing and maintaining infrastructure and assets that meet community needs now and in the future, whilst providing Best Value to the community.

## **2.5 Council Policies & Strategies**

The Colac Otway Shire applies a 'whole of life' approach to the management of its Infrastructure Assets. This provides for an encompassing view of asset management through the application of an Asset Management Policy and a Strategic Asset Management Plan.

In its simplest terms, asset management is about the way in which we look after the assets around us, both on a day-to-day basis (maintenance and operations) and in the medium to long term (strategic and forward planning).

## **2.6 Best Value**

In association with Best Value, Council is required to comply with the Best Value Principles as defined by the *Local Government Act 1989*, section 208B. Council has considered these fundamental principles in developing the relevant standards, policy and operational objectives as they relate to this Plan.

The principles that Council must observe are as follows:

- There must be quality and cost standards set for all services that a council provides to the community;
- All services provided by a council must be responsive to the needs of the community;
- Each service provided by a council must be accessible to those members of the community for whom the service is intended;
- A council must achieve continuous improvement when providing services to the community;
- A council must develop a program of regular consultation with its community in relation to the services it provides; and
- A council must report regularly to its community on its achievements in relation to the Best Value Principles.

## **2.7 Asset Management Policy**

The Asset Management Policy states Council's commitment to working towards implementing most appropriate asset management principles to ensure that assets are planned, created, operated, maintained, replaced or disposed in accordance with Council's priorities for the services it delivers.

This policy provides a framework and guiding principles for the processes involved in managing Council assets. The policy provides clarity of expectations when planning, creating, maintaining/operating and reviewing Council's assets.



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## **2.8 Road Asset Management Plan**

The objective of Council's Road Asset Management Plan is to outline the particular actions and resources necessary to manage the local road network and associated assets to provide a defined level of service in the most cost effective manner. A significant component of the plan is a long-term cash flow projection for the activities.

The aim of this plan is to:

- Identify all assets within the class of roads and associated infrastructure,
- Develop a level of service to which these assets will be developed and maintained,
- Determine lifecycle costs based on current management techniques,
- Assess risks involved in the operation of these assets,
- Develop management strategies to enable Council to operate a sustainable road network that meets the communities expectations for performance, and
- Identify a short and long term improvement program so that financial costs and information may be modeled and refined.

## **2.9 Risk Management Policy**

The Colac Otway Shire is committed to managing risk by logically and systematically identifying, analysing, assessing, treating and monitoring risks that are likely to adversely impact on Council's operations.

The purpose of this policy is to provide a framework for risk management, and to define the responsibilities of staff and management in the risk management process.

The Colac Otway uses the Risk Management Standard AS/NZ ISO 31000:2009 – Risk Management. For all significant risks associated with Council's road infrastructure appropriately planned actions are determined and implemented. These actions include capital development, maintenance and/or operational enhancement.



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### **3.0 BUDGET PROCESS**

This aim of Council's Financial Strategic Resource Plan is to assist it in understanding the medium to long term implications of its policies and strategies which are proposed each year and subsequently adopted in the annual budget process.

The Financial Strategy is closely aligned to the Council Plan and it provides Council with a broader understanding of the financial implications of its strategic decisions. It guides Council and management in the preparation of future corporate strategies and associated allocation of budgets.

#### **3.1 Maintenance Funding**

Maintenance is all actions necessary for retaining an asset as near as possible to its original condition, excluding rehabilitation or renewal.

Maintenance activities are not only important to ensuring the maximum 'useful' life of an asset is achieved, but also impacts directly on aspects of risk management and the delivery of expected levels of service to the community.

Roads deteriorate as a result of repeated traffic loading and environmental influences such as climate and soils. Maintenance is a 'day to day' activity to provide an acceptable level of service for the road user and allow road assets to continue to function as built, taking into account seasonal conditions and activities.

Road maintenance involves remedying the defects that occur from time to time and providing treatments that retard the rate of deterioration. Also included under the heading of maintenance is the upkeep of road shoulders, verges, drainage facilities, signs, line marking and road furniture.

In most cases, the commencement of a maintenance or operational activity is triggered by the asset showing certain measurable defects or conditions. This trigger is termed the Maintenance Performance Criteria. Examples of these defects include size of potholes or corrugations in a road, or the length of grass on a roadside.

The principles outlined in this Road Management Plan ensure that the standard condition to which Council's assets are maintained will provide an appropriate and efficient road network.

Budget constraints may result in undesirable asset deterioration. Council is responsible to ensure that budget funding levels are allocated adequately to ensure undesirable asset deterioration does not occur.

Funding for roads must compete against a wide range of services that Council delivers. The following factors will be considered by Council during its annual budget process to determine and review its road maintenance funding levels:

- The ability to meet the specified levels of service in regards to its adopted maintenance performance criteria within the limitations of funding levels;
- Maximisation of asset life and reduction in whole of life costs;
- Priorities for maintenance are consistent with the objectives of the Road Management Plan;
- All relevant information relating to the gap between what maintenance works are funded by Council and listings of any deferred maintenance required to be completed; and
- Annual Community Satisfaction Survey outcomes (Council Plan – performance indicators)





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### **3.2 Capital Works**

Capital Works can be defined as expenditure that either creates a new asset or improves or restores the current function of an existing asset, e.g. reconstruction of a road or bridge.

Capital Works may be split into three distinct categories, Renewal, Expansion and Upgrade. Capital Works, as it relates to Council's road related infrastructure includes renewal, expansion and upgrade of the following asset classes:

- Road infrastructure;
- Stormwater drainage;
- Footpaths;
- Kerb & channel; and
- Bridges and major culverts

#### **3.2.1 Renewal**

Capital renewal is those works required to refurbish or replace an existing asset with an asset of equivalent capacity or performance capability e.g. reconstruction of a 5-metre wide road to match the existing width and levels is considered a renewal project.

Some maintenance activities may also be considered as renewal. These activities significantly impact upon the condition and useful life of an asset. Only those maintenance activities that result in replacement of a significant asset or asset component are considered renewal.

Examples of such activities are:

- Gravel road resheeting;
- Major patching or reconstruction of failed sections of sealed pavements; or
- Road resealing.

##### **3.2.1.1 Funding of Asset Renewal**

Prioritised programs are developed in support of the budget. In the development of these programs, consideration is given to the following factors:

- Asset condition assessments;
- Asset hierarchy;
- Analysis of maintenance costs;
- Relative risk to the travelling public, and
- Available funding.

The majority of Council's road renewal expenditure is sourced from its own funds. The commitments and obligations specified in this Plan are matched to the financial resources available to deliver those commitments and obligations.

The financial resources allocated for the renewal of local roads and pathways is considered reasonable having regard to the overall service delivery priorities of the Council. Renewal funding needs are reviewed on an annual basis as part of Council's budget planning process in order to deliver a sustainable road network.

#### **3.2.2 Upgrade**

Capital upgrade is work designed to deliver an improved level of service to existing ratepayers.



For example, the widening of an existing 5-metre wide road to a width of 7-metres, or the installation of a roundabout at an intersection to improve safety can be defined as capital upgrade projects.

Upgrade projects improve service delivery to the community; however, consideration must be given to their long-term sustainability. Most of the projects that fall into this category are fully or partially funded by external contributions.

### **3.2.3 Expansion**

Capital expansion may be best described as the creation of new assets to service new ratepayers.

An example of this would be the construction of new infrastructure (e.g. roads, footpaths, drainage, etc) as part of a new subdivision development.

All expansion work is externally funded, and in some cases, can be termed as 'donated assets'. Long term operation, maintenance and renewal of these assets may be of concern because, as the asset portfolio increases, the annual cost of sustaining that portfolio increases respectively.

#### **3.2.3.1 Funding of Asset Creation**

Funding of new assets can come from:

- External funding sources;
- Developer contributions;
- Rate revenue; and
- Special Charge Schemes targeted at specific improvements for property owners who gain special benefit from those improvements.

Whilst road asset acquisition through donated assets does not in itself create a capital cost it does create an on-going maintenance cost which must be factored into Council's long-term finance allocations.

### **3.2.4 Summary**

All three classifications of Capital Investment, Renewal, Upgrade and Expansion are warranted in differing circumstances:

- Renewal works maintain assets;
- Expansion projects accommodate growth; and
- Upgrade works satisfy changes in demand or rectify assets that are perceived as insufficient in meeting community needs.

Council has a current Budget strategy that responds to community demand and asset renewal requirements. Council's current emphasis is on asset renewal expenditure rather than asset development.

## **3.3 Evaluation of Capital Works**

Council's Capital Evaluation Process provides the framework for an objective evaluation process for all projects and to be considered for the Capital Works Program.

This process enables projects of competing priority being considered for inclusion within the Capital Investment Program to be evaluated in a coordinated approach involving the collation of project information, costings and business case assessments.



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The outcome of this process provides a prioritised list of projects forming the basis of the Annual Capital Investment Program and future years within the Ten (10) Year Capital Works and Major Projects Program.

Capital Works Projects are assessed on the following criteria:

- Community priority survey;
- Corporate Plan references;
- Population benefiting;
- Health and social issues;
- Risk level;
- Legal liability;
- Works funding;
- Future maintenance costs; and
- Expenditure type (i.e. renewal, upgrade, or new)



## 4.0 COLAC OTWAY MUNICIPAL PUBLIC ROAD REGISTER

### 4.1 Introduction

A reliable inventory of road features is the basic component of any road management system. The most obvious road items that are normally recorded in a network asset register are the carriageway, footpaths, signage, kerb and channel, amongst many others.

### 4.2 Register of Municipal Public Roads

The *Road Management Act 2004* requires Council to keep and maintain a register of municipal public roads, and ancillary areas for which it has the responsibility for managing operational functions.

Public Roads are municipal roads which meet the definition as prescribed under the *Road Management Act 2004* and have been determined by Council, acting as a Coordinating Road Authority, to be roads reasonably required for general public use. The definition of a municipal road under the *Road Management Act 2004* includes any road within the municipality which is not a State road, including any road which:

- Is a road referred to in section 205 of the *Local Government Act 1989*, which indicates certain roads for which Council is responsible for care and management;
- Is a road declared by VicRoads to be a municipal road under section 14(1)(b) *Road Management Act 2004*; and
- Is part of a Crown land reserve under the *Crown Land (Reserves) Act 1978* and has the relevant municipal council as the committee of management.

As prescribed by section 19 and Schedule 1 of the *Road Management Act 2004*, Council will record the following information in its municipal public roads register as it relates to those roads for which it is the principle authority.

The register must include:

- (a) The name of each public road or, if a road is unnamed, a description which enables the particular road to be easily identified;
- (b) If a road becomes a public road after 1 July 2004, the date on which the road became a public road;
- (c) If a public road ceases to be a public road, the date on which the road ceased to be a public road;
- (d) The classification, if any, of the public road;
- (e) The reference of any plan or instrument made on or after 1 July 2004 that fixes or varies the boundaries of a public road;
- (f) Any ancillary areas;
- (g) A reference to any arrangement under which road management functions in respect of any part of a public road or ancillary area is transferred to or from another road authority;
- (h) Any matter required to be included by the relevant road Minister under section 22;
- (i) Any other matter required to be included by this Act;
- (j) Any other matter which is prescribed for the purpose of this clause.

Council's Register of Municipal Public Roads is available for public inspection upon request. This document may be viewed at both the Colac and Apollo Bay Customer Service Centres during normal business hours.

Assets on municipal public roads that the Colac Otway Shire is responsible for and which this Road Management Plan incorporates include:

- Road surface, pavement, and earth formation;
- Surface and underground drainage systems;



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- Signs, guideposts, line marking, barriers, and retaining walls;
  - Footpaths and shared pathways;
  - Parking areas,
  - Bridges and major drainage structures, and
  - Street furniture.

#### **4.2.1 Criteria for Determining Whether a Road is Reasonably Required for General Public Use**

A road is considered a Public Road Councils has made a decision that the road is reasonably required for general public use and hence included in the Municipal Public Road Register.

When deciding on which roads should be included or not included on the Register the very broad test of is it 'reasonably required for general public use' needs to be refined into more specific criteria. These criteria will provide a fair, consistent and justifiable process for Shire staff when deciding on which areas need to be added to the Register.

For a road to "reasonably required for general public use", consideration should be given, but not necessarily limited to the following:

- The number and nature of separately owned and occupied properties abutting onto the road or requiring the road for access purposes;
- Whether the properties which abut the road or require the road for access purposes have alternative access rights;
- Whether the road connects into, and forms part of, the wider network of Public Roads;
- Whether the road contains assets owned and managed by public service authorities (gas, electricity, telecommunications, sewerage, water); and
- Whether the road is safe for public access (no horizontal or vertical alignment issues, existing pavement, suitable drainage, no large trees or obstacles restricting vision).

All roads included in the Register of Public Roads will be maintained to a standard as specified in the Road Management Plan. Council is not obliged to undertake any works on roads that are not registered as Public Roads.

#### **4.2.2 Amendments to the Register of Municipal Public Roads**

Developers generally fund the construction of new infrastructure e.g. roads, footpaths, drainage, etc as part of new subdivision developments. This leads to an expansion in Council's asset portfolio for which it is responsible for.

The Colac Otway Shire assumes responsibility of public highways created through expansion at registration of subdivision, providing that all infrastructure is constructed to meet Council's minimum specifications.

A public highway is not a public road for the purposes of the Act unless and until it is registered on Council's register of municipal public roads.

The register of municipal public roads will need to be maintained on an ongoing basis. It is proposed that the register of municipal public roads be maintained under delegation to ensure it is readily updated on a regular basis.

Council gives the right to review the status of public highways as public roads, should they not appear on its register of public roads.

As standard practice following completion of construction work on subdivision infrastructure all related information shall be documented and formally handed over to Council's maintenance staff. For example, drawings clearly showing as-constructed pavement details, locations of hidden features such as underground drainage systems, and other information critical to the ongoing management of the asset.



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#### **4.3 Road Discontinuance**

Council may in accordance with *Schedule 10(3) of the Local Government Act 1989* discontinue a public highway or part of a public highway via a notice published in the Government Gazette.

Prior to gazettal, Council is obligated by its statutory process to call for public submissions. In addition, all abutting property owners shall be advised of the proposal in writing and advised of their right to make submission. All submissions will be considered in accordance with the provisions of section 223 of the *Local Government Act 1989*.

If a road or part of a public road is discontinued, Council must specify all details in its register of public roads.

#### **4.4 Road Naming and Renaming**

Where a road is required to be named or renamed the *Local Government Act 1989* provides an administrative procedure for Road Renaming.

The *Local Government Act 1989* clearly sets out the procedures for road naming, but the Road Renaming process is a very sensitive issue due to local residents, history, and pioneers of the district or acceptance of the existing name for keepsakes.

The provisions of the *Local Government Act 1989* relating to the naming of roads are contained in section 206 and Schedule No. 10 clause 5.

With respect to Road Renaming, Schedule No. 10, clause 5 - The Council has the power to name roads, erect signs and require premises to be numbered:

A Council may:

- Approve, assign or change the name of a road:
- Erect signs on a road:
- Approve, assign and change the number of a road and any premises next to a road; and
- Require people to number their premises and to renew those numbers.

In exercising its power under *Clause 5*, Council must act in accordance with the guidelines in force for the time being under the *Geographic Place Names Act 1998* and must advise the Registrar under that Act of the naming or renaming of a road.

#### **4.5 Road Hierarchy**

Colac Otway Shire is a unique municipality with major topographical, climatic and geological differences within the shire that have a direct impact on the ability of Council to provide a suitable road network. If Council is to provide a sustainable road network system, its Road Classification system must take into account these differences. A Classification system and Hierarchy was adopted as part of this Plan.

A 'Functional' classification system has been adopted rather than a 'Structural' system. This is on the basis that current structural standards do not necessarily reflect the use and purpose of each road in the network. A functional classification system enables each road to be critically assessed based on agreed criteria to determine whether the road system is capable of meeting the needs of the road users.

In a Functional Road Classification system, it is also necessary to clearly differentiate between the Urban and Rural road network. This allows consideration to be taken of the differences in use, intensity of abutting land development, speed and mass of vehicles and traffic volumes.



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The Colac Otway Planning Scheme, Victorian Grants Commission and VicRoads definitions were reviewed for applicability to the Urban and Rural areas of the Colac Otway Shire.

#### **4.5.1 Local Road Classification**

The classification system detailed below takes into consideration the above key issues and establishes a clear distinction between each classification. A separate functional classification system, for the Urban and Rural road networks is adopted with sub-functions, clearly defining the current use of a particular road within each category.

The classification system is primarily based on the functions of **Link, Collector, Access** and **Minor** within the road system. The classification system is divided into Rural & Urban localities to reflect the varying needs of these areas.



## Rural Road Network

Hierarchy Identifier	Name	Explanatory Notes	Road Surface
RL	Rural Link	<ul style="list-style-type: none"> <li>Direct linkage between significant population centres and major traffic generators and supplementary to arterial road system within the municipality</li> <li>High truck count</li> <li>Access to major industries and tourism nodes</li> <li>Generally &gt;100 vpd</li> </ul>	Generally a sealed surface, may be a gravel surface
RC	Rural Collector	<ul style="list-style-type: none"> <li>Carry moderate volumes of traffic and provide access by linking local areas to link and arterial roads. Also provide links between the various collector roads.</li> <li>Cater for, but may restrain, service and heavy Vehicles.</li> <li>Minimum two clear traffic lanes</li> </ul>	May be either sealed or gravel surface
RA	Rural Access	<ul style="list-style-type: none"> <li>Carry only local traffic</li> <li>Primary function is to provide property access to rural developed areas</li> <li>Medium usage access to rural properties generating regular and consistent vehicle usage. Generally &gt; 30 vpd</li> <li>Rural bus route minimum standard</li> <li>In the case of access to a single property with a residence, the road will only be maintained to the closest boundary of that property, the balance will be maintained as a Rural Minor Road</li> </ul>	May be either sealed or gravel surface
RM	Rural Minor	<ul style="list-style-type: none"> <li>Occasional usage property access routes</li> <li>Maintained infrequently (less than annual)</li> <li>Dry weather road only. All year round access is not guaranteed.</li> <li>Occasional usage primary access to non-residential rural properties generating sporadic vehicle usage</li> </ul>	Generally either gravel, formed or natural surface
FAT	Fire Access Track (No Primary Access to Residential Property)	<ul style="list-style-type: none"> <li>Perform a very low order public access function</li> <li>Specific purpose access tracks not intended for general access</li> <li>Provide only occasional access to non-residential property. Single vehicle access and low speed.</li> <li>Dry weather road only. All year round access is not guaranteed</li> <li>Fire Tracks or emergency access points only maintained by Council where Council has agreed to do so as a community emergency service and they are listed in the Municipal Fire Prevention Strategy</li> </ul>	Either formed or natural surface
NM	Not Maintained	<ul style="list-style-type: none"> <li>Road Reserve not intended for general access</li> <li>All year round access is not guaranteed</li> <li>Includes unmade road reserves, those subject to lease or licence or roads located on Crown Land which Council is not the Committee of Management for</li> <li>Will not be listed on Council's Municipal Public Road Register</li> </ul>	Standards defined by others





## Urban Road Network

Hierarchy Identifier	Name	Explanatory Notes	Road Surface
UL	Urban Link	<ul style="list-style-type: none"> <li>Carry significant volumes of traffic and provides access by linking residential areas to the arterial roads. They also provide links between the various collector roads.</li> <li>Cater for, but may restrain, Service and Heavy Vehicles</li> <li>Minimum two clear traffic lanes (excluding parking)</li> <li>2,000 + vpd and 60 km/h speed limit (or less)</li> </ul>	Sealed surface
UC	Urban Collector	<ul style="list-style-type: none"> <li>Urban collector routes from urban access streets to community, school or commerce centres or popular focal points</li> <li>High usage connector routes to the Arterial road network</li> <li>Minimum two clear traffic lanes (excl. Parking)</li> <li>&lt;2,000 vpd and 50 or 60 km/h speed limit</li> </ul>	Sealed surface
UA	Urban Access	<ul style="list-style-type: none"> <li>Primary function to provide property frontage access to residential developed allotments</li> <li>Carry local traffic</li> </ul>	Maybe either sealed or gravel surface
UM	Urban Minor Lane	<ul style="list-style-type: none"> <li>Perform a very minimal function as local access roads</li> <li>Maintained infrequently (less than annual)</li> <li>Low usage property access streets/lanes. All year round access not guaranteed</li> <li>Provide alternate side or rear property access (secondary access) to urban residential or commercial allotments</li> </ul>	Generally either gravel, formed or natural surface
NM	Not Maintained	<ul style="list-style-type: none"> <li>Private roads and lanes. Not a Council responsibility</li> <li>Will not be listed on Council's Public Road Register</li> </ul>	Standards defined by others



### Footpath Network

Hierarchy Identifier	Name	Explanatory Notes	Footpath Surface
PC	Primary	Primary footpaths provide connectivity between the different communities to the most popular destinations, including community facilities, medical facilities, sporting facilities, transport hubs, etc. Primary footpaths have a width of at least 1.5 metres..	Concrete or other approved equivalent surface
SP	Secondary	General public pedestrian access between residences, the Local footpath network and the Primary network	Concrete or other approved equivalent surface
L	Local	Local footpaths provide linkages between property frontages in residential areas to the Secondary and Primary Footpath Networks. Local footpaths are generally for residential access only.	Concrete or other approved equivalent surface
M	Minor	These are seldom-used areas where there exist paths known by Council to be used by the public but are not constructed. Inspections on areas of this type are to identify specific defects. No additional maintenance is undertaken.	Unconstructed. Generally gravel or natural surface
SP	Shared Use Path	Shared use paths can be described in simple terms as off road trails, tracks or paths that provide for access for a range of activities such as walking, bike riding or horse riding. A shared path is designated by signs and is jointly used by pedestrians and cyclists. Council has a combination of pathways, including those within public areas and private land (under agreement), those on public reserves, and those located on arterial roads.	Maybe concrete, brick paved, asphalt, sealed or gravel surface



#### 4.6 Demarcation of Responsibility

Council is responsible for the majority of the roads within the municipality. These are known as Local Roads and are listed on Council's Register of Municipal Public Roads.

The register of municipal public roads and associated maps define the roads for which Council has operational duties as a road authority. Operational functions for the purposes of this road management plan relate to the establishment of standards for the construction, inspection, maintenance and repair of road infrastructure.

Various infrastructure assets, for which Council has no management responsibility, may exist in the road network within the municipality. These assets are owned and managed by service authorities, individuals and other statutory bodies.

##### 4.6.1 VicRoads

VicRoads is the coordinating road authority for the declared arterial road network within the municipality. Section 37 of the *Road Management Act 2004* sets out those parts of the arterial road network for which Council is the responsible road authority, across urban and rural areas.

Arterial roads located in the Colac Otway Shire are as follows:

Beech Forrest Road	Cororooke Road
Birregurra Road	Forrest Apollo Bay Road
Birregurra Deans Marsh Road	Gellibrand River Road
Birregurra Forrest Road	Great Ocean Road
Birregurra Road	Lavers Hill Cobden Road
Colac Ballarat Road	Princes Highway
Colac Carlisle Road	Skenes Creek Road
Colac Forrest Road	Timboon Colac Road
Colac Lavers Hill Road	Warncourt Birregurra Road

##### 4.6.1.1 Urban Areas

In the situation where the public road is an arterial road within an urban area, VicRoads is the coordinating road authority, excepting the following instances where Council has responsibility for all local components of the road system. These are:

- Service road traffic lanes and shoulders,
- Pathways outside of through carriageways and central medians,
- Indented parking bays and any other part of the roadway located 'kerb to kerb' that could not be made available for through traffic (being located either on the side of the road, in the outer separator or in the central median), and adjacent kerb and channel,
- Drainage pits and underground drainage outside of through carriageways or outer separators and underground drainage that is part of a municipal drainage scheme,
- Off road bicycle paths,
- Off road furniture at bus stops,
- Road markings for all parking bays, plus road markings on service roads,
- Nature strips including vegetation,
- Local signage including street name signs, local direction signs, parking signs for the control of stopping or parking, and advance warning (but not advance direction) signs on municipal roads,
- Pedestrian fencing outside of central medians,
- Tactile Ground Surface Indicators (TGSIs) in footpaths and kerb ramps and at bus stops (except at central medians), and

An urban area is defined in section 3 of the *Road Management Act 2004*.

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#### 4.6.1.2 Rural Areas

In the situation where the public road is an arterial road outside an urban area, VicRoads is the coordinating road authority; however Council is responsible for service roads, off road bicycle paths, pathways, associated local signage, and underground drainage that is part of a municipal drainage scheme.

For definition of the limits of responsibility between VicRoads and Council, where local roads intersect with arterial roads in an urban and rural environment, refer to the Code of Practice for Operational Responsibility for Public Roads.

#### 4.6.2 Department of Sustainability and Environment

Within the municipality a number of roads exist of Crown Land, in such areas as parks and forests, for which Department of Sustainability and Environment (DSE) or Parks Victoria has management responsibility.

#### 4.6.3 Adjoining Municipalities

The Act requires that a road authority be responsible for the operational functions of a road. In the instance of boundary roads with other municipalities, the responsibility is allocated according to an agreement between each municipality.

#### 4.6.4 Rail Operators

The *Rail Safety Act 2006* requires rail operators and road managers to identify and assess risks that may arise from operations at certain interfaces (i.e. rail crossings), and seek to enter into safety interface agreements to manage those risks.

Within the Colac Otway Shire, V/Line and Australian Rail Track Corporation, as rail operators, are generally responsible for installing and maintaining all infrastructure located at rail crossings (e.g. crossing position signs together with other signs, barriers, gates, flashing lights, etc).

Council is generally responsible for the erection and maintenance of advance warning signs and all pavement markings associated with the approaches to rail crossings on municipal roads. Details relating to each crossing are able to be detailed in relevant rail Safety Interface Agreements between rail operators and Council as the relevant road manager.

#### 4.6.5 Service Authorities

Many Utility Agencies utilise a road for their infrastructure. Non-road infrastructure within the road reserve is the responsibility of the person or body that is responsible for the provision, installation, maintenance, or operation of that particular asset.

A listing of typical utility assets found within a road reserve, and the relevant management authority is given below.

Asset Type	Management Responsibility
Street Lights	Powercor
Telecommunication infrastructure assets	Telstra
Gas infrastructure assets	Tenix Gas
Water & Sewerage infrastructure assets	Barwon Water
Electricity infrastructure assets	Powercor
Traffic Signal Installations	VicRoads
Rail Crossings	V/Line and Australian Rail Track Corporation

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Assets or services within a municipal public road for which Council is not responsible for include gas pipes, water and sewerage pipes, cables, electricity poles, public telephones, and mail boxes. Any person who has an issue with one of these assets should refer it to the relevant Infrastructure Manager (e.g. external service authority)

#### **4.6.6 Other Assets**

In relation to provision of access from adjoining properties, there are a number of assets within a road reserve for which Council has no obligation to construct or maintain. Assets of these types are described as follows.

#### **4.6.7 Vehicle Crossings**

Generally in urban areas the adjoining property owner is responsible for maintaining the portion of a vehicle crossing (i.e. driveway) located between the carriageway and the abutting footpath. Where there is no footpath, the property owner is responsible for that part of the driveway which extends from carriageway to the fence line. This also applies to vehicle crossings located in rural areas where the property owner is responsible for all of that part of the driveway between the road edge and the fence line.

The construction of a vehicle crossing along with its ongoing maintenance is to be performed in order to meet Council's requirements.

The property owner is also responsible for the maintenance of the immediate surrounds impacted on by the vehicle crossing to ensure that it is in a safe condition.

#### **4.6.8 Nature Strips, Infill Areas and Vegetation**

Nature strips and infill areas are those residual areas between the edge of road or back of kerb and the property boundary not occupied by a footpath or vehicle crossing. These are normally sown to grass and may contain other features such as street trees and utility poles and underground services.

Nature strips are not recognised as a road related asset and are therefore not formally inspected or maintained to a standard defined under Council's Road Management Plan. Consequently, Council may only undertake works on a nature strip where there is an obvious safety or amenity issue either reported as a customer request or identified through programmed inspection activities.

Responsibility for maintenance of the nature strip areas is generally left to the abutting property owner as part of the presentation of their property and general appearance of the local streetscape.

Service authorities have an obligation to reinstate any disturbed nature strip areas to a condition which existed prior to any excavation works in relation to the installation or maintenance of their infrastructure.

Street trees within the road reserve are however managed by Council. An abutting owner has the responsibility to keep a road or footpath clear of vegetation growing from their property. Council may direct the property owner to trim any overhanging branches under provisions of its Local Laws.

#### **4.6.9 Property Stormwater Drains**

Property stormwater drains are constructed within the road reserve from the property boundary to a discharge outlet in the kerb, table drain or connected directly to Council's underground drainage system. Property drainage lines directly benefits the property and as such are the responsibility of the owner of the property being served to maintain.



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#### **4.6.10 Stock Underpasses**

A stock underpass is generally a box culvert type structure constructed for the purpose of providing a safe under road crossing.

A landowner that constructs a stock underpass on a local road must first sign an section 173 Agreement (*Planning and Environment Act 1987*) with Council that includes requirements for the landowner to maintain the structure. A cattle underpass shall be designed in accordance with all relevant VicRoads Guidelines, Australian Standards, and other applicable design codes.

Council has a responsibility to maintain the road pavement areas, seal markings and guideposts across the stock underpass. Responsibility for the maintenance of the structure, including attachments such as guardrail, stock lanes, fencing and stock underpass drainage remains with the landowner for the duration of the agreement.

Regardless of maintenance obligations, Council has a duty of care to ensure that these assets are in a condition safe to the general community. There often exists a point of conflict with residents who have an expectation that Council will maintain these assets as they are within the road reserve.

#### **4.6.11 Cattle Grids**

A cattle grid is a type of obstacle used to prevent livestock from passing along a road which penetrates the fencing surrounding an enclosed piece of land. Cattle grids generally consist of a depression in the road covered by a transverse grid of bars or rails, normally constructed of metal and firmly fixed to the ground on either side of the depression, such that the gaps between them are wide enough for animals' legs to fall through, but sufficiently narrow not to impede a wheeled vehicle.

The landowner benefiting from the use of a cattle grid is required to enter into a section 121 Agreement (*Road Management Act 2004*) for the construction, maintenance, repair, and insurance of the cattle grid. This agreement defines the roles and responsibilities of both Council and the landowners for the ongoing management of the cattle grid.

Cattle grids located on municipal roads are to be inspected and maintained in accordance with Council's relevant policy.

#### **4.6.12 Fire Access Tracks**

Designated fire access tracks throughout the Colac Otway Shire are specific purpose access tracks not intended for general access and provide only occasional access to non-residential property.

These are maintained by Council where Council has agreed to do so as a community emergency service and they are listed in the Municipal Fire Prevention Strategy. Fire access tracks are maintained to the standard as defined by Municipal Fire Prevention Plan and as funded by the Municipal Fire Prevention budget.



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## **5.0 RISK MANAGEMENT MODEL**

### **5.1 Introduction**

The purpose of this section is to describe Council's risk management model and the manner in which it will manage risk associated with its road network and associated infrastructure.

It is essential to note that it is not possible for Council to address all defects and eliminate all risks through remedial action. Rather, this model provides a basis for identifying and managing risks within the resources available to the community through clear priority setting and an appropriate system of responses.

### **5.2 Objective**

Council's objective of road management is to ensure that a safe and efficient road network is provided primarily for use by the members of the public and is available for other appropriate uses.

### **5.3 Systems Approach**

Council manages risk in relation to roads by performing its road construction and maintenance activities in accordance with this plan.

In ensuring that programmed inspections and work activities are completed pursuant to the standards of Council's Road Management Plan, road users are offered a reasonable level of safety during the use of the local road network.

Council's road management functions are based on policy and operational objectives which consider the resource limitations faced by Council in inspecting, maintaining, and repairing its road infrastructure. Council is able to minimise its risk from litigation resulting from claims of negligence by delivering on the standards specified in the Road Management Plan.

Levels of service for inspections and maintenance activities are specified for each category within Council's road and footpath classification systems. In general terms, higher classification roads and footpaths are inspected more frequently and issues identified are responded to more promptly.

The adopted Colac Otway Shire risk management process is consistent with Australian Standard AS/NZS ISO 31000:2009 – Risk Management, which defines risk assessment and management.

The approach taken in developing Council's risk management system for its road network is to:

- Require routine inspections of the road network and associated assets at specified intervals to identify defects;
- Initiate additional inspections, as required, of issues raised by the community or Council employees through Council's corporate customer request system, MERIT;
- Record defects that may result in a potential hazard to the public, or fail to meet Council's adopted Maintenance Performance Targets;
- Assess the potential risk to road users due to defects identified;
- Prioritise maintenance activities based on assessment of risk, taking into account the need to complete work in an efficient and cost effective manner, and the need to preserve the assets condition;
- Prepare appropriate work schedules;
- Undertake scheduled maintenance; and
- Record and document all actions taken at various stages throughout this process.





## **6.0 MANAGEMENT SYSTEMS**

### **6.1 Maintenance Management**

Maintenance management is a systematic approach to the planning and execution of maintenance activities. This management method delivers the benefits of operational efficiencies and reduced maintenance costs. Council's maintenance management process addresses the following areas:

- Inspection and data collection;
- Condition rating of road infrastructure to support strategic asset management;
- Keeping of proper records;
- Program preparation including proper planning, prioritising and scheduling; and
- Effective execution of maintenance operations

Roads are designed to varying standards and built out of natural processed materials to meet the needs of the community they serve. Like all other structures, they are subject to deterioration.

Ideally, maintenance would ensure that a road functioned as efficiently as when it was first constructed. However, when planning maintenance due regard must be paid to the limitations of the available resources. For this reason, maintenance programs are adjusted to control the rate of deterioration and to ensure the serviceability of the road, or related asset, does not fall below an adopted minimum standard. This is dependent on resources and policy decisions.

In determining the appropriate standards of road maintenance, existing practices, community expectations, use and function of the road, affordability and equity have all been considered. This is because the Colac Otway Shire road network supports a diverse industry including dairying, agriculture, forestry, timber processing, and tourism. These competing uses and operating expectations need to be considered in determining applicable maintenance standards, whilst providing a safe and sustainable road network.

Poor maintenance costs the community. The costs of major rehabilitation and replacement far outweigh the costs associated with continual good maintenance practices. Poor standard roads also incur a cost to road users through increased running and repair costs to vehicles. Safety of road users can also be compromised if the network is not maintained at a satisfactory level.

### **6.2 Maintenance Program**

There are two main components of the Council's maintenance programs, these are:

- Proactive Routine Maintenance – programmed routine maintenance and repair work; and
- Reactive Maintenance – work carried out to rectify defects that are identified as exceeding 'tolerable levels' or where an emergency response is required.

#### **6.2.1 Strategies for Planning Maintenance Work**

A systematically planned approach is undertaken to ensure maintenance is effective. This includes the implementation of a maintenance strategy to key asset types, such as pavements, bridges, drainage, and other road related infrastructure.

For a particular asset type, the maintenance strategy includes the following considerations:

- A sound maintenance policy as a basis for planning all maintenance activity on that asset type;
- Consideration at both the design and constructions phases in order to reduce potential maintenance problems and in-service costs;





- A maintenance management system, including:
  - A current inventory for the asset type in question (e.g. pavements, signs, bridges, etc);
  - A regime of asset inspections to satisfy adopted schedules;
  - An effective asset condition and inspection recording system to produce informed decisions with regard to maintenance requirements; and
  - Maintenance performance criteria for the road network with consideration to community expectations.

### **6.2.2 Maintenance Policies**

Council's maintenance policies for specific asset types are based upon the following principles:

- Road infrastructure assets being maintained to ensure that their whole-of-life performance is maximised, having regard to safety, community benefits, environmental and funding considerations,
- A collaborative approach taken to improve the performance and reduce maintenance costs of Council's road assets through team work by the Infrastructure and Services Units,
- A systematic, efficient and sustainable approach to maintenance management and work practices utilising best practice,
- Regular planned inspections of Council's assets undertaken to identify and monitor their overall condition over time, and
- Accessible information systems implemented for inventory control, condition identification of selected assets, and recording of inspections, service requests and all actions relating to maintenance activities.

### **6.2.3 Prioritising Works**

Maintenance activities are objectively planned in order to achieve cost and operational efficiencies. The works program and schedule is based on seasonal/annual events and routine servicing.

The most effective maintenance is, based on forecasting a need and scheduling the available and proper resources and corrective actions at the appropriate time to achieve best results.

The following factors will be considered in preparing programs and scheduling of maintenance activities:

- Distance of work sites from the base of operations and time and expense to transport personnel, materials and equipment to sites;
- Weather conditions;
- Availability of suitable personnel, materials and equipment to handle intended jobs;
- Size and grouping of each work package and relationship to other works required on that area of the network;
- Response time requirements and defect ranking for prioritising the correction of defects that are either identified through customer requests or routine inspections; and
- Unplanned incidents and other emergencies that generally require immediate action by maintenance staff.

### **6.2.4 Maintenance Records**

Accurate data is collected in order to make reliable judgments in relation to future network maintenance needs which consider funding requirements. Council's maintenance records are computer-based for ease of transfer, communication, and analysis.

The type and frequency of data collected during inspections is a direct reflection of the resources made available for this activity.



- **Inventory Registers** give information on assets such as location and type. Council's inventory registers include the following records, type of asset, dimensions, location, date of construction, and any specific features.
- **Inspection Records** document maintenance activities. Council's Inspection regimes include requirements for the format, scope, and storage of records of inspections against each particular asset.
- **Cost Records** or time cards are regarded also as a type of maintenance record. Time cards are able to detail the date, location and type of remedial work on defects identified by inspection or customer requests. Council's Financial system is able to generate reports to assist in identifying areas of relatively high expenditure.

Keeping current and comprehensive records of inspections and maintenance activities, including accurate location information, is essential for Council to perform its statutory duties as a road authority.

In many cases, litigation can be commenced a number of years after the event which is subject of the claim. It is not possible to predict the timing or location of events that may become the subject of litigation against Council. Council must therefore ensure that records be kept of all maintenance inspections and activities and will be adequately archived for future reference.

### 6.3 Asset Inspections

In order for Council to carry out effective planning and competent management of its road infrastructure, both in a strategic and operational sense, it is essential to collect maintenance-related information through disciplined and regular inspections of the whole of the network.

Council's inspection activities can be grouped into the following categories based on definition and purpose:

- Routine Inspections;
- Condition Inspections
- Request Inspections; and
- Incident Inspections.

#### 6.3.1 Routine Inspections

Inspections undertaken in accordance with the formal inspection schedule to determine if road asset complies with the levels of service as specified by the Maintenance Performance Criteria.

Identified defects are rated against the criteria adopted for routine maintenance works on the asset. These performance criteria indicate the magnitude of the undesirable condition for each defect requiring remedial action.

A record of each street/road is completed detailing the name of the inspector, the inspection date, time, road name/asset description and report of any defects found that are at the 'tolerable' defects level as defined by Council's Maintenance Performance Criteria.

In addition, a notation is recorded of any road/asset inspected where no defect was apparent under the specific rigour of the inspection.

#### 6.3.2 Condition Inspections

Condition inspections are undertaken specifically to identify deficiencies in the structural integrity of the various components of the road infrastructure that if untreated, are likely to adversely affect network values. The deficiencies may well impact on short-term serviceability as well as the ability of the component to continue to perform at the level of service for the duration of its intended useful life.



The condition inspection process must also meet the requirements for accounting regulations and asset management.

Regular or periodic assessment, measurement and interpretation of the resulting condition data is required so as to determine the need for any preventive or remedial action and is used in the development of relevant programs of rehabilitation or renewal works.

The table below details the type of programmed and reactive inspections undertaken by Council in relation to its road infrastructure assets, the inspection frequency, and the resources utilised for the inspection.

### **6.3.3 Request Inspections**

A maintenance request is any request to undertake maintenance on an infrastructure asset. Customers or users of the asset generally make these requests. To provide the highest level of service, Council's objective in relation to maintenance requests is to inspect and prioritise the work requests within the time frames as specified.

Upon record of a request for maintenance or report of a defect received from the public, Council Officers or Councillors, an inspection will be carried by an appropriately experienced Council Officer within **10 working days** of notification, dependent on assessed urgency. As with routine maintenance inspections, any recorded defects beyond the maintenance performance criteria for that particular asset will be prioritised and rectified to satisfy established response times.

Council aims to obtain best value for its maintenance budget within the constraint of the resources made available. Maintenance works delivered under an 'Emergency Response' will inevitably cost more than maintenance delivered under the Routine or Periodic Maintenance Programs.

To ensure that the best value is obtained for the available maintenance dollar, work of the same nature must be grouped in a given area so that work is completed efficiently. Therefore, most maintenance work will be completed on the Routine and Periodic Maintenance Programs. Only true emergency works will be actioned immediately.

The benefit of adopting such a strategy means that for example, over a year, more potholes may be repaired from the limited funds available than if completed on a reactive basis. This provides an improved overall level of service and consequently reduces the risk to the community

If works identified are beyond what is considered maintenance, then the project will be referred to and be considered for inclusion in Council's 3-year Capital Investment Program. Council reviews projects for its Capital Investment Program annually, in conjunction with its budget planning process.

### **6.3.4 Incident Inspections**

If a person proposes to commence legal proceedings or wishes to make a claim for damages in relation to an incident arising from the condition of a public road or infrastructure on a public road then the person must give written notice of the incident to Council within 30 days of its occurrence. This notice must provide sufficient information to enable Council to undertake an inspection and prepare a condition report. Details to included, but not limited to, are:

- Nature of, and any defect that may have contributed to the incident;
- Brief description of the location of the incident;
- Date, time and prevailing weather conditions at which the incident occurred; and
- Any other information that may be deemed to be applicable.



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Within 14 days of receipt of this notice, an inspection of the road or associated infrastructure specified in the notice will be undertaken by the Asset Inspection Officer or suitably qualified Council Officer. A report will then be prepared detailing the outcomes of this inspection, providing the following:

- A description of the condition of the relevant section of the public road or infrastructure; providing adequate photographic evidence of the site of the incident;
- Reference to Council's Road Management Plan and in particular its construction and maintenance criteria relating to the public road or infrastructure;
- A summary of, or any reference to, any records relating to the condition of the road or infrastructure from inspections and reports; and
- A summary of inspections relating to the condition and maintenance of that part of the public road or infrastructure conducted in the 12 months prior to the incident.

A copy of this report will be filed in Council's Electronic Document Management System for future reference.

Asset Class	Hierarchy	Inspection Type, Maximum Inspection Interval & Responsibility			
		Routine	Relevant Department	Condition	Relevant Department
<b>Urban Road Network</b> * Includes sealed and unsealed roads	Urban Link	3 months	Infrastructure & Services	3 years	Infrastructure & Services
	Urban Collector	4 months	Infrastructure & Services	3 years	Infrastructure & Services
	Urban Access	12 months	Infrastructure & Services	3 years	Infrastructure & Services
	Urban Minor	3 years	Infrastructure & Services	3 years	Infrastructure & Services
	Not Maintained	Not Applicable	-	Not Applicable	-
<b>Rural Road Network</b> * Includes sealed and unsealed roads	Rural Link	3 months	Infrastructure & Services	3 years	Infrastructure & Services
	Rural Collector	4 months	Infrastructure & Services	3 years	Infrastructure & Services
	Rural Access	12 months	Infrastructure & Services	3 years	Infrastructure & Services
	Rural Minor	3 years	Infrastructure & Services	3 years	Infrastructure & Services
	Fire Access Track	Not Applicable	-	Not Applicable	-
<b>Footpath</b>	Not Maintained	Not Applicable	-	Not Applicable	-
	Primary	6 months	Infrastructure & Services	2 years	Infrastructure & Services
	Secondary	12 months	Infrastructure & Services	2 years	Infrastructure & Services
	Local	12 months	Infrastructure & Services	2 years	Infrastructure & Services
	Minor	Request Inspection	Infrastructure & Services	No Inspection	-
	Shared Use Paths	6 months	Infrastructure & Services	2 years	Infrastructure & Services



Asset Class	Hierarchy	Inspection Type, Maximum Inspection Interval & Responsibility			
		Routine	Relevant Department	Condition	Relevant Department
Kerb & Channel	All Road Categories (where applicable)	12 months	Infrastructure & Services	3 years	Infrastructure & Services
Bridges	All Road Categories	Level 1 Inspection (Basic visual inspection) 12 months	Infrastructure & Services	Level 2 Inspection (Detailed condition inspection) 3 years	Infrastructure & Services
Road Furniture	Guard Rail	12 months	Infrastructure & Services	3 years	Infrastructure & Services
	Bus Shelters	12 months			
	Traffic Management Devices	2 years			
	Signs & Other Furniture	As per frequency for road category			
Vegetation	Roadside Vegetation	As per frequency for road category	Infrastructure & Services	No Inspection	-
	Urban Vegetation	As per frequency for footpath category	Infrastructure & Services	3 years	Infrastructure & Services
Rail Crossings*	All Road Categories	3 Months	Infrastructure & Services	3 years	Infrastructure & Services

Note\* - Relates only to the inspection of relevant assets associated with the approaches to rail crossings located on all municipal roads, as defined by applicable Safety Interface Agreements.



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#### **6.4 Customer Request System**

Requests for maintenance of Council's engineering infrastructure assets are recorded on Council's corporate Customer Request System. These requests are generally made by the public, Councilors and Council staff. Each request will be inspected to meet the established response time as detailed for that asset class.

The system records each action associated with a particular maintenance request and is able to show history through to completion. The costs, location, date and nature of the work completed by the Maintenance Department is recorded in Council's Job Card System.

The Customer Request System described above is able to provide management with measures of effectiveness by giving valuable data on the workload and the level of service being achieved in a given time period. The system provides the ability to report on:

- Time taken to complete inspection;
- Priority allocation made at inspection;
- An indication of the number of requests received for a particular locality;
- Number of requests complete;
- Average number of days to completion;
- Requests for each maintenance activity; and
- Responsiveness



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## **7.0 LEVELS OF SERVICE**

The foundation of the Road Management Plan includes setting of appropriate and reasonable standards as they relate to maintenance and construction of road assets.

Council has established maintenance and construction performance criteria that are equitable, sustainable and reflect the requirements for management of its road assets.

The defined levels of service have regard to:

- Community needs and aspirations;
- Industry standards;
- The need to provide a safe and efficient road network; and
- The Council's and its community's ability to fund such standards.

The implementation of an equitable road classification system also enables the community to readily identify the road system and have clear expectations as to the standard of construction and maintenance of the road system.

### **7.1 Community Consultation**

An important objective of this Plan is to match the level of service provided by Council's road infrastructure with the expectations of its community given financial, technical and legislative constraints.

#### **7.1.1 Future Consultation**

Council, as a continued improvement process, will measure and review both its capacity to deliver road services and actual performance of its road network against a number of key outcome areas. These are:

- Annual Community Satisfaction Survey Outcomes (Council Plan – Performance Indicators),
- Quarterly Customer Surveys,
- Levels of expenditure and funding gaps,
- Analysis of Customer requests and responses (MERIT), and
- Ongoing development of Council Policies

Community input into service delivery needs to be considered against its willingness to fund a desired level of service. It is also important that any decision to adopt any changes to the defined maintenance and construction performance criteria is in the best interest of the overall community.

The defined levels of service have in built performance measures that apply to the maintenance and construction performance criteria and response levels. These aspects will be monitored on an on-going basis and will be reviewed when required.

## **7.2 Maintenance Performance Criteria**

The proposed maintenance standard is recommended to be generally the same across the network, whether the road is in the rural or urban area or its classification. The actual

maintenance effort required is directly affected by the amount of traffic using a particular road, the type of pavement and materials used together with its location.

A defect refers to the visible evidence of an undesirable condition in the road infrastructure asset. A defect may affect the safety, serviceability, structural capacity or appearance of the asset.

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Council's maintenance performance criteria indicate the magnitude of the undesirable condition for each defect requiring maintenance work to be initiated. Standards relating to road network performance and Council's response upon notification of identification are specified in Appendix A – Maintenance Performance Criteria and Response. Applicable defect response codes, defining target response times for Council to take action after defect are identified, are detailed in Appendix A.

Council, as part of its overall objective of establishing clear and equitable policies for its community, has determined to review the functions and purpose of its entire local road network.

### **7.3 Construction Performance Criteria**

The standards for construction of new local roads and pathways and for the upgrade of local roads and pathways will be in accordance with the standards and specifications adopted by Council in any particular instance.

Generally the standards for renewal and refurbishment will be based on the existing built standards taking into account the environmental sensitivities of matters such as established trees and historical features, road safety and traffic management requirements.

The type of vehicles and axle loading on a pavement are considered as a separate exercise when designing the pavement. Depth and type of materials to be used will vary depending on whether heavy transport or light vehicles use the road.

Council's construction standards have been developed to identify the various standards necessary to accommodate the Urban and Rural road network. In instances where property owners and/or road users require a higher standard than designated, and are prepared to meet the costs of this increased standard of construction, Council may be prepared to consider constructing the road at that standard.

### **7.4 Exceptional Circumstances**

Council, under a normal operating environment, will make every endeavour to deliver all aspects of its Road Management Plan.

However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts or similar, together with human factors, such as a lack of Council staff or suitably qualified Contractors, because of section 83 of the *Victorian Wrongs Act 1958*, as amended, Council reserves the right to suspend compliance with its Road Management Plan.

In the event that the CEO of Council, has to, pursuant to section 83 of the above Act, consider the limited financial resources of Council and its other conflicting priorities, meaning the standards Council's Plan cannot be met, the General Manager Infrastructure and Services will be advised in writing that some, or all, of the services delivered under the Plan are to be suspended until further notice.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will provide direction to the General Manager Infrastructure and Services as to which aspects of Council's Plan are to be reactivated and when.

### **7.5 Unmade Road Reserves and Upgrading Roads Adjacent to Development**

There are many road reserves within the shire which are currently unmade. These road reserves by definition are unmade or natural surface roads. In some cases these roads may be graded periodically as fire access tracks or for other purposes. For the purposes of Council's Road Management Plan, these roads are also considered to be unmade roads by



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virtue that they have not been fully developed by Council or built by others to meet Council's standards. In other cases unmade road reserves may be totally untouched and unused.

There are also many roads within the municipal area which are categorised as 'lower category' roads (e.g. Minor road) in accordance with Council's local road hierarchy. Roads of this nature are generally made to a very low standard and are graded periodically consistent with Council's standards.

Where a request is received or a development application is lodged which requires the construction of an unmade road reserve or for the upgrade of an existing 'lower category' road to a 'higher category', Council will give consideration for the work to be carried out provided that the developer or proponent is prepared to meet the full cost of construction.

All construction will be carried out to Council's specification, Council will then undertake to maintain the road thereafter should it be deemed to be a public road.



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## **8.0 COORDINATION OF WORKS**

The primary purpose of public highway is for use by the public for transport. The provision of utility infrastructure is to be managed in such a way so as to minimise, as far as reasonably practicable, interference with a road primary purpose. In particular:

- Ensure that risks to the safety and property of road users and the public are minimised;
- Minimise any damage to roads and related infrastructure;
- Minimise disruption to road users; and
- Require that roads and related infrastructure be reinstated by utility and service providers to a condition as near as practicable to their prior condition.

### **8.1 Road Openings**

All works carried out within the road reserve, including those by service authorities, are recorded on Council's Road Openings Register.

For private individuals, upon completion of a Non-Utility Minor Works within Municipal Road Reserves Application Form and payment of the appropriate fee, Council's consent to works is generally issued.

Council's consent to works allows contractors to perform civil works in a road reserve or make a connection to a drain, water main, gas, sewer or telecommunications service, or construct a vehicle crossing.

The issue of consent signifies to Council that the proponent undertakes to comply with the relevant conditions of Council's general conditions of consent. These conditions also relate to all temporary and permanent reinstatement works.

Council Officers inspect the works after four weeks from the date of proposed opening to ensure that reinstatement works have been completed adequately and that the area of works has not exceeded that as indicated on the application for consent.

Council requires that road crossings be bored rather than opened trenched unless consent is granted.

### **8.2 Service Authorities**

Service Authorities are required under the relevant legislation to provide Council with prior notification of planned works before commencement.

Council may make comment, in writing, regarding the impact of the proposed works on native vegetation, Council assets, safety and location. For Service Authorities, no Road Opening Permit is required for works; however a consent notice is issued providing Council with a record of the works.

Where Council is not satisfied with some aspects of the proposal outlined in the notice, it may provide consent to the works proceeding, subject to the utility/service provider complying with certain conditions. These conditions may involve:

- Management of traffic,
- Timing of works to minimise disruption to road users, and
- Timing and quality of reinstatement, etc

In such cases Council will provide written advice to the utility/service provider that it consents to the proposed works subject to certain conditions.



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## **9.0 PLAN IMPROVEMENT & MONITORING**

The Act requires that Council's Road Management Plan be formally reviewed at prescribed intervals. However, it is proposed that Council review its Plan more frequently as part of the continuous improvement process being applied to this new road management system.

The Plan improvement and monitoring process is proposed as follows.

### **9.1 Internal Monitoring**

The processes that are to be audited internally per annum are as follows:

- Collection and storage of condition information,
- Recording of complaints/requests in an appropriate database in the manner required,
- Each complaint/request is inspected and/or assessed in relation to safety & specified maintenance intervention levels,
- That programmed inspections are carried out as scheduled,
- Relevant inspection reporting & recording mechanisms are in place,
- That reported defects are being properly recorded in the system,
- Where required, appropriate rectification responses are determined and works orders issued,
- Where customer requests require scheduling of works onto annual maintenance programs or capital works programs, that the required listing takes place,
- Record of maintenance activities is made in the database against the asset, including actual date of completion,
- Record that maintenance works have been delivered as intended (i.e. someone has signed off on the satisfactory completion of the work),
- Procedure is in place for collecting and storing information regarding road asset condition for developing future maintenance programs,
- Management system in place to record and respond to customer enquiries, and
- Asset handover/update process is being managed as required.

The outcome of the internal audit is to be reported to the General Manager, Infrastructure & Services

### **9.2 Annual Performance Review**

It is intended that this Plan will be updated on an annual basis in line with changes to the budget and results of predictive modelling of elements of Council's road infrastructure assets.

Council shall ensure that there is ongoing review of its asset management practices to ensure continued suitability and effectiveness having regard to:

- Asset performance following delivery of maintenance and construction programs;
- The level of achievement of Council's asset management strategies; and
- The consideration of any external factors, including legislative requirements, ongoing development of Council Policies and other major system implementations, that may affect the contents of this Plan.

The review will include, but not limited to:

- Audit and review of maintenance response times (to confirm whether maintenance works were delivered on time),
- Review of inspection frequencies (to ensure appropriateness),
- Review of levels of service (to ensure appropriateness),
- Review of road classifications (to ensure appropriateness), and
- Review of customer feedback/contact.



### 9.2.1 Performance Measures

The following performance measures have been adopted to provide an indication of the levels of service meet community requirements in terms of satisfaction of delivery.

Performance Measure	Target
Routine inspections completed as per schedule	100% as specified
Response times for remedial work as assessed against Council's Maintenance Performance Criteria*	85% as specified

\*Note – Includes provision of appropriate warning of an identified hazard

### 9.3 Periodic Review

The Road Management Plan is a dynamic document and is subject to continuous improvement based on:

- The Council's 'Best Value' Review program;
- Changing legislative and government policy requirements;
- Economic, social and environmental impacts;
- Changing traffic patterns and community expectations;
- New road assets being continually acquired through subdivision of land;
- Updated assessments of the condition of road assets; and
- Updated predictive modelling of the funding requirements of road assets.

Should the need arise to update the Plan due to changing circumstances then this will be carried out at the relevant time.

### 9.4 Road Management Plan Amendment

To ensure the effective development and implementation of this plan all reviews will be undertaken in accordance with Part 3 of the *Road Management (General) Regulations 2005*.

Subject to the results of any review all amendments required to be made to the Plan will be undertaken pursuant to section 54 of the *Road Management Act 2004*.

Records of all reviews and plan amendments will be maintained.



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## **10. REFERENCES**

Colac Otway Shire Council Plan

Asset Management Policy

Risk Management Policy

Strategic Resource Plan

Road Asset Management Plan

Bridge Asset Management Plan

Infrastructure Design Manual



# **Appendix A**

## **Maintenance Performance Criteria & Response**

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### Defects Response Codes

Response Code	Target Response Time	Action, Response & Control
2D	Within <b>2 working days</b> of defect identification via inspection or notification	Inspect and rectify defect within defined target response time
1W	Within <b>1 week</b> of defect identification via inspection or notification	Inspect and rectify defect within defined target response time
2W	Within <b>2 weeks</b> of defect identification via inspection or notification	Inspect and rectify defect within defined target response time
3W	Within <b>3 weeks</b> of defect identification via inspection or notification	Inspect and rectify defect within defined target response time
1M	Within <b>1 month</b> of defect identification via inspection or notification	Inspect and rectify defect within defined target response time
2M	Within <b>2 months</b> of defect identification via inspection or notification	Inspect and rectify defect within defined target response time
3M	Within <b>3 months</b> of defect identification via inspection or notification	Inspect and rectify defect within defined target response time
PW	Programmed Works - Long term maintenance works program (3-5 years) developed on a priority basis having regard to available resources and annual budget limitations.	
N/A	Not Applicable	
*	Appropriate response within <b>1 working day</b> if defect is assessed as exposing the travelling public to a high level of risk exposure. Inspect, rectify defect if practicable, or provide appropriate warning. <sup>#</sup>	

<sup>#</sup> **Note** – Where, because of the nature of the repair, availability of resources required or existing workload, it is not possible to rectify a defect within its prescribed response time, appropriate warning of the hazard is to be provided until necessary repairs can be completed.

An appropriate warning may include, but is not limited to –

- Provision of warning signage,
- Traffic control action,
- Diversion of traffic around the site,
- Lane closure,
- Restriction of use of road by vehicles of a certain size (eg. Load limit), or
- Temporary Road Closure.

An intermediate response of this type is to manage any risk associated with a particular defect until further remedial action may be undertaken.



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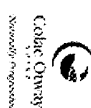
**MAINTENANCE PERFORMANCE CRITERIA**

ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
SEALED ROADWAY MAINTENANCE										
Minor Patching										
Potholes	Surface patching of potholes in travelled way using bituminous and other appropriate materials to restore riding surface to a smooth condition.	Repair when pothole exceeds 50mm in depth and/or 300mm in diameter or likely to deteriorate rapidly	2W*	3W*	1M*	PW*	2W*	3W*	1M*	PW*
Seal Edge Breaks	Repair of fretting along edge of seal to maintain correct overall pavement width.	Repair when edge break exceeds 100mm from the average existing seal width, or when drop off of pavement exceeds 75mm measured over a 20m length.	2W*	3W*	1M*	PW*	2W*	3W*	1M*	PW*
Stripped Seals	Loss of aggregate from a seal which can become slippery in hot weather and slippery when wet or frosty.	Emergency treatment where wearing course becomes hazardous to traffic, particularly on horizontal curves or approaches to intersections, or not waterproof. Other areas to be considered within annual reseal	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
Bleeding Surface	Surfaces resulting from too much bitumen on the surface, which becomes 'sticky' in hot weather, and often slippery in wet or frosty weather.		PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*

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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
Slick Surfaces	Slick, fatty or smooth surfaces resulting from loss of aggregate or the wearing down of the aggregate with age, accompanied by an upward movement of bitumen to form a hard, smooth surface with little grip to motor tyres in wet weather.	program.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
Surface Waving or Shoving	Surface waving or shoving is caused by traffic shoving on unstable bitumen mixtures, resulting in shallow waves and hollows. Surface patching and regulation of adjacent surface irregularities <5sqm	Regulate if rutting depression holds water or exceeds 75mm in 60 km/h speed zones and 75mm in open speed zones under a 3m straight edge longitudinally.	2W*	3W*	1M*	PW*	2W*	3W*	1M*	PW*
Deformation or Heaving and Depressions	Depressions in the traffic lanes, with bulging of the surface outside the wheel tracks. Surface patching and regulation of adjacent surface irregularities <5sqm	Regulate if depression holds water or mounding exceeds 75mm in 60 km/h speed zones and 75mm in open speed zones under a 3m straight edge longitudinally.	2W*	3W*	1M*	PW*	2W*	3W*	1M*	PW*

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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
Mechanical Pavement Cleaning	Suction sweeping/cleaning of pavement surface including: intersections, kerb & channel, etc	When accumulation of aggregate *, dirt, or debris at critical locations  <b>*Note</b> – Removal of access resealing aggregate or excess asphalt after spraying/laying is the responsibility of the relevant contractor under direction of the Infrastructure & Services Department	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
Manual/ Mechanical Sweeping	Cleaning of pavement at intersections	When accumulation of crushed rock, dirt, or debris at critical locations	1W*	2W*	2W*	PW*	1W*	2W*	2W*	PW*

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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES						
			Urban			Rural			
			Link	Collector	Access	Minor	Link	Collector	Access
Major Patching	Treatment of failed pavement over large areas requiring excavation of pavement and/or subgrade with plant and specialised repair procedures and materials.	When a failed area presents a hazard to the public, the sealed surface no longer holds, extensive shoving has occurred and road surface drainage is no longer effective. Repair when treatments have failed to solve problem or other treatment is inappropriate.	PW*	PW*	PW*	PW*	PW*	PW*	PW*
Resealing	The rejuvenation of a sealed surface through the fresh application of bitumen and aggregate or asphalt overlay.	Programmed basis only on a projected cycle of 12 years, or based on visual inspection, subject to budget approval.	PW	PW	PW	PW	PW	PW	PW

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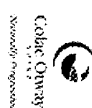
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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
SHOULDER MAINTENANCE										
Shoulder Grading	The regular grader maintenance of unsealed shoulders in accordance with the appropriate intervention levels, including spot gravelling to avoid pavement drop off, reworking existing materials to remove shoulder surface irregularities and maintain shoulder shape	Shoulders, potholed, rutted, holding water, pavement unsupported, drop from pavement > 100mm measured over a 20m length *Note - Grading of unsealed shoulders will only take place when moisture content of materials is sufficient to maintain cohesiveness of soil aggregates.	2W *	3W *	1M*	PW*	2W *	3W *	1M*	PW*
Resheeting Shoulders	The application of gravel or other approved imported material strengthening and reshaping unsealed shoulders	Insufficient shoulder material to maintain shoulder at pavement levels, over 40% of road length.	PW	PW	PW	PW	PW	PW	PW	PW

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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
UNSEALED ROADWAY MAINTENANCE										
Potholing	The application of gravel or appropriate material to potholes exceeding 300mm in diameter and 75mm in depth where moisture content is too high for regular grading	Repair when pothole exceeds 75mm in depth and/or 300mm in diameter or likely to deteriorate rapidly	N/A	N/A	2W*	PW*	2W*	3W*	1M*	PW*
			Average Grading Frequency							
Grading Roads	Treatment to reduce corrugations, potholes, and rutting to maintain shape and crossfall of unsealed roadways and road shoulders and restore trafficable surface condition.	Grading unsealed roads may be conducted on a regular basis, however roads that are in a good trafficable condition will be excluded from the grading cycle. The frequency of programmed road grading is based upon the road classification within the adopted road hierarchy.  Road grading is generally not conducted in response to customer requests but may be initiated in response to emergency situations or under circumstances which present an unacceptable risk to road users.	N/A	N/A	2 per year	1 per 2 years	3 per year	2 per year	2 per year	1 per 2 years

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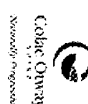
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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES						
			Urban			Rural			
			Link	Collector	Access	Minor	Link	Collector	Access
		Road surface, scoured, potholed, rutted, corrugated to depth of 75mm over 30% of any 1km length of road. Treatment may include spot gravelling with appropriate materials.  <b>*Note</b> - Grading of unsealed roads will only take place when moisture content of pavement materials is sufficient to maintain cohesiveness of soil aggregates.							
Emergency Resheeting	The application of gravel or crushed rock to the wearing surface to strengthen and reshape the surface. Includes cleaning and reshaping of table drains.	Emergency treatment where road subgrade is exposed creating soft or slippery areas creating a hazard to traffic	N/A	N/A	2W*	PW*	2W*	3W*	1M*
									PW*

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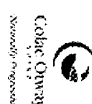


ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES								
			Urban			Rural			Link	Collector	Minor
			Access	Minor	Link	Access	Minor	Link			
Resheeting	The application of gravel or other approved imported material to the pavement strengthening and reshaping pavement while maintaining all weather trafficable road conditions. Approved materials will include but are not limited to soil aggregates, scoria and quarry rubble.	Road subgrade is exposed over 25% of section length or resheeting requirement is assessed by visual inspection.	N/A	N/A	PW	N/A	PW	PW	PW	PW	N/A
ROAD FURNITURE											
Signs – Statutory Signs	The minor repair, re-erection, straightening, and cleaning of signs and sole purpose supports.	<ul style="list-style-type: none"> <li>▪ Straighten sign support when it becomes noticeable that it is not vertical.</li> <li>▪ Replace when damage renders either the sign or support ineffective.</li> <li>▪ Clean/ replace the sign face when:                             <ul style="list-style-type: none"> <li>- There is a noticeable accumulation of dirt.</li> <li>- Graffiti covers more than 10% of sign or</li> </ul> </li> </ul>	1W	1W	1W	PW*	1W	1W	1W	1W	PW*
Signs – Guide, Warning & Information (excluding rail crossing signs)			3M	3M	3M	3M	3M	3M	3M	3M	3M



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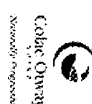


ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
<b>Signs – Rail Crossing Warning Signs</b> (includes only those signs on the approach to a crossing for which Council is responsible)		<ul style="list-style-type: none"> <li>message on sign is defaced</li> <li>Replace missing or if incorrect sign is in place.</li> <li>Replace if sign is illegible at 150m under low beam or in daylight</li> </ul>	1M	1M	1M	N/A	1M	1M	1M	N/A
<b>Guard Rail</b>	The re-alignment, repair and replacement of isolated guardrail sections less than 10m in length, posts and hardware that is defective. Includes the cleaning of guardrail.	Replace damaged guard rail sections, end terminals and support posts, subject to the availability of materials.	1M*	2M*	2M*	PW*	1M*	2M*	2M*	PW*
<b>Guide Posts / Delineators</b>	Reinstatement, repair, cleaning of guide posts and delineators to ensure safe and acceptable condition.	Any missing or damaged guide posts (where existing) making them substantially ineffective in a hazardous location for the travelling public	N/A	N/A	N/A	N/A	2W	3W	1M	PW*
<b>Guide Post Installation Program</b>	Prioritised installation of new guide posts and delineators along road lengths to improve delineation.	Annual installation program subject to budget allocations	PW	PW	PW	PW	PW	PW	PW	PW

Road Management Plan (Version 2.1)  
Date Adopted:  
File Ref: GEN01710 – Road Management Plan

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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES						
			Urban			Rural			
			Link	Collector	Access	Minor	Link	Collector	Access
<b>All Street Furniture e.g. Seating, Bollards, Bike Racks, etc</b>	Covers reinstatement, repair, cleaning, and painting of street furniture to ensure aesthetic, safe and acceptable condition.	Provide emergency repairs or response depending on the extent of the damage when: - Asset becomes non-functional or becomes a hazard to the public - Not fixed correctly to the ground or relevant support - Does not conform to Council's or manufacturer's specification and / or becomes unattractive in appearance Replacement of infrastructure considered as part of Annual Renewal Program.	PW*	PW*	PW*	PW*	N/A	N/A	N/A
<b>Bus Shelters</b>	Reinstatement, repair, cleaning and painting of shelters, associated infrastructure and surrounds to ensure safe condition.	Bus shelters, infrastructure and surrounds kept serviceable, safe, neat and tidy in appearance.	PW*	PW*	PW*	PW*	PW*	PW*	PW*

Road Management Plan (Version 2.1)  
Date Adopted:  
File Ref: GEN01710 – Road Management Plan

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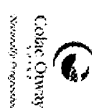
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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
			Pavement Markings							
Centre Line	Defined as remarking of all illegible/defective road marked symbols, signs, line work where existing.	When markings lack definition, loss of reflectivity and/or legibility at safe sight distances at critical locations.	3 Year Program							
STAT Cons			PW	PW	PW	PW	PW	PW	PW	
School Crossings			PW	PW	PW	PW	PW	PW	PW	
Railway Crossings			PW	PW	PW	PW	PW	PW	PW	
Parking Bays			2 Year Program							
Bicycle Lanes	Reinstate line marking to ensure effective visibility.	3 Year Program								

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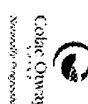
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ACTIVITY		DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
				Urban				Rural			
				Link	Collector	Access	Minor	Link	Collector	Access	Minor
VEGETATION MAINTENANCE											
Line Clearance	Prune street trees to provide adequate clearance around overhead cables. (This activity includes pruning within Arterial and Municipal Road Reserves, and Nature Strips).	Line Clearance in accordance with Code of Practice for Electrical Line Clearance (Vegetation) 1999.	PW	PW	PW	PW	N/A	N/A	N/A	N/A	
Tree & Shrub Obstruction - Roadway	The cyclic maintenance of trees and shrubs in road reserves not in urban areas, control provides for fuel reduction as part of annual fire prevention program.	Prune road side trees to comply with the following clearance limits: <ul style="list-style-type: none"><li>- Height Clearance: min. 5.0m above carriageway</li><li>- Lateral Clearance: min. 1.0m from guide posts, back of shoulder, or kerb</li><li>- Maintenance of safe sight distances at intersections and curves.</li></ul>	PW	PW	PW	PW	PW	PW	PW		

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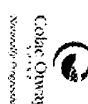
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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
<b>Tree &amp; Shrub Obstruction - Other</b>	Prune trees and/or shrubs to provide for long term desired height, lateral and sight clearances.	Tree obstructing safe sight distances, restricts viewing of warning signage, or assessed to be in an unsafe condition causing hazard to traffic or public.	2W	1M	2M	PW*	1M	2M	3M	PW*
<b>Vegetation Control</b>	The control of vegetation growth, predominantly grass growth not including tree maintenance, in municipal road reserves. Control also provides for fuel reduction.	Areas where grass height restricts design sight distance to intersections, or obstructs viewing of warning signage, guideposts, etc	N/A	1M	1M	PW*	PW	PW	PW	PW*
<b>Fuel Reduction (Fire Management)</b>	Slashing carried out to reduce fire fuel loads and manage potential fire hazards on strategic network roads, CFA and Roadside Fire Management Guidelines set the selection and areas on these roads	Slashing or roadside areas as included within annual fire prevention program.	N/A	N/A	N/A	N/A	PW	PW	PW	PW

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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
BRIDGE AND STRUCTURES MAINTENANCE			Link	Collector	Access	Minor	Link	Collector	Access	Minor
<b>Routine Maintenance – Deck Cleaning</b>	Cleaning and clearing of deck, expansion joints, drainage scuppers, etc.	Clear and clean when any accumulation of material causes interruption to the escape of drainage water or the operation of expansion joints.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
<b>Routine Maintenance – Substructure Clearance</b>	Cleaning and clearing of dirt and debris from superstructure and substructure, and vegetation from in and around bridge.	Clear and clean when stream flows are obstructed at structure.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
<b>Minor Repair / Painting</b>	Minor repair and minor painting, including repair of spalled posts and parapets. Includes repair, tightening and painting of railing.	Undertake minor repair or replacement, painting, etc to ensure safe and effective condition of bridge components.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
<b>Running Deck Repair</b>	Treatment of timber running planks rotted at the ends or edges, severely split and/or cracked through significantly loose or highly weathered.	Repair deck when timber running planks very loose, defective or missing to ensure safe running surface. Includes retightening of coach screws or re-driving of spikes.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*

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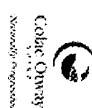


ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES						
			Urban			Rural			
			Link	Collector	Access	Minor	Link	Collector	Access
Major Repairs	Replace or undertake major repairs or replacement when structure condition suggests that infrastructure is beyond repair and/or non-functional	Structure in dangerous condition, not serviceable, structurally unsound or unsafe.	PW*	PW*	PW*	PW*	PW*	PW*	PW*



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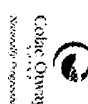


ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES							
			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
DRAINAGE MAINTENANCE										
Surface Drains	Cleaning and minor reshaping of isolated ditches and surface drains >50 m long to maintain adequate drainage. Includes verge drains and back drains.	Reshape when there is ponding in drains or the drain is not functioning to 80% capacity.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
Sub-Surface Drains	The removal of dirt and debris from sub-surface drain outlets and pits to ensure water is removed from subgrade. Includes checking of rodent and flood flaps.	Inspect and clean subsoil drains annually. Inspect known problem areas and free flowing subsoil drains at scheduled intervals.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
Underground Storm Water Drains	Removal of dirt, tree roots and debris from underground pipes to maintain adequate drainage.	Inspect and clean underground drains annually. Inspect regularly known problem areas at scheduled intervals.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*



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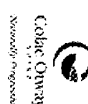
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			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
<b>Culvert And Pit Cleaning</b>	The removal of dirt and debris from culverts and pits to maintain adequate drainage.	Inspect and clean culverts and pits based on Annual Program. Inspect regularly known problem areas after heavy rain, and mouths of pits keeping such free of blockages. Inspect catch basins after heavy rains.	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
<b>Kerb And Channel Cleaning</b>	Clearance of any debris fouling the surface between the face of the kerb and 2.4-metres from the invert of the channel.	Clearance of kerb and channel undertaken to ensure effective drainage.	1M	1M	1M	PW*	1M	1M	1M	PW*
<b>Culvert And Pit Repair</b>	The minor repair of damaged culverts and pits due to concrete deterioration or damage.	Repair or replace culverts and pits when they are damaged to the extent that they are hazardous or become non-functional.	2D	2D	2D	PW*	1W*	2W*	1M*	PW*

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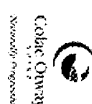
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			Urban				Rural			
			Link	Collector	Access	Minor	Link	Collector	Access	Minor
Kerb And Channel Repair	Repair of damaged kerb and channel due to concrete deterioration or damage.	Replace or undertake repairs when: - Uplift section of 20mm in tray and water ponds for greater than 10 m in channel - Lateral displacement of top of kerb and tilted tray by more than 50mm - Broken pieces greater than 200mm missing - Sites where repairs exceed +10% are to be referred to Project implementation	PW*	PW*	PW*	PW*	PW*	PW*	PW*	PW*
Pit Lid – Damaged Or Missing	Replacement or reseating of pit lid.	Damaged or missing pit lids, surrounds, or grates in pedestrian areas and traffic lanes.	2D	2D	2D	PW*	1W*	2W*	1M*	PW*
Pit Surround – Damaged Or Missing	Replacement or reseating of pit surround.		2D	2D	2D	PW*	1W*	2W*	1M*	PW*

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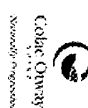
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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES			
			Primary - Commercial Areas	Secondary	Local	Shared Pathways
FOOTPATH AND SHARED USE PATH MAINTENANCE						
Displacements	Replacement, repair, regulation and surface patching of footpath to ensure uniform safe condition.	Repair or regulate footpath surface where vertical displacement between concrete bays exceeds 20mm.	1W	1M	1M	1M
Footpath Replacement	Replacement of sections of path to restore a trafficable surface	Surface suffering from extensive and substantial distress such as very extensive and wide cracking, shoving, displacement, and/or disintegration of the pavement.	PW*	PW*	PW*	PW*
Potholes (Sealed Surface)	Repair of potholes in hard paved areas to restore the surface to a smooth and safe condition.	Repair or regulate where potholes exceed 25mm in depth.	1W	1M	1M	1M
Potholes (Unsealed Surface)	Spot patching of potholes in unsealed surfaces to restore smooth trafficable surface.	Repair when pothole exceeds <b>25mm</b> in depth and/or <b>300mm</b> in diameter or likely to deteriorate rapidly	1W	1M	1M	1M
Depressions	Regulation of subsided areas exceeding 1-sqm and less than 5-sqm to restore the surface to a smooth and safe condition.	Repair or regulate where depressions exceed 30mm in depth over a 2 metre straight edge.	1W	1M	1M	1M
Shoving	Regulation of raised surface exceeding 1-sqm and less than 5-sqm to ensure uniform safe condition.	Repair when mounding exceeds 50mm in height over a 2 metre straight edge.	1W	1M	1M	1M

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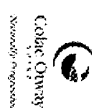
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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES			
			Primary - Commercial Areas	Secondary	Local	Shared Pathways
FOOTPATH AND SHARED USE PATH MAINTENANCE						
Footpath - Tree & Shrub Obstruction	Street tree and/or shrub shaping to control future growth, provide for long term stability/health, and maintain desired height, lateral and sight clearances. Pruning to address dead/diseased and/or damaged limbs.	Prune street trees and shrubs to comply with the following clearance limits: - Height Clearance: min. 2.4m above footpath - Lateral Clearance: min. 500mm from edge of path	1M	3M	3M	N/A
Footpath - Vegetation Control	The control of vegetation growth, predominantly grass growth not including tree maintenance.	Areas where grass encroaches across greater than 30% of footpath width or obstructs viewing of signage, guideposts, etc	1W	3M	3M	N/A
Corrugations (Unsealed Surface)	Repair surface of unsealed footpaths to a safe and acceptable condition.	Repair of surface if corrugations exceed 25mm in depth at a critical location on the approach to intersection or curve.	1W	3M	3M	1M
Emergency Resheeting (Unsealed Surface)	The application of gravel or crushed rock to unsealed surface.	Emergency treatment where soft or slippery areas create a hazard to pedestrians or cyclists.	1W*	2W*	2W*	2W*

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ACTIVITY		DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES			
				Primary - Commercial Areas	Secondary	Local	Shared Pathways
FOOTPATH AND SHARED USE PATH MAINTENANCE							
Brick Paved Areas	The maintenance of paved areas of various construction to remove and defects that may constitute a hazard to pedestrians and other users.	Distressed area where: <ul style="list-style-type: none"><li>- There are loose, missing, or dislodged pavers,</li><li>- This is vertical displacement greater than 20mm, or</li><li>- There are gaps exceeding 25mm</li></ul> Consideration given to replacement of paved areas within annual programs.	PW*	PW*	PW*	PW*	
Edge Repair	Treatment to reduce depressions, holes or drop-off at the interface (edge) of constructed asphalt, concrete or brick paved footpaths.	Provide repair of depressions exceeding 75mm in depth at the interface of the nature strip and surrounding constructed paths with topsoil, gravel or sand	1W	1M	1M	1M	
Shared Use Pathway Guide Posts / Delineators	Reinstatement, repair, cleaning of guide posts and delineators to ensure safe and acceptable condition.	Any missing or damaged guide posts (where existing) at a critical location making them substantially ineffective.	N/A	N/A	N/A	1M	

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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES			
			Primary - Commercial Areas	Secondary	Local	Shared Pathways
FOOTPATH AND SHARED USE PATH MAINTENANCE						
Shared Use Pathway Signs – Guide, Information, Regulatory & Warning.	The minor repair, re-erection, straightening, and cleaning of signs and sole purpose supports.	<ul style="list-style-type: none"><li>▪ Straighten sign support when it becomes noticeable that it is not vertical.</li><li>▪ Replace when damage renders either the sign or support ineffective.</li><li>▪ Clean/ replace the sign face when:<ul style="list-style-type: none"><li>- There is a noticeable accumulation of dirt.</li><li>- Message on sign is defaced by graffiti etc.</li></ul></li><li>▪ Replace missing or if incorrect sign is in place.</li></ul>	N/A	N/A	N/A	3M
Shared Use Pathway - Tree & Shrub Obstruction	Street tree and/or shrub shaping to control future growth, provide for long term stability/health, and maintain desired height, lateral and sight clearances. Pruning to address dead/diseased and/or damaged limbs.	Prune street trees and shrubs to comply with the following clearance limits: <ul style="list-style-type: none"><li>- Height Clearance: min. 2.4m above path</li><li>- Lateral Clearance: min. 500mm from edge of path</li></ul>	N/A	N/A	N/A	1M



## INFRASTRUCTURE DEPARTMENT

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ACTIVITY	DEFINITION / DESCRIPTION	LEVEL OF SERVICE	TARGET RESPONSE TIMES			
			Primary - Commercial Areas	Secondary	Local	Shared Pathways
FOOTPATH AND SHARED USE PATH MAINTENANCE						
Shared Use Path - Vegetation Control	The control of vegetation growth, typically grass and/or undergrowth not including tree maintenance.	Areas where grass encroaches across greater than 30% of footpath width or obstructs viewing of signage, guideposts, etc	N/A	N/A	N/A	PW*
Shared Use Pathway Infrastructure Maintenance - General	Involves maintenance of all shared path/trail infrastructure, including: <ul style="list-style-type: none"><li>▪ Gates,</li><li>▪ pedestrian bridges, bollards,</li><li>▪ seats,</li><li>▪ shelters</li><li>▪ barriers, etc</li></ul>	Structure or pedestrian facility in poor condition, not serviceable, structurally unsound or has safety implications based on assessment.	N/A	N/A	N/A	1M*
Shared Use Path - Emergency Response	Emergency situations or circumstances which present an unacceptable risk to users (e.g. tree across path, etc)	Inspect, rectify defect if practicable, or provide appropriate warning. An appropriate warning may include, provision of warning signage, or path closure, etc until further remedial action may be undertaken.	N/A	N/A	N/A	1W*





*Planning and Environment Act 1987*

## **COLAC OTWAY PLANNING SCHEME**

### **AMENDMENT C79**

#### **EXPLANATORY REPORT**

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

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

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

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

The amendment applies to all land in the Residential 1 Zone (Colac, Apollo Bay and Marengo) and former Business 1, 2, 3 and 4 Zones (Colac and Apollo Bay) in the Colac Otway Shire.

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

The amendment implements the new residential zones into the Colac Otway Planning Scheme. Specifically, it introduces the General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) and applies the zones accordingly. In addition the amendment deletes Clause 32.01 Residential 1 Zone and the associated schedule. The amendment also amends planning scheme maps to reflect the introduction of the new residential zones and the recently introduced Commercial Zones.

##### **Strategic assessment of the amendment**

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

The State Government announced the release of the reformed zones to the Victoria Planning Provisions in May 2013. The final new residential zones were introduced into the Victoria Planning Provisions on 1 July 2013. The three amended residential zones, two new commercial zones and three amended industrial zones were introduced into the Victoria Planning Provisions on 15 July 2013.

The amendment is required as the existing Residential 1 Zone is due to be removed from the Planning Scheme on 1 July 2014. The amendment will implement the new residential zones in alignment with current Council policy.

The amendment will ensure that the strategic work that was completed to inform Amendment C55 is not compromised. Amendment C55 was gazetted on 18 July 2009 and introduced three distinct Design and Development Overlay (DDO) schedules into Apollo Bay. These DDO schedules implemented the recommendations from the Apollo Bay and Marengo Neighbourhood Character Study 2003, as updated by the Apollo Bay Structure Plan 2007. The NRZ is considered appropriate for the area currently covered by the DDO7 control in Apollo Bay and Marengo which is designed to maintain the lower density characteristics of this residential area.

The NRZ is also recommended for the area in Apollo Bay currently covered by the Development Plan Overlay (DPO) Schedule 4. This area was rezoned through Amendment C17 and the NRZ is best suited as it aligns closely with the intentions of the DPO that is currently in place, and the low density nature of development permitted (minimum lot size of 600m<sup>2</sup>). The GRZ is proposed to apply to the balance of the Residential 1 Zone in Apollo Bay and Colac.

The amendment also introduces the mapping changes required in response to the introduction of the new Commercial Zones into the Victoria Planning Provisions in July 2013. The Business 1 and 2 Zones will be shown as Commercial 1 Zone and Business 3 and 4 Zones will be shown as Commercial 2 Zone on the planning scheme maps.

**How does the amendment implement the objectives of planning in Victoria?**

The amendments implement the objectives in section 4 of the *Planning and Environment Act 1987*. In particular, the amendment supports the following objectives to:

- provide for the fair, orderly, economic and sustainable use and development of the land; and
- ensure sound, strategic planning and coordinated action at State, regional and municipal levels.

The amendment implements these objectives by introducing residential zones which give clarity about the type of development that can be expected in distinct residential areas. The amendment will ensure the on-going protection of neighbourhood character in Apollo Bay and provide opportunity for continued modest housing growth throughout the Shire.

**How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment is not expected to have any negative environmental or social impacts. The amendment will ensure that previous detailed planning for Apollo Bay and Marengo is not compromised by the introduction of new planning provisions. The amendment facilitates appropriate zoning which reflects Council's MSS and will provide more certainty to developers and to the community, as the zones will be more prescriptive to their surrounding contexts. In particular the NRZ will be applied to lower density residential areas where further subdivision is discouraged. The GRZ will be applied to the balance of Residential 1 zoned land in Colac and Apollo Bay where medium density development is encouraged.

The commercial zone mapping update does not make any changes to the planning scheme other than to reflect the changes made through VC100.

**Does the amendment address relevant bushfire risk?**

The amendment does not impact on bushfire risk.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with the relevant requirements of the following Ministerial Directions:

- Ministerial Direction No. 11 – Strategic Assessment of Amendments
- Ministerial Direction on the Form and Content of Planning Schemes

**How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment is consistent with, and gives effect to, the State Planning Policy Framework (SPPF), in particular Clause 11 (Settlement), Clause 15.01-5 Cultural identity and neighbourhood character, Clause 16.01 (Housing), Clause 17 (Economic Development) and Clause 18 (Transport).

The amendment facilitates sustainable development (including new residential housing) through consistent application of the GRZ and will also protect the existing neighbourhood character through the application of the NRZ.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The application of the new zones is policy neutral and directly implements the MSS, specifically Clause 21.03 – Settlement. It is also consistent with Clause 43.02 Schedules 6 and 7 which set out the design objectives for residential development in Apollo Bay.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by applying controls consistent with the form and content of the VPPs to facilitate appropriate residential zoning.

**How does the amendment address the views of any relevant agency?**

Council officers have consulted directly with regional staff within DTPLI to determine the most appropriate translation of the new residential zones for Colac Otway Shire.

The views of relevant agencies were sought via Amendment C55 and Amendment C17 which implemented the Apollo Bay and Marengo Neighbourhood Character Study 2003 as updated by the Apollo Bay Structure Plan 2007. In addition the Reformed Zones Ministerial Advisory Committee considered the views of relevant agencies as part of formulating its recommendations to the Minister for Planning on the form and content of the new residential zones.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not considered to have any impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*.

**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 not result in any significant impact on the resources and administrative costs of the Responsible Authority.

**Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

**Colac Otway Shire Council**

Colac Customer Service Centre  
2-6 Rae Street,  
COLAC VIC 3250

**Colac Otway Shire Council**

Apollo Bay Customer Service Centre  
69-71 Nelson Street,  
APOLLO BAY VIC 3233

**Colac Otway Shire Council**

Sustainable Planning and Development  
Service Centre  
101-105 Gellibrand Street,  
COLAC VIC 3250

**Colac Community Library & Learning  
Centre**

173 Queen Street,  
COLAC 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 Transport, Planning, and Local Infrastructure website at  
<http://www.dpcd.vic.gov.au/planning/publicinspection>.

*Planning and Environment Act 1987*

**COLAC OTWAY PLANNING SCHEME**

**AMENDMENT C79**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

The Colac Otway Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 7 attached maps.

**Zoning Maps**

1. Amend Planning Scheme Map Nos.5, 9, 11, 16, 27, 29 & 30 in the manner shown on the 7 attached maps marked "Colac Otway Planning Scheme, Amendment C79".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

2. In Zones- insert Clauses 32.08 and 32.09.
3. In Zones – following Clause 32.08, insert a new Schedule 1 in the form of the attached document.
4. In Zones – following Clause 32.09, insert a new Schedule 1 in the form of the attached document.
5. In Zones – delete Clause 32.01.
6. In Zones – following Clause 32.01, delete the schedule.

End of document

**32.08**

22/08/2013  
VC104

**GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ** 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 encourage development that respects the neighbourhood character of the area.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**32.08-1**

01/07/2013  
VB

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres.  Must not require a permit under clause 52.06-3.  The site must adjoin, or have access to, a road in a Road Zone.
Minor utility installation	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.  The site must adjoin, or have access to, a road in a Road Zone.
Railway	
Residential aged care facility	
Tramway	

Use	Condition
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
<b>Section 2 - Permit required</b>	
Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
<b>Community market</b>	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
<b>Convenience shop</b>	
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship)	
<b>Plant nursery</b>	
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> <li>Adjoin a commercial zone or industrial zone.</li> <li>Adjoin, or have access to, a road in a Road Zone.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>3000 square metres.</li> <li>3600 square metres if it adjoins on two boundaries a road in a Road Zone.</li> </ul>
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.

Use	Condition
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

### Section 3 – Prohibited

Use
Amusement parlour
Animal boarding
Animal training
Brothel
Cinema based entertainment facility
Horse stables
Industry (other than Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Community market, Convenience shop, Food and drink premises, Plant nursery)
Saleyard
Stone extraction
Transport terminal
Warehouse (other than Store)

**32.08-2**

01/07/2013  
V8

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

**32.08-3**

01/07/2013  
V8

**Construction and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

**32.08-4**

22/08/2013  
VC104

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

A permit is not required to construct one dependent person's unit on a lot.



### **Transitional provisions**

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and
- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

#### **32.08-5**

01/07/2013  
V8

#### **Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

#### **32.08-6**

01/07/2013  
V8

#### **Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.

#### **32.08-7**

01/07/2013  
V8

#### **Maximum building height requirement for a dwelling or residential building**

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone.

This does not apply to:

- An extension of an existing building that exceeds the specified building height, provided that the extension does not exceed the existing building height.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

If no building height is specified, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

#### **32.08-8**

01/07/2013  
V8

#### **Application requirements**

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For residential development of five or more storeys, an urban context report and design response as required in Clause 52.35.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.

- Adjacent buildings and uses.
- The building form and scale.
- Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

**32.08-9**  
01/07/2013  
V8

#### **Exemption from notice and review**

##### **Subdivision**

An application to subdivide land into lots each containing an existing dwelling or car parking space 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.

**32.08-10**  
01/07/2013  
V8

#### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

##### **General**

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- Any other decision guidelines specified in a schedule to this zone.

##### **Subdivision**

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

##### **Dwellings and residential buildings**

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.
- For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

**Non-residential use and development**

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

**32.08-11 Advertising signs**

01/07/2013  
V8

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

*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

--/--/20--  
C79

**SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ1**.

**Colac Otway Shire General Residential Zone**

**1.0 Permit requirement for the construction or extension of one dwelling on a lot**

--/--/20--  
C79

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

**2.0 Requirements of Clause 54 and Clause 55**

--/--/20--  
C79

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

**3.0 Maximum building height requirement for a dwelling or residential building**

--/--/20--  
C79

None specified

**4.0 Application requirements**

--/--/20--  
C79

None specified

**5.0 Decision guidelines**

--/--/20--  
C79

None specified

**32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

22/08/2013  
VC104

Shown on the planning scheme map as **NRZ** 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 recognise areas of predominantly single and double storey residential development.

To limit opportunities for increased residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**32.09-1 Table of uses**

01/07/2013  
V8

**Section 1 - Permit not required**

Use	Condition
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than 2 animals.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.
<b>Dwelling (other than Bed and breakfast)</b>	
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The gross floor area of all buildings must not exceed 250 square metres.  Must be located in an existing building.  The site must adjoin, or have access to, a road in a Road Zone.  Must not require a permit under clause 52.06-3.
<b>Minor utility installation</b>	
<b>Place of worship</b>	The gross floor area of all buildings must not exceed 250 square metres.  The site must adjoin, or have access to, a road in a Road Zone.

Use	Condition
	Must not require a permit under clause 52.06-3.
Railway	
Residential aged care facility	
Tramway	
Any use listed in clause 62.01	Must meet the requirements of Clause 62.01.
<b>Section 2 - Permit required</b>	
Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	The leasable floor area must not exceed 80 square metres.
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)	
Plant nursery	
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> <li>Adjoin a commercial zone or industrial zone.</li> <li>Adjoin, or have access to, a road in a Road Zone.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>3000 square metres.</li> <li>3600 square metres if it adjoins on two boundaries a road in a Road Zone.</li> </ul>

Use	Condition
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

### Section 3 – Prohibited

Use
Amusement parlour
Animal boarding
Animal training
Brothel
Cinema based entertainment facility
Horse stables
Industry (other than Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Community market, Convenience shop, Food and drink premises and Plant nursery)
Saleyard
Stone extraction
Transport terminal
Warehouse (other than Store)

**32.09-2**  
22/08/2013  
VC104

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land, except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space, where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

**32.09-3**  
22/08/2013  
VC104

#### **Number of dwellings on a lot**

The number of dwellings on a lot must not exceed the number specified in a schedule to this zone. If no number is specified, the number of dwellings on a lot must not exceed two.

#### **Transitional provisions**

Clause 32.09-3 does not apply to an application to construct two or more dwellings on a lot made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

**32.09-4**  
01/07/2013  
V8

#### **Construction and extension of one dwelling on a lot**

##### **Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of less than the lot size specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of less than the lot size specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

##### **No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.



**32.09-5 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

22/08/2013  
VC104

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55.

A permit is not required to construct one dependent person's unit on a lot.

**Transitional provisions**

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and
- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

**32.09-6 Requirements of Clause 54 and Clause 55**

01/07/2013  
V8

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**32.09-7 Buildings and works associated with a Section 2 use**

01/07/2013  
V8

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-1.

**32.09-8 Maximum building height requirement for a dwelling or residential building**

22/08/2013  
VC104

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no

building height is specified, the height of a building must not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.
- An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.
- The rebuilding of a lawful building or works which have been damaged or destroyed.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

#### **Transitional provisions**

Clause 32.09-8 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approval date continue to apply.

#### **32.09-9**

01/07/2013  
V8

#### **Application requirements**

An application must be accompanied by the following information, as appropriate:

- For a residential development, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses, including siting and dimensioned setbacks.
  - The building form and scale.
  - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

**32.09-10 Exemption from notice and review**

01/07/2013  
V8

**Subdivision**

An application to subdivide land into lots each containing an existing dwelling or car parking space 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.

**32.09-11 Decision guidelines**

01/07/2013  
V8

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General**

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- Any other decision guidelines specified in a schedule to this zone.

**Subdivision**

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

**Dwellings and residential buildings**

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

**Non-residential use and development**

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

**32.09-12 Advertising signs**

22/08/2013  
VC104

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

*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

--/--/20--  
C79

**SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ1**.

**APOLLO BAY AND MARENGO LOW DENSITY RESIDENTIAL AREA**

**1.0 Minimum subdivision area**

--/--/20--  
C79

None specified.

**2.0 Permit requirement for the construction or extension of one dwelling on a lot**

--/--/20--  
C79

Requirement	
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

**3.0 Requirements of Clause 54 and Clause 55**

--/--/20--  
C79

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

**4.0 Number of dwellings on a lot**

--/--/20--  
C79

None specified.

COLAC OTWAY PLANNING SCHEME

- 5.0** **Maximum building height requirement for a dwelling or residential building**  
--/--/20--  
C79 A building used as a dwelling or a residential building must not exceed a height of nine metres above natural ground level.
- 6.0** **Application requirements**  
--/--/20--  
C79 None specified.
- 7.0** **Decision guidelines**  
--/--/20--  
C79 None specified.

# COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



**Commercial**  
Commercial 2 Zone  
**Residential**  
General Residential Zone -  
Schedule 1

ZONES

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This map should be read in conjunction with additional Planning Overlay Maps (if applicable) as indicated on the INDEX TO MAPS.

1:2000 0 1000 2000 3000 m  
AUSTRALIAN MAP GRID ZONE 54



Printed: 25/11/2013

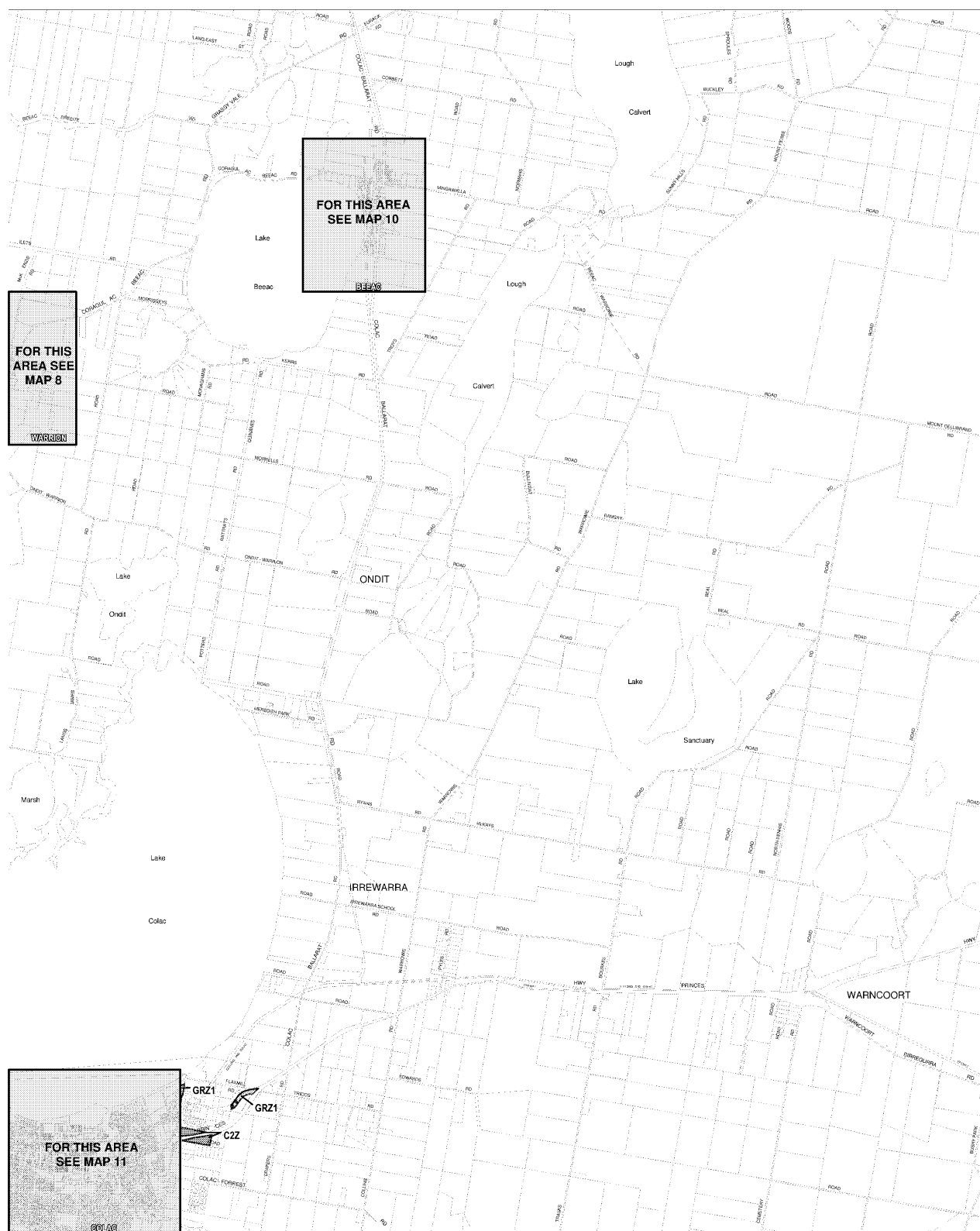
AMENDMENT C79

INDEX TO ADJOINING  
METRIC SERIES MAP

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17	18	19	20
21	22	23	24
25	26	27	28

MAP No 5

**COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION**



**ZONES**

	Commercial 2 Zone
	Residential - General Residential Zone - Schedule 1

1:000 0 1:000 2:000 3:000 m

AUSTRALIAN MAP GRID ZONE 54

Printed: 25/11/2013

**INDEX TO ADJOINING METRIC SERIES MAP**

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AMENDMENT C79

MAP No 9



**COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION**



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**Commercial**  
C2 Commercial 1 Zone  
C1 Commercial 2 Zone  
**Residential**  
GRZ1 General Residential Zone - Schedule 1

**ZONES**

200 0 200 400 600 800 1000 m  
AUSTRALIAN MAP GRID ZONE 54



Printed: 29/11/2013

**AMENDMENT C79**

**INDEX TO ADJOINING  
METRIC SERIES MAP**  
1 2 3 4  
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**MAP No 11**

**COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION**



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**Residential**

GRZ1 General Residential Zone - Schedule 1

1:2000 0 1:2000 2000 3000 m

AUSTRALIAN MAP GRID ZONE 54

Printed: 25/11/2013

**INDEX TO ADJOINING METRIC SERIES MAP**

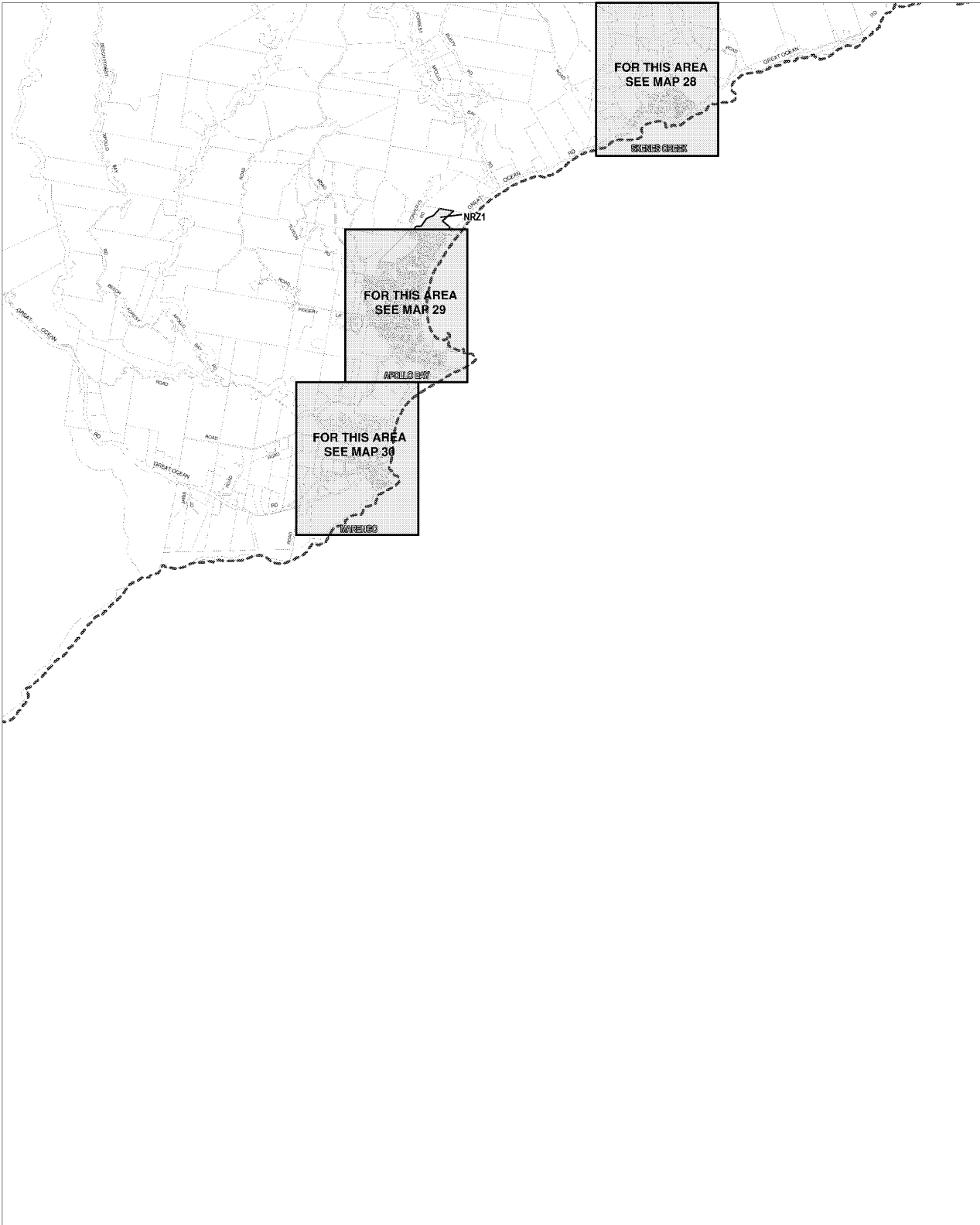
1	2	3
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**ZONES**

**AMENDMENT C79**

**MAP No 16**

COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



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**Residential**  
NRZ1 Neighbourhood Residential Zone -  
Schedule 1

ZONES

1:000 0 1:000 2:000 3:000 m  
AUSTRALIAN MAP GRID ZONE 54



Printed: 25/11/2013

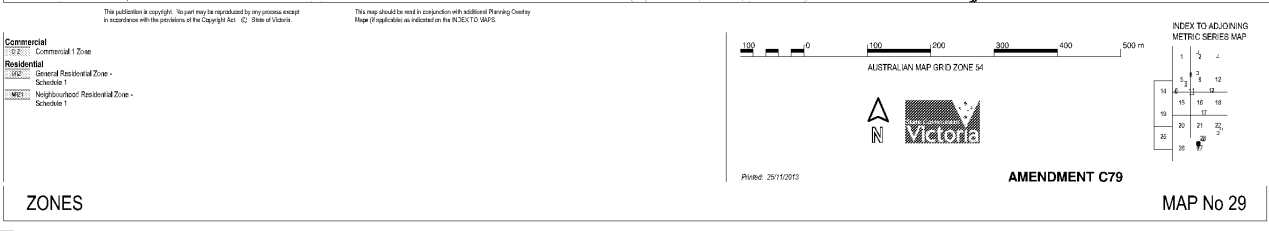
AMENDMENT C79

INDEX TO ADJOINING  
METRIC SERIES MAP

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MAP No 27

COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



COLAC OTWAY PLANNING SCHEME - LOCAL PROVISION



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**Residential**

- NRZ1 Neighbourhood Residential Zone - Schedule 1

**ZONES**

100 0 100 200 300 400 500 m

AUSTRALIAN MAP GRID ZONE 54

Printed: 25/11/2013

**AMENDMENT C79**

**INDEX TO ADJOINING METRIC SERIES MAP**

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MAP No 30





## Assembly of Councillors Record

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

### Assembly Details:

Date: 17 / 10 / 13

Time: 7:30pm 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 C Smith  
Cr L Russell

Officer/s: Laurence Towers

Matter/s Discussed: Friends of Colac Botanic Gardens

(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

### Conflict of Interest Disclosures: (refer page 5)

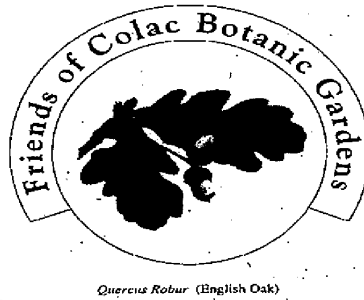
Councillors:

Officer/s:

Left meeting at: 8:50pm

Completed by: L. Brooker

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Confirmed Minutes

**MINUTES OF MEETING HELD AT COLAC BOTANIC CAFÉ THURSDAY 17<sup>th</sup> October 2013**

Meeting opened at 7:30pm with President Anne Mercer (AM) in chair

**Present:**

Ros Scanlan (RS) Secretary, Chris Bell (CB) Treasurer  
 Jan McMahon (J McM), Mary Eaton (ME), Helen Paatsch (HP), Gwenth Knox (GK), Chris Smith (CS),  
 Georgia McCreadie (GMcC), Bronwyn Foster (BF), Pauline Maunsell (PM)  
 In attendance: Laurence Towers (LT), Mayor Lynn Russell (LR)

**Apologies** Jen Todorovic

**MINUTES OF PREVIOUS MEETING:** Correction of final item of general business to note that the motion to write to Council requesting a new representative on this committee was passed by a majority but not unanimously. Minutes were approved with correction. Moved CS 2<sup>nd</sup> ME

**BUSINESS ARISING FROM MINUTES** Nil

**CORRESPONDENCE**

**Out:** Mayor, COS - requesting appointment of new Council Rep to this committee  
 Neil Allen – acknowledging his support while at COS and best wishes for future.

**In:** Assoc of Friends of BG: seeking articles for 20<sup>th</sup> anniversary edition of Campsis (by 25<sup>th</sup> Oct) plus items forwarded from other Friends groups

Friends of the Cerberus – request to COS forwarded re placing an identifying plaque on the canon in the gardens. Exec have endorsed this request.

Russell Paatsch – wishing to sponsor a tree in honour of his mother, Helen. Generous donation included.

Moved to receive correspondence PM 2<sup>nd</sup> HP passed

**BUSINESS ARISING FROM CORRESPONDENCE**

Respond to Paatsch family with thanks. Helen has assisted with the planting of a significant tree.

**TREASURER'S REPORT**

Bank balance \$9444.50. Not a lot of activity in past month. Treasurer drew attention to the basis for calculating refund for private car used for travel for research etc as HP had only claimed for fuel.

Moved CB 2<sup>nd</sup> JMcM passed

**GARDENERS REPORT- LT**

Written report with photos presented and commented on.

HP mentioned the beauty of the Mollis Azaleas. Committee members passed on many positive comments received by them.

**POTTING REPORT**

JMcM reported that September's potting morning was very successful and productive, with lots propagated and potted up. New member, Judy Comley, is well informed and very helpful.

More forms for volunteer registrations are needed: LT will attend to this.

**GENERAL BUSINESS**

Lunch with the potters – Wed 23<sup>rd</sup> October at 12:15. Booked for 10 people – those attending confirmed.

AM and RS attended the opening of an exhibition "Banks' Florilegium: The Australian Botanical Prints" at Deakin University, on behalf of COS Mayor – wonderful exhibition open to public at Deakin waterfront until 22 Nov.

**150<sup>th</sup> subcommittee: recommendations** for events in 2015 were presented and commented on with some sub-committees formed to further planning.

- Writing the **history** of Colac Botanic Gardens HP (underway)
- **Main event** – cocktail party 23<sup>rd</sup> May at Botanic Cafe – launch history, guest speaker. AM CB HP CS
- **COS Australia Day** celebrations on the foreshore – on COS schedule (reported LR)
- **Calendar** for 2015 featuring Gardens photos PM (underway)
- **Botanic prints** – sell prints of 5 of JMcM's artworks during 2015. Laminated samples were shown and prices and presentation discussed. CS, GMcC and JMcM
- **Family picnic / teddy bears picnic** – recommend combining with **autumn plant sale and guided tours**. Suggestion to involve the Neighbourhood House and Community Hub. Date will need to be decided for publication on calendar. Easter is 3<sup>rd</sup> April. Check school hols. ME + ??
- **Special planting** in shape of 150 LT
- **Photographic exhibition** at COPACC. Tim Lucas has expressed interest in exhibiting. He is also assisting with the calendar. Colac Camera Club to be approached. Focus is 'Our Botanic Gardens' RS
- **Building** for Friends linked with work shed refurbishment and extension is supported by COS CEO and mayor and in the budget plans for next year.
- **Promotion** to and via community groups e.g. display in windows of the Historical Society; library; other garden groups. Link with Vicki Jeffrey, COS Events Officer AM, RS

CB observed that overall there is nothing too scientific or botanical and suggested that we might try to get a **speaker with a scientific focus**, possibly from Greening Australia, perhaps a focus on climate change.

CS suggested that there could be a **botanical legacy** of the anniversary with a new botanical or educational feature or the re-development of an area of the Gardens.

**Raffle: Won by BF**

Meeting closed 8:50pm

**NEXT MEETING: THURSDAY 14<sup>th</sup> November**





# Agenda

## Councillor Workshop

Wednesday, 13 November 2013  
COPACC Meeting Room  
9.00am to 3.50pm

### ATTENDEES:

Cr Lyn Russell (Mayor), Cr Stephen Hart, Cr Chris Smith (from 10:30am – 11:18am and 1:00pm – 1:30pm), Cr Terry Woodcroft (from 11:30am – 1:35pm and 2:55pm – 3:50pm), Cr Michael Delahunty (absent due to conflict of interest 9:15am – 9:45am), Cr Frank Buchanan.

Rob Small (CEO) (absent 10:30am – 10:43am)  
Colin Hayman (GM, Corporate & Community Services)  
Jack Green (GM, Sustainable Planning & Development)  
Adam Lehmann (A/GM, Infrastructure & Services)

**Apology:** Cr Brian Crook

### Agenda Topics

9.00 am	<b>Declaration of Interest</b> Planning Agenda Item 2 – Cr Delahunty Planning Agenda Item 3 – Doug McNeill	
9.00 am – 9.50 am	<b>Planning Committee Briefing Session</b>	Doug McNeill Blaithin Butler Bronwyn Keenan
9.50 am – 10.10 am	<b>Local Law No 4 – Council Meeting Procedures and Common Seal</b>	Colin Hayman
10.10 am – 10.20 am	<b>Service Level Reviews</b>	Rob Small
10.30 am – 11.18 am	<b>Planning Committee Meeting</b>	
11.25 am – 12.30 pm	<b>Car Parking Meters</b>	Jack Green/Stewart Anderson/Doug McNeill
12.30 pm – 1.00 pm	<b>Lunch</b>	
1.00 pm – 1.30 pm	<b>Statutory Council Meeting</b>	
1.40 pm – 2.05 pm	<b>Heritage Strategy</b>	Doug McNeill/Gemma Browning
2.05 pm – 2.30 pm	<b>Amendment C75 (Public Open Space)</b>	Doug McNeill/Gemma Browning/David Merrett (Consultant)
2.30 pm – 3.00 pm	<b>Rating Review</b>	Brett Exelby/David Testa
3.00 pm – 3.10 pm	<b>Transfer of Lease – Colac Caravan Park &amp; Forrest Caravan Park</b>	Brett Exelby/David Testa
3.10 pm – 3.40 pm	<b>Princes Highway Duplication – Planning Scheme Amendment</b>	Doug McNeill/Tony Hedley - Vic Roads
3.40 pm – 3.50 pm	<b>Portsea Camp</b>	Colin Hayman



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### Assembly Details:

Date:

14 / 11 / 2013

Time:

7.30 am/pm

Assembly Location:

Botanic Cafe

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

### In Attendance:

Councillors:

Officer/s:

Matter/s Discussed:

Agenda - Nov Meeting - 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:

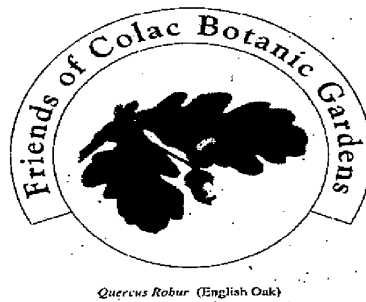
Officer/s:

Left meeting at:

Completed by:

L. Brooker

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**AGENDA** for meeting Thurs 14<sup>th</sup> November 2013

**TO BE HELD AT COLAC BOTANIC CAFÉ at 7:30pm**

**PRESENT:**

**APOLOGIES:** GK ?

**MINUTES OF PREVIOUS MEETING**

- Business Arising:

**CORRESPONDENCE**

**Out:** Russell Paatsch – thanks for donation re tree planting in honour of Helen Paatsch

**In:** Elm Watch vol 23(Sept): p5 Article about the *elm bark beetle* (not *elm leaf beetle*) and the spread of Dutch Elm Disease

**Business arising from correspondence :**

**TREASURER'S REPORT**

**GARDENER'S REPORT**

**POTTING REPORT**

**GENERAL BUSINESS:** 150<sup>TH</sup> ANNIVERSARY PLANS –progress reports


Lake Advisory Ctee – nominate new representative HP

Cypress canker – research; huge danger with serious implications here CB

**OTHER BUSINESS**

**RAFFLE:** Prize – Bronwyn F

**NEXT MEETING:** Thurs 12<sup>th</sup> December

 <p><b>Agenda</b></p>	<h1>Councillor Workshop</h1> <p><b>Wednesday, 20 November 2013</b> <b>COPACC Meeting Room</b> <b>3.00 pm to 5.20 pm</b></p>	
	<p><b>ATTENDEES:</b> Cr Stephen Hart, Cr Frank Buchanan, Cr Michael Delahunty,  Colin Hayman (GM, Corporate &amp; Community Services) Jack Green (GM, Sustainable Planning &amp; Development) Adam Lehmann (A/GM, Infrastructure &amp; Services)</p> <p><b>Part:</b></p> <p><b>Apology:</b> Cr Lyn Russell (Mayor), Rob Small (CEO), Cr Terry Woodcroft, Cr Brian Crook</p>	
	<h2>Agenda Topics</h2>	
3.00 pm	Declaration of Interest Nil	
3.00 pm – 3.15 pm	New Residential Zones	Don Lewis, Gemma Browning, Doug McNeill
3.30 pm – 5.20 pm	Rating Review	Brett Exelby

## Councillor Briefing Session

Wednesday, 27 November 2013  
3.00pm to 4.40pm

### Venue – Senior Citizens Centre, Apollo Bay

**Present:** Cr. Lyn Russell (Mayor)  
Cr. Frank Buchanan (from 3.34pm)  
Cr. Brian Crook  
Cr. Stephen Hart  
Cr. Michael Delahunty  
Cr. Terry Woodcroft

Jack Green, Acting Chief Executive Officer  
Colin Hayman, General Manager, Corporate & Community Services  
Doug McNeill, Acting General Manager, Sustainable Planning & Development  
Adam Lehmann, A/General Manager, Infrastructure & Services  
Rhonda Deigan, Executive Officer

**Apologies:** Rob Small, Cr Buchanan (until 3.34pm)

### **Conflict of Interest:**

Cr Delahunty:	OM132711-8 Final Colac Otway Shire Heritage Strategy
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78
Nature of Interest:	Dry stones walls on parent's property at Alvie

Cr Delahunty:	OM132711-11 Proposed Rezoning – Planning Scheme Amendment C78 – Wyuna Estate
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Prepared an EMO report for land under consideration for amendment C78

Cr Russell:	OM132711-8 Final Colac Otway Shire Heritage Strategy
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78
Nature of Interest:	Brother-in-law and sister-in-law own a farm with extensive stone walls

**3.00 pm**


### **Councillor Briefing Session**

Having declared conflicts of interest:

- Cr Delahunty left the meeting between 3.55pm – 4.15pm and 4.17pm – 4.22pm.
- Cr Russell left the meeting between 3.55pm – 4.15pm. Cr Buchanan chaired the meeting during the Mayor's absence.

 <p><b>Agenda</b></p>	<h1>Councillor Workshop</h1> <p><b>Wednesday, 4 December 2013</b> <b>COPACC Meeting Room</b> <b>3.00 pm to 5.30 pm</b></p>	
	<p><b>ATTENDEES:</b> Cr Lyn Russell (Mayor), Cr Stephen Hart, Cr Frank Buchanan, Cr Michael Delahunty, Cr Brian Crook (left at 5:10pm)</p> <p>Rob Small (CEO) (from 3:20pm) Colin Hayman (GM, Corporate &amp; Community Services) Jack Green (GM, Sustainable Planning &amp; Development) Adam Lehmann (A/GM, Infrastructure &amp; Services)</p> <p><b>Apology:</b> Cr Terry Woodcroft</p>	
	<h2>Agenda Topics</h2>	
3.00 pm	<p><b>Declaration of Interest</b> Cr. Hart – Bushfire Planning Policy (Lavers Hill Township) – 3:27pm to 3:35pm</p>	
3.00 pm – 3.50 pm	<p><b>Draft Local Bushfire Planning Policy</b></p>	<p>Tract Consulting / Blaithin Butler / Doug McNeill / Gemma Browning / Don Lewis</p>
3.50 pm – 4.20 pm	<p><b>Otways – Powerline Bushfire Safety Program</b></p>	<p>Robert Leary Powercor / Ashley Hunt Director Powerline Bushfire Safety Program / James Golden</p>
4.20 pm – 5.30 pm	<p><b>Rating Review</b></p>	<p>Brett Exelby / Paul Carmichael (from 4:30 pm)</p>



 <p>Colac Otway SHIRE <i>Naturally Progressive</i></p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <h1>Minutes</h1> </div>	<h1 style="text-align: center;">COLAC OTWAY SHIRE YOUTH COUNCIL</h1> <p style="text-align: right;">4 November 2013 4.20PM TO 5.09PM Rehearsal Room COPACC</p>	
1.	<b>1. ATTENDEES:</b> <b>Youth Councillors:</b> Tassia Georgakis (Chair), Josh Smith, Taylah Walters, Claire Whytcross, Bonnie Darlow, Kyrah Howell, Spencer Cochrane  <b>Mentors:</b> Terry Woodcroft, Cr. Chris Smith, Rhonda Deigan, Emma Warton <b>Office Bearers – please sit with your Adult Mentor</b>	
1. 4.00 PM	<b>CALL MEETING TO ORDER</b>  <b>CALL FOR APOLOGIES:</b> Bonnie, Jasmine, Amy, Chloe, Sinead.	Chair
2.  2.1  2.2	<b>MINUTES OF THE LAST MEETING:</b>  Adopt minutes: of 21 October 2013  <i>Moved: Taylah Walters Second: Josh Smith Carried</i>  <b>BUSINESS ARISING FROM THE MINUTES:</b> Action Sheet attached Updated	Chair
3.	<b>CORRESPONDENCE:</b>  In: <ul style="list-style-type: none"> <li>Thank you note from Colac Specialist School.</li> </ul> Out: - Nil  <i>Moved: Josh Smith Second: Taylah Walters Carried</i>	
4.	<b>2013 Youth Council Projects/Events Involvement (Wrap Up)</b> <ul style="list-style-type: none"> <li><b>Talent Quest &amp; Video Competition:</b> <ul style="list-style-type: none"> <li>Discussion on the planning, advertising and running of the event.</li> </ul> </li> <li><b>Mercy Place Colac - Pool Competition:</b> <ul style="list-style-type: none"> <li>Went extremely well, residents seemed to want to do the event again. Trophy presented to residents and residents seemed pleased.</li> </ul> </li> </ul>	
5.	<b>YOUTH COUNCILLORS REPORTS</b> <b>Whip around, 1 minute update each</b> <b>Tassia:</b> Agreed with feedback on event. <b>Chris:</b> All vouchers have been used except for \$250 left on voucher for La Porchetta and a \$35 gift voucher for Hip Pocket Colac which expires 7/8/14. Tegan McNamara was given two movie tickets and an I-tunes card for acting as one of the judges for the Talent	



	<p>Quest.</p> <p><b>Taylah:</b> was unable to attend the event due to surgery</p> <p><b>Josh:</b> Found event fun.</p> <p><b>Spencer:</b> apologised for not making it to the event for family reasons.</p> <p><b>Kyrah:</b> Well done to everyone at event, everyone worked well.</p> <p><b>Terry:</b> Nil.</p> <p><b>Emma:</b> Encouraged Youth Councillors to remember why they had nominated to be members of Youth Council.</p> <p><b>Rhonda:</b> Nil.</p> <p><b>Claire:</b> Sorry for not being able to attend the event.</p>	
6.	<p><b>OTHER BUSINESS:</b></p> <ul style="list-style-type: none"> <li>• Trip to Adventure Park Moved Spencer Cochrane Seconded Taylah Walters: That Youth Council has been invited to attend an event at Adventure Park by Vic Pol on 6 December 2013.</li> </ul> <p>A \$10 deposit to be paid and included with signed permission forms which are to be dropped off at the Police Station. The deposit to be refunded on the day.</p> <p>The Young Leaders Group are also to be invited to attend the event.</p> <p>Emma to confirm details with Adventure Park.</p>	
7. <b>NOTE</b>	<p><b>NEXT MEETING – 18<sup>th</sup> November 2013</b></p> <p>Laser Tag 5-6pm then arrive at La Porchetta at 6.30pm for dinner. While wearing onsies.</p> <p>Rhonda to follow up with Indoor Tennis on availability of Laser Tag on 18 November 2013.</p> <p><b>**Please bring pen and paper**</b></p>	