

ORDINARY COUNCIL MEETING

AGENDA

25 NOVEMBER 2015

at 4:00 PM

Senior Citizen's Centre, Apollo Bay

Next Meeting:
16 December 2015
COPACC Meeting Rooms, Colac



Our Vision

A sustainable community with a vibrant future.

Our Mission

Council will work with our community and partners to provide:

- Innovative leadership, good governance and financial accountability
- Value for money, accessible and appropriately targeted services
- A strong advocacy and engagement approach to achieve a truly liveable community

Our Values

Council will achieve its Vision and Mission by acting with:

- Respect
- Integrity
- Goodwill
- Honesty
- Trust

Our Strategic Direction

The four pillars of our Council Plan indicate our key strategic direction for 2013-2017.

An underlying principle in the development of the Council Plan was to more effectively integrate service delivery.

Pillar 1: Good Governance

Pillar 2: A Planned Future

Pillar 3: A Place to Live and Grow

Pillar 4: A Healthy Community and Environment

Our Councillors

Cr Frank Buchanan (Mayor), Cr Brian Crook (Deputy Mayor), Cr Michael Delahunty, Cr Stephen Hart, Cr Lyn Russell, Cr Chris Smith, Cr Terry Woodcroft.



Ordinary Meeting of Council

Welcome

Welcome to this Meeting of the Colac Otway Shire Council

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision making process of Council

About this meeting

There are a few things to know about tonight's meeting. The agenda itemizes all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

In accordance with Local Law 4, agenda items will be considered as follows:

- The item is introduced by the Mayor and Councillors are invited to ask questions of relevant officers
- A mover and a seconder of a motion is called for and if there is any Councillor who wishes to oppose the motion.
- The mover will then be invited to speak to the motion, followed by the seconder and then, if required, the Councillor who opposed the motion.
- Remaining Councillors will be given the opportunity to speak for or against the motion.
- If any Councillor speaks against the motion, the mover will be given the right of reply.
- There will be no further discussion of the item once the vote has been declared.

Public Question Time

Provision is made at the beginning of the meeting for general question time from members of the public. Matters relating to routine Council works should be taken up with Council's Customer Assist Staff.

Up to thirty minutes may be provided for Question Time. This is at the discretion of the Mayor.

Residents are encouraged to lodge questions in advance so that a more complete response can be given.

Questions can be submitted in writing up until 5.00pm on the Monday prior to each Council meeting. There is also provision for questions to be asked from the gallery. If you would like to ask a question during Question Time, it would be appreciated if you could please fill in the blue "Public Question Time – Council Meetings" form located in the meeting rooms and hand to the COPACC Duty Supervisor.

Questions relating to a topic on the agenda may be taken on notice and responded to after the meeting. Responses to questions taken on notice will be tabled at the following meeting and included in the minutes of that meeting.

Hearing of Submissions

Any person who has made a written submission on an item and requested that she or he be heard in support of that written submission pursuant to section 223 of the *Local Government Act 1989* will be entitled to address Council.

When the relevant item is listed for discussion, the Mayor/Chairperson will call your name and ask you to address the Council. The length of time available to each speaker is five minutes.

Recording of Meetings

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

25 NOVEMBER 2015

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COLAC OTWAY SHIRE COUNCIL ORDINARY MEETING OF COUNCIL

NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in Senior Citizen's Centre, Apollo Bay on 25 November 2015 at 4.00pm.

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. APOLOGIES

3. DECLARATION OF INTEREST

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989, direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), ie:

- a) direct financial interest
- b) indirect interest by close association
- c) indirect interest that is an indirect financial interest
- d) indirect interest because of conflicting duties
- e) indirect interest because of receipt of an applicable gift
- f) indirect interest as a consequence of becoming an interested party
- g) indirect interest as a result of impact on residential amenity
- h) conflicting personal interest.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

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

Colac Otway Shire encourages community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

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

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

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5. QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

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. Question time 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.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

7. PETITIONS/JOINT LETTERS (if required)

8. CONFIRMATION OF MINUTES

As per Governance Local Law No 4, clause 34:

- **Ordinary Council Meeting held on the 28/10/15**
- **Special Council Meeting held on the 18/11/15**

Recommendation

That Council confirm the above minutes.

34. Objection to Confirmation of Minutes

- (1) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Except where sub-clause (1) applies, no vote shall be recorded against a motion to adopt the minutes.

OM152511-1 CEO'S PROGRESS REPORT

AUTHOR:	Maree Redmond	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F15/9436

Purpose
EXECUTIVE

General

The CEO attended the following meetings and events during the past month:

- ANZ Business Breakfast
- Regional Development Australia Business Planning Day
- Great South Coast CEO's Forum
- Great Ocean Road Regional Tourism CEO Forum
- Launch of Victoria's Regional Statement

INFRASTRUCTURE & LEISURE SERVICES

ARTS & LEISURE SERVICES

RECREATION

Walk to School

The 2015 Colac Otway Shire Walk to School Program was an outstanding success with 13 schools registered for the VicHealth Initiative, equating to over 1,500 students participating. Ten Healthy Breakfast events were held at participating primary schools which were supported by 'Superhero' escorts assisting the children on their walk. In addition, seven schools participated in a pedestrian and traffic safety talk from Leading Senior Constable Terry Woodcroft.

G21 Sport and Recreation Planning

At the Parks and Leisure Australia National Awards of Excellence, the City of Greater Geelong, on behalf of the G21 Sport & Recreation Pillar, won the national award for its innovative regional planning for sport in the "Leisure and Open Space Planning" category.

The award recognises the collaborative efforts between all G21 Councils and participating sports for excellence in planning and strategy. The suite of documents making up the "Innovative Regional Planning for Sport" award comprised of the *G21 and AFL Barwon Regional Strategy*, the *G21 Regional Tennis Strategy*, and the *State of Play* documents.

The innovative approach to regional sports infrastructure and sports development planning is now recognised by the sporting associations and the industry as the model to be replicated across other regions. It includes working in collaboration with G21 Councils and state and local sporting associations in the development of priorities for AFL football/netball, tennis and soccer.

Sport and Recreation Victoria Grant Applications

The State Government's Community Sports Infrastructure Fund (CSIF) provides grants for planning, new facilities, and improving existing facilities where communities conduct, organise and participate in sport and recreation. Council has submitted three applications to the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories. Applications were submitted for the following projects, with announcements on the applications expected in early 2016:

- Birregurra Tennis/Netball Courts Redevelopment (Birregurra Recreation Reserve Committee of Management).
- Colac Secondary College Sports Field Pavilion (Irrewarra Cricket Club).
- Western Reserve Netball/Cricket Facilities (Colac Imperials Football Netball Club in partnership with Colac West Cricket Club).

COPACC

COPACC patronage

Analysis of the 2014-15 year results show that the number of people attending performances at COPACC grew by more than 800 in comparison with the previous year, from 12,959 to 13,805. Key result areas include:

- Attendances at COPACC presented performances increased from 5,675 to 6,190 (increased by 9%).
- Attendances at performances by community groups, schools, dance schools, independent touring companies and amateur dramatic groups grew from 7,284 to 7,615 (increased by 4.5%).
- More than 3,000 people attended workshops presented at COPACC, most of which were community engagement activities to create awareness of, and participation in visual and performing arts.
- In addition, there were 459 business events, which were attended by more than 16,000 people.

Business Events

The six-week community access time for the COPACC Auditorium has been extremely busy with a week-long hire by the Colac Players for their season of *Inheritance*, two dance school concerts, and performances by five schools. Other large scale events have included the ANZ *Business Breakfast* and Rotary's *Long Road Appeal Melbourne Cup Day Lunch*.

Programme

The final performance in the Colac Herald 2015 Theatre Season was *Flak* on 17 November. Based on true stories from the men who flew in World War II, *Flak* stars best-selling author and performer Michael Veitch. COPACC staff have created a small display about Cressy's part in the air war, with pictures and other ephemera on loan from the Cressy and Colac history centres. COPACC will host a special Q&A with Michael Veitch designed to help local and family historians 'Capture the Story'.

The final morning music season for the year on 2 December, starring Denis Walter, is already close to a sell-out.

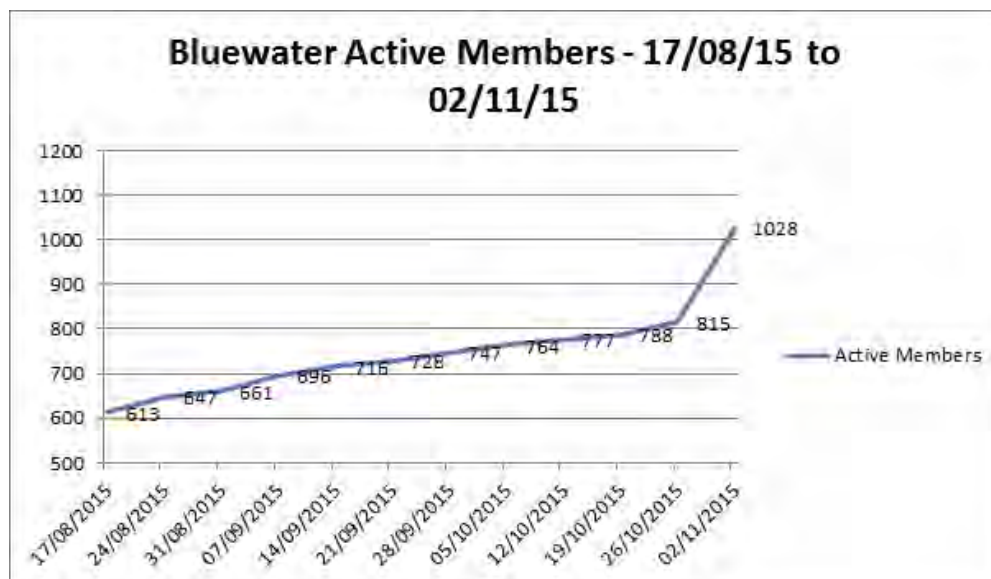
BLUEWATER

Bluewater Redevelopment

Stage 2 of the Bluewater Redevelopment (Aquatics) opened to the community on Friday 30 October with the community welcoming the return of the pool with open arms. A Community Open Day was held on Sunday 1 November to celebrate the opening of the aquatic facilities. The day included free entry, a jumping castle, BBQ, ice-creams, competitions and giveaways. The open day was well received by the community with a massive crowd in attendance and positive feedback on the redeveloped facilities.

Bluewater Memberships

With the opening of the aquatics component of Bluewater, many enthusiastic swimmers have renewed their Bluewater membership. The graph below shows the active membership numbers at the beginning of each week since the opening of the Bluewater gym in August.



The total membership number at the start of November (1028) exceeds the number of active members at the time of closure (1024) prior to the facility's redevelopment demonstrating a strong community support for the facility. The highest number of active members at Bluewater was 1139 in February 2013.

Bluewater Programs

With the Bluewater pool now open, aquatic group fitness programs commenced in November. The aquatic timetable now features the new program *Aqua Logix*, which is an innovative aquatic program just new to Australia. The program uses specially designed equipment which provides fluid resistance under water no matter which direction you move. The program is suitable for all ages and will provide a workout for all levels of fitness.

Bluewater launched its latest round of *Bootcamp* in early November. This will be the ninth *Bootcamp* run by Bluewater and continues to be a popular six week program.

New group fitness program *Pilates* has also commenced at Bluewater.

ASSETS AND PROPERTY SERVICES

ACTIONS	STATUS	% COMPLETE	PROGRESS COMMENTS
Completion of Stage 2 of the Authority Asset Management Module implementation	In Progress	60%	As scheduled, Civica's consultant was on site during the week 2-6 November 2015 to facilitate the implementation of the Strategic Asset Management Module (SAM). SAM will be crucial in future budget and works planning. During the visit, condition ratings and profiles were compiled for Council's footpath assets and were entered into the system. Deterioration profiles were also established based on factors most likely to affect ageing and the probable cause of deterioration over time. Unit rates were also set, and when combined with the determination of their condition, each individual footpath asset can be assessed to determine when and at what cost it requires replacement. Over time, all of Council's infrastructure assets will be documented and profiled in the Authority Asset Management System.
Implement the asset renewal and maintenance programs.	In Progress	42%	Tenders for this year's concrete works programme which includes footpath and kerb and channel renewal closed on 11 November 2015. Tenders are presently being evaluated. The sealing works contract was awarded to Inroads Pty Ltd with works expected to commence prior to the end of December 2015.
Complete specific incident inspections to identify and address safety/risk issues associated with elements of Council's road and footpath networks; including rail crossings and in response to reported incidents.	In Progress	42%	Incident inspections are completed as required in line with Council's Road Management Plan. Any maintenance works which are identified as a result of these inspections and programmed as necessary.
Manage building maintenance programme to address programmed and reactive maintenance needs.	In Progress	42%	Reactive and routine maintenance activities are coordinated to ensure that Council's buildings are safe and functional. There have been no significant issues noted during this reporting period. Council's Building Maintenance Officer continues to carry out routine inspections of our public toilet facilities recording and scoring asset condition and presentation.

Complete road and footpath network inspections to meet frequencies prescribed by Council's Road Management Plan (RMP).	In Progress	42%	All programmed inspections are conducted in accordance with Council's Road Management Plan. The following road and footpath asset inspections were completed in this reporting period: <ul style="list-style-type: none"> Primary and Secondary footpaths in Beeac, Birregurra and other small townships in the northern part of the Shire. Secondary footpaths within Colac Footpath Area 1 which is in the north eastern quadrant of Colac (i.e. between Corangamite Street, Clark Street and Murray Street East)
Annual Road Resealing Program.	In Progress	15%	The Tender for the 2015/16 Sealing Program was awarded to Inroads Pty Ltd at the November 2015 Council Meeting. This year's programme measures approximately 227,000m ² which is comparable to previous years. It is expected that onsite works will commence prior to the end of December 2015.
Building Renewal Program.	In Progress	42%	The following is a summary of recent activities aligned with this year's Building Renewal Programme: <ul style="list-style-type: none"> Forrest Caravan Park Fire Service Upgrade works are nearing completion. Drawings have been prepared for access improvements to the Irrewarra Airfield administration building with pre-planning commencing
Coordinate inspections and reporting of Essential Safety Measures (ESM's) relating to nominated Council buildings.	In Progress	42%	Programmed inspections of essential safety measures in nominated Council buildings is ongoing and is in accordance with the relevant Building Regulations. Any non-compliance issues identified are addressed in accordance with priorities which includes level of risk and considers available funding.

CAPITAL AND MAJOR PROJECTS

Colac CBD Rain Gardens Project

A contract for construction of two rain gardens in Hesse Street adjacent to Memorial Square has been awarded with works expected to start the first week of December. Completion of the project is expected by the end of December 2015 in accord with Council's funding agreement with the State Government.

Apollo Bay Transfer Station Resale Shed

Tenders have been opened for the Transfer Station Resale Shed Design and Construct contract. It is anticipated the tender will be awarded in early December. The project is intended to fulfil a storage and resale need for goods suitable for resale to the general public, which the current Transfer Station facility does not allow. A direct side benefit will be a net reduction in hard waste exported from the Transfer Station, along with associated environmental benefits.

McLeod Street Reconstruction

Tenders have been advertised for reconstruction of McLeod Street, Colac, as part of the 2015/16 Road Reconstruction Program. The reconstruction, between Hart Street and Robertson Street, includes renewed footpath, upgraded driveways, and new asphalt pavement with kerb and channel.

Coastal Road Reconstruction

Tenders have been advertised for reconstruction of two coastal roads, Ferrier Drive, Marengo, and Busty Road, Apollo Bay, as part of the 2015/16 Road Reconstruction Program. The reconstructions, from Roberts Road to the Great Ocean Road on Ferrier Drive, and from Wild Dog Road to the end of the seal on Busty Road, will renew the road at existing widths.

Bridge reconstruction program

Watsons Access Bridge

Council has advertised for the design and construction of the replacement of Watsons Access Bridge, Glenaire, which has reached the end of its serviceable life. Watsons Bridge is assessed by detailed engineering assessment as having a condition which is no longer maintainable given the severity of deterioration to various structural elements of the bridge.

Tender services for this work will close Friday 20 November. Following this, a tender evaluation will be conducted in accordance with Council's procurement policy

Cape Otway Road Bridge

Contractor Fulton Hogan is nearing the end of rehabilitation works on the Cape Otway Road Bridge, with the all works to be completed by the first week of December 2015.

Roadside Weed Spraying Programme

The roadside weed spraying tender targeting high conservation value roads and spraying of road furniture has been awarded, with works to be undertaken between October 2015 and April 2016.

SERVICES AND OPERATIONS

Works undertaken by Services and Operations during October are as follows:

Minor Patching

Minor patching works with granular materials have continued on sealed road repairs to keep up with potholes and edge breaks across all areas of the shire.

Road Regrading

Road regrading has reduced in all areas due to increased rainfall creating soft pavement conditions which are not conducive to producing a serviceable finish.

Gravel Road Resheeting

Approximately 2.5 kilometres of resheeting works have been completed on:

- South Dreeite Road
- Killala Road

Street Sweeping

Street Sweeping has been completed as per Council's monthly schedule, with a total of approximately 330km of kerb and channel swept for the month.

Routine Drainage Works

During October, routine drainage works, were completed in the following townships and areas:

- Apollo Bay
- Kennett River
- Skenes Creek
- Carlisle
- Wye River
- Separation Creek
- Marengo
- Forest

Major Drainage Works

During October, routine drainage works, were completed in the following townships and areas:

- Springs Road
- Knights Road Bungador
- Tannis Road
- Clark Street
- Speedway Road
- Downes Road
- Wye River
- Middle Murroon Road
- Old Irrewillipe Road
- Skinners Road
- Ennis Street
- Warrowie Road
- Tuxion Road
- Kennett River

Bluewater Fitness Centre

Services and Operations teams have been involved in the landscaping and statutory control (Stat Cons) linemarking at the Bluewater Leisure Centre. The works have included:

- Creation of garden beds, including mulching and planting
- Linemarking, wheel stops and bollards have been installed
- Additional top soil added and levelled in preparation of instant lawn
- Concrete Retaining wall completed

Bridge Maintenance

During October, works were carried out on the following bridges:

- James Access
- Kings Track
- Upper Gellibrand
- Daffys Lane
- Silks Access
- Lyness bridge

Vegetation Control

During October, works were undertaken on:

- Gellibrand Valley Road
- Old Coach Road
- Melanesia Access Road
- Hiders Access Road
- Henricksons Access
- Melba Gully Road

Tree Maintenance

Works have commenced to reduce vegetation below powerlines in the northern section of Colac with regular tree maintenance and removal works were carried out in the following locations:

- Main Road Birregurra
- Queen Street
- Memorial Square

Township Mowing

Township mowing has occurred as per the regular cycle in the following towns:

- Apollo Bay
- Kennett River
- Separation Creek
- Kawarren
- Barwon Downs
- Carlisle
- Beeac
- Birregurra
- Swan Marsh
- Marengo
- Wye River
- Gellibrand
- Beech Forest
- Forrest
- Colac
- Cressy
- Alvie
- Pirron Yallock

Roadside Slashing

The first cycle of roadside has commenced, with slashing completed in:

- Colac
- Swan Marsh
- Bungador
- Elliminyt
- Irrewillipe

The team will now head north towards Cororooke, Alvie, Dreeite, Beeac, Cressy areas.

Sport Ovals

Mowing of ovals continues when conditions are suitable.

Storm Damage

Throughout October there was an average amount of fallen, hanging and dangerous trees due to strong, gusty wind damage. This has been mostly in the southern section of the shire.

Old Beechy Rail Trail

Crews have worked to clean up fallen trees. The Gellibrand to Beech Forest section has been sprayed to control weeds on the pathway.

DEVELOPMENT AND COMMUNITY SERVICES

Economic Development & Events

Summary

Colac Visitor Information Centre (Colac VIC)

	2014	2015	% Change to previous year
Walk – Ins	2506	2711	+8%
Phone Calls	187	220	+4%
New Res Kits	1	7	++++%
Love Our Region	10	38	+280%
Mail Outs	7	14	+100%

Visitation October Overview

During October Colac Visitor Information Centre assisted 2711 walk in visitors, an 8% increase on the previous year, it was busier towards the end of the month with Colac hosting the "Power Industry Association State Golf Championship" also Heritage car club rally weekend. Phone calls increased by 4%, however e-mail enquiries were slightly down. International visitors were mainly arriving from China the UK and Germany, Interstate trends show more visitors were travelling from NSW, QLD & South Australia..

Love Our Region Campaign continues to be popular with 38 local residents signing up in October. Spring weather encouraged many real estate enquires with 7 confirmed New Residents moving to the Colac Otway Shire.

Great Ocean Road Visitor Information Centre (GORVIC)

	October 2015	October 2015	% Change
Walk-ins	12,263	11,872	-3%
Phone calls	1,400	1,223	-13%
E-mails	32	47	47%

GORVIC September Overview

The Great Ocean Road Visitor Information Centre had a total of 11,872 visitors in October, a 3% decrease on the previous year. Phone calls to the centre were also down by 13% however e-mail enquiries were up by 47% compared to the previous year. Main enquiries were for Accommodation (55%), Apollo bay & Great Ocean Road (18%), Great Ocean Walk & Transport Information (4%). International visitor were travelling from the UK, Germany & China whereas Interstate visitors were travelling from NSW, QLD & South Australia.

Otways Free Day

Councils Tourism Development Officer (TDO) has organised an industry familiarization to the Otways and Great Ocean Road region called the "Otways Free Day". The event will take place on the 19th November 2015. The aim of the event is to showcase the region to the Victorian tourism industry and to provide a valuable industry networking day for all those who attend. The events itinerary includes visits to the following Colac Otway products:

- The Otway Fly Treetop Walk and or a Zip Line Tour
- Triplet Waterfalls
- Cape Otway Lightstation
- Shelly Beach on the Great Ocean Walk, or, Marriners Lookout.
- Local produce tastings at the Great Ocean Road Brewhouse

Events like this would not be possible without the product donations and support from the operators above. Several accommodation providers have also donated accommodation to event for participants travelling to the region from across the state.

Great Ocean Road Strategic Master Plan

Great Ocean Road Regional Tourism (GORRT) has been working with industry and community on the development of a Master Plan for the region. The Project Committee presented a draft of the plan to the GORRT Board in April. The draft Master Plan was released for stakeholder consultation throughout May with the aim of finalising the Master Plan in August and September. Copies of the draft plan have been distributed to key stakeholders and are available in full on the Great Ocean Road Regional Tourism website. www.greatoceanroadtourism.org.au

Great Ocean Road Regional Branding Project

GORRT has held a series of workshops with both the Otways and Apollo Bay Destination Action plan groups to finalise the development of a positioning and communication framework for the destinations. When the branding work is finalised, each destination will have guidelines for development and implementation of destination specific marketing and promotional information. The branding work will also ascertain product and industry development needs to position the region for the future. To see the draft branding works please contact the [Tourism Development Officer](#).

2015 ANZ Business Breakfast

This year's ANZ Business Breakfast was held on 29 October at COPACC with over 90 people attending the event. The guest speaker for the breakfast was Chief Executive of Avalon Airport Justin Giddings who shared his career background with the audience hearing of how he started as a cleaner at Avalon Airport to now be the Chief Executive. Justin also spoke about the future expansion of Avalon Airport for international arrivals and departures and the benefits to tourism and the economic effect the airport has on the region. Council partnered once again with the local ANZ branch for the breakfast with this being the 11th year the breakfast has been running.

Work Placement Students

Council worked with Victorian Group Training Company this year to place five secondary school aged students into the organisation. The program gave the students the ability to gain work experience across a number of departments including Economic Development, Planning, Bluewater Fitness Centre, Infrastructure and Environment and Community Safety. The students during their time with Council completed a Certificate 3 in Community Services. This program allowed the students to gain valuable skills and experience in customer service, administration, information technology and time management.

Planning, Building & Health

Colac Commercial and Industrial Strategy

A draft Colac Commercial and Industrial Strategy has been prepared following consultation with the community and stakeholders in August that included an on-line survey, stakeholder workshops and one-on-one interviews between key business leaders and the consultant. The strategy examines the future land use needs for both retail and other commercial and industrial land over the next twenty years, and forms part of the early stages of the Colac 2050 project. A report will be presented to Council to consider the draft Strategy in the coming months.

Planning Minister "Call-in" of Planning Application for Proposed Quarry at Mooleric Road, Ombersley

The State Planning Minister has advised that he has decided to "call-in" the decision to be made on the planning application for a quarry at 320 Mooleric Road, Ombersley. This follows a request made by Council that this occur, following a resolution from the 23 September 2015 Council meeting. The matter had previously been listed for a hearing by the Victorian Civil and Administrative Tribunal (VCAT) following an appeal by the applicant against Council's decision to refuse the application. The scheduled VCAT hearings will no longer proceed following advice from the Minister of the call-in. The Minister is currently establishing the terms of reference for an Advisory Committee which will have the role of establishing hearings to allow submissions and the giving of expert evidence from each of the affected parties including Council. This Committee would then make recommendations to the Minister for his decision on the proposal. The timing of these processes is as yet unknown.

State Government Review of Residential Zones

Council has lodged a submission to the State Government expressing its views on the operation of the state standard residential zones introduced by the former State Government. The current Government had invited stakeholders, including Councils, to make submissions on the effectiveness of these zones. Officers took the opportunity of this review process to again highlight the frustration of the Colac Otway community with the complexity of planning controls in the coastal towns. The submission has advocated that the Government review the Township Zone, and/or the state based overlays to enable a more streamlined approach to be implemented. This is consistent with the findings of the 2015 Planning Scheme Review, which highlighted the desire to reduce 'red tape' and remove unnecessary complexity, and follows previous advocacy on the issue, including face to face meetings with government staff.

Amendment C74 – Wyuna Estate Extension

The exhibition period for Amendment C74 finished at the end of October. Two submissions were received which raised concerns with the Amendment. The issues relate primarily to traffic and road connectivity. If the issues cannot be resolved with the submitters, then officers will recommend that Council request the appointment of an Independent Panel to review the Amendment and submissions. If needed, this would take place in the first half of next year.

Amendment C84 - Sand Road, Glenaire

Amendment C84 seeks to rezone part of 150 Sand Road Glenaire from Public Conservation and Resource Zone (PCRZ) to Rural Conservation Zone (RCZ). This portion of land is in private ownership as a result of a past land swap with the State Government, and the PCRZ is an anomaly which needs to be rectified. Council had previously attempted to correct this zoning through Amendment C77 in 2014, but the Planning Minister indicated it should be handled through a separate process. Authorisation to prepare Amendment C84 has recently been received from the Minister, and limited prescribed notification is currently being undertaken. It is anticipated that (subject to no submissions being received) a report seeking adoption of the amendment will be put to the Ordinary Council meeting in January 2016.

Development Plans – land covered by DPO4 and DPO5 in Apollo Bay

Development Plans have recently been submitted to Council for the adjoining sites at Mariners Vue (DPO4) and 6230 and 6280 Great Ocean Road (DPO5) Apollo Bay, together with related subdivision planning applications. Permits cannot be issued for the subdivision applications until Development Plans have been approved for the land. The initial review currently being undertaken will have regard to the proposed level of connectivity between the two sites. Referrals to external bodies and internal departments are also currently being undertaken.

Proposed Fire station – 8-14 Lavers Hill–Cobden Road, Lavers Hill

A planning application has recently been received by Council for a new fire station in Lavers Hill. It is proposed that the fire station occupy the site of the current fire station and two adjoining lots. It is also proposed that the fire station operate as a community fire refuge. The application has been referred to external authorities for comment. Council previously resolved to transfer one of the lots in its ownership to the CFA to facilitate the development of a community fire refuge.

Community Services

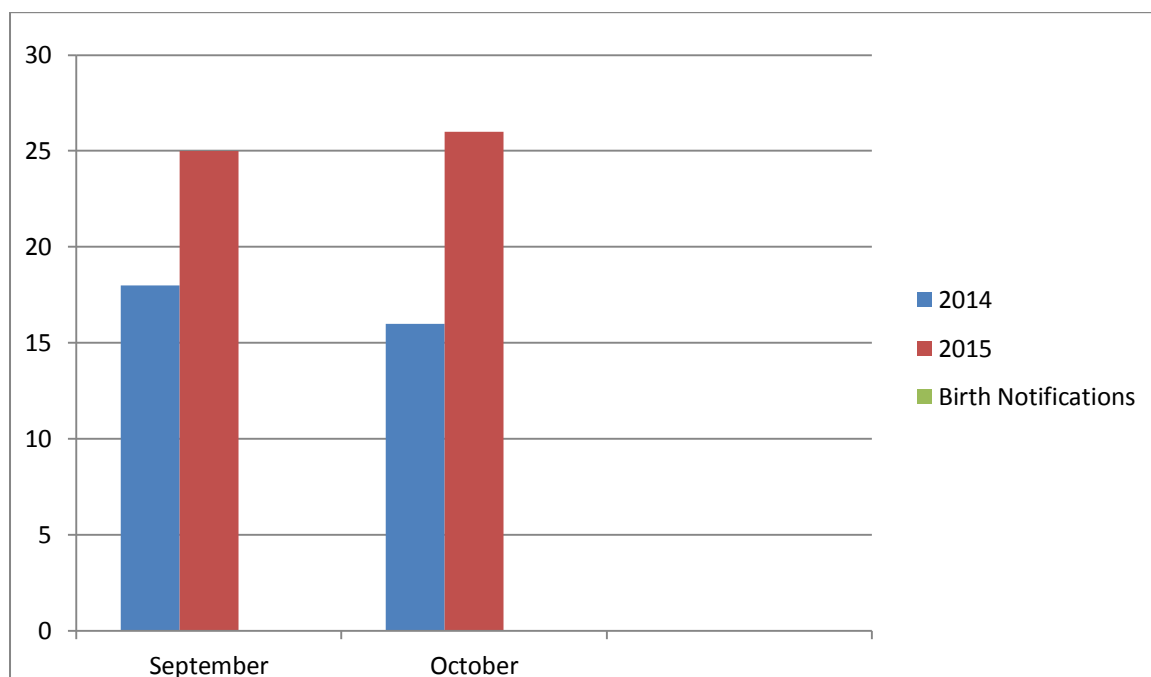
Maternal and Child Health (MCH)

We have continued our trend with another very busy month with 26 births. 10 of these babies were born outside of the urban Colac area so the Maternal and Child Health Nurses have been doing lots of kilometres in the car home visiting these new families. We have 6 first time parents this month and a reduction in the number of babies being born by Caesarean Section down to 4. (10 last month) These numbers also contains 2 sets of twins. We have been really reliant on our small band of relieving staff that have the ability to come in to ensure all our new families get home visits in a timely manner and assist with any early parenting issues.

Two staff members attended the MCH conference via video link in Warrnambool which was very informative with the emphasis being on collaborative practice and working with vulnerable families.

We continue to look at contingency plans to cover the imminent closure of the Perinatal Emotional Health Program which has provided such expert and professional care for women with mental health problems following the birth of a baby.

At the end of the October we have 58 families receiving additional support through our Enhanced Home Visiting Program which is the highest number for over 2 years.



Environment & Community Safety

Carp Management – Barongarook Creek

Council continues to proactively manage the carp in Barongarook Creek to reduce their numbers and ability to spawn. The rainfall we received in November increased the flows in the creek which stimulates the carp to move to the upper reaches. However, the two barriers that Council maintains were effective in stopping this, which will not only reduce spawning but also assist to improve water quality, as the carp movements and feeding disturb silts and sediment in the creek. Additional to this, Council has been working with the professional fisherman, with approximately 750kg recently removed through electrofishing.

Fire Inspections

Council has now commenced its fire inspection program, which follows the 7000 courtesy letters that were sent to property owners in early October. The first properties inspected were those that were not maintained adequately last season and Fire Prevention Notices have now being issued for a number of these. The notices provide direction for what the landholders must do to prepare their properties (e.g. cut grass to 100mm) and outline the penalties if this fails to occur. The inspection program runs for the duration of the Fire Danger Period as landholders are required to maintain their properties for this time. This approach ensures that all landholders in the community is participating in fire prevention works, to help make everyone safer this summer.

CORPORATE SERVICES

Tenders

The reporting period is from 9 October 2014 to 8 November 2015.

Tenders opened since the last reporting period:

1535 – Disposal Services for Organic Material

1538 – Colac CBD Rain Gardens Construction

Tenders awarded since the last reporting period:

1531 – Supply of Crushed Rock – to panel of suppliers

Tenders advertised since the last reporting period:

1539 – Concrete Works Program 2015/16, closing 11 November 2015

1540 – Design & Construct – Apollo Bay Transfer Station Resale Shed, closing 20 November 2015

1542 – Design & Construct – Watsons Access Bridge 23/11, closing 20 November 2015

1541 – McLeod Street Reconstruction, closing 2 December 2015

Attachments

Nil

Recommendation(s)

That Council notes the CEO's Progress Report.

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**OM152511-2 APOLLO BAY HARBOUR DEVELOPMENT PLAN**

|             |              |           |             |
|-------------|--------------|-----------|-------------|
| AUTHOR:     | Doug McNeill | ENDORSED: | Brydon King |
| DEPARTMENT: | Executive    | FILE REF: | F15/8131    |

**Purpose**

To seek approval to commence the Development Plan process for the Apollo Bay Harbour and to appoint three members of the community to a new Project Control Group.

**Declaration of Interests**

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

**Background**

The history of the Apollo Bay Harbour precinct is significant. Redevelopment of the harbour, to provide improved boating and recreational facilities for residents and visitors whilst protecting the heritage, landscape and public realm assets that make the harbour attractive, has been a long term goal for Council and the community.

Council has for many years sought to develop a strategic plan to facilitate the redevelopment of the Apollo Bay Harbour precinct.

A draft Master Plan and Urban Design Principles were developed by Meinhardt in 2007. This was followed by an Enquiry by Design (EbD) process funded by State Government which led to the development of a concept plan adopted by Council in October 2008. In February 2012, Council resolved to remove the hotel and health and wellbeing components of the plan in response to community feedback.

Amendment C73 to the Colac Otway Shire Planning Scheme

Amendment C73 to the Colac Otway Shire Planning Scheme sought to facilitate the redevelopment of the Apollo Bay Harbour by rezoning the harbour from part Public Park and Recreation Zone (PPRZ) and Public Conservation and Resource Zone (PCRZ) to Special Use Zone, with Schedule 2 (SUZ2) giving specific direction on how such redevelopment should occur.

Amendment C73 was initially exhibited in late 2013, with a Master Plan for the harbour to be an Incorporated Document and the harbour being rezoned to SUZ2. In response to submissions received to that exhibition, Amendment C73 was significantly revised and re-exhibited for six weeks from August to September 2014. Following consideration of submissions, Council changed the amendment to remove reference to the Master Plan, delete the potential for accommodation, allow greater flexibility within the Special Use Zone (with capacity to consider a swimming pool, and health and wellbeing uses), and to require the preparation of a Development Plan detailing how the precinct would be developed.

Thirty-five submissions supported the re-exhibited amendment and/or requested a change, and five objected to it. It was clear from the submissions that there was widespread community support for the re-exhibited amendment on the basis it maintained the prohibition on the hotel/accommodation and allowed Council to consider the possibility of an indoor pool and health and wellbeing facility in the future (i.e. it would no longer be prohibited).

Council resolved at its October 2014 meeting to refer all submissions to an independent Planning Panel. Ten of the submitters elected to be heard at the Panel, which was held in December 2014. The resulting Panel Report was submitted to Council on 20 February 2015. The amendment was adopted by Council at its meeting in March 2015, and was approved by the Planning Minister and gazetted on 13 August 2015.

### Indoor Pool Concept

The Apollo Bay community has been pursuing the development of a heated indoor swimming pool for several years.

The community, sponsored by the Bendigo Community Bank, undertook a study in 2009 which examined the feasibility of an indoor heated pool, including sites at the school and the harbour. The study concluded that the capital cost of a pool at the harbor would be in excess of \$10 million, compared to approximately \$4.5 million at the school site. Council resolved at that time to support the recurrent running costs of operating a new pool if the community could obtain the funding for the pool's construction.

The Otway Forum has developed its own plan over recent years for a form of development at the harbour which it considers appropriate and which was the subject of their submission to the planning scheme amendment.

The Apollo Bay Aquatic Committee Inc which is pursuing the option of a swimming pool being incorporated into a harbour redevelopment has also drafted concepts of what development of a pool and associated development could look like at the harbour. These concepts have been developed to assist the groups in advocating their various positions concerning the harbour (ie to demonstrate what might be possible).

It is understood that generally there is an expectation in the community that any future planning for the harbour precinct will give consideration to the inclusion of an indoor swimming pool and associated health and wellbeing facilities in the plans.

## **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.

### **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.

The Council Plan, Apollo Bay Structure Plan and Colac Otway Planning Scheme all provide underpinning support for redevelopment of the Apollo Bay Harbour precinct.

Redevelopment of the harbour is also listed as a G21 Regional Priority Project.

Redevelopment of the Apollo Bay Harbour precinct has also been supported strongly in the past by the State Government and Tourism Victoria because of the harbour's potential to generate greater local expenditure by visitors to the region, particularly those passing through from Melbourne along the Great Ocean Road to the Twelve Apostles. The State has previously expressed their objective is to increase the average number of visitor nights in the town by supporting a development at the harbour which creates a new destination that will keep tourists in Apollo Bay longer. This would result in economic benefits to Apollo Bay through increased employment.

Any Development Plan prepared would need to meet the objectives and provisions of the Special Use Zone (SUZ2) in the first instance, as well as a range of other state and local planning policies, including policies related to coastal development such as the Victorian Coastal Strategy 2014. It is also noted that any redevelopment will require the support of the Department of Environment, Land Water and Planning (DELWP) and other agencies.

**Issues / Options**

*What is a Development Plan?*

Planning Scheme Amendment C73 has been approved by the Minister for Planning and there is now some expectation that a Development Plan will be prepared which details how the harbor will be developed and used. None of the former plans developed by Council have any status – whilst they are useful inputs into the development of a plan, a new plan will need to be prepared which meets the Special Use Zone 2 requirements.

For the Apollo Bay Harbour, an endorsed Development Plan would need to detail how the land will be developed by determining the specific locations and types of land uses planned, the layout of any buildings or works, building envelopes (including heights, elevations and building footprint), site plans, and allocation of car parking, setbacks and detailed floor plans.

Until a Development Plan is approved, Council cannot consider any proposal for use and/or development which requires a planning permit (it is noted that there are some works which can occur without a development plan such as routine harbor management operations and minor works).

*Challenges*

A significant challenge for the preparation of the Development Plan relates to the community's current expectation that any Development Plan endorsed for the Harbour will include an indoor heated swimming pool. It is critical to recognize that this will be difficult to achieve in the current context, as in order to do this, it will be necessary to have a detailed understanding of what the requirements for an indoor heated swimming pool will be (i.e. size, building envelope, operating method, associated amenity requirements). To determine these parameters it is necessary to have a clear understanding of the project budget. The community desire appears to be to use a Development Plan to leverage funding from government and/or private sector investment to construct the pool.

It is not known at this time whether the inclusion of a pool proposal at the harbour is a financially feasible outcome and further, whether it would form a viable component of any future harbour redevelopment. If the concept of a pool at the harbor is based on the proposition that the establishment/construction costs would be offset by other commercial uses within the development then the financial viability needs to be rigorously tested at the outset.

Part of this testing would need to include an analysis of the degree of any other associated commercial development that would be required to be included for the private sector to support an investment in a public facility such as a pool. It would also need to be understood whether the scale of investment required to make a pool viable as a component of a development is/was acceptable to the community. For example, an investor may indicate that the viability of a project which included a pool would be dependent on obtaining permission for greater floor area than considered appropriate to meet the objectives of the Development Plan. Alternatively an investor may indicate that the viability of a project which included a pool would be dependent on the inclusion of land uses previously rejected by the Council and the community. It is considered that the best way to test the likely viability and any potential impacts affecting viability is to seek a response from the private sector.

Alternatively, if the concept of a pool at the harbor is based on the proposition that the establishment/construction costs would be publicly funded by grants from Government then this also should be carefully tested at the outset. It is likely to be extremely challenging that the pool project would attract enough government funding to build the project.

Torquay, a coastal town of over 12,000 people and experiencing significant growth, has struggled to attract government or Council funding for an aquatic facility despite significant community demand. This demonstrates the challenge facing the Apollo Bay community, particularly in an environment where all levels of government are under significant financial pressure. The scale of public funding required to construct a heated indoor swimming pool in Apollo Bay is unlikely to compete successfully with other infrastructure demands in the region. Council officers have not received any indication from other levels of government that funding programs would support such a proposal.

#### A New Approach

Council should consider carefully how it wants to approach the Development Plan process.

There are two key options:

- **Council led/driven**

Council could continue to take the lead in developing the plans for the Harbour by engaging an external multi-disciplinary consultancy to undertake further investigations and preparation of detailed plans, including further community engagement and feasibility assessment of an aquatic facility. This could be very costly and time consuming and would place the responsibility for arriving at an acceptable outcome on Council.

- **Seek interest from Private Sector (eg EoI)**

A different option is to test the feasibility of the planning controls and place responsibility for developing a plan for the precinct with the private sector. This could be achieved through an Expression of Interest (EoI) process, which would test ideas from the private sector subject to staying within the parameters of the current planning scheme controls and seek clarification on the appetite for private sector involvement in funding facilities which include aquatic and health and well being uses (and subsequently the gap between cost and funding).

Although the latter process would still involve expenditure of funds, particularly in the project management; it would provide a mechanism to explore the options relating to a pool at the harbor.

In order to ensure that any process to prepare a Development Plan includes a realistic assessment of the feasibility of a swimming pool and to overcome the challenges associated with the management of the process, a new approach is proposed.

As the history of harbour planning initiatives demonstrates, there is a significant variation of views in the community about how the harbour should be developed, ranging from no development at all, to a small scale of development with limited commercial use, to more significant redevelopment with a greater degree of commercial activity. No matter what plan has been produced, the process has always drawn significant criticism and caused concern within the community.

Officers consider that there is the opportunity to take a different approach to the development of a plan which would aim to maximize the benefits as well as change the traditional dynamic between community and the Council as the lead proponent/applicant.

The following is the recommended approach:

- **Stage 1 - Market Sounding**

**(Based on inclusion of a publicly accessible aquatic & well being centre, no accommodation and consistent with the provisions of the Special Use Zone)**

The purpose of Stage 1 would be to conduct an independent market assessment of the permissible and as-of-right uses allowable under the SUZ.

This would provide an understanding of the likelihood of such development occurring, having regard for typical commercial considerations and expected returns. In undertaking this assessment, the requirements of the Special Use Zone (e.g. preparation of a Development Plan) will be considered in the context of broader commercial imperatives and how the zone requirements may affect these. To inform the assessment, a broad cost estimate of constructing an Aquatic and Well-Being Centre (using standard costs) would be developed for the construction of such a facility. The process would include contact being made with a range of private sector investors with a possible interest in the harbour's redevelopment.

The key output of this task will be a clearly defined development scope which would in turn, underpin the following EOI documentation. It is estimated that this stage would take approximately 6 months following the appointment of Project Control Group.

- **Stage 2 – Expression of Interest Process - Development Plan Preparation**

**(Based on inclusion of a publicly accessible aquatic & well-being centre, no accommodation and consistent with the provisions of the Special Use Zone)**

Once clear parameters are defined based on the commercial considerations established through the market sounding process, the Project Control Group could then move to Stage 2.

The purpose of Stage 2 would be to invite the private sector to prepare Development Plan(s) consistent with the provisions of the Special Use Zone (as per the direction set by Planning Scheme Amendment C73) and which also includes a pool.

This process would establish whether there is a likelihood of a development proceeding and whether there is any genuine and viable opportunity to achieve the Council and community's aspirations for development of the precinct (as expressed in the current planning controls).

To do this the following steps would need to be undertaken:

- Develop and release an Expression of Interest (EoI) document calling for the preparation of a Development Plan based on the requirements of the Special Use Zone and which includes a pool. The development of the EoI would occur in partnership with the community (see later discussion) to help ensure the right context and questions are asked and ensure the process is designed to achieve the effective input from the market.
  - In addition there would need to be on-going involvement from State Government representatives to ensure their support for the process.
  - Responses from the market would be formally reviewed by a Project Control Group and then Council.
- **Stage 3 – Review of options**

The responses received in the Stage 2 EoI process would inform the development and analysis of the options for the harbour redevelopment relevant to market feedback.

This process has been discussed with representatives of Regional Development Victoria (RDV) and Tourism Victoria who have given their support to a market based approach.

Their view is that an EoI process to determine commercial interest in the harbour redevelopment would benefit strongly from an initial market sounding, which would assist Council in developing a more definitive proposition for the market to respond to. The feedback was that market interest in an EoI would be less than optimal if the uncertainty about what outcome was sought was too great. This stage has been incorporated into the process above as Stage 1, ensuring that the EoI process in Stage 2 provides sufficient guidance to the market.

#### Community and Stakeholder Involvement

As noted above, it is important that the community and other stakeholders such as government agencies are involved throughout the process particularly where the parameters of the project and the process to be followed are developed.

An Apollo Bay Harbour Redevelopment Community Reference Group (CRG) was established for the Apollo Bay Harbour redevelopment in 2006 as a means of involving members of the community, and particularly key stakeholder groups and users of the harbour. At the Special Meeting of Council on 18 November 2015, Council resolved to conclude this Group.

It is recommended that a new Project Control Group (PCG) be established. The Project Control Group would time limited, task specific and formed following a public EOI and Council appointment process. The intent of the new Project Control Group would be for this group to lead to market sounding and EOI processes described above. This would ensure that Council and the community are working in partnership to progress the project.

It is proposed that membership of the PCG comprise the following;

- Mayor - Colac Otway Shire (Chair)
- GM Development and Community Services (COS)
- Manager Planning Building and Health (COS)
- Manager Economic Development (COS)
- Co-ordinator Strategic Planning (COS)
- Two representatives from State Government (ie Tourism/RDV or similar) and;
- Three community representatives from across Apollo Bay

Consideration of community appointments will be reported to Council for endorsement.

It is important to note that the PCG would expected to lead the project but community consultation would not be limited to this group.

It is proposed that the Terms of Reference would include tasks for the PCG which include project scoping, planning for community engagement and reporting to Council.

### **Proposal**

It is proposed that Council endorse a market testing approach to the preparation of a Development Plan at the Apollo Bay harbour as an alternative to the traditional method of preparing the plan. It is considered this approach is more likely to achieve a successful outcome that is supported by the community.

It is further proposed that a new Project Control Group be established to lead the next phases of the process and that public expressions of interest be sought for community appointments to this Group for consideration by Council in early 2016.

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

The 2015/16 Budget contains allocations for the project.

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

This report has advocated an approach which seeks to minimize the risk to Council of an unsuccessful outcome.

There is a complex array of planning, legal and environmental requirements that must be met for any harbour redevelopment, and there are significant community expectations concerning the outcome, which vary across the community.

There is also a risk that should Council not achieve an approved Development Plan under the SUZ2 provisions, the potential for new use and development to occur within the harbour precinct will be limited.

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

As described above, there are a range of environmental issues which would need to be addressed by any redevelopment of the harbour. The EoI process advocated by officers would address these as appropriate. Any proposal arising from the EoI process that is pursued beyond that point would need to respond to these issues in more detail.

The potential impacts of climate change on future sea level rise would be a key issue for any redevelopment of the precinct. Preliminary studies have already occurred in this regard. A more detailed assessment of sea level rise impacts would need to be undertaken for a specific proposal arising from any EOI process.

### 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 ‘collaborate’.

### Implementation

Should Council support this approach, officers would immediately arrange to advertise the opportunity for new PCG participation based on a new Terms of Reference. Once appointed by Council the PCG would progress the project starting with the market sounding process.

### Anticipated Timelines

| Action                                                              | Time Frame            |
|---------------------------------------------------------------------|-----------------------|
| Council resolution to proceed with market based approach            | 25 November 2015      |
| PCG Terms of Reference Finalised & membership advertised            | 31 December 2015      |
| Report to Council for endorsement of PCG membership                 | 27 January 2016       |
| First Meeting of PCG                                                | Mid February 2016     |
| Engagement of consultant to commence <b>Stage 1</b> Market Sounding | March 2016            |
| Report summarizing outcomes of <b>Stage 1</b> Market Sounding       | June 2016             |
| PCG Consideration                                                   | July 2016             |
| Council consideration of <b>Stage 1</b> outcomes                    | July/August 2016      |
| Commencement of <b>Stage 2</b> Eol process                          | August/September 2016 |

### Conclusion

Whilst Council could prepare a Development Plan for the harbour’s redevelopment using the normal master planning approach it is recommended that an alternative approach be adopted. This approach would seek to test the feasibility of the current planning scheme controls and the provision of a public pool as part of a development via the private sector. Responses from the market would then allow Council and the community to review the reality of potential development on the site and possible future options.

### Attachments

Nil

**Recommendation(s)**

***That Council:***

- 1. Seek expressions of interest from the Apollo Bay community for three members of a new Project Control Group to be established to lead a market sounding process and an EOI process for the preparation of a Development Plan for the Apollo Bay Harbour in accordance with adopted Terms of Reference. A report is to be presented to Council to appoint the community membership of this group.***
- 2. Commences the following processes:***
  - a. Stage 1 – Market Sounding***
  - b. Stage 2 –Expression of Interest – Preparation of Development Plan***

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OM152511-3 REVIEW OF AMY'S GRAN FONDO EVENT

| | | | |
|-------------|------------|-----------|-------------|
| AUTHOR: | Emma Clark | ENDORSED: | Brydon King |
| DEPARTMENT: | Executive | FILE REF: | F15/1849 |

Purpose

To consider the outcomes of the review of the Amy's Gran Fondo event.

Declaration of Interests

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

Background

At the Ordinary Council meeting on 23 September 2015 Council resolved to support the following Notice of Motion:

1. *Notes that Council had to intervene to ensure that residents were notified of road closures associated with the 2015 Gran Fondo event;*
2. *Understands that there have been similar problems with notifications of road closures in previous years for this event;*
3. *Notes that the delay in timely notification by the event organisers may have caused inconvenience for residents and/or rate payers affected by the road closures as well as imposing an administrative cost on Council; which is ultimately borne by ratepayers;*
4. *Calls for a review of the Gran Fondo event in relation to Colac Otway Shire to consider all aspects considered relevant by residents/ratepayers, including but not limited to:*
 - a. *Any inconvenience caused by the road closures associated with the event,*
 - b. *Any inconvenience caused by the lack of sufficient notification,*
 - c. *The contribution or otherwise to local businesses from the event, and*
 - d. *The timeliness with which the organisers responded to the communities and Council's concerns,*
5. *Invites the community to write to Council with their view of the event, including on the issues outlined in Point 4, for a period of at least 5 weeks;*
6. *Asks the Chief Executive Officer to ensure that a letter is sent to the event organisers to invite their comment and to inform them that as one possible outcome is that the Council doesn't support the Gran Fondo event in future; their submission may want to respond to that possibility, and*
7. *Asks the Chief Executive Officer to bring a report on this matter, including the submissions, to the November 2015 Ordinary Council meeting so that Council may consider whether or not it is prepared to support or consider supporting future Gran Fondo events in Colac Otway Shire.*

The Amy's Gran Fondo event was first held in 2011 and was established by the Amy Gillett Foundation to raise awareness and fundraise for road safety campaigns. This type of event (Gran Fondo) was proposed as there wasn't a Gran Fondo event currently run in Australia and Gran Fondo or long distance bike races are popular in Europe. The Great Ocean Road route was chosen as it was one of Amy Gillett's favorite training areas. The Amy's Gran Fondo event is also the first event in Australia in which riders could qualify for the Amateur World Cycling Championships.

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

Feedback on the event was sought and included:

- A survey open for all Colac Otway Shire residents to complete, opened on Friday 2 October and closed on Friday 6 November. The survey questions are attached in Appendix 1.
- The survey was advertised in the Colac Herald and through Community news sheets, including the Otway Light and Apollo Bay News Sheet.
- Post on the Colac Otway Shire Facebook page on 6 October inviting the community to complete the survey, reaching over 958 people.
- Meeting with Simon Gillett, Foundation Patron and Event Director for the Amy Gillett Foundation, on Friday 23 October, to discuss the event and the concerns of the community. Meeting was held with the Apollo Bay Chamber of Commerce.
- Letter sent to the Amy Gillett Foundation requesting feedback on event and possible changes to the event.

A total of 66 responses were received to the survey and 9 submissions were received directly to Council regarding the event.

The issues highlighted in the submissions received include:

- Emergency access while the road is closed;
- Lack of economic return to the Apollo Bay area;
- Lack of financial return to the community groups in the areas affected by the road closures;
- Lack of notification of the community meetings and the road closures.

A summary of the survey results is as follows:

| Issue | Survey response | Officer Comment |
|--|---|--|
| Location of respondent? | Approximately 40% from Apollo Bay the rest spread between Apollo bay and Werribee | The survey will necessarily catch those motivated to respond and may suffer some geographic or other bias. |
| Received notification? | 60% received no notification | This is consistent with known non-delivery of mail issue by AusPost. |
| Where did road people hear of road closures? | Very diverse range of sources from formal ads, mail etc to social media and word of mouth | Indicates that a very broad channel approach is required with this and similar events. |
| How much notice is required? | Some support for around 8 weeks | Some business operators appeared to prefer at least six months so they could tell potential clients. |

| | | |
|--|---|---|
| Does the event deliver an economic return to the region? | 65% say no | Indicates that the organisers need to improve both perception and reality of the economic return to the region. |
| Do you support the event being run in the region | 60% say no | Issues of bias in the survey response may affect this but indicate the organisers will need to address the concerns of residents. |
| Were you inconvenienced by the event | 65% say yes and many indicated they lost business, closed their business or could not get to work | Regardless of estimates of new economic activity generated by the event these should be considered in a "net" environment – the event obviously shuts down economic activity and it is a matter of degree as to whether the event is an overall positive. |

Resident Notification

As per Vic Roads Guidelines all events that change the traffic conditions must notify resident's 3 weeks before the event.

In 2015 the event organiser arranged for a letterbox delivery to all residents in the 3223, 3234, 3235, 3236, 3237, 3238, 3242, 3243, and 3249 postcode areas for the week beginning 17 August. At the same time a non-residential rate payer mail out was conducted through Council with the cost of this mail out charged back to the event organisers.

It came to Council officer's attention that the letterbox delivery through Australia Post had not been delivered and residents had not been informed about the impending road closures associated with the event. Australia Post was contacted immediately and did not provide a response until 12 October 2015 confirming that due to an internal error the 1,594 letters of unaddressed mail for Apollo Bay Post Office were not delivered.

In response to the Council review and after meeting with Simon Gillett a proposal was received which included the following suggested changes to the event:

- Reversing the direction of the Gran Fondo course, which would change the time of the road closures. The Great Ocean Road will close later in the morning allowing residents access to attend work or other engagements. The inland roads will have different road closure times as well.
- Reversing the direction of the Medio Fondo so that it starts in Apollo Bay and finishes in Lorne. Also the Medio Fondo will start at approx. 10.30am, therefore encouraging Medio Fondo riders to stay in Apollo Bay.
- Increasing the number of riders in the Medio Fondo from 500 to 1,000 in 2016 and up to 2,000 riders in subsequent years.
- Provide a dedicated page for Apollo Bay and surrounding businesses to advertise accommodation for the weekend.
- Consider moving the NRS Women's Criterium to Apollo Bay subject to Cycling Australia approval.

- Partnering with Apollo Bay District Health Foundation to engage volunteers for the event with a financial contribution delivered back to the community through the Health Foundation.

These changes have been met with a positive response from the Apollo Bay Chamber of Commerce who sent a letter of support which is provided at **Appendix 3**.

For the 2016 event to ensure that all residents are notified of the event, including the community meetings and road closures the following notifications have been proposed by the event organiser:

| Notification Date | Information in Notification | Method of Notification |
|--|---|---|
| 1 st notification
Start of April
when event registrations open | <ul style="list-style-type: none"> - Event details including new course - Potential road closures - Contact for residents | <ul style="list-style-type: none"> - Advertised in Colac Herald and local newssheets - Colac Otway Shire website - Australia Post Letterbox Delivery - Non-residential rate payers mail out |
| 2 nd notification
End of June | <ul style="list-style-type: none"> - Notification and registration of Community Meetings - Road closure details - Event details - Community meetings will be held in Forrest, Apollo Bay and Wye River. | <ul style="list-style-type: none"> - Advertised in Colac Herald and local newssheets - Colac Otway Shire Facebook page and website - Addressed mail to all rate payers and non-residential rate payers - Email to tourism database and business database |
| 3 rd notification
One month before event
Week beginning 8 August 2016 | <ul style="list-style-type: none"> - Final details of road closure including detailed maps of closing and opening times of all roads in the event - Contact details for residents wanting access | <ul style="list-style-type: none"> - Advertised in Colac Herald and local newssheets - Colac Otway Shire Facebook page and website - Colac Otway Shire rates quarterly newsletter, delivered in August - Addressed mail to all rate payers and non-residential rate payers - Email to tourism database and business database |
| | | Road closures will be advertised in the Colac Herald for each week for the 3 weeks before the event as per the Vic Roads permit to close the Great Ocean Road |

All costs associated with mail out conducted by Council on behalf of the event will be charged back to the event organisers. Due to privacy laws Council is unable to provide the event organisers with the name and address details of rate payers.

Whilst the concerns of the community are acknowledged via the feedback received, the event organiser has taken the opportunity to respond to these. The changes to the event and notification process proposed would allow future events to respond to some key concerns relating to communications, road access times and increased economic benefit to Apollo Bay.

Proposal

It is proposed that Council adopts the changes to the Amy's Gran Fondo event as outlined:

- Reversing the direction of the Gran Fondo course, which would change the time of the road closures. The Great Ocean Road will close later in the morning allowing residents access to attend work or other engagements. The inland roads will have different road closure times as well.
- Reversing the direction of the Medio Fondo so that it starts in Apollo Bay and finishes in Lorne. Also the Medio Fondo will start at approx. 10.30am, therefore encouraging Medio Fondo riders to stay in Apollo Bay.
- Increasing the number of riders in the Medio Fondo from 500 to 1,000 in 2016 and up to 2,000 riders in subsequent years.
- Provision of a dedicated page for Apollo Bay and surrounding businesses to advertise accommodation for the weekend.
- Consider moving the NRS Women's Criterium to Apollo Bay subject to Cycling Australia approval.
- Partnering with Apollo Bay District Health Foundation to engage volunteers for the event with a financial contribution delivered back to the community through the Health Foundation.

It is proposed that Council adopts the proposed resident notification schedule as outlined which includes:

- Three resident notifications;
 - 5 months before the event
 - 3 months before the event and;
 - 1 month before the event
- The notifications will be sent across a number of different channels, including addressed mail, advertising and social media.

Financial and Other Resource Implications

The Amy's Gran Fondo event receives \$1,000 sponsorship through the Festivals and Events Support Scheme. Any costs associated with mail outs that Council conducts on behalf of the event organisers are passed back to the event organiser.

Risk

The Amy's Gran Fondo event completes a detailed Event Management Plan which includes:

- Risk Management Plan, including a detailed risk assessment of the course;
- Emergency Management and Evacuation Plan;
- Traffic and Transport Operations Plan, including a detailed traffic management plan;
- Medical Operations Plan.

Management & Compliance Issues

The closure of the Great Ocean Road for events is governed under the "Guidelines for Considering the Closure of the Great Ocean Road to conduct events" that were developed in conjunction with SurfCoast Shire, Vic Roads and Victoria Police. Under these guidelines the Great Ocean Road can only be closed twice a year for events (GOR Marathon and Amy's Gran Fondo) with a closure every sixth year for the Great Victorian Bike Ride.

This event must obtain permits from the following agencies:

- Colac Otway Shire
- SurfCoast Shire
- Vic Roads
- Victoria Police

At least four pre planning meetings are held before the event to discuss all the event management plans, including a table top exercise conducted with all emergency agencies and designed to test the capability of the different agencies to respond to an emergency during the event.

Environmental and Climate Change Considerations

There are no environment or climate change considerations associated with 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 has been to inform. All residents will be notified of the event, including the community meetings and road closures as per the notification schedule as outlined above.

This schedule includes:

- Three resident notifications;
 - 5 months before the event
 - 3 months before the event and;
 - 1 month before the event
- The notifications will be sent across a number of different channels, including addressed mail, advertising and social media.

Implementation

Planning for the 2016 event will commence immediately.

Pre planning meetings will commence in early 2016 with traffic management plans, including the road closures times for the reversed route and new direction of the Medio Fondo, delivered to Council, Vic Roads, and Vic Pol for approval in March 2016.

Conclusion

The Amy's Gran Fondo event is the second event per year to close the Great Ocean Road.

A review of the event has highlighted the communities concerns which include:

- Emergency access while road is closed;
- Lack of economic return to the Apollo Bay area;
- Lack of financial return to the community groups in the areas affected by the road closures;
- Lack of notification of the community meetings and the road closures.

In response to the review of the event the event organisers have proposed changes to the event which addresses the communities concerns. Residents who submitted through the consultation process will be contacted via letter after the Ordinary Council Meeting on 25 November 2015, with the outcome of the review.

Attachments

Nil

Recommendation(s)

That Council:

- 1. Supports the changes to the Amy's Gran Fondo event as outlined:***
 - a. Reversing the direction of the Gran Fondo course, which would change the time of the road closures. The Great Ocean Road will close later in the morning allowing residents access to attend work or other engagements. The inland roads will have different road closure times as well.***
 - b. Reversing the direction of the Medio Fondo so that it starts in Apollo Bay and finishes in Lorne. Also the Medio Fondo will start at approx. 10.30am, therefore encouraging Medio Fondo riders to stay in Apollo Bay.***
 - c. Increasing the number of riders in the Medio Fondo from 500 to 1,000 in 2016 and up to 2,000 riders in subsequent years.***
 - d. Provide a dedicated page for Apollo Bay and surrounding businesses to advertise accommodation for the weekend.***
 - e. Consider moving the NRS Women's Criterium to Apollo Bay subject to Cycling Australia approval.***
 - f. Partnering with Apollo Bay District Health Foundation to engage volunteers for the event with a financial contribution delivered back to the community through the Health Foundation.***
- 2. Supports the resident notification schedule as outlined which includes:***
 - a. Three resident notifications, 5 months before the event, 3 months before the event and 1 month before the event.***
 - b. The notifications will be sent across a number of different channels, including addressed mail, advertising and social media.***
- 3. Request that council officers contact the Steering Committee for the closure of the Great Ocean Road for events, which includes SurfCoast Shire, Vic Roads and Victoria Police, to indicate that that an open competitive tendering process should be established for event organisers wishing to close the Great Ocean Road to conduct an event, for events to be held from 2018.***

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**OM152511-4 LICENCE FOR PUBLIC VIEWING DECK - APOLLO BAY  
FISHERMAN'S CO-OPERATIVE**

|             |               |           |               |
|-------------|---------------|-----------|---------------|
| AUTHOR:     | Clive Brooker | ENDORSED: | Ingrid Bishop |
| DEPARTMENT: | Executive     | FILE REF: | F12/828       |

**Purpose**

The purpose of this report is to obtain Council's consent to the granting of a licence to the Apollo Bay Fisherman's Co-operative Society (the Co-op) for the occupation and use of a public viewing deck.

**Declaration of Interests**

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

**Background**

In 1995 the Minister for Conservation and Environment entered into a lease with the Apollo Bay Fisherman's Co-operative Society over the parcel described as CA20 sec 2 in the township of Apollo Bay. In 1999 Council was appointed as Committee of Management over this parcel and at the same time assumed the responsibility of lessor with regard to the existing lease. (see locality plan below) The expiration date of the current lease is 30 June 2016.

Locality Plan - Apollo Bay Fishermans Cooperative Viewing Deck



[illegible]

The head lease over the Co-op building expires on 30 June 2016. It is appropriate that both tenures have a common expiry date and that a review of the tenancy agreements be conducted concurrently. It is therefore considered reasonable that the proposed licence have an expiry date of 30 June 2016.

### **Proposal**

It is proposed to grant the Co-op a licence under the *Crown Lands (Reserves) Act 1978* for the purposes of a viewing deck and outdoor eating area. The licence will cover a portion of the land described as CA23A sec 2; the area being approximately 96 m<sup>2</sup> and shown by the area coloured green in the attached plan.

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

There are no direct costs to Council in the administration of this licence agreement. Council officer time will be required for the preparation and execution of the documents but it is considered this will have little impact on the performance of core duties.

DELWP have nominated an annual licence fee of \$104 (plus GST) to be collected by Council.

A separate maintenance agreement has been entered into between Council and the Co-op relating to the viewing deck. The agreement nominates the Co-op as the party responsible for all routine and preventative maintenance.

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

The proposed action complies with the provisions of section 17B of the *Crown Land (Reserves) Act 1978* and section 190 of the *Local Government Act 1989*.

The Co-op has provided Council with a copy of the certificate of currency for their public liability insurance with a statement from the insurer confirming that the cover extends to the viewing platform.

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

There are no 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 has been involve and has included ongoing liaison with the Co-op in the development of the deck and negotiations over the form of the licence and the maintenance agreement.

### **Implementation**

The proposal will be implemented by completing the formal execution of the Licence agreement by Council and the Co-op. The licence agreement will then be submitted for approval by the Minister or his or her delegate.

### **Conclusion**

The Apollo Bay Fisherman's Cooperative Society are seeking a licence to occupy a viewing deck and outdoor eating area constructed by them on a portion of Crown land for which Council acts as Committee of Management and which is immediately adjacent to land currently leased by them.

Construction of the deck has been supported by Council, the Apollo Bay Chamber of Commerce & Tourism and the Department of Environment Land Water and Planning. The term of this licence is only until 30 June 2016 at which point its renewal will be considered in conjunction with the head lease of the Co-op building.

By executing the licence agreement Council will formalize the occupation of the viewing deck by the Co-op.

**Attachments**

1. Licence - Public Viewing Deck - Apollo Bay Fisherman's Co-op

**Recommendation(s)**

***That Council:***

- 1. Authorises the Chief Executive Officer to sign and seal the licence agreement between the Apollo Bay Fisherman's Cooperative Society and Council, as Committee of Management, over the portion of the land occupied by the viewing deck and described as CA23A sec. 2.***
- 2. Following the execution of the licence agreement by Council and the Apollo Bay Fisherman's Cooperative Society, submit the documents for assent by the Minister for the Department of Environment Land Water and Planning or his or her delegate.***

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OM152511-5 RE-ELECTION OF S86 COMMITTEES OF MANAGEMENT

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96649

Purpose

To consider the appointment of newly elected committee members to the Eurack Public Hall and Tennis Reserve, Beech Forest Recreation Reserve and Cororooke Hall S86 Committees of Management.

Declaration of Interests

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

Background

Council appoints Committees of Management under section 86 of the *Local Government Act 1989* as Special Committees of Council to act in accordance with rules and conditions of appointment adopted by Council. The purpose of the Committees is to manage the operations of the facilities. Council policy is that Committee of Management members are appointed for a three year term.

Meetings to appoint new members to the following reserves have been conducted.

Eurack Public Hall and Tennis Reserve	30 September 2015
Beech Forest Recreation Reserve	6 October 2015
Cororooke Hall	19 October 2015

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

Option 1

To appoint the nominees as put forward by the Committees of Management. Council's policy is that Committee of Management members are appointed for a 3 year term or less where applicable.

The current three year term for these Committees of Management has been completed and the nominations of community persons have been put forward to be on the committees for a period of three years for Council endorsement.

Option 2

Not to appoint the community persons put forward. It is an important process that each 3 years the members of the particular community/facility consider the membership of the S86 committee. Council's policy is that Committees of Management members are appointed for a 3 year term or less where applicable.

Proposal

It is proposed to appoint the following community persons to the committee named for a term of 3 years until 28 November 2018.

Eurack Public Hall & Tennis Reserve	Alan Carew, Barbara Paine, Daniel Wood, John Carew, Megan Dodd, Barry McDougall, Gerald Paine, Mary Carew, Kaylene Wood, Jeff Johnson
Beech Forest Recreation Reserve	Rory Harrington, Simon Brown, Justin Robbins, Bryan Moore, Steve Trotter
Cororooke Hall	Rod Stephenson, Wayne Burnett, Lucy Darcy, Caroline Grist, Merv Taylor, Pat Boylan, Eppy Hickey, Geoff Vagg, Gerard Hickey

Financial and Other Resource Implications

Each Committee holds their own bank account and administers budgets set by the Committee in accordance with funds within these accounts.

Each Committee is required to provide copies of annual financial statements/treasurer's report to Council.

Risk Management & Compliance Issues

Each committee has been provided with a Risk Management and Insurance Manual developed for Council Committees of Management.

Environmental and Climate Change Considerations

Nil

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 and consult. Advertisements were placed in the local media seeking nominations to the committee. Consultation also took place with Committee members as to the preferred time for the meetings to be held.

Implementation

A letter will be forwarded to the Management Committees advising them of Council's endorsement of the appointments to the committee.

Conclusion

The decision to appoint the Committees as Special Committees of Council is in keeping with Council's policy of working with its community in the management of halls, reserves and other facilities throughout the Shire.

Attachments

Nil

Recommendation(s)

That Council:

1. ***Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Eurack Public Hall and Tennis Reserve, Beech Forest Recreation Reserve and Cororooke Hall Committees of Management until 26 September 2018:***

<i>Eurack Public Hall and Tennis Reserve</i>	<i>Alan Carew, Barbara Paine, Daniel Wood, John Carew, Megan Dodd, Barry McDougall, Gerald Paine, Mary Carew, Kaylene Wood, Jeff Johnson</i>
<i>Beech Forest Recreation Reserve</i>	<i>Rory Harrington, Simon Brown, Justin Robbins, Bryan Moore, Steve Trotter</i>
<i>Cororooke Hall</i>	<i>Rod Stephenson, Wayne Burnett, Lucy Darcy, Caroline Grist, Merv Taylor, Pat Boylan, Eppy Hickey, Geoff Vagg, Gerard Hickey</i>

2. ***In accordance with section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolves to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.***
3. ***Advises the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided on an annual basis.***

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**OM152511-6 CONTRACT 1543 - PROVISION OF MARKETING AND PRINT SERVICES (MAV)**

|             |                    |           |            |
|-------------|--------------------|-----------|------------|
| AUTHOR:     | Andrew Kavanagh    | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/8783   |

**Purpose**

The purpose of this report is to seek Council approval to award Contract 1543 – Marketing and Print Service for which tenders have been received.

**Declaration of Interests**

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

**Background**

The Municipal Association of Victoria (MAV) invited tenders for the provision of marketing and print services on behalf of Victorian Local Government councils (MAV Ref: MB8210-2015). Tenders were advertised on 8 July 2015 and closed on 29 July 2015. The request for tender sought the provision of standing offers for the required services for a period of three (3) years commencing 14 November 2015, with an option to extend the standing offers for two (2) additional periods of one (1) year.

The range of services sought in the tender included:

- media services
- advertising services
- design services; and
- print services

The following 12 tenders were received by MAV:-

| Tenderer                                        | Media Services | Advertising Services | Design Services | Print Services |
|-------------------------------------------------|----------------|----------------------|-----------------|----------------|
| Blaze Advertising Pty Ltd                       | ✓              | ✓                    | ✓               | ✓              |
| Dual Print Solutions Pty Ltd t/as Valiant Press |                |                      |                 | ✓              |
| EW Group t/as Aegis Clean Print HD              |                |                      |                 | ✓              |
| Inka Australia Pty Ltd                          |                | ✓                    | ✓               |                |
| Johanna Villani Design Pty Ltd                  |                |                      | ✓               |                |
| Melbourne Mailing                               |                |                      |                 | ✓              |
| Nadrasca Ltd                                    |                |                      |                 | ✓              |
| Paddywacka Design                               |                |                      | ✓               |                |
| Print Logistics (Aust.) Pty Ltd                 |                |                      | ✓               | ✓              |
| SoDesign and Branding                           |                | ✓                    | ✓               |                |
| Synkd Pty Ltd                                   |                |                      | ✓               |                |
| The Contenders Design                           |                | ✓                    | ✓               |                |

Tenders were evaluated and assessed by a panel consisting of five members from participating councils and the MAV. The Evaluation Panel recommendation is made in accordance with selection criteria specified which includes:

| <i>Criteria</i>                             | <i>Weighting</i> |
|---------------------------------------------|------------------|
| • service offering                          | 55%              |
| • experience and past performance           | 25%              |
| • delivery, order management and fulfilment | 10%              |
| • corporate responsibility                  | 5%               |
| • contract management and implementation    | 5%               |

The MAV tender evaluation panel recommended that the standing offers of the following tenderers be accepted.

Category 1 – Media Services

- Blaze Advertising Pty Ltd

Category 2 – Advertising Services

- Blaze Advertising Pty Ltd
- Inka Australia Pty Ltd
- SoDesign and Branding
- The Contenders Design & Digital Communications

Category 3 – Design Services

- Blaze Advertising Pty Ltd
- Inka Australia Pty Ltd
- Johanna Villani Design
- Print Logistics (Aust.) Pty Ltd
- SoDesign and Branding
- Synkd Pty Ltd
- The Contenders Design & Digital Communications

Category 4 – Print Services

- Blaze Advertising Pty Ltd
- Dual Print Solutions Pty Ltd t/as Valiant Press
- EW Group t/as Aegis Clean Print HD
- Print Logistics (Aust.) Pty Ltd

Council's internal Tender Evaluation Panel (TEP) consisted of the following members:

- Public Relations Coordinator
- Public Relations Officer
- Contract Governance Coordinator

The TEP recommends that Council accept the standing offers of the companies nominated under Categories 1, 2 and 3. The TEP recommends that Council decline the standing offers of the tenderers under Category 4 on the basis that it has a pre-existing contract for print services.

Council current utilises Blaze Advertising as its agent for public notice advertising, excluding advertising within the Colac Herald. This includes tender notifications, public notices and recruitment.

Council may utilise the services of the tenderers nominated under Categories 2 and 3 where appropriate, although the anticipated spend is expected to be relatively small, and would be budgeted under specific projects or Council's operating expenditure.

### **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**

Council is responsible for inviting tenders for marketing services to ensure compliance with its obligations under the *Local Government Act 1989*.

Alternative options are for Council to independently tender or participate in a joint tender with another procurement agency.

Participation in the MAV tender for Marketing and Print Services allows Council to procure marketing services whilst complying with the Local Government Act and ensuring best value to Council through the buying power of the MAV.

#### **Proposal**

The TEP recommends that Council accept the standing offers of the companies nominated under Media Services (Category 1), Advertising Services (Category 2) and Design Services (Category 3).

Council will continue to utilise Blaze Advertising as its agent for public notice advertising – excluding advertising within the Colac Herald – as the sole nominated provider of media services under the MAV contract.

The procurement of advertising services and design services under the MAV contract will be based on best value to Council, considering price, quality of service and suitability for purpose.

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

Council's operating budgets allow for the cost of procuring marketing services.

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

Nil

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

Nil

#### **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 to inform.

### **Implementation**

Upon Council's approval the MAV will be notified and access to the contracts will be made available to council officers. Council's public relations unit will be notified of the contract details as the key user of the contract.

### **Conclusion**

A recommendation is made to accept the standing offer tenders of the following companies at their tendered schedule of prices:

#### Category 1 – Media Services

- Blaze Advertising Pty Ltd

#### Category 2 – Advertising Services

- Blaze Advertising Pty Ltd
- Inka Australia Pty Ltd
- SoDesign and Branding
- The Contenders Design & Digital Communications

#### Category 3 – Design Services

- Blaze Advertising Pty Ltd
- Inka Australia Pty Ltd
- Johanna Villani Design
- Print Logistics (Aust.) Pty Ltd
- SoDesign and Branding
- Synkd Pty Ltd
- The Contenders Design & Digital Communications

Purchases under the contract will be based on best value to Council, considering price, quality of service and suitability for purpose.

### **Attachments**

Nil

**Recommendation(s)**

***That Council awards Contract 1543 – Marketing & Print Services (MAV Ref: MB8210-2015) to the following companies at the schedule of prices submitted:***

***Category 1 – Media Services***

- ***Blaze Advertising Pty Ltd***

***Category 2 – Advertising Services***

- ***Blaze Advertising Pty Ltd***
- ***Inka Australia Pty Ltd***
- ***SoDesign and Branding***
- ***The Contenders Design & Digital Communications***

***Category 3 – Design Services***

- ***Blaze Advertising Pty Ltd***
- ***Inka Australia Pty Ltd***
- ***Johanna Villani Design***
- ***Print Logistics (Aust.) Pty Ltd***
- ***SoDesign and Branding***
- ***Synkd Pty Ltd***
- ***The Contenders Design & Digital Communications***

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OM152511-7 CONTRACT 1532 - PROVISION OF BANKING AND BILL PAYMENT SERVICES

| | | | |
|-------------|--------------------|-----------|------------|
| AUTHOR: | Andrew Kavanagh | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/8779 |

Purpose

The purpose of this report is to seek Council approval to award Contract 1532 – Provision of Banking and Bill Payment Services for which tenders have been received.

Declaration of Interests

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

Background

Tenders closed on 9 September 2015 for the provision of banking and bill payment services associated with the day to day functions of Council.

The contract term is four years with three extension options of one year each.

The contract is a schedule of rates tender.

Tenders were received from the following contractors (in alphabetical order):

- Australia & New Zealand Banking Group
- Commonwealth Bank of Australia
- National Australia Bank Limited

Tenders were evaluated and a recommendation made in accordance with Council's *Procurement Policy and Tenders/Quotations and Purchasing Procedure*.

All tenders were evaluated and scored using the following selection criteria:

| Criteria | Weighting |
|-------------------------|------------------|
| Tendered price | 20 |
| Product | 20 |
| Relationship Management | 20 |
| Innovation | 20 |
| Implementation | 15 |
| Local Content | 5 |

The Tender Evaluation Panel consisted of the following members:

- Manager Financial Services
- Financial Operations Coordinator
- Contract Governance Coordinator

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

Councils current contract with Commonwealth Bank of Australia (CBA) expires in November 2015.

All tenderers have offered arrangements that would generate cost savings when compared to the current cost of service. This saving is expected to be in the vicinity of \$ 28,000 over the life of the contract.

Council is responsible for inviting tenders for the provision of banking and bill payment services to ensure compliance with its obligations under the *Local Government Act 1989*.

It is important that Council award the contract to ensure its legislative compliance and benefit from the cost savings and innovative services offered by the preferred tenderer.

Proposal

It is proposed that Council award the contract for banking and bill payment services to Commonwealth Bank of Australia ("CBA") as the preferred tenderer of the Tender Evaluation Panel. CBA's submission was assessed as offering best value to Council and scored highest against the selection criteria particularly taking into consideration product offerings, innovation and local content.

Financial and Other Resource Implications

The preferred tender of CBA is within Council's budget allocation for banking and bill payment services and the tendered price represents a cost saving to current pricing arrangements.

Risk Management & Compliance Issues

Council has had a long-term and effective relationship with CBA. Due to the complex nature of banking arrangements an independent expert assisted Council to maximise best value outcomes during the tender process and supported the Tender Evaluation Panel.

The Tender Evaluation Panel considers that there is a low risk to Council in awarding the contract to the preferred tenderer.

Environmental and Climate Change Considerations

Nil.

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. The tender was advertised in the Colac Herald on 7 August 2015. The tender was also advertised on Council's website and via Tenderlink.

Implementation

Upon Council's approval, the Contract will be awarded to CBA. Because Council is already a current client and implementation is only relevant to new services or facilities. Based on its tender submission a "go live" date for new services is anticipated in February 2016.

Conclusion

A recommendation is made to award the contract to Commonwealth Bank of Australia at its tendered schedule of rates.

Attachments

Nil

Recommendation(s)

That Council:

- 1. Awards Contract 1532 for Provision of Banking and Bill Payment Services to Commonwealth Bank of Australia at its tendered schedule of rates.***
- 2. Authorises the Chief Executive Officer to sign the contract documents following award of Contract 1532.***

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**OM152511-8 PROPOSED COUNCIL MEETING DATES 2016**

|             |                    |           |            |
|-------------|--------------------|-----------|------------|
| AUTHOR:     | Jenny Wood         | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | CLF11/8    |

**Purpose**

To confirm the scheduling of Council meeting dates for 2016.

**Declaration of Interests**

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

**Background**

Council holds "Ordinary or Special meetings" for the purpose of transacting the business of the Council. Meetings are open to the public and the community is welcome to attend to observe their elected representatives consideration of issues.

Currently Council holds its ordinary meetings at 4.00 pm on the fourth Wednesday of each month, with the exception of December which is held in the third week.

Council meetings held in other locations have the potential to give the local community in the area in which the meeting is being held a more convenient opportunity to attend a meeting.

The timing of Ordinary Council meetings is designed to make it easier for members of the community to attend. However, holding Council meetings away from Colac may make it more difficult for those community members who regularly attend meetings to access those meetings.

**Discussion**

There have been a consistent number of community members attending meetings held in Colac with significant numbers attending when contentious items have been discussed.

The meetings held in Birregurra and Apollo Bay are not as well attended and if meetings are to continue to be held in these towns, it will be appropriate to review how the meetings are advertised to encourage local residents to attend. In addition, it is noted that the Birregurra Public Hall is not an ideal venue for Council meetings in the cooler months. The Birregurra Community Health Centre, which is considerably more comfortable, is not available on a Wednesday evening, so it is recommended that Council hold the meetings in Birregurra in warmer months.

**Caretaker period:**

The local government elections will be held on Saturday, 22 October 2016.

The caretaker period is 32 days (12 noon on 20 September - 6pm on 22 October 2016 ). During this time Councillors must observe specific legislative and governance requirements in the period leading up to the election.

## **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**

Local Law No. 4 requires that Council fix the date and time of Council meetings.

During the caretaker period Councillors are required to perform their elected role and will as a matter of course receive all necessary information for them to fulfill that role. As such there will be an Ordinary Council Meeting on 28 September which will proceed as normal. A special meeting will be held following the local government elections once the election result is declared.

### **Proposal**

It is recommended that Ordinary Council meetings for 2016 commence at 4.00 pm and be scheduled as follows;

- |                                |                                    |
|--------------------------------|------------------------------------|
| • Wednesday, 27 January 2016   | COPACC – Colac                     |
| • Wednesday, 24 February 2016  | Apollo Bay Senior Citizen's Centre |
| • Wednesday, 23 March 2016     | COPACC – Colac                     |
| • Wednesday, 27 April 2016     | Birregurra Public Hall             |
| • Wednesday, 25 May 2016       | COPACC - Colac                     |
| • Wednesday, 22 June 2016      | COPACC – Colac                     |
| • Wednesday, 27 July 2016      | COPACC – Colac                     |
| • Wednesday, 24 August 2016    | COPACC – Colac                     |
| • Wednesday, 28 September 2016 | COPACC – Colac                     |
| • Wednesday, 23 November 2016  | Apollo Bay Senior Citizen's Centre |
| • Wednesday, 21 December 2016  | COPACC – Colac                     |

Following the elections, a Special Council meeting to elect the new Mayor, Deputy Mayor and consider appointments to committees will be held on 9 November 2016 at 4.00 pm at COPACC.

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

The proposed arrangements mirror arrangements already in place and appropriate budget allocations are in place. Additional costs are incurred for meetings held away from COPACC. None of these costs are considered to be significant.

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

There are a number of minor Occupational Health and Safety issues in relation to holding Council Meetings at other locations:

- Moving Recording Equipment
  - Damage to / loss of equipment as it is very sensitive
  - Injury to staff lifting / carrying equipment (low risk)
- Travel
  - Accident due to travelling to / from meeting
- Security / secure environment / emergency services

None of these risks are considered to be significant.

### **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 would be to inform. Under the *Local Government Act 1989* Council is required to give at least 7 days public notice of a Council Meeting or a special meeting unless there are urgent or extraordinary circumstances that prevent a Council from doing so. Meetings held outside of Colac will be given additional publicity within the host community.

### **Implementation**

The 2016 schedule of Ordinary Council would commence in January 2016.

### **Conclusion**

The recommendation puts in place the meeting times and locations for 2016.

### **Attachments**

Nil

### **Recommendation(s)**

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

1. ***Confirm the meeting dates, times and venues for Ordinary Council meetings for 2016 as:***
  - **Wednesday, 27 January 2016** COPACC – Colac
  - **Wednesday, 24 February 2016** Apollo Bay Senior Citizen's Centre
  - **Wednesday, 23 March 2016** COPACC – Colac
  - **Wednesday, 27 April 2016** Birregurra Public Hall
  - **Wednesday, 25 May 2016** COPACC - Colac
  - **Wednesday, 22 June 2016** COPACC – Colac
  - **Wednesday, 27 July 2016** COPACC – Colac
  - **Wednesday, 24 August 2016** COPACC – Colac
  - **Wednesday, 28 September 2016** COPACC – Colac
  - **Wednesday, 23 November 2016** Apollo Bay Senior Citizen's Centre
  - **Wednesday, 21 December 2016** COPACC – Colac
2. ***Confirms the Special Council meeting to be scheduled for Wednesday, 9 November 2016 at 4.00pm at COPACC, Colac.***

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OM152511-9 LEASE RENEWAL - 49-51 GREAT OCEAN ROAD, LAVERS HILL

| | | | |
|-------------|-----------------------------------|-----------|---------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Ingrid Bishop |
| DEPARTMENT: | Infrastructure & Leisure Services | FILE REF: | F12/828 |

Purpose

To seek Council approval to extend an existing lease for telecommunication facilities installed on Council owned property at 49-51 Great Ocean Road, Lavers Hill.

Declaration of Interests

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

Background

At the Ordinary Council Meeting of 14 December 2005, Council resolved to sign and seal a Lease Agreement between Council and Telstra Corporation Pty Ltd (Telstra) for the mobile communication installation at 49-51 Great Ocean Road, Lavers Hill.

The initial term of this Lease was 10 years. The Lease includes three (3) options of renewal of five (5) years each. Council has recently received correspondence from agents acting on behalf of Telstra seeking Council approval to execute the first of these options to extend the lease for a further five (5) years.

The Lease is to allow occupation of approximately 7.5 square metres of Council owned property at the Council's Services & Operations depot located in Lavers Hill. A 25 metre telecommunications tower along with an ancillary equipment shelter is installed on the leased area.

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

Council has two (2) options to consider with respect to this matter. These options are:

1. Approve the extension of the lease by exercising the first of the three five (5) year options; or
2. Not approve the lease extension and negotiate an alternative agreement.

Proposal

It is proposed that Council approve the extension of the lease between Council and Telstra for area of the Council property addressed as 49-51 Great Ocean Road, Lavers Hill. There have been no issues since entering into the lease in 2005. Extending the lease will also ensure the ongoing provision of telecommunication services for residents and visitors to the area.

The Deed of Renewal does seek to vary the terms and conditions of the existing lease. These variations are as follows:

3. Variation

3.1. With effect from the Effective Date the Lease is varied in the following manner:

- a. the Reference Schedule is deleted and replaced with the Reference Schedule at Annexure B to this Deed;
- b. clause 5.2 is deleted and replaced with the following:

5.2 Costs of Lease

- (a) Each party must bear their own legal fees and disbursements for the preparation, negotiation and execution of this Lease.
- (b) The Lessee must pay all stamp duty, if any, and registration fees, if any, payable on this Lease.

These variations do not compromise Council's position in way significant way and are proposed to be accepted in agreeing to the renewal of the lease for a further five (5) year period. No direct costs will be incurred as a result of the review or execution of the first renewal option.

Financial and Other Resource Implications

Renewing this lease does not commit Council to any increase or reduction in operational or capital expenditure. The rental amount payable in the first year is \$8,065.50 and is subject to an annual increase of 3% per annum.

Risk Management & Compliance Issues

Documenting the respective property responsibilities and obligations through a legally binding lease, which conforms to legislative requirements, mitigates sources of risk.

Environmental and Climate Change Considerations

There are no environmental or climate change considerations applicable to this matter.

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.

At the time of entering into lease in 2005, Council fully complied with its legal requirements under sections 190 and 223 of the *Local Government Act 1989* (the 'Act'). As this is an extension of the existing lease within its terms and conditions, no further community consultation is required.

Implementation

Upon resolution by Council, the deed of renewal will be executed and returned to the agents acting on behalf of Telstra.

Conclusion

Renewing the lease for this site does not create any unfavourable issues for Council and ensures the ongoing provision of important telecommunication services in the Lavers Hill area.

Attachments

1. For Signing - Lease from Colac Otway Shire to Telstra Corporation Limited - 49-51 Great Ocean Road Lavers Hill

Recommendation(s)

That Council authorizes the Chief Executive Officer to sign and seal the deed of renewal to extend the existing Lease Agreement between Colac Otway Shire Council and Telstra Corporation Pty Ltd for the mobile communication installation at 49-51 Great Ocean Road, Lavers Hill for a further five (5) years.

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**OM152511-10 ADOPTION OF DOMESTIC WASTEWATER MANAGEMENT PLAN**

|             |                                  |           |             |
|-------------|----------------------------------|-----------|-------------|
| AUTHOR:     | Doug McNeill                     | ENDORSED: | Brydon King |
| DEPARTMENT: | Development & Community Services | FILE REF: | F14/5663    |

**Purpose**

To consider adoption of the final Domestic Wastewater Management Plan (DWMP) following receipt of public submissions.

**Declaration of Interests**

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

**Background**

The draft Domestic Wastewater Management Plan (DWMP) was placed on exhibition for 8 weeks following consideration at the 22 July 2015 Council meeting. A mail out occurred to the owners of all unsewered properties, together with notices in the Colac Herald and local news sheets, on public noticeboards in townships and on Council's website and Facebook page. In addition, a fact sheet responding to frequently asked questions was prepared.

Drop in information sessions were held with the community in Colac, Gellibrand, Lavers Hill and Beech Forest during the exhibition period, which were well attended. A briefing with practitioners who lodge Land Capability Assessments (LCAs) within the Shire for on-site effluent treatment systems was also held.

Six (6) submissions were received following the close of submissions on 28 September 2015.

The DWMP relates to management of unsewered parts of the Shire, including areas within the drinking water catchments, and has particular relevance to settlements and townships. The 2015 DWMP functions as a review and update of the 2007 DWMP, and covers the following unsewered areas in Colac Otway Shire:

- Water catchment areas (including Barham River, Barwon Downs, Beech Forest, Carlisle River, Forrest, Gellibrand, Kwararren and Lavers Hill).
- Unsewered townships outside water catchments: Alvie, Barongarook, Beeac, Coragulac, Cororooke, Kennett River, Wye River and Separation Creek.

The Operational Plan and Technical Document that form the DWMP are have been revised in response to final feedback from the project working group, ready for adoption by Council. These documents, with changes shown in "track changes" format, are attached to this report.

Why are we preparing a DWMP?

In 2003, a document entitled '*The Variation to State Environment Protection Policy (Waters of Victoria (SEPP))* required all relevant councils to ensure that domestic wastewater systems on unsewered properties in their municipality were managed to prevent wastewater containing nutrients, pathogens and other pollutants being discharged beyond allotment boundaries. This was to be done through the development and implementation of a DWMP.

A DWMP must provide for:

- the effective monitoring of the condition and management of onsite treatment systems, including but not limited to compliance by permit holders with permit conditions and the relevant EPA Code of Practice;
- the results of monitoring being provided to stakeholders as agreed by the relevant stakeholders;
- enforcement action where non-compliance is identified;
- a process of review and updating (if necessary) of the DWMP every 5 years;
- independent audit by an accredited auditor (water corporation approved) of implementation of the DWMP, including monitoring and enforcement, every 3 years;
- the results of audits being provided to stakeholders as soon as possible after the relevant assessment.

Councils are required to demonstrate that suitable resourcing for implementation, including monitoring, enforcement, review and audit, is in place.

#### Previous work

Council's first DWMP, in 2007, developed previous work undertaken by Council which had identified wastewater issues in a number of towns. This collection of information was instrumental in securing \$12,000,000 to sewer Birregurra and over \$800,000 to connect Skenes Creek to the Apollo Bay sewerage system at minimal cost to property owners. Unfortunately, sewerage was not an option for Wye River and Separation Creek due to potential landslip issues associated with treated effluent disposal from the sewerage system and the prohibitive cost.

As noted above, it is a requirement of the Victorian Government that a DWMP be reviewed and updated every 5 years, which meant that the 2007 DWMP should have been reviewed in 2012. This did not happen due to competing funding priorities. An updated DWMP is therefore well overdue.

Following the decision not to sewer Wye River and Separation Creek, the Victorian Government commissioned a report in 2013 to look at the risks of domestic wastewater systems within these two coastal hamlets. This report recommended the development and implementation of a DWMP to reduce the risk of on-site treatment and disposal system failure. The report also recommended system upgrades on a prioritised basis, and regular inspection, desludging and maintenance activities. This report has also been one of the drivers for the 2007 DWMP review and update.

#### 2015 Domestic Wastewater Management Plan

There are around 8,803 unsewered lots/properties in the municipality as a whole (ie all land excluding urban Colac, Apollo Bay and Birregurra), of which over half are in towns and their surrounds.

The 2015 DWMP, which is an update of the 2007 plan, does not look at all townships. It has prioritised the highest risk townships (such as Wye River, Separation Creek and Kennett River), those townships in water supply catchments, and unsewered townships identified for growth. Other townships will be considered in the next review and update of the DWMP.

### Barwon Water and Wannon Water

In addition to addressing the broader municipal wide obligations for a DWMP, a particular focus for the DWMP has been to clarify the development potential of land within the drinking water catchments (DWSCs) given the constraints to development of land in the Otways arising from application of State policies relating to protection of water quality in declared catchments.

Water corporations are responsible under legislation for management of declared water catchments, with the aim of protecting the quality of water supply from the catchments. The catchment managed by Barwon Water supplies drinking water to Colac, Geelong and the surrounding region, whilst the Wannon Water catchment supplies water to towns in the west of the State such as Warrnambool. The onus of the legislation on these corporations to protect drinking water quality is significant.

In the declared water catchments of the Shire, an Environmental Significance Overlay – Schedule 3 (ESO3) has been applied through the Planning Scheme to ensure that a planning permit is required for any dwelling (or other similar type development). Whilst Council has introduced an overlay schedule aimed at exempting minor developments from permit requirements, the State standard overlay triggers a planning permit for most developments. The planning process, however, simply enables consideration of the impacts of the development on water quality by the water corporations.

In November 2012 the Minister for Water released guidelines on '*Planning permit applications in open, potable water supply catchment areas*', which state in Guideline 1 that:

*"Where a planning permit is required to use land for a dwelling or to subdivide land or where a planning permit to develop land is required pursuant to a schedule to the Environmental Significance Overlay that has catchment or water quality protection as an objective:*

- the density of dwellings should be no greater than one dwelling per 40 hectares (1:40 ha); and*
- each lot created in the subdivision should be at least 40 hectares in area".*

The guidelines also state that water corporations can consider allowing a higher density of development where all of the following conditions are met:

- the minimum lot size specified in the zone for subdivision is met in respect of each lot;
- the water corporation is satisfied that the relevant Council has prepared, adopted and is implementing a Domestic Wastewater Management Plan (DWMP) in accordance with the DWMP Requirements; and
- the proposal does not present an unacceptable risk to the catchment having regard to a number of criteria.

(Note: these criteria have been used in Council's draft DWMP to define the risk and how, if possible, to overcome the risk, thereby, increasing the opportunity to develop a property in open, potable water supply catchment areas.)

Whilst the 2012 State Government guidelines superseded an earlier version that had been in place since 2009, they were applied by water corporations more strictly following the 2012 changes after VCAT began making determinations on permit applications which strongly criticised Councils and water corporations for not meeting their obligations to implement them. This resulted in permit applicants finding it significantly more difficult in the Shire's water catchments to obtain approval than had previously been the case, with some applications refused, and others being delayed for significant periods whilst applicants sought to prepare extensive information to satisfy water corporation requirements. This continues to be the case.

In 2013 Council determined to commence work on a new DWMP, following an offer from Barwon Water and Wannon Water to financially contribute to developing a DWMP in order to overcome the planning issues within their water catchments. This was seen by Council as a win-win, as this jointly funded new DWMP would also satisfy the obligation of Council to review and update the 2007 DWMP.

What is the connection between a DWMP and obtaining a planning permit?

The SEPP (Waters of Victoria) requires Councils to develop and implement a DWMP. Whether a planning permit is required for a development or not, Council through its Health Protection Unit:

- must assess the suitability of land for on-site domestic wastewater systems prior to approving a development. To assist in this, the Environment Protection Authority provides guidance including that in '*Assessment for Onsite Domestic Wastewater Management (2001)*' as amended;
- ensure that permits are consistent with guidance provided by the Environment Protection Authority, including that provided in the *Code Of Practice - Septic Tanks On-Site Domestic Wastewater Management (2003)*, as amended; and
- apply conditions to the Permit to Use (the on-site treatment system).

This means that even in situations outside of the drinking water catchments where a planning permit is not required a dwelling, Council has a role in reviewing and approving the on-site treatment system to be used via the Health Department. This would occur when an application is made for a Building Permit.

As noted above, the preparation, adoption and implementation of a DWMP also allows water corporations, where planning permits are required, to consider a higher density of development than otherwise can be allowed within water catchment areas. Unless water corporations are satisfied that Council is implementing an adopted DWMP, there is no scope to relax the 1:40 hectare density guideline set by the Minister for Water. As Councillors are aware, this is a matter that has limited development potential in water supply catchments across the State in recent years.

A DWMP does not impose any new planning controls over land. Rather, it is a tool that, amongst other things, provides Council and water corporations more flexibility when considering planning applications in water supply catchments. The 2015 DWMP has the potential to provide for appropriate development, where measures can be put in place to ensure the development would not compromise the water supply. Rather than applying the current instrument of allowing the 1 dwelling per 40 hectares permissible under State Guidelines, decisions would be possible based on the specific circumstances of a property through the implementation of a DWMP.

Whilst the Plan does not guarantee a positive development outcome for every property owner in the water catchments, it does provide consistency in terms of application requirements and the way that applications are assessed, having regard to site specific considerations.

#### Implications of the DWMP for planning of townships

The revised DWMP provides the basis for future strategic planning of township areas by examining the implications for water quality. Past strategic studies such as the Shire's Rural Living Strategy 2011 had considered future expansion of Gellibrand, Beech Forest, Forrest, Alvie, Beeac, Cororooke and Coragulac, however the implications for infill development in the towns was unknown due to lack of information on land capability for on-site effluent treatment. It was also unknown to what degree the need to protect water quality in the declared water catchments would prevent outward growth of Gellibrand and Beech Forest (to the north). The 2015 plan also provides the basis for determining minimum subdivision lot sizes for each of the unsewered townships in the Study.

#### Who has prepared the 2015 DWMP & what was the process?

Council engaged a consultancy, Whitehead and Associates, that is highly experienced in developing DWMPs to prepare the draft DWMP for the municipality.

This consultancy has previously been involved in the preparation, review and updating of Domestic Wastewater Management Plans for a number of other councils in Victoria, New South Wales and Tasmania, including reviews of the DWMPs for Corangamite Shire Council, Moorabool Shire Council, Macedon Ranges Shire Council and Baw Baw Shire.

Throughout the preparation of the draft DWMP, the consultancy reported to a Working Group comprising Council officers and representatives from Barwon Water, Wannon Water, Southern Rural Water (SRW), the Environment Protection Authority (EPA), the Corangamite Catchment Management Authority (CCMA) and the Department of Environment, Land, Water & Planning (DELWP).

Unsewered properties in the Shire were categorised by the consultant using the most reliable, up-to-date data available on matters such as climate, soil and topography. The criteria used included information about allotment size; zoning under the Planning Scheme; topography; geology; soil type, depth, permeability and structure; site gradient or slope; useable lot area; climate suitability; the property's proximity to water courses, groundwater bores, water storages and reservoirs, and land subject to inundation; average soil moisture levels; groundwater depth; and landslide risk.

The consultant also carried out ground truthing of data which included testing of soil conditions on over 40 properties across eight priority townships during a wet period of September last year. The results of this testing were used to cross reference against the more general soils information in existing data bases held by the different agencies.

The final result of the consultant's work is that all properties within the DWMP now have a sensitivity risk rating (for the purpose of considering on-site effluent treatment) of 'low', 'medium', 'high' or 'very high'. These ratings provide clarity to property owners about the information they will have to supply with any future planning application, or where no planning permit is required for a development, for any application to Council for a "Permit to Use" an on-site effluent treatment system.

In summary, the outcomes of the sensitivity analysis are:

- 2,113 unsewered allotments are within the declared water catchments.
- 204 allotments have been assigned a sensitivity rating of Very High (only 2.3% of unsewered allotments).
- 1,912 allotments have been assigned a sensitivity rating of High (21.7% of unsewered lots in the Shire).
- 4,696 allotments have been assigned a sensitivity rating of Medium (53.4% of unsewered lots in the Shire); and
- 1,991 allotments have been assigned a sensitivity rating of Low (22.6% of unsewered lots in the Shire).

The DWMP establishes the different information to be submitted with planning permit applications or applications to Council's Health Protection Unit for 'Permits to Use' an on-site effluent treatment system, depending on the sensitivity rating. For low rated properties, only very basic information would need to be submitted, compared to more comprehensive information for those rated Very High.

It is noted that there are concentrations of Very High rated lots in the areas within and around the townships of Lavers Hill and Beech Forest, reflecting the high rainfall and steep slopes within these towns.

What if a land owner considers the sensitivity rating to be inaccurate?

The sensitivity rating differentiates the level of information to be submitted with applications for development depending on the relative risk to water quality based on a broad analysis at a Shire wide level.

The DWMP makes it clear that the results of this analysis may not represent the actual conditions of properties throughout the entire Shire, due to the regional scale of the study. It may be possible that the information that does not reflect actual conditions on the ground will come to light when a landowner proposes to develop a site and/or install a septic system.

In such cases, a land owner could review the information in the DWMP and present additional information through a Land Capability Assessment (LCA) and, if necessary, the DWMP would be updated at its next review.

Council will base its decision on the most accurate information relating to the site arising from the site specific Land Capability Assessment (LCA) prepared for the development.

For land in the water catchments, the important implication of the sensitivity ratings is that it will enable water corporations to consider each planning permit application for a dwelling on its actual merits, instead of using the blunt instrument of the maximum development density of 1:40 hectares from the State Guidelines to refuse applications.

There would be no immediate implications for owners with existing systems unless those systems are defective or malfunctioning, or the property is being further developed. Substandard systems would be detected through audits or complaints. Over the longer term systems that do not comply with current standards would need to be improved.



A property is classified as 'Very High' - does this mean it cannot be developed?

The DWMP ensures that all properties can be assessed on their individual merits, rather than a blanket standard being applied. Even for land in the Very High risk category, there is no direct implication that applications would not be supported – it means that instead of being refused based simply on the density of development in the surrounding area (which is a particular issue in the townships in the water catchments), a proponent can supply detailed information seeking to demonstrate that a proposal can be suitable.

Whilst there is no guarantee that all proponents of development in water catchments would receive support from the water corporations for the issue of a planning permit (as some sites will be too challenging due to their specific site conditions to meet SEPP requirements), it is highly likely that the DWMP would facilitate more positive outcomes than under the present State Guidelines. The DWMP will not make it any harder for any site to get a planning permit than currently is the case.

Will it cost land owners more to lodge an application?

There may be some additional costs associated with the preparation of Land Capability Assessments (LCA), especially for 'high' and 'very high' risk properties. However, the adoption and implementation of a DWMP will result in more opportunity to obtain permits to carry out development, with less environmental risk. Without the required level of LCA being submitted for a property, it will not be possible to obtain a permit to develop.

Will the DWMP affect property values?

The DWMP should not materially affect property values, as it will increase the overall potential for environmentally responsible development in the Shire.

No property will have less development potential than it currently does, but the requirements it will need to meet to obtain a planning permit, or a permit for a septic system, will be clear and equitable.

What is the role of Council, and what is the role of the water corporations?

The following sets out the different roles of Council and the water corporations in using the DWMP to meet their legislative obligations:

*Council*

As noted earlier in the report, the State Environment Protection Policy (Waters of Victoria), together with the 2012 State Guidelines, define the role of relevant councils to develop, implement and review a DWMP, in conjunction with water authorities, EPA, communities, and other local governments with shared water catchments, that:

- reviews land capability assessments and available domestic wastewater management options to prevent the discharge of wastewater beyond allotment boundaries and prevent impacts on groundwater beneficial uses;
- identifies the preferred options, together with costs, funding needs, timelines and priorities;
- provides for the assessment of compliance of on-site domestic wastewater systems with permit conditions; and
- comprises a strategy, in compliance with all of the requirements in the 2012 Guidelines.

As shown in the attached diagram (Attachment 3), Council is responsible for monitoring all septic systems installed within the municipality, not just in drinking water supply catchments. Council, through its Health Protection Unit, is required to review applications for the installation of a septic system. If approved, the applicant is issued with a 'Permit to Install' in accordance with any conditions. Once the septic system is installed to the satisfaction of a Council officer, a 'Permit to Use' is issued. This procedure is required whether or not a planning permit is required.

The importance of the DWMP when considering proposed development in drinking water supply catchments is that it provides a risk based approach to facilitate a way of developing on properties with densities of dwellings in the locality greater than 1:40 hectares.

#### Water Corporations

Wannon Water and Barwon Water invested in the development of the DWMP and are on its Steering Committee, together with the Department of Environment, Land, Water and Planning (DELWP), EPA and other entities. Both water corporations are keen to ensure that an updated DWMP complies with all of the requirements on the 2012 Guidelines for open, potable water supply catchment areas, which have been outlined above.

Water corporations are a statutory referral authority on planning applications within drinking water supply catchments. Council must refer planning applications within those areas to the relevant water corporation(s) and is bound by the response received, i.e. an application must be refused if the water corporation recommends this, and any conditions required by the water corporation must be imposed if a permit is issued. Without the adoption and implementation of the DWMP, both water corporations are bound by the guidelines to refuse an application for a dwelling if the density of dwellings in the area around the property is greater than 1:40 hectares. (The 1:40 hectares benchmark is a non-negotiable requirement applied to all water corporations in Victoria.)

#### Will the water corporations endorse the plan and apply it when considering applications?

It is important that the DWMP has the support of Barwon Water and Wannon Water, and Council has worked closely with both water corporations on this project. Both authorities have been involved in a Working Group which has worked with Whitehead & Associates to develop the Plan. Support will also be sought from the EPA.

In order for Council to secure the support of water corporations for the DWMP if adopted, it will be necessary to resource it, which will involve increased monitoring of unsewered properties in the Shire to ensure wastewater systems are operating properly. The Operational Plan which forms part of the DWMP includes an Action Plan, which outlines the management strategies and actions to address priorities.

### **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 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 Council Plan notes that Colac Otway Shire operates in a highly regulated environment, with complex planning and building control systems administered by the State Government. It notes that these have an important purpose but in some instances have an impact on development. The adoption and implementation of an updated DWMP should assist in providing greater flexibility for consideration of development in Council's declared water catchments.

### **Issues / Options**

Adoption of an updated DWMP will ensure that Council meets its statutory requirement to prepare and implement a Domestic Wastewater Management Plan. In addition, it will provide certainty to the community about the information required when proposals for development include the installation of a septic system, regardless of whether planning permission is required.

The DWMP has been prepared by a consultancy that is a leader in this field, in consultation with the water corporations, the EPA and other interested bodies. There has been strong collaboration in its preparation, and the water corporations have expressed support for the final document.

### **Submissions & Changes to Draft Report**

As noted earlier, six written submissions were received to the draft DWMP. Upon review of the issues raised by the submissions, no changes are recommended to the DWMP, although minor changes have been recommended as a result of feedback from members of the working group, including the water corporations.

The majority of questions or statements within submissions only require further explanation. In particular, the Wye River and Separation Creek Progress Association had some specific questions with regards to following up nuisance complaints associated with commercial operations and what financial support and funding sources will be available/ implemented, both of which would best be followed up and addressed by Council separate to, and following, adoption of the DWMP.

A few of the submissions made the claim that Council should resist undertaking the development of a DWMP (and that the State Government should be forced to do this work), however this is a legislative requirement which Council must abide by.

The table below sets out each submission and the officer response:

| Submitter                                                                  | Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>Submitter 1 - Wye River &amp; Separation Creek Progress Association</p> | <ul style="list-style-type: none"> <li>Notes that options for reticulated sewerage in Wye River &amp; Separation Creek were previously investigated and discounted, and that focus is to be on managing existing on-site effluent treatment systems. It notes that most sites are rated as High sensitivity risk, with potentially costly ramifications for owners planning to build or extend an existing home. It is submitted there is a need to make decisions fairly &amp; equitably.</li> <li>Focus should be on assisting owners to dispose of wastewater onsite to the maximum extent practicable, and allowing flexibility but safety for discharge off-site of suitably treated effluent.</li> <li>Reference to specific elements of the DWMP and how it will be applied in the Wye River/Separation Creek context.</li> </ul> | <p>Noted</p> <p>The primary focus is on assisting owners to 'wholly' dispose of wastewater on-site and prevent off-lot discharge as per requirements of the SEPP, Environment Protection Act 1970, Public Health and Wellbeing Act 2008 and other directive standards.</p> <p>In particular, the SEPP (Waters of Victoria), Clause 32 prohibits off-site discharge of wastewater from on-site wastewater management systems to stormwater drains, waterways or beaches. In order to legally discharge wastewater off-site, EPA licensing is required. Licensing of domestic systems is not unobtainable but is not readily approved by the EPA due to the surmountable reporting required in relation to the licence, with a preference for alternative on-site options to be investigated.</p> <p>The Sensitivity Analysis undertaken as part of the development of the revised DWMP incorporates a desktop analysis of the parameters which have a potential to constrain sustainable DWM and is detailed extensively in Section 4 of the Operational Plan and Section 6 of the Technical Document.</p> <p>Compliance monitoring, detailed in Section 7 of the Operational Plan, outlines the procedure for a risk-based inspection and compliance monitoring program. Action 7 of the Action Plan also details the proposal to ensure all systems within the Shire have been inspected and are entered into the Council's database. Risk-based and compliance-based inspections will then be undertaken as per the program outlined in Section 7 of the Operational Plan.</p> <p>It is noted that there are indeed multiple factors that can impact on detecting and determining the degree of on-site DWM system underperformance, and although outside the scope of the DWMP document, consideration will be given to such factors when developing and implementing Council inspection procedures.</p> |

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|  | <ul style="list-style-type: none"> <li>• Request that Council provides further information on the potential sources of financial support for implementation of the plan.</li> <li>• Would appreciate more detail on how communal or shared effluent systems may be appropriate and operate.</li> <li>• Wye River health - submission refers to 'additional' water/environmental quality and public health information (metrics) available for the Wye River estuary.</li> </ul> | <p>A role of the draft DWMP was to outline the potential sources of financial assistance in improving DWM outcomes, as detailed in Sections 7.3 and 8.4 of the Operational Plan. As per Actions 2 and 14 in the Action Plan, Councils efforts will be directed towards ongoing investigation and securing or implementing any suitable financial support for implementing the actions of the DWMP.</p> <p>Communal or shared effluent systems are outlined in Section 8.5 of the Operational Plan under 'decentralised or clustered wastewater management'. Implementation of these 'types' of schemes will need to be discussed directly with a number of stakeholders, including but not limited to Council, relevant Water Corporation(s) and the EPA.</p> <p>DWM servicing options include, but are not limited to, partial on-lot and partial off-lot disposal, alternative sewer options such as grinder pump low-pressure sewer and STEP/STEG effluent sewer which utilise off-site 'communal' treatment and land application systems.</p> <p>Stage 5 of the DWMP risk assessment framework outlines a methodology whereby (baseline) environmental data can be used to look at existing DWM systems within an area and determine the environmental and health impacts that could occur from changes in DWM management (i.e. compliance monitoring), increasing density of DWM systems (i.e. development) or other improvements (i.e. DWM system upgrades).</p> <p>Section 4.5.2.1 of the DWMP Operational Plan presents a 'pilot study' of Separation Creek to demonstrate how this cumulative impact assessment (CIA) approach can be used to compare and contrast a range of options to address DWM impacts. An assessment of the impact of wastewater on local estuaries was undertaken by consultants (SKM engaged by Barwon Water) with the resultant report (2013-2014) detailing the results. The study found that it was inconclusive as to the direct source of the contamination (human or animal), but was thought to be attributed to duck faecal contamination.</p> <p>Both the SKM study and the Waterwatch data could be used to prepare a baseline dataset for the estuary and changes from baseline condition can be confirmed by follow up investigations of environmental/water quality as they become available.</p> |
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|             | <ul style="list-style-type: none"> <li>Concerned by the overflow/runoff from the commercial hotel operations to the beach, and grey water discharge straight to the ground in the Big 4 caravan park. Request that Council takes a lead role in addressing the significant public health issues associated with poor water quality, and the role of the township's commercial operations in these outcomes. Would like this to include investigation into the three major commercial business on the number of times per year (and when) their effluent overflow discharges into Wye River and what impact this can have on public health, particularly when the river mouth is closed and/or levels are low during the peak summer period.</li> <li>Noted that funding of increased activities could be addressed <i>"through rate income or the introduction of user charges in unsewered areas"</i>. Strong concern if compliant properties were penalised under such a regime for the additional costs associated with monitoring and auditing non-compliant properties.</li> </ul> | <p>The Hotel is licenced by EPA for off-site discharge into surface waters and is currently managed by these licence requirements, which would include routine sampling and reporting to EPA.</p> <p>The Big 4 holiday park DWM system in question is managed by Council. The comments are noted, and officers will review the situation and communicate with the WRSCPA.</p> <p>Section 7.4 of the Operational Plan details the proposed risk-based compliance monitoring program which will be operated upon approval and implementation of the DWMP.</p> <p>Funding options for how this will be implemented are currently being explored. The Group's concerns are noted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Submitter 2 | <ul style="list-style-type: none"> <li>Rejects the 'Sensitivity' rating presented for their property at 170 Old Colac Rd, Beech Forest and contends that adoption of the DWMP will materially affect their ability to develop the property as intended.</li> <li>Contends that the 'High' sensitivity rating for their property places significant planning permit restrictions on it, such that permissible development will not be attainable.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The Sensitivity Analysis methodology and resultant ratings given to each unsewered parcel/property has been applied uniformly across the entire Shire as detailed in Section 4 of the Operational Plan and Section 6 of the Technical Document.</p> <p>A review of the constraints on this land indicates that the 'High' Sensitivity Rating is attributed primarily to steep slope, high rainfall, high soil constraint (with low permeability subsoil) and being located within a water catchment.</p> <p>The majority of lots within the Beech Forest locality are assigned a High or Very High Sensitivity Rating; so there is no suggestion of discrimination against this particular property owner.</p> <p>The Sensitivity Rating does not equate to any planning permit restrictions, but provides a basis to the degree of Land Capability Assessment (LCA) required, as detailed in Section 4.2 of the Operational Plan.</p> <p>The property would require a Detailed LCA and a site-specific design will need to be conducted as it is located in climate zone 4. The aim of the Sensitivity Rating is not to restrict development but to ensure that each property has the opportunity to demonstrate (on merit) that on-site wastewater management can be sustainable and as per the EPA Code of Practice requirements.</p> |

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|             |                                                                                                                                                                                     | <p>The results of site-specific LCAs will constantly update the Sensitivity Analysis database held by Council, which will improve site understanding and validity of results.</p> <p>The DWMP does not make it any harder to obtain a planning permit for a property than is currently the case; moreover, it means that a property owner can reasonably put forward a case for the development of a site (within a DWSC) and the 'current' 1:40ha rule will not automatically be applied (providing the Water Corporations are satisfied the DWMP is be effectively implemented).</p> <p>If a LCA shows, to the satisfaction of Council, that the Sensitivity rating applied to a property is erroneous, the site specific information submitted with a Planning/Septic permit application may be used as the basis of the application.</p>                                                                                                                                                                                                     |
| Submitter 3 | Strongly opposes the Plan, and the process of its development. Believes that the onus to do this work should be on the State Government, and that it not be paid for by ratepayers. | <p>Council is required to prepare and implement a DWMP by the State Environment Protection Policy (Waters of Victoria), to protect waterways, groundwater and water quality beneficial uses.</p> <p>The DWMP prepared by Council has to ensure that domestic wastewater management (DWM) systems on unsewered properties, both within and outside of water supply catchment areas, are managed to prevent wastewater being discharged beyond property boundaries.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Submitter 4 | <ul style="list-style-type: none"> <li>Respondent suggests that Wannon Water were not part of the consultation plan for development of the draft DWMP.</li> </ul>                   | <p>Barwon Water and Wannon Water are the two statutory referral authorities under the <i>Planning and Environment Act 1987</i> for planning applications in the Declared Water Supply Catchments. They were important stakeholders of the Working Group that was established to oversee the project. Ongoing consultation between the Working Group and the consultant, including face-to-face meetings and teleconferences, occurred throughout the development of the DWMP.</p> <p>Representatives from Wannon Water were also present at the initial community consultation meetings held from 16-18 September 2014 in Colac, Beech Forest and Gellibrand.</p> <p>Wannon Water is required to follow the <i>Water Act 1989</i> and ensure that the requirements of the SEPP and other relevant Acts are met. The Ministerial Guidelines for Planning Permit Applications in Open Potable Water Supply Catchments (DSE, 2012) introduced the restriction on development within Declared Water Supply Catchments throughout the entirety of</p> |

|             |                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|             | <ul style="list-style-type: none"> <li>Suggests that insufficient attention has been given to financial assistance for economically disadvantaged owners of underperforming DWM systems within the draft DWMP.</li> </ul> | <p>Victoria.</p> <p>The Water Corporations need to ensure that the requirements of the Guideline are met in order to relax the Guideline conditions. Table 1 of the DWMP Operational Plan outlines the Guideline 1 requirements and where/how they are met within the draft DWMP. The preparation and implementation of the DWMP and Action Plan will allow Council to demonstrate that it has fulfilled the requirements of the DWMP; and once fulfilled, the Water Corporations have the ability to consider applications that would result in a higher density of development than would otherwise currently be permitted.</p> <p>A role of the DWMP was to outline the potential sources of financial assistance in improving DWM outcomes within Colac Otway Shire, as detailed in Sections 7.3 and 8.4 of the Operational Plan. As per Actions 2 and 14 in the Action Plan, Council's efforts will be directed towards ongoing investigation and securing or implementing any suitable financial support for implementing the actions of the DWMP.</p> <p>Section 8.4 of the DWMP Operational Plan details the issues and recommendations relating to the Upgrade/ Replacement of existing systems and clearly states that <i>"Where an existing system is shown to be operating effectively but does not comply with the current EPA Code of Practice or Standards, then the system should be monitored. However, unless a failure occurs or a house extension/modification is proposed, the owner should not be required to upgrade or replace the system as long as it is performing as per the original permit conditions"</i>.</p> |
| Submitter 5 | <ul style="list-style-type: none"> <li>Compliments the Shire on its attempts through this Plan to support resident's hope to build and grow rural communities.</li> </ul>                                                 | Noted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Submitter 6 | <ul style="list-style-type: none"> <li>States that Council should reject the plan in its entirety, and instead request the State Government to undertake the work.</li> </ul>                                             | <p>Council is required to prepare and implement a DWMP by the SEPP (Waters of Victoria), to protect waterways, groundwater and water quality beneficial uses. The DWMP has to ensure that domestic wastewater management systems on unsewered properties, both within and outside of water supply catchment areas, are managed to prevent wastewater being discharged beyond property boundaries.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



Given the low number of submitters, officers have made contact where possible with each of the persons to have made a submission, with the aim of explaining the process and addressing some of the key issues raised.

#### Solutions for Highly Constrained Sites

During the recent public exhibition phase of the DWMP process, the project consultant Whitehead and Associates has worked with Council, the EPA and the water corporations to explore alternative solutions which could be considered for sites which are high constrained in the highest rainfall areas of the Otway Ridge by factors such as lot size, slope and soil conditions, and where traditional methods of on-site effluent treatment would not retain wastewaters on site in accordance with SEPP requirements. Such sites would have a Very High sensitivity risk rating in the DWMP.

As a result of these discussions, a 'Wick Trench' solution has been identified as possibly offering an alternate solution which may allow a property to be developed which would otherwise not be supported for development. A 'wick trench' is essentially a plastic trench system, buried underground, which cannot be built over. The DWMP does not contain extensive detail of this option, but it is intended that information about this solution could be provided to proponents by Council or the water corporations where significant site constraints exist. It is noted however, that land owners would retain the right under the processes proposed, to offer for consideration any alternative solution to waste water treatment and disposal other than the 'wick trench' proposition.

#### General

Whilst the DWMP will facilitate more effective management of on-site effluent treatment in unsewered areas, the greatest implication for our Shire is that (as noted above) the preparation, adoption and implementation of a DWMP allows water corporations, where planning permits are required, to consider a higher density of development than otherwise can be allowed within water catchment areas. Failure to adopt and implement an updated DWMP would mean that the water corporations would continue to apply the maximum 1:40ha density for dwellings in catchment areas, as there would be no information available to justify a relaxation of the Minister for Water's Guidelines. With the adoption and implementation of the DWMP, Council and water corporations would have more ability to consider planning applications in water supply catchments. A DWMP does not impose any new planning controls over land.

Whilst the Plan does not guarantee a positive development outcome for every property owner in the water catchments, it does provide consistency in terms of application requirements and the way that applications are assessed, having regard to site specific considerations. It would also offer the potential for development of sites which in the past have not met the 1:40 hectare density requirement.

In summary, the benefits of the DWMP to the Council and the community include:

#### *Council*

- It will provide greater certainty that the water corporations will approve development in drinking water supply catchments.
- It will ensure Council complies with its responsibilities, taking a consistent, risk-based approach.

- It will set out requirements for Land Capability Assessments (LCAs), which would provide both consistency and compliance with the necessary criteria considerations.
- It will provide a detailed set of property data for all developable unsewered properties in the municipality, and the processes and information to assist Council in making consistent and well informed decisions.
- As it would have a risk-based approach, the DWMP will provide controls commensurate with the potential risk of the proposed septic system. Therefore, there will be fewer requirements for low risk proposals, with the most requirements applied to very high risk proposals.
- As a last resort, Council could confidently and reasonably justify a refusal of a proposal if the risk could not be satisfactorily mitigated.
- It would have an action plan that would strategically inform Council over the next 5 years, with a list of priority towns such as Kennett River, Wye River and Separation Creek where efforts can be focused.
- Council would be in breach of Victorian Government requirements if it does not prepare a new DWMP every five years.

#### *Community*

- Developers will be able to access the criteria data for their property, to have a better understanding of the ratings that have been prescribed to it. This data will be verified on-site if it is disputed or an application to install a septic system is made to Council.
- The opportunity to develop on properties at a density greater than 1:40 hectares in drinking water supply catchments.
- If a proposal in a drinking water supply catchment satisfies the requirements of an adopted DWMP that is being implemented by Council, the developer should be confident that it will be approved by the water corporations. If, for whatever reason, it is not approved, the developer would have a better case to appeal the decision at VCAT.
- The auditing of properties would develop a database which could be used, when necessary, for Council to present a case to the local water corporations to construct a full, partial or modified sewerage system. (Note: the only way a sewerage system can be considered is through a compelling request from Council which satisfies State requirements. This is how Skenes Creek and Birregurra were considered appropriate and funded by the Victorian Government for sewerage.)
- The auditing of properties would develop a database which could be used, when necessary, to include townships in Victorian Government schemes that provide funding to support property owners to upgrade non-compliant septic systems. (Note: these schemes have been available periodically in the past. Although there is no such scheme at the moment, having the audit data would give Council the opportunity to apply for one or more townships if the opportunity arises in the future.)

- Many property owners are unaware of the capacity and condition of their septic tank system, especially if they were not responsible for its installation. Advice on correct maintenance to keep the system in working order, or the need to alter or install a new system (over a given timeframe), would reduce public health and environmental risk for the property occupier, neighbours and downstream water users.
- The DWMP recognises that many septic tank systems do not comply with the current Code of Practice and has outlined a risk-based approach that would see improvements to these systems within a reasonable timeframe.

The draft DWMP did not receive a significant number of submissions, and there appears to be broad community support for Council to take the next step of adopting the Plan so that the benefits of more flexible planning decision making in the water catchments can proceed. Both Barwon Water and Wannon Water have indicated in writing that they support the final version of the plan, clearing the way for immediate implementation in decision making provided Council demonstrates on-going commitment to achievement of actions within the Plan.

### **Proposal**

It is proposed that Council adopts the final version of the Domestic Wastewater Management Plan.

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

The DWMP has been partly funded by Council, with financial contributions from Barwon Water and Wannon Water. A small portion of these funds was carried forward into the 2015/16 budget to allow completion of the project.

The resource implications of implementing the DWMP must be noted. The effectiveness of a DWMP and the compliance monitoring program contained within it (i.e. the regime of auditing septic systems) will depend on the ability of Council to suitably resource the monitoring program. As noted above, under the Minister for Water's 2012 guidelines, water corporations must be satisfied that Councils are *implementing* an adopted DWMP in order to relax the 1:40 hectare density guideline.

The Action Plan included in the Operational Plan of the DWMP outlines key actions and timelines that will need to be met by Council, and associated resource implications.

Whilst this Plan highlights the need for greater monitoring and auditing of septic systems across the Shire than current staff arrangements could accommodate, there are many ways in which this could be addressed, including through the introduction of user charges in unsewered areas. There are also options for advocacy to State Government for funding which assists Council to offset the monitoring costs given the cost to Council of protecting the State's drinking water quality.

There will be no net cost increase arising from this plan in the 2015/16 budget year. The initial property auditing anticipated by the Plan can be accommodated within the work plan of the new additional Health Protection Officer which was funded in the current budget to address previous resource deficiencies in the Health Protection Unit.

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

Council is required to prepare, adopt and implement a Domestic Wastewater Management Plan. SEPP (Water of Victoria) also requires the preparation of the Plan to be in conjunction with the water authorities and the community. The water authorities have been involved throughout the entire process of the development of the DWMP, and it is now recommended that the final version be adopted following consideration of submissions resulting from a public exhibition process.

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

The development and implementation of a Domestic Wastewater Management Plan will enable Council to meet its requirements under '*The Variation to State Environment Protection Policy (Waters of Victoria) (SEPP)*' to ensure that domestic wastewater systems on unsewered properties in the municipality are managed to prevent wastewater containing nutrients, pathogens and other pollutants being discharged beyond allotment boundaries. This is particularly important given the fact that nearly one third of the municipality is in drinking water supply catchments.

### **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 methods used in this project have included Consult and Involve. The draft DWMP was placed on public exhibition for a period of eight weeks, including a mail out to the owners of all unsewered properties, together with notices in the Colac Herald, in local news sheets, on public noticeboards in townships and on Council's website. In addition, drop-in information sessions were held in Colac, Beech Forest, Gellibrand and Lavers Hill on multiple occasions during the project. The other agencies relevant to preparation of the plan, such as the water corporations and EPA, have been closely involved in the Plan's development for its duration, and have ensured that the final version is well supported by those agencies.

### **Implementation**

There are a range of actions outlined in the DWMP Operational Plan which will need to be implemented following adoption of the Plan. Officers have already commenced work on preparing information to be discussed with Councillors on different ways that implementation of monitoring and auditing of septic systems could occur.

The community would be advised through an extensive media campaign of the DWMP's adoption.

### **Conclusion**

The draft DWMP was well publicised in the community and only received a small number of submissions which did not necessitate changes to the Plan. Minor changes recommended by the project working group have been made to the final version which is presented to Council for adoption. Adoption of the Plan, and implementation of its actions over time, will enable the Council and the water authorities to apply flexibility in their approach to determining planning permit applications in the Shire's water catchments, which is eagerly awaited by land owners who have found difficulty in receiving permit approvals under the State's water catchment guidelines.

### **Attachments**

1. Attachments.pdf

**Recommendation(s)**

***That Council:***

- 1. Adopts the final version of the Domestic Wastewater Management Plan.***
- 2. Commits to implementation of actions contained within the plan.***
- 3. Progresses further work to explore options for implementation of monitoring and auditing of septic systems.***
- 4. Writes to Barwon Water and Wannon Water, thanking them for the financial contributions to the DWMP project, and for their co-operative participation in the development of the Plan.***

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**OM152511-11 COROROOKE PUBLIC OPEN SPACE REZONING - PLANNING
SCHEME AMENDMENT C85**

| | | | |
|-------------|----------------------------------|-----------|-------------|
| AUTHOR: | Suzanne Barker | ENDORSED: | Brydon King |
| DEPARTMENT: | Development & Community Services | FILE REF: | F15/9436 |

Purpose

To seek Council support to commence Planning Scheme Amendment C85 to rezone the portion of Fonterra land at Cororooke which has been ear marked for public open space purposes. The land would be rezoned from Township to Public Park and Recreation Zone in order to facilitate its development as public open space.

Declaration of Interests

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

Background

Following the announcement by Fonterra in 2012 to close its Cororooke milk factory site, an approach was made to Council from the community seeking a donation of land from Fonterra for use as public open space.

The Colac Otway Public Open Space Strategy (POSS) identifies a lack of usable open space in Cororooke and Coragulac and the need for centrally located open space with appropriate community facilities such as a neighbourhood park with playground.

Fonterra has since agreed to donate a 1.066ha parcel of land situated on Corangamite Lake Road, Cororooke. The land in question comprises a vacant block that has been used from time to time for cattle grazing.

Council has prepared a Master Plan for the proposed open space which was endorsed by Council at its July 2015 meeting. The Cororooke Open Space Master Plan sets out the future direction for the proposed open space reserve and will be implemented over time subject to future budget processes.

The former Fonterra factory site consists of a number of parcels of land and is known as 15 Factory Road Cororooke. The land is currently being subdivided – a boundary realignment is occurring to create a parcel for the purposes of a public reserve. This process is almost finalised. When the titles are formally issued, the formal transfer of land identified for the open space reserve can occur. Preliminary work for this formal transfer of land has already commenced.

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.

Specifically, this issue relates directly to the following Key Strategic Activity stated in Pillar 3 – “Staged implementation of the Open Space Strategy.”

Issues / Options

The issue is that the land being transferred to Council by Fonterra for open space is currently zoned Township Zone as shown on the maps below.





The purpose of this zone does not align with the intended use of the land for public open space, and would require Council to issue itself with a planning permit for use, as well as development (if the works exceeded the value of 1 million dollars). The proposed zone for the land (Public Park and Recreation Zone) is the zone generally applied to public parks and reserves throughout the municipality, and would generally allow public use of the land without planning permit requirements.

An exemption from formal notice requirements under Section 20(2) of the *Planning and Environment Act 1987* is proposed as it would allow Council to reduce the overall processing time for the Amendment and proceed to adoption more quickly. This is considered appropriate as there has already been substantial consultation with both the land owner and community in relation to this matter (including consultation on the proposed Master Plan for the site which received strong community support), and in effect facilitates the outcome of these discussions so that the land can be used for the purpose of public open space.

Under the Act, Council would still be required to notify prescribed Ministers, and it is also suggested that Council notify the land owner (Fonterra). This is because the formal land ownership change is in train but has not yet been completed.

Proposal

It is proposed to rezone the former Fonterra land being transferred to Council to Public Park and Recreation Zone (PPRZ) which is the zone generally applied to public open space. In order to facilitate this in an efficient manner, officers propose that Council request the Minister for Planning to use his powers under Section 20(2) of the *Planning and Environment Act 1987* to exempt Council from formal notice requirements.

Financial and Other Resource Implications

There will be some costs associated with the processing of the Amendment application which will be accommodated within the current Strategic Planning operational budget. Longer term there will be a cost to Council through the development and maintenance of the site. This will be considered through future budget processes.

Risk Management & Compliance Issues

The risk to Council of not proceeding with the Amendment is that it would not facilitate the orderly planning and development of the site for public open space, and would result in unnecessary planning permit requirements.

Environmental and Climate Change Considerations

There are no direct environmental or climate change considerations associated with the Amendment.

Community Engagement

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

The method selected would be inform. Should Council agree to rezone the land, the community will be informed of the decision. Extensive consultation and involvement with the community occurred as part of the development of the Cororooke Open Space Master Plan process. The rezoning allows for the Master Plan to be implemented in the future, with the change in zoning simply reflecting the purpose for which the land will be used.

Implementation

Planning Scheme Amendment C85 has been prepared in draft form. The explanatory report and proposed zone map are attached. Officers will finalise the administrative components of the Amendment documentation and seek authorisation to prepare the Amendment from the State Planning Minister as well as exemption from formal notice requirements.

Conclusion

Amendment C85 is required to rezone the portion of the former Fonterra land identified for public open space to facilitate the land's use and development for that purpose. If supported by Council, officers will seek authorisation from the Planning Minister to prepare the amendment.

Attachments

1. Colac Otway Amendment C85 Cororooke Public Open Space - Explanatory Report Draft
2. Colac Otway C85 001znMap07 Exhibition

Recommendation(s)

That Council:

1. ***Seeks authorisation from the State Planning Minister to prepare Planning Scheme Amendment C85 which seeks to rezone a portion of 15 Factory Road Cororooke to Public Park and Recreation Zone.***
2. ***Request the State Planning Minister to use his powers under Section 20(2) of the Planning and Environment Act to exempt the Colac Otway Shire from formal notice requirements.***

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**OM152511-12 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE**

|             |                                   |           |               |
|-------------|-----------------------------------|-----------|---------------|
| AUTHOR:     | Lucy Vesey                        | ENDORSED: | Ingrid Bishop |
| DEPARTMENT: | Infrastructure & Leisure Services | FILE REF: | 11/96660      |

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

Attached are the Minutes from the meeting held 3 August 2015.

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

**Attachments**

1. Meeting Minutes - Old Beechy Rail Trail - 3 August 2015 3 Pages

**Recommendation(s)**

***That Council notes the Minutes of the Old Beechy Rail Trail Committee for 3 August 2015.***

~~~~~v~~~~~


OM152511-13 ASSEMBLY OF COUNCILLORS

| | | | |
|-------------|---------------|-----------|---------------|
| AUTHOR: | Maree Redmond | ENDORSED: | Sue Wilkinson |
| DEPARTMENT: | Executive | FILE REF: | F15/5960 |

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 Councillor 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 or 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:

- | | |
|------------------------------------|------------------|
| • Councillor Briefing Session | 28 October 2015 |
| • Councillor Briefing Session | 4 November 2015 |
| • Australia Day Advisory Committee | 4 November 2015 |
| • Councillor Briefing Session | 11 November 2015 |

Attachments

1. Councillor Briefing - 20151028
2. Councillor Briefing - 20151104
3. Advisory Committee - 20151104
4. Councillor Briefing - 20151111

Recommendation(s)

That Council notes the Assembly of Councillors reports for:

- | | |
|--|--------------------------------|
| • <i>Councillor Briefing Session</i> | <i>28 October 2015</i> |
| • <i>Councillor Briefing Session</i> | <i>4 November 2015</i> |
| • <i>Australia Day Advisory Committee</i> | <i>4 November 2015</i> |
| • <i>Councillor Briefing Session</i> | <i>11 November 2015</i> |

~~~~~

**OM152511-14 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL  
MEETING**

**REPORT FROM DELEGATE-**

**Municipal Association of Victoria (MAV) State Council meeting on 23 October 2015**

On 22 October 2015 and 23 October 2015 I, Cr Stephen Hart, attended the MAV State Conference and MAV State Council in Melbourne as Colac Otway Shire's delegate. Council's Chief Executive Officer, Sue Wilkinson, also attended the State Council. All Councillors are sent a copy of the agenda, including the resolutions, prior to the State Council meeting so that Councillors may raise any concerns. The documents were circulated to all Councillors, by email, on 19 October 2015.

Attendees were informed that the Local Government Act is being reviewed by the State Government and were encouraged to contribute to the review process. At the time of writing, information can be found at the following link:

<http://www.yourcouncilyourcommunity.vic.gov.au/home>

The public may participate in the review process.

At the MAV State Council meeting over 40 resolutions from member Councils were considered. The adopted resolutions are attached to this report.

Colac Otway unsuccessfully argued against the following resolution submitted by Booroondara:

***Local Laws Penalty Provisions***

---

*That the Municipal Association of Victoria calls on the State Government to:*

- 1. Review the penalty provisions set out in the Local Government Act, 1989 (the Act) for local laws.*
- 2. To increase the maximum penalties set out in the Act for contravention of local laws.*

Currently the maximum fine a Council may levy under its Local Laws is 20 penalty units or just over \$3,000. The State increases the value of a 'penalty unit' each year. The main concern with the adopted resolution is that it gives no guidance as to what the maximum penalty might be with the result that the MAV may now lobby for a massive increase in the level of fines.

Interestingly, two resolutions were adopted calling for "Improved transparency at MAV State Council meetings". These "authorise" Management to record meetings and put the recordings of the MAV web site and allow "registered" members of the media to attend. It remains to be seen whether meetings will in fact be recorded as the resolution uses the word "authorise" rather than directing that the meetings be recorded. Whilst these resolutions were an important improvement I expect that the "transparency" issue may come up again in the next State Council meeting.

**Attachments**

1. MAV State Council resolutions - October 2015

**Recommendation**

***That Council notes the report from the Council's Municipal Association of Victoria Delegate.***

~~~~~v~~~~~


IN COMMITTEE

Recommendation

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

| SUBJECT | REASON | SECTION OF ACT |
|--|--|--------------------------|
| Minutes of In-Committee Council Meeting held on 28 October 2015 | this matter deals with contractual matters; AND this matter may prejudice the Council or any person. | Section 89 (2) (d) & (h) |
| 2016 Australia Day Awards | this matter may prejudice the Council or any person | Section 89 (2) (h) |
| Contract 1543 - Provision of Marketing and Print Services (MAV) | this matter deals with contractual matters | Section 89 (2) (d) |
| Contract 1532 - Provision of Banking and Bill Payment Services | this matter deals with contractual matters | Section 89 (2) (d) |



ORDINARY COUNCIL MEETING

WEDNESDAY, 25 NOVEMBER 2015

ATTACHMENTS

PAGE NO.

CHIEF EXECUTIVE OFFICER

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OM152511-9 Lease Renewal - 49-51 Great Ocean Road, Lavers Hill

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COLAC OTWAY SHIRE

LICENCE

CROWN LAND (RESERVES) ACT 1978
Section 17B

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

In consideration of the payment of the licence fee and the conditions contained in this Licence, the Licensor or a person authorised by the Licensor, at the request of the Licensee **HEREBY AUTHORISES** the Licensee to use the licensed premises described in the Schedule for the specified purposes set out in the Schedule.

This Licence is subject to the provisions of the *Crown Land (Reserves) Act 1978* and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

LICENSOR

The **COMMON SEAL of COLAC OTWAY SHIRE**
was hereunto affixed in the presence of:

)
)

.....
Chief Executive Officer (Signature)

.....
Chief Executive Officer (Name):

LICENSEE

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

Signed on behalf of Apollo Bay Fishermen's Co-operative Society Ltd by:

.....
Director (Signature)

.....
Secretary (Signature)

.....
Director (Name)

.....
Secretary (Name)

| | | | |
|---|--------|-------|-------------|
| Approved by: | (Name) | | (Signature) |
| (as delegate of the Minister for Environment, Climate Change and Water) | | | |
| Date: | | | |

NOTE:

- | | |
|---|---|
| 1 | This licence is not valid until it has been approved by the Minister for Environment, Climate Change and Water or the Minister's delegate. |
| 2 | This Licence is an important document and should be stored in a secure and safe place. In the event of loss, a replacement fee will be charged. |

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SCHEDULE

ITEM

- | | |
|---|---|
| 1 Licence Number: | DELWP Ref: 2022104 |
| 2 Licensor: | Colac Otway Shire
(ABN: 32 430 819 755) |
| 3 Licensee: | Apollo Bay Fishermen's Co-operative Society Ltd
(ASIC Reg. G0000027H) |
| 4 Licensee's Address: | 2 Breakwater Road
Apollo Bay, Victoria, 3233 |
| 5 Commencement Date: | 1 August 2015 |
| 6 Term: | From commencement date to 30 June 2016 |
| 7 Licence fee: | \$104 per annum plus GST |
| 8 Payable: | Annually in advance |
| 9 Reservation description: | Portion of Allotment 23A, Section 2, Township of Apollo Bay,
being Crown land temporarily reserved for Public Purposes by
Order in Council of 11 August 1879. |
| 10 Licensed premises: | The area shown by green colour on the attached plan. |
| 11 Area: | Approximately 96 square metres |
| 12 Powers under which licence granted: | Section 17B of the <i>Crown Land (Reserves) Act 1978</i> . |
| 13 Specified Purposes: | Viewing Deck and Outdoor Eating Area |
| 14 Amount of Public Liability Insurance: | \$20 Million |
| 15 Licensor Address: | Colac Otway Shire
2-6 Rae Street
PO Box 283
Colac, Victoria, 3250 |
| 16 Licence Special Conditions: | |
| 16.1 | The Licensee will enter into an maintenance agreement with the Licensor in respect of the public viewing deck. |

LICENCE CONDITIONS

1 Grant

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

2 Licensee's Obligations (Positive)

The Licensee Hereby Covenants with the Licensor that during the term the Licensee will:-

2.1 Licence fee

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address shown in Item 15 of the Schedule or as advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

2.2 Rates and Taxes

2.2.1 Duly and punctually pay as and when they respectively fall due all rates and taxes on the licensed premises.

2.2.2 If requested to do so by the Licensor, produce receipts to the Licensor evidencing payment of the rates and taxes.

2.2.3 Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence and/or the rent payable thereunder or that becomes payable by the Licensor during the period covered by the fee.

2.3 Indemnity

Indemnify the Crown in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed premises, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith.

2.4 Public Liability Insurance

A public liability insurance policy over the premises (providing no less limit of indemnity for any one occurrence during the policy period than the amount shown at Item 14 of the Schedule), which is endorsed (as follows), to note:

'the Committee of Management, the Crown in the right of the State of Victoria, the Secretary to the Department of Environment, Land, Water and Planning, its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of Professional duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Crown (and others above mentioned), and is limited to the amount shown in Item 14 of the Schedule for any one occurrence.'

2.5 Maintenance

2.5.1 Throughout the term keep the licensed premises in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed premises after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will:-

2.5.1.1 Keep the licensed premises free of pest animals and weeds;

2.5.1.2 Remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.

2.6 Fire Protection Works

Undertake all fire protection works on the licensed premises required by law to the satisfaction of the Licensor and the responsible fire Authority

2.7 Condition at Termination

On expiry or prior determination of this Licence return the licensed premises to the Licensor in good order and condition and otherwise in accordance with the Licensee's obligations.

2.8 Notice of Defects and other matters

- 2.8.1** Give the Licensor prompt notice in writing of any accident to or defect in the licensed premises and of any circumstances likely to cause any damage risk or hazard to the licensed premises or any person on it;
- 2.8.2** Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed premises and full details of the circumstances of it;
- 2.8.3** Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.8.2 with which the Licensee is required to comply; and
- 2.8.4** At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.8.2 as the Licensor deems expedient.

2.9 Compliance with Law

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the licensed premises and all lawful orders or direction made under them;

2.10 Arrears and Interest

2.10.1 Pay to the Licensor:-

- 2.10.1.1** on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the *Penalty Interest Rates Act 1983* computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;
- 2.10.1.2** on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed premises, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

2.11 Further Conditions

Comply with the Special Conditions (if any) contained in Item 17 of the Schedule.

3 Licensee's Obligations (Negative)

The Licensee Hereby Covenants with the Licensor that during the term the Licensee will not -

3.1 Use of Licensed premises

Use the licensed premises for any purpose other than the specified purpose referred to in Item 13 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

3.2 Create nuisance

Do not cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the licensed premises or to use any land in the vicinity or to occupiers of properties adjoining the licensed premises.

3.3 Allow rubbish

Permit any rubbish to accumulate in or about the licensed premises.

3.4 Hazardous Chemicals

Keep any hazardous materials on the premises without the Licensor's written consent save a reasonable quantity of any hazardous material which is normally used in any specified purpose actually carried on in or upon the premises and which is kept in compliance with the requirements of any authority charged with regulating the keeping of it.

3.5 Assignment

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed premises or any part of it.

3.6 Licensor's Entry

- 3.6.1** Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent at any time from entering and remaining on the licensed premises either with or without motor vehicles or other equipment for any purpose and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-
- 3.6.1.1** retaking or attempting to retake possession of the licensed premises;
- 3.6.1.2** inspection; or
- 3.6.1.3** any other lawful purpose.

3.7 Void insurance

Do or allow anything to be done which might result in any insurances relating to the licensed premises becoming void or voidable or which might increase the premium on any insurance.

3.8 Erection of Improvements

Erect or permit the erection of any improvement on the licensed premises without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

4 General Conditions

4.1 Termination upon Default

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the licensee has failed to comply with any terms or conditions of the licence, the Licensor may, by notice published in the Government Gazette, declare that the licence is cancelled, and upon cancellation the licensee will not be entitled to any compensation whatsoever.

4.2 Termination without Default

4.2.1 In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may with the approval of the Minister by giving to the Licensee at least 30 days written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.

4.2.2 If the licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the licence fee paid.

4.2.3 The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the licence remaining at the date of cancellation.

4.2.4 Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

4.3 Ownership of Improvements

The Licensee acknowledges that all buildings and structures on the licensed premises at the date of commencement of this Licence and all new structural works (except for any Licensee's trade fixtures or fittings) and any additions or modifications to the existing or new buildings and structures carried out during the term of this Licence are and remain the property of the Licensor.

4.4 Licensee's Chattels

4.4.1 Except as provided in sub-clause 4.4.3 the Licensee's chattels shall remain the property of the Licensee.

4.4.2 On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Licensor, remove all Licensee's chattels from the licensed premises and forthwith make good all damage caused to the licensed premises by the affixing, retention or removal of Licensee's chattels to the satisfaction of the Licensor.

4.4.3 If the Licensee's chattels are not removed at the end of the period of time specified under sub-clause 4.4.2, the Licensee's chattels shall become the property of the Licensor.

4.5 Licensor may remove and dispose of Licensee's chattels

If the Licence expires, or is cancelled, the Licensor may at the end of the period of time specified under Clause 4.4.2 remove the Licensee's chattels and store them at the Licensee's expense without being liable to the Licensee for trespass, detinue, conversion or negligence. After storing them for at least one month, the Licensor may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

4.6 Licensor's Agents

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor and not required by law to be done, made or signed by the Licensor personally may be done made or signed by any person or class of person to whom such power has been delegated by the Licensor.

4.7 Notices

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence shall be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

4.8 Debt recovery

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

4.9 Additional Approvals

If the Licensor is a Committee of Management or Trustees the approvals required in Conditions 3.1 and 3.8 shall be read to mean the Licensor and the Secretary or delegate.

5

Definitions

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"commencement date" means the date described in Item 5 of the Schedule and is the first day of the term;

"Crown" means the Crown in right of the State of Victoria and includes the Licensor and each employee and agent of the Crown or the Secretary;

"Department" means the Department of Environment, Land, Water and Planning or its successor in law;

"GST" means a goods and services tax within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*.

"hazardous chemical" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertilizer and other chemicals;

"improvement" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"licensed premises" means the land and structures described in Item 10 of the Schedule;

"Licence fee" means the licence fee described in Item 7 of the Schedule as varied during the term;

"Licensee" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"Licensor" means the Trustees or Committee of Management appointed by the Minister to manage the reserved land described in Item 9 of the Schedule or if there are no Trustees or Committee of Management means the Secretary to the Environment, Land, Water and Planning or a person or class of person authorised by the Secretary to grant licences under Section 17B of the *Crown Land (Reserves) Act 1978*;

"Minister" means the Minister of the Crown for the time being administering the *Crown Land (Reserves) Act 1978*;

"person" includes a body corporate as well as an individual;

"pest animals" has the same meaning as in the *Catchment and Land Protection Act 1994*;

"rates and taxes" means all existing and future rates (including water by consumption and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed premises or the Licensor or the Licensee or payable by the owner or occupier of the licensed premises;

"schedule" means the schedule to this Licence;

"Secretary" means The Secretary to the Environment, Land, Water and Planning, the body corporate established under the *Conservation, Forests and Lands Act 1987*;

"sign" includes names, advertisements and notices;

"soil" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"term" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"weeds" include noxious weeds within the meaning of the *Catchment and Land Protection Act 1994*, and prescribed flora within the meaning of the *Flora and Fauna Guarantee Act 1988*;

"writing" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

6

Interpretations

6.1 A reference importing the singular includes the plural and vice versa.

6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.

6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.

6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefor" were added to the reference.

6.5 If the Licensee comprises more than one person, the covenants and agreements contained in this Licence shall be construed as having been entered into by, and are binding, both jointly and severally on all and each of the persons who constitute the Licensee.

6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.

D15/71646

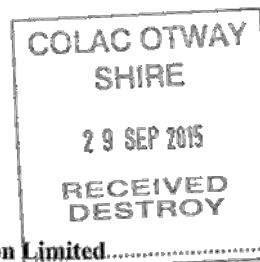


Jones Lang LaSalle (VIC) Pty Limited
ABN 28 004 582 423
c/- Telstra Property
Telstra Corporation Limited
Level 34, 242 Exhibition Street
Melbourne VIC 3000
tel +61 3 8649 2294 fax +61 3 9639 1653

Our Reference: 31855400

Monday, 28 September 2015

Colac Otway Shire Council
2 Rae St
Colac, VIC 3250



RE: Lease from Colac Otway Shire Council to Telstra Corporation Limited

"Without Prejudice"

Premises: – JDE 31855400

Jones Lang LaSalle acts for, and advises, Telstra Corporation Limited ("Telstra") with respect to their real estate holdings.

Please find enclosed the new Deed of Renewal for execution.

"Without Prejudice" to Telstra's existing rights of renewal of the existing lease, please find enclosed the new Deed in Relation to Renewal and Variation of Lease for execution.

We advise that:

- there are two (2) documents which need to be signed
- the pages which need to be signed are flagged
- the documents should be dated at this time

Once you have signed, please return the documents to the following address:

**Breanna Rusk
Network Leasing
Telstra Property
L 22/150 Lonsdale St
Melbourne, VIC 3183**

Should you wish to discuss this matter, please do not hesitate to contact the undersigned.

Yours sincerely,

Jones Lang LaSalle

**Breanna Rusk
Network Leasing
Jones Lang LaSalle in partnership with Telstra Property
Tel: 03 8649 6040
EMAIL: Breanna.rusk@team.telstra.com**



D/5/71646



Australian Government Solicitor

DEED

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 49-51
GREAT OCEAN ROAD, LAVERS HILL (LAVERS HILL CENTRAL CMTS)

Colac-Otway Shire Council
ABN 32 430 819 755 (Lessor)

Telstra Corporation Limited
ACN 051 775 556 (Lessee)

Australian Government Solicitor
Level 21, 200 Queen Street
Melbourne VIC 3000

File reference: 15156665

Contact: Kelly Taylor
T: 03 9242 1347 F: 03 9242 1481

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Australian Government Solicitor

DEED

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 49-51 GREAT
OCEAN ROAD, LAVERS HILL (LAVERS HILL CENTRAL CMTS)

Date

This Deed is dated _____ day of _____ 20

To be dated by last page to sign

Parties

This Deed is made between and binds the following parties:

Colac-Otway Shire Council ABN 32 430 819 755
(Lessor)

1. **Telstra Corporation Limited ACN 051 775 556**
(Lessee)

Context

This Deed is made in the following context:

- A By the Lease the Premises were demised by the Lessor to the Lessee for the term commencing on 14 December 2005 and expiring on 13 December 2015 and subject to the terms and conditions contained in the Lease.
- B Clause 5.4 and Item 11 of the Reference Schedule to the Lease granted the Lessee three (3) options of renewal of five (5) years each.
- C The Lessee has exercised the option to renew the Lease for the further term commencing on 14 December 2015 on the terms and conditions of the Lease.
- D The parties have agreed to vary the Lease on the terms and conditions contained in this Deed.
- E The parties have agreed to the terms and conditions of this Deed.

Operative Provisions

In consideration of the mutual promises contained in this Deed, the parties to this Deed agree as follows:

1. **Interpretation**

1.1. **Definitions**

- 1.2. Unless the contrary intention appears a term in bold type has the meaning shown opposite it:

Deed this Deed and includes all schedules and attachments to this Deed

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| | |
|-----------------------|---|
| Effective Date | 14 December 2015 |
| Lease | the lease dated 14 December 2005 between the Lessor and the Lessee (a part copy of which is annexed to this Deed at Annexure A) |
| Lessor | Colac-Otway Shire Council ABN 32 430 819 755 |
| Lessee | Telstra Corporation Limited ACN 051 775 556 |
| Premises | the premises described in the Lease |
| Renewed Lease | the renewed lease created by the renewal of the Lease on the terms and conditions of this Deed |

- 1.3. The singular includes the plural.
- 1.4. A reference to one gender includes a reference to all other genders.
- 1.5. Wherever the context permits "Lessor" and "Lessee" include their respective successors in title or assignees.
- 1.6. A covenant on the part of two or more persons binds them jointly and severally and a covenant for the benefit of two or more persons is for the benefit of them jointly and severally.
- 1.7. Unless the context or circumstances otherwise require all words and phrases used in this Deed will be read and construed as having the meaning ascribed to them in the Lease.
- 1.8. Any reference in this Deed to any statute or regulation includes all amendments and revisions made from time to time to that statute or regulation.
- 1.9. Headings in this Deed have been inserted for convenience and reference only.
- 1.10. In the interpretation of this Deed no rules of construction apply to the disadvantage of any party on the basis that it put forward this Deed.

2. Grant of Renewed Lease

- 2.1. In consideration of the matters described in the Context section of this Deed the Lessor hereby demises the Premises to the Lessee for the term of five (5) years commencing on the Effective Date subject to and with the benefit of the terms and conditions of the Renewed Lease.

3. Variation

- 3.1. With effect from the Effective Date the Lease is varied in the following manner:
 - a. the Reference Schedule is deleted and replaced with the Reference Schedule at Annexure B to this Deed;
 - b. clause 5.2 is deleted and replaced with the following:

5.2 Costs of Lease

- (a) Each party must bear their own legal fees and disbursements for the preparation, negotiation and execution of this Lease.

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(b) The Lessee must pay all stamp duty, if any, and registration fees, if any,
payable on this Lease.

4. Terms and Conditions of Renewed Lease

- 4.1. The Lessor and the Lessee both agree that except for the modifications made
by this Deed the terms and conditions of the Lease apply to and are
incorporated into the Renewed Lease.
- 4.2. The Lessor and the Lessee must perform and observe the terms of the
Renewed Lease.

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ANNEXURE A – LEASE

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Victoria CMTS Lease of Land

Property: 49-51 Great Ocean Road, Lavers Hill
CMST Site No. 2653

Colac-Otway Shire Council
ABN 32 430 819 755

Telstra Corporation Limited
ABN 33 051 775 556

14 September 2005

LR-336007 - Vic CMTS Lease of Land

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REFERENCE SCHEDULE

- Item 1 Lessor Name: Colac-Otway Shire Council
(formerly known as The President Councillors and
Ratepayers of the Shire of Otway)
ABN 32 430 819 755
Address: 2-6 Rae Street, Colac, Victoria, 3250
Tel: (03) 5232 9400
Fax:
- Item 2 Lessee Name: Telstra Corporation Limited
ABN 33 051 775 556
Address: c/- United KFPW
Level 30
2 Lonsdale Street
Melbourne Victoria 3000
Attention: United KFPW Telstra Client Manager
Tel: (03) 9631 7500
Fax: (03) 9631 7501
- AND:
Level 27
242 Exhibition Street
Melbourne Victoria 3000
Attention: Regional Property Vendor Manager
Fax: (03) 9639 6843
- Item 3 Premises:
(Clause 1.1) An area of approximately 748 square metres being that
part of the Land hatched on the plan annexed and
marked "A" and situated at 49-51 Great Ocean Road,
Lavers Hill, Victoria.
- Item 4 Land:
(Clause 1.1) Volume 6729 Folio 747
- Item 5 Term:
(Clause 1.1) Ten (10) years
- Item 6 Commencement Date: 14th DECEMBER 2005
- Item 7 Terminating Date: 13th DECEMBER 2015

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| | | |
|--------------------------------|-------------------------|---|
| Item 8
(Clause 3.1) | Rent: | \$6,000 per annum (exclusive of GST), subject to Item 12, to being acknowledged that the Rent is a gross Rent inclusive of all usual statutory outgoings. |
| Item 9
(Clause 3.1) | Payment of Rent: | Yearly in advance by way of electronic funds transfer. |
| Item 10
(Clause 3.6) | Permitted Use: | Installation, inspection, maintenance, construction, excavation, replacement, repair, renewal, alteration, upgrade, cleaning, operation, access to and from and removal of the Facility on the Land in accordance with this Lease including the exercise of any rights as set out in the Act. |
| Item 11
(Clause 5.4) | Options: | Three (3) further terms of five (5) years each. |
| Item 12
(Clause 3.1) | Review of Rent: | The Rent is to be increased on each Review Date by 3% per annum during the Term and any Further Term. |

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DATE

PARTIES

The Lessor named in Item 1 (**Lessor**).

The Lessee named in Item 2 (**Lessee**).

RECITALS

- A. The Lessor is the owner of the Land described in Item 4.
- B. The Lessor has agreed to grant and the Lessee has agreed to accept a lease of the Premises for the Term for the Permitted Use at the Rent and on the terms and conditions of this Lease.

OPERATIVE PROVISIONS

1. INTERPRETATION

1.1 Definitions

In this Lease:

ACIF Code means the Australian Communications Industry Forum Code – Deployment of Radiocommunications Infrastructure (as amended from time to time).

Act means the *Telecommunications Act 1997* (Cth).

Business Day means a day that is not a Saturday, Sunday or public holiday where the Land is located.

Carrier including the expression "other Carriers" has the same meaning as is contained in the Act .

Carrier Requirements means the Lessee's obligation to comply with legislation, by-laws, policies, community obligations and technical requirements.

Commencement Date means the date specified in Item 6.

Facility means the telecommunications facility being the equipment housing, tower (if any), security fence, antennas and/or any other fixtures, fittings, structures, and cabling as altered, upgraded and/or added to in the Lessee's absolute discretion from time to time.

Further Term means a further term of this Lease if any, as specified in Item 11.

GST means the tax imposed by the GST Act and the related imposition Acts of the Commonwealth.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Input Tax Credit has the same meaning as in the GST Act.

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Item means an item in the Reference Schedule.

Land means the land described in Item 4.

Lease means this lease and any equitable lease or common law tenancy evidenced by this lease.

Lessee means the party named in Item 2.

Lessor means the party named in Item 1.

Option means the options for the Further Terms, if any, specified in Item 11.

Permitted Use means the use specified in Item 10.

Premises means the premises occupied by the Lessee located on the Land as described in Item 3.

Reference Schedule means the reference schedule in this Lease.

Rent means the amount specified in Item 8 as varied on any Review Date under this Lease and includes all statutory outgoings.

Review Date means each anniversary of the Commencement Date during the Term or any Further Term.

Services means electricity and any telecommunications services.

Tax Invoice has the same meaning as in the GST Act.

Taxable Supply has the same meaning as in the GST Act.

Term means the term of this Lease as specified in Item 5 which begins on the Commencement Date and ends on the Terminating Date.

Terminating Date means the date specified in Item 7.

1.2 Rules for interpreting this Lease

- (a) Headings are for convenience only and do not affect interpretation. The following rules also apply in interpreting this Lease except where the context makes it clear that a rule is not intended to apply.
- (b) Any right given to the Lessor or the Lessee (as the case may be) may, where the context so permits, be exercised by that party's employees, agents, contractors or others authorised (expressly or implicitly) by that party.
- (c) Any obligation on the Lessor or the Lessee (as the case may be) will, where the context so permits, extend to the actions of that party or its authorised employees, agents, contractors, licensees, invitees, or others claiming under or through that party.

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- (d) Section 67 of the *Transfer of Land Act 1958* (Vic) does not apply to this Lease.
- (e) A reference to:
 - (i) legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document or agreement, or a provision of a document or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;
 - (iii) a party to this document or to any other document or agreement includes an executor, an administrator, a permitted substitute or a permitted assign of that party;
 - (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
 - (v) anything (including a right, obligation or concept) includes each part of it.
- (f) Where a party consists of two or more persons or a term is used in this Lease to refer to more than one party:
 - (i) an obligation of those persons is joint and several;
 - (ii) a right of those persons is held by each of them severally; and
 - (iii) any other reference to that party or that term is a reference to each of those persons separately, so that (for example):
 - (A) a representation, warranty or undertaking is given by each of them separately; and
 - (B) a reference to that party or that term in the default clause in this Lease is a reference to each of those persons separately.
- (g) Where a party is a corporation, it includes the corporation, its successors and assigns.
- (h) A singular word includes the plural, and vice versa.
- (i) A word which suggests one gender includes the other genders.
- (j) If a word is defined, another part of speech has a corresponding meaning.
- (k) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.
- (l) The word **agreement** includes an undertaking or other binding arrangement or understanding, whether or not in writing.

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- (m) No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Lease or any part of it.

2. DEMISE

2.1 Lessee Rights

The Lessor leases the Premises to the Lessee for the Term for the Permitted Use, together with the right to:

- (a) have unrestricted access to and from the Premises and the Facility at all times, with or without all necessary vehicles, equipment and workmen;
- (b) lay electricity cables over, under or within the Land to connect the Facility to the public electricity supply and to transmit electricity through those cables;
- (c) lay communication cables and any other cables through or within the Land in connection with the Permitted Use and to use those cables;
- (d) repair, replace, renew, alter, maintain and upgrade the cables referred to in clauses 2.1(b) and 2.1(c);
- (e) install any and all antennas as specified on the plan annexed and marked "A" and alter the location of the antennas on the Land from time to time, in the Lessee's absolute discretion;
- (f) use the services on the Land (if any) as may be necessary for the Lessee's use and enjoyment of the Premises and the Facility; and
- (g) use so much of the Land adjoining and adjacent to:
 - (i) the Premises; or
 - (ii) any installation of the Lessee,as is reasonably required during installation, erection, construction, repair, replacement, renewal, maintenance and operation of the Facility. The Lessee must restore the adjoining and adjacent Land as far as practicably possible to its condition prior to such use by the Lessee.

2.2 Security

In accessing the Premises and the Facility pursuant to clause 2.1(a), the Lessee must comply with any reasonable security arrangements of the Lessor of which the Lessee has received written notice. In an emergency, the Lessor must arrange for its security staff or contractor to give the Lessee access to the Premises and the Facility within 2 hours of notification by the Lessee to the Lessor.

3. LESSEE'S COVENANTS

3.1 Rent and Rent Review

- (a) The Lessee must pay the Rent in the manner set out in Item 9.

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- (b) The Rent is to be reviewed on each Review Date in accordance with Item 12.

3.2 Maintenance of Premises

The Lessee must keep the Premises in good repair and condition (having regard to the condition of the Premises as at the Commencement Date), excluding fair wear and tear and any damage caused by fire, flood, lightning, storm, war or act of God.

3.3 Reinstatement and Make Good

- (a) The Lessee must, within 3 months after the Terminating Date or earlier determination of the Lease, remove that part of the Facility located above the surface of the Land and make good at its cost any damage to the Land or Premises caused by such removal.
- (b) The parties agree that the period of 3 months referred to in clause 3.3(a) is not regarded as holding over for the purposes of clause 5.3 and no Rent is payable by the Lessee during this period.

3.4 Assignment

- (a) The Lessee must not assign, sublet or part with possession of the Premises without the consent of the Lessor, which consent must not be unreasonably withheld or delayed.
- (b) Despite clause 3.4(a), the Lessee may assign, sublet or part with possession of the Premises to a:
- (i) related body corporate as defined in the *Corporations Act 2001* (Cth);
 - (ii) body corporate of which the Lessee is either an associated entity or a related body corporate of an associated entity as defined in the *Corporations Act 2001* (Cth); or
 - (iii) Commonwealth department or body,
- without the Lessor's consent. The Lessee must notify the Lessor of any dealing referred to in this clause 3.4(b) within 3 months of its occurrence.
- (c) In the event of an assignment by the Lessee of this Lease, the Lessee and Lessor are released from all obligations and liabilities under this Lease from the date of such assignment, but without prejudice to any prior claim or remedy which either party may have against the other.

3.5 Services

The Lessee may install separate metering for the Services to the Premises at its cost and must pay to the suppliers all charges for the Services that are consumed or used by the Lessee.

3.6 Use of Premises

The Lessee:

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occupier Affect the Lessee's Permitted Use, the Lessor must, immediately upon receipt of written notice from the Lessee, either:

- (i) arrange for the relocation of the other Carrier's or occupier's facility so that it no longer Affects the Lessee's Permitted Use;
 - (ii) arrange for the other Carrier or occupier to modify its facility or the operation of it so that it no longer Affects the Lessee's Permitted Use; or
 - (iii) terminate the arrangement with the other Carrier or occupier.
- (c) The Lessor's obligations under this clause are essential terms of this Lease. The Lessee may treat the Lessor's breach of an essential term as a repudiation of this Lease and may terminate this Lease for breach of this essential term and for repudiation.

4.4 Permits and Approvals

The Lessor:

- (a) irrevocably authorises the Lessee, at the Lessee's expense, to make applications to any relevant authority for any necessary permits, consents and approvals to enable the development, construction and use of the Facility and to exercise and procure every right of appeal arising from the determination of any such application or the failure to determine such application; and
- (b) must sign all documentation and provide all assistance required by the Lessee, or any person nominated by the Lessee to obtain the permits, consents and approvals referred to in clause 4.4(a).

4.5 Consent of Mortgagee or Chargee

If the Premises are subject to a mortgage or charge, the Lessor must obtain the mortgagee or chargee's consent to this Lease (an example of which is provided at Schedule 2) and the Lessee must pay the mortgagee's or chargee's reasonable consent costs.

4.6 Surrender

- (a) The Lessee may terminate this Lease on giving the Lessor 28 days' written notice at any time where it is unable to comply with or satisfy any Carrier Requirements provided that this right to terminate is only available to the Lessee prior to completion of the installation of the Facility.
- (b) Despite any other provision of this Lease, the Lessor covenants that if factors affect the Lessee's use of the Premises to the extent that:
 - (i) the Permitted Use is compromised or the Premises are no longer required by the Lessee including, without limitation, where the Lessee determines in its absolute discretion through the ACIF Code compliance regime or other applicable legislation, that the Lessee no longer requires the Premises; or
 - (ii) the level of service provided by the Lessee to its customers falls below the coverage level acceptable to the Lessee; or

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- (iii) there is an emergence of radio interference or physical interference which, in the Lessee's opinion, materially interferes with the performance of the Facility,

then the Lessee may terminate this Lease or any Further Term on giving to the Lessor 6 months' written notice at any time.

- (c) If the Lessee exercises its right to terminate this Lease under clause 4.6(a) or clause 4.6(b), it must at its cost reinstate the Premises in accordance with clause 3.3. Any such termination is without prejudice to any prior claim or remedy which either party may have against the other.

4.7 No Restriction on Commonwealth Legislation

- (a) Nothing in this Lease affects, restricts, limits or derogates from the rights, powers and immunity of the Lessee under and by virtue of the Act or any other applicable legislation and/or regulations of the Commonwealth.
- (b) The Lessor agrees pursuant to clause 17(5) Division 5 Part 1 of Schedule 3 of the Act to waive its right to be given a notice under clause 17(1) Division 5 Part 1 of Schedule 3 of the Act of the Lessee's exercise of its powers to inspect and/or install the low impact installation.
- (c) The operation of this clause survives the expiry or termination of this Lease.

4.8 Access Track and/or Power Connection

Where the Lessee installs, upgrades or maintains at its cost any access track or power connection then any other person or entity (except the Lessor and its successors in title) who wishes to utilise the access track or power connection, must share in the cost of installation, upgrading and maintenance as apportioned by the Lessee. The Lessor must ensure that any subsequent grant of a lease or licence to a third party includes an obligation on that lessee or licensee to bear such apportioned costs.

4.9 Lessee's Property

The Facility remains at all times the property of the Lessee.

4.10 Contamination

The Lessor:

- (a) warrants that at the Commencement Date, the Land and the Premises do not contain substances hazardous to health or safety; and
- (b) confirms that:
 - (i) in respect of the Land; and
 - (ii) in respect of the Premises, so far as the Lessor is aware,
 - (iii) the warranty in clause 4.10(a) remains true at all times during the Term and any holding over period.

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4.11 Refund of Rent on Termination

If this Lease is terminated by the Lessee prior to the Terminating Date pursuant to clauses 4.6 or 5.1(c) the Lessor must, within 30 days of the date of termination, refund to the Lessee any Rent paid in advance for that portion of the Term after the date of termination.

5. MUTUAL COVENANTS

5.1 Default and Re-entry

- (a) If the Rent is 1 month in arrears or if the Lessee fails to perform its other obligations under this Lease and the Lessee does not within:
 - (i) 30 days in the case of non-payment of Rent; and
 - (ii) 90 days in the case of all other breaches,from the date of receipt of written notice from the Lessor;
 - (iii) remedy the default; or
 - (iv) if the default cannot be remedied, pay reasonable compensation to the Lessor for the loss or damage suffered by the Lessor as a consequence of the default,then the Lessor may re-enter upon the Premises without interfering with the Facility.
- (b) This Lease determines on the Lessor's re-entry but without prejudice to any prior claim or remedy which either party may have against the other.
- (c) If any of the Lessor's covenants and conditions contained or implied in this Lease are not punctually performed or observed, and such default continues for a period of 30 days after written notice specifying such default is served on the Lessor, then the Lessee may terminate this Lease by written notice to the Lessor. Upon receipt of such notice by the Lessor, this Lease is at an end, but without prejudice to any prior claim or remedy which either party may have against the other.

5.2 Costs of Lease

The Lessee must contribute to the Lessor's reasonable legal fees and disbursements for the preparation, negotiation and execution of this Lease an amount not exceeding \$750 together with stamp duty, if any, and registration fees, if any, payable on this Lease.

5.3 Holding Over

- (a) If the Lessee occupies the Premises with the Lessor's consent after the Terminating Date, then the Lessee does so under a yearly tenancy.
- (b) The Lessee occupies the Premises at the same Rent payable prior to the Terminating Date and otherwise on the same terms as this Lease, so far as they can be applied to a yearly tenancy.

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- (c) Either party may terminate the yearly tenancy by giving 1 year's written notice to the other, (which notice may expire at any time).

5.4 Option to Renew

- (a) Unless the Lessee gives to the Lessor either:
 - (i) at least 1 month's written notice before the Terminating Date that the Lessee does not want a new lease of the Premises for a Further Term; or
 - (ii) written notice before the Terminating Date that the Lessee does not want a new lease of the Premises for a Further Term but that it wishes to remain in possession of the Premises pursuant to clause 5.3,

then provided the Lessee is not then in breach of an essential term of this Lease of which it has been notified by the Lessor, the Lessor must grant to the Lessee a new lease of the Premises for that Further Term.

- (b) The new lease contains the same terms and conditions as this Lease except that:
 - (i) (Reference Schedule) any necessary changes are made to Items 5, 6, 7 and 11 in the new lease;
 - (ii) (Rent) the rent to be inserted in Item 8 is the Rent payable on the Terminating Date of this Lease increased by 3%; and
 - (iii) (Clause 5.2) clause 5.2 is to be deleted and replaced with the following clause:

"5.2 Cost of Lease

- (a) Each party must bear their own legal fees and disbursements for the preparation, negotiation and execution of this Lease.
- (b) The Lessee must pay all stamp duty, if any, and registration fees, if any, payable on this Lease."

6. INSURANCE AND INDEMNITY

6.1 Property Insurance - Lessee to self insure

For so long as Telstra Corporation Limited (or its corporate successor) is the Lessee, the Lessor acknowledges that the Lessee will self insure the respective rights and interests of the Lessor and the Lessee for damage which must be repaired by the Lessee under this Lease.

6.2 Lessee to insure if self insurance ceases

If the Lessee:

- (a) elects to discontinue; or
- (b) is unable to continue,

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the self insurance referred to in clause 6.1, the Lessee must effect such insurance with an insurer reasonably approved by the Lessor against the insurable risks required under this Lease.

6.3 Workers' Compensation Insurance

For so long as Telstra Corporation Limited (or its corporate successor) is the Lessee, the Lessor acknowledges that the Lessee holds a licence pursuant to the *Safety, Rehabilitation and Compensation Act 1998* (Cth).

6.4 Public Liability Insurance

- (a) For so long as Telstra Corporation Limited (or its corporate successor) is the Lessee, the Lessor acknowledges that the Lessee has a global insurance policy which includes public liability insurance in excess of \$20 million and which includes the interest of the Lessee's landlords as a class.
- (b) If requested in writing by the Lessor, the Lessee will provide the Lessor with a letter confirming the Lessee's insurance as specified under this clause, such request not to be made more than once a year during the Term.

6.5 Indemnity

- (a) The Lessee indemnifies the Lessor against any liability, loss, damage, costs or expenses incurred or suffered by the Lessor which is caused solely and directly by:
 - (i) a breach of this Lease by the Lessee; or
 - (ii) the negligence of the Lessee or an employee or agent of the Lessee acting within the scope of their authority.
- (b) The indemnity provided by the Lessee under this clause 6.5 will not exceed \$20 million per event and in the aggregate.
- (c) Despite any other provision of this Lease, any indemnity by the Lessee under this Lease will not apply to the extent that any liability, loss, damage, cost or expense, the subject of an indemnity, is recoverable by the Lessor under any insurance policy.
- (d) The Lessee's liability to indemnify the Lessor under this clause 6.5 shall be reduced proportionately to the extent that any act or omission of the Lessor contributed to the liability, loss, damage, costs or expenses.
- (e) In defending or settling any claim, action or demand the subject of an indemnity under this clause 6.5, the Lessor must follow the Lessee's reasonable instructions.
- (f) The Lessor must not settle any claim, action or demand the subject of an indemnity under this clause 6.5 without obtaining the prior written consent of the Lessee, such consent is not to be unreasonably withheld, and the Lessor must take reasonable steps to mitigate any liability, loss, damage, costs or expenses including taking reasonable court action to defend any claim, action or demand made against the Lessor.

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7. NOTICES

7.1 How to give a notice

A notice, consent or other communication under this Lease is only effective if it is:

- (a) in writing, signed by or on behalf of the person giving it;
- (b) addressed to the person to whom it is to be given; and
- (c) either:
 - (i) delivered or sent by pre-paid mail (by airmail, if the addressee is overseas) to that person's address; or
 - (ii) sent by fax to that person's fax number and the machine from which it is sent produces a report that states that it was sent in full.

7.2 When a notice is given

A notice, consent or other communication that complies with this clause is regarded as given and received:

- (a) if it is delivered or sent by fax:
 - (i) by 5.00 pm (local time in the place of receipt) on a Business Day - on that day; or
 - (ii) after 5.00 pm (local time in the place of receipt) on a Business Day, or on a day that is not a Business Day - on the next Business Day; and
- (b) if it is sent by mail:
 - (i) within Australia - 3 Business Days after posting; or
 - (ii) to or from a place outside Australia - 7 Business Days after posting.

7.3 Address for notices

A person's address and fax number are those set out below that person's name in the relevant Item in the Reference Schedule in this Lease, or as the person notifies the sender.

8. INTENTIONALLY DELETED

9. INENTIONALLY DELETED

10. GST

10.1 Imposition of GST

Subject to clause 10.2, where one party (**supplying party**) makes a Taxable Supply to another party (**receiving party**) and the consideration for that supply is not expressed to be inclusive of GST, the receiving party must pay an additional amount when it pays or

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provides that GST exclusive consideration, equal to the value of that GST exclusive consideration (without deduction or set-off), multiplied by the prevailing GST rate.

10.2 Tax Invoice

The receiving party is not required to pay any amount of GST to the supplying party unless the supplying party has issued a Tax Invoice to the receiving party.

10.3 Adjustment of consideration for a supply

If the amount of GST recovered by the supplying party from the receiving party differs from the amount of GST payable at law by the supplying party (or an entity grouped with the supplying party for GST purposes) in respect of the supply, the supplying party will adjust the amount payable by the receiving party accordingly.

10.4 Indemnity and reimbursement payments exclude input tax credit entitlements

If one party (payer) is required to indemnify or reimburse another party (payee) for any cost, loss or expense incurred by the payee, the required payment does not include any part of such cost, loss or expense that the payee (or an entity grouped with the payee for GST purposes) is entitled to claim as an Input Tax Credit, but will be increased under clause 10.1 if the payment is consideration for a Taxable Supply.

10.5 Change in the GST rate

If there is a change in the GST rate which comes into effect after the date of this Lease, any consideration which is stated as being inclusive of GST will be adjusted to reflect the change in the GST rate.

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EXECUTED AS A DEED this 14th day of December 2005

EXECUTED BY LESSEE

SIGNED SEALED AND DELIVERED
by ~~NORMAN ROBERT SMITH~~,
Property Services Manager, as attorney
for TELSTRA CORPORATION
LIMITED under power of attorney
dated 6 May 2005 a certified copy of
which is filed in Permanent Order Book
No. 277 at page 022 item 017 in the
presence of:

Witness

IAN PATRICK MCGILVERAY

Name of Witness (block letters)

FRANCIS FREDRICK INGVARSON

By executing this Deed the attorney states that
the attorney has received no notice of the
revocation of the power of attorney

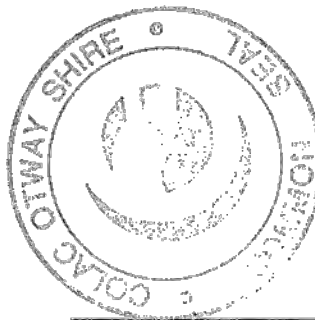
EXECUTED BY LESSOR

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

Signature of authorised person

Name of authorised person

Chief Executive Officer
Office held -



Signature of authorised person

Name of authorised person

Councillor
Office held -

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SCHEDULE 1 - INTENTIONALLY DELETED

D1571646

SCHEDULE 2 - MORTGAGEE'S CONSENT

(This is the form of consent referred to in clause 4.5).

[name] of [address] the proprietor of Mortgage No.[number] over the land described in Certificate of Title Volume [number] Folio [number]] at the request of the parties to the Lease between [insert lessor details] (Lessor) and Telstra Corporation Limited (Lessee) **CONSENTS** to the demise contained in the Lease (including any further term duly created pursuant to the exercise of any option to renew the Lease) and all the provisions of the Lease and **AGREES** that while the Lessee complies with its obligations under the Lease it will not dispossess the Lessee from the Premises nor in any way interfere with its use or occupation of them despite any default committed by the Mortgagor under the Mortgage.

DATED this day of 200


SIGNED SEALED and DELIVERED by

in the presence of:

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ANNEXURE A - PLANS

D15/71646



Infrastructure Services Group
Wireless Access Services

Site: CMTS 2653 - LAVERS HILL CENTRAL

Address: Lavers Hill Central

49 - 51 Great Ocean Rd, Lavers Hill, VIC, 3238

Issue Date:

2015

2016

2017

2018

2019

Drawings:

2653-A1

TRANSMITTAL SHEET

2653-A2

SITE & LOCALITY PLANS

2653-A3

SITE SETOUT PLAN

2653-A4

SITE ELEVATION

2653-A5

AERIAL PHOTO

Revisions:

P1

P2

P3

P4

P1

P2

P3

P4

P1

P2

P3

P4

P1

P2

P3

P4

P1

P2

P3

P4

Issued To:

Telstra

L. Goldman

Telstra

R. Wilson

Copies:

1

1

1

1

1

1

1

1

Issued via

Prepared by National Infrastructure

F

M

H

C

E

F

M

H

C

E

REVISION LEGEND:

O#

CONCEPTUAL OPTIONS

P#

PRELIMINARY DRAWINGS

C#

CONSTRUCTION DRAWINGS

B#

AS-BUILT DRAWINGS

National Infrastructure

SERVICES PTY. LTD.

119 - 115 York St, South Melbourne

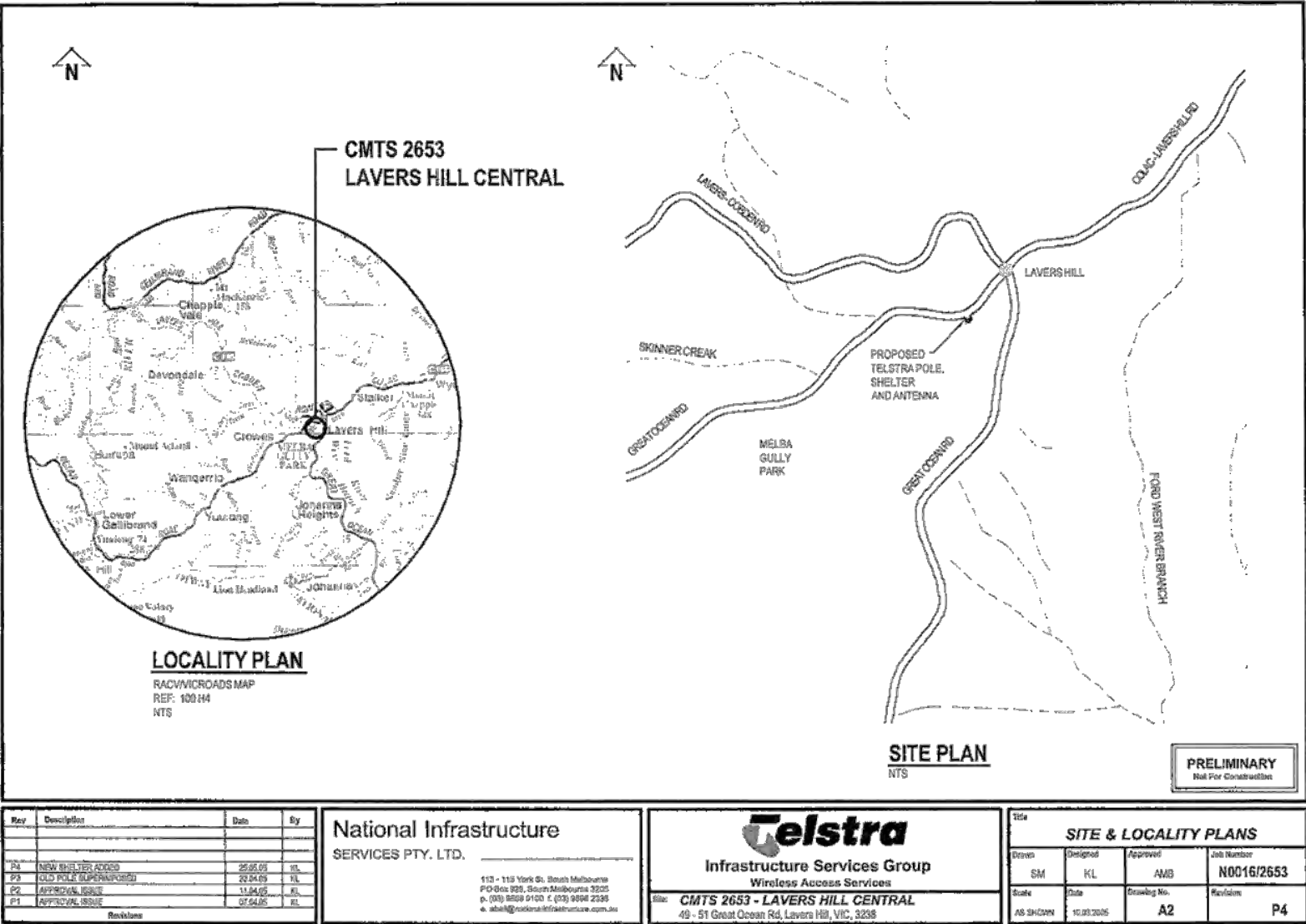
PO Box 925, South Melbourne 3205

o. (03) 9585 3100

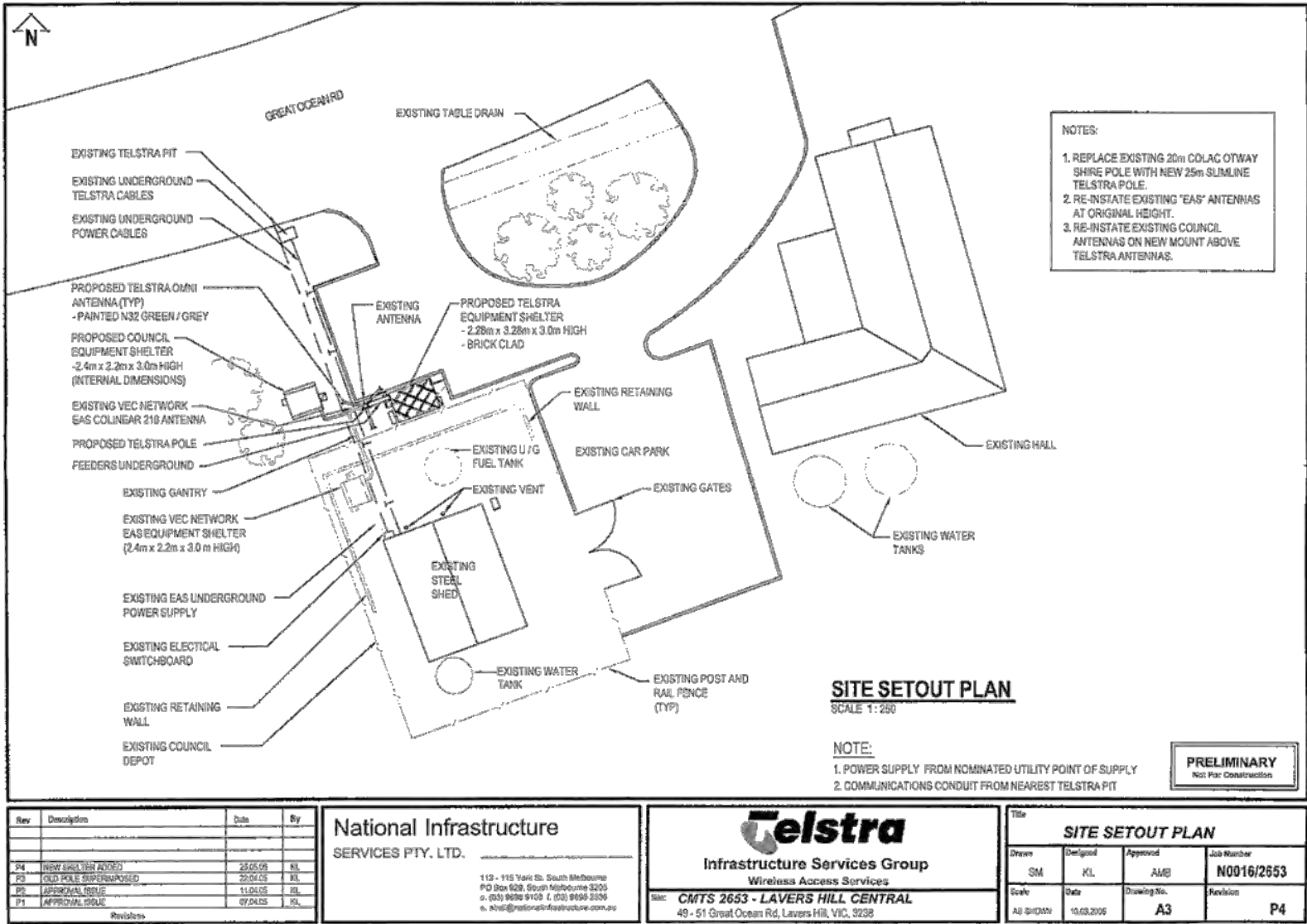
f. (03) 9585 3200

e. enr@nationalinfrastructure.com.au

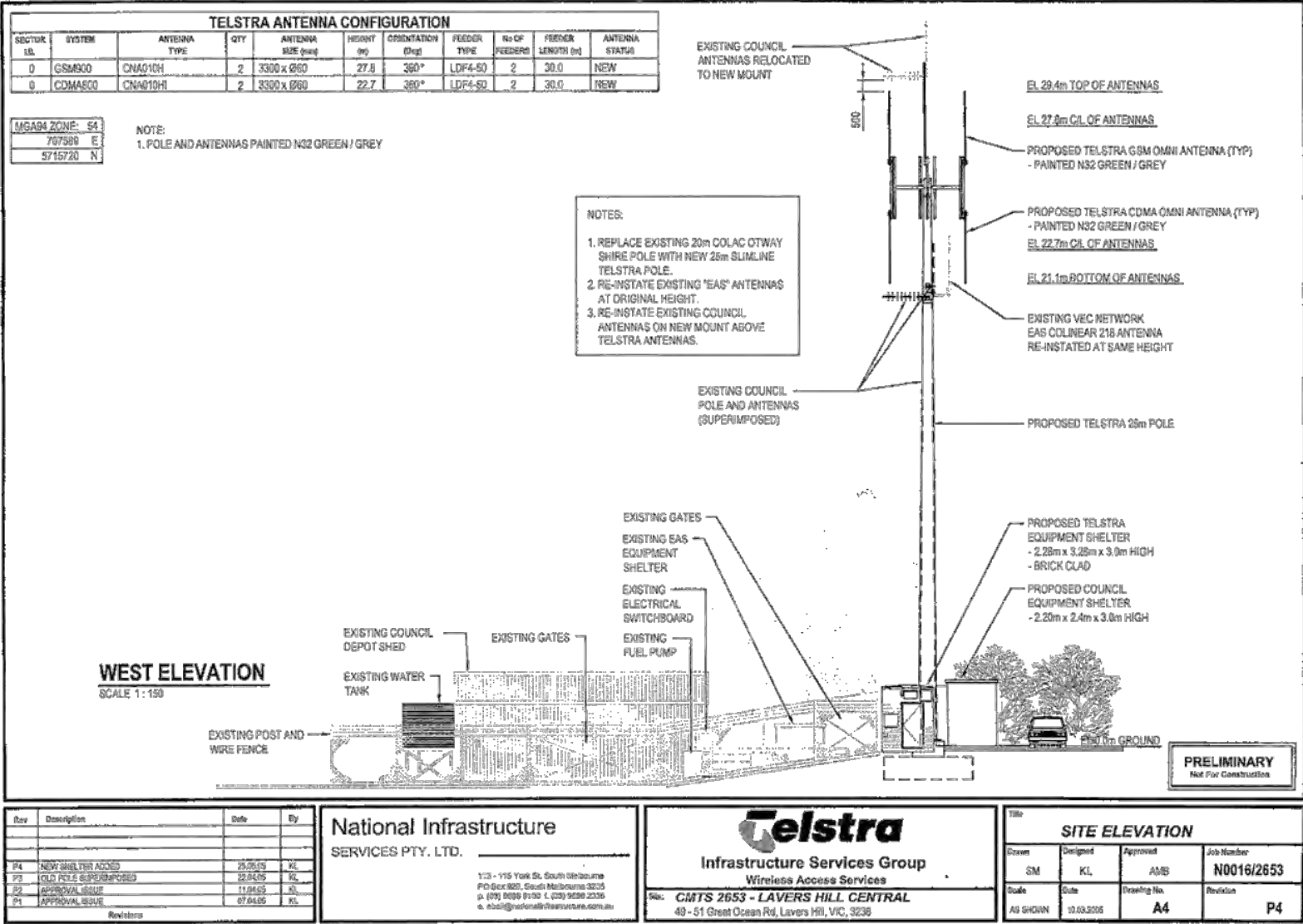
D15/71646



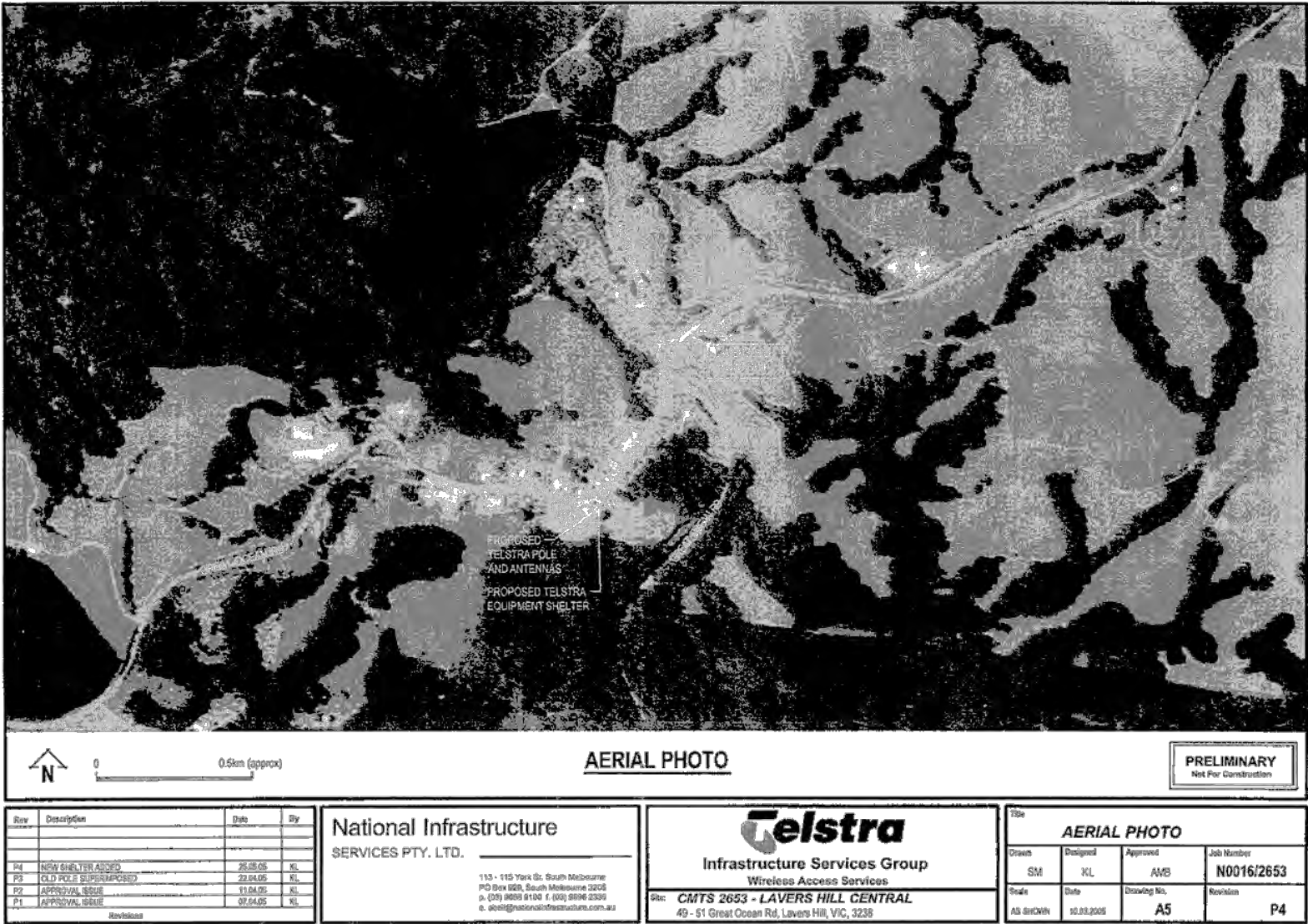
D15/71646



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D15/71646



D 5/71646

Australian Government Solicitor

ANNEXURE B – REFERENCE SCHEDULE

| | | | |
|------------------------|-----------------------|------------|---|
| Item 1 | Lessor: | Name: | Colac-Otway Shire Council
ABN 32 430 819 755 |
| | | Address: | 2-6 Rae Street
COLAC VIC 3250 |
| | | Tel: | (03) 5232 9400 |
| Item 2 | Lessee: | Name: | Telstra Corporation Limited
ACN 051 775 556 |
| | | Address: | Director, Telstra Property
c/- Jones Lang LaSalle
Level 34, 242 Exhibition Street
MELBOURNE VIC 3000 |
| | | Attention: | Property Management Director |
| | | Tel: | As notified by the Lessee to the
Lessor from time to time |
| | | Email: | Telstra.Notices@ap.jll.com and
F0901953@team.telstra.com |
| Item 3 | Premises: | | An area of approximately 7.48 square metres
being that part of the Land hatched on the plan
annexed and marked "A" and situated at 49-51
Great Ocean Road, Lavers Hill, Victoria.

(For Telstra reference purposes only: JDE
Number 31855400, Tenure ID 73409, Node ID
220478, RFNSA Site No. 3238002) |
| Item 4
(Clause 1.1) | Land: | | Certificate of Title Volume 6729 Folio 747 |
| Item 5
(Clause 1.1) | Term: | | Five (5) years |
| Item 6
(Clause 1.1) | Commencement
Date: | | 14 December 2015 |
| Item 7
(Clause 1.1) | Terminating
Date: | | 13 December 2020 |

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| | | |
|--------------------------------|---------------------------------------|---|
| Item 8
(Clause 1.1) | Rent: | \$8,063.50 per annum (exclusive of GST),
subject to Item 12, it being acknowledged that
the Rent is a gross Rent inclusive of all usual
statutory outgoings. |
| Item 9
(Clause 3.1) | Payment of
Rent: | Yearly in advance by way of electronic funds
transfer. |
| Item 10 | Permitted Use:
(Clause 3.6) | Installation, inspection, maintenance,
construction, excavation, replacement, repair,
renewal, alteration, upgrade, cleaning,
operation, access to and from and removal of
the Facility on the Land in accordance with this
Lease including the exercise of any rights as
set out in the Act. |
| Item 11
(Clause 5.4) | Options: | Two (2) further terms of five (5) years each |
| Item 12
(Clause 3.1) | Review of Rent: | The Rent is to be increased on each Review
Date by 3% per annum during the Term and
any Further Term. |

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EXECUTED as a Deed.

insc. & common seal

EXECUTED BY LESSOR

The Common Seal of **COLAC-OTWAY SHIRE
COUNCIL ABN 32 430 819 755** was hereunto
affixed in the presence of:

Signature of Chief Executive Officer

Name of Chief Executive Officer

EXECUTED BY LESSEE

SIGNED, SEALED AND DELIVERED by

Scott Panton
Property Services Manager

(Attorney's full name),

as attorney for **TELSTRA CORPORATION LIMITED**
under Power of Attorney copy of which is filed in
Permanent Order Book No. 277 at page 022 item 24 in
the presence of:

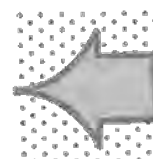
Signature of Witness

Breanna Rusk

Name of Witness (block letters)

Signature of Attorney

By executing this Deed the attorney
states that the attorney has received no
notice of the revocation of the power of
attorney



Under separate attachment

| | | |
|--|--------|-----------|
| Domestic Wastewater Management Plan – Technical Document | 13.5MB | 246 pages |
| Domestic Wastewater Management Plan – Operational Plan | 2MB | 115 pages |

Planning and Environment Act 1987

COLAC OTWAY PLANNING SCHEME

AMENDMENT C85

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the Amendment

The Amendment applies to part of 15 Factory Road, Cororooke as shown in the map below.



What the amendment does

The Amendment seeks to rezone the subject land to Public Park and Recreation Zone (PPRZ) to facilitate the use and development of the land for public open space.

The Amendment proposes to:

- Rezone the land from Township Zone to PPRZ.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to facilitate the use and development of the land for public open space. The Colac Otway Shire Open Space Strategy identified that Cororooke currently has a deficit in the provision of public open space. This Amendment will help to rectify this situation.

A process is currently underway to vest the land in Council.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment facilitates the objectives of planning in Victoria by securing a pleasant, efficient and safe recreational environment for all Victorians and visitors to Victoria.

How does the Amendment address any environmental, social and economic effects?

The identified land will provide the Cororooke community with additional public open space to be used for formal and informal recreation purposes.

Does the Amendment address relevant bushfire risk?

The land is not contained within any Bushfire Management Overlay, however is within a Bushfire Prone Area under the building regulations. The intended use of the land is for public open space and not for accommodation. An appropriate response to the building regulation requirements will be considered where relevant as part of the development of structures identified in the Cororooke Open Space Masterplan.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment complies with the requirements of the Ministerial Direction on 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 supports Clause 11.03 in the State Planning Policy Framework which has the objective to assist the creation of a diverse and integrated network of public open space commensurate with the needs of the community.

The Colac Otway Shire Open Space Strategy identified that Cororooke currently has a deficit in the provision of public open space. This Amendment will help to rectify this situation.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment supports Clause 21.03-1 General in the Local Planning Policy Framework by ensuring the provision of public open space which meets the needs of the communities it is to serve by improving access, facilities and presentation.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Public Park and Recreation Zone is the appropriate VPP for land which is in public ownership and is to be used for public open space.

How does the Amendment address the views of any relevant agency?

Council will seek the views of relevant agencies as part of the Amendment process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

It is considered that the provision of a small area of public open space within a rural township will not have a significant impact on the transport system. No state owned transport system is impacted by the amendment.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Colac Otway Shire has completed a Masterplan for the proposed open space at Cororooke, and will allocate funds in future budgets to facilitate the implementation of the plan.

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 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 VIC 3250 |

Website: www.colacotway.vic.gov.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

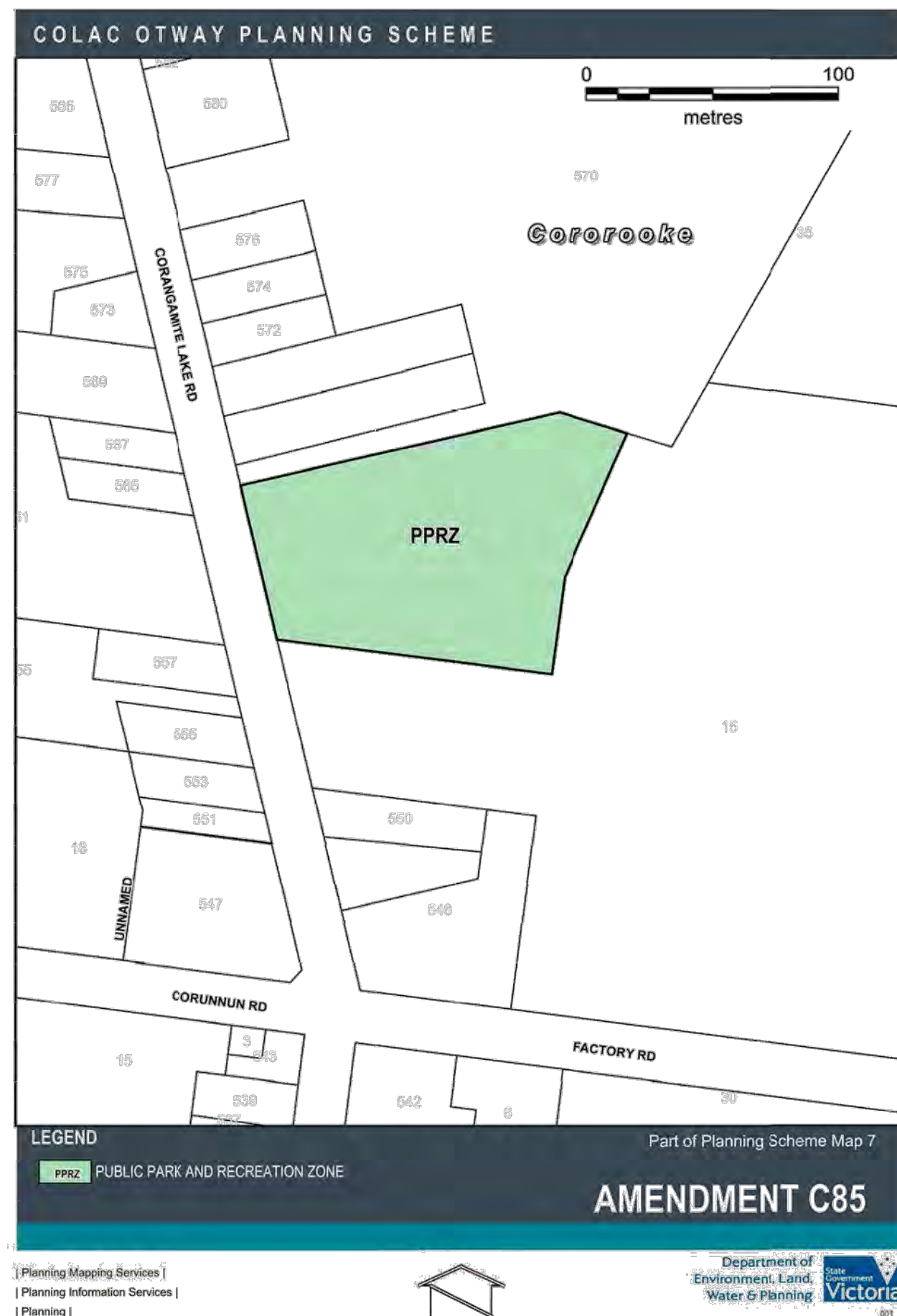
Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to: **[insert Council's address]**

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**]





Old Beechy Rail Trail Committee Meeting

Meeting Venue: Meeting Room 2, COPACC

3 August, 2015

Time: 10.00am to 12.30pm

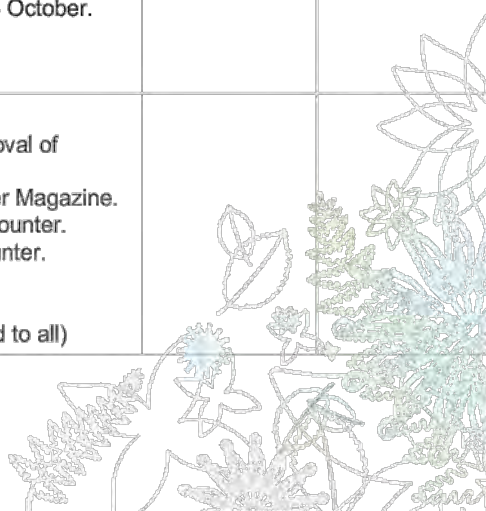
MINUTES

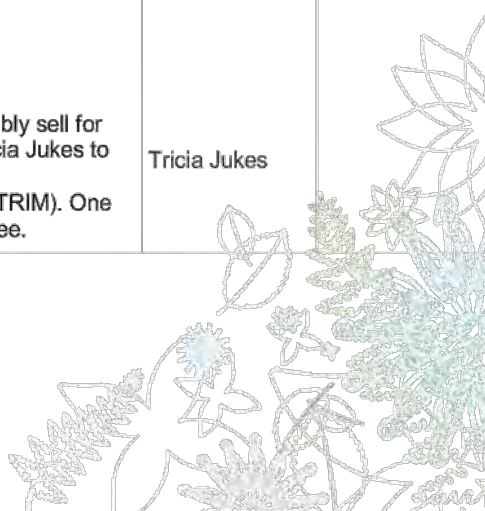
| | ITEMS & ACTIONS | RESPONSIBLE OFFICER | ACTION DUE DATE |
|----|--|---------------------|-----------------|
| 1. | ATTENDEES
Cr Chris Smith (Chair), Lucy Vesey – Recreation Officer (COS); Noel Barry, Tony Grogan, Tricia Jukes, Christine Humphris, Anthony Zappelli, John Wilson – Capital Works Co-ordinator (COS);
Minutes: Vicki Jeffrey – Recreation Administrator (COS) | | |
| 2. | APOLOGIES
Bernard Jordan; Craig Clifford (DWELP); Phil Dandy, | | |
| 3. | CONFIRMATION OF MINUTES FROM PREVIOUS MEETING 30 March 2015
Corrections
Spelling mistake – Gellibrand 'Flyer' (not flier)

Moved – Anthony Zappelli
Seconded – Tony Grogan
Carried | | |
| 4. | BUSINESS ARISING from previous minutes. (None)


<i>Discussion of email address – gmail account created by Colac Otway Shire.</i> <ul style="list-style-type: none"> Confirmed as – oldbeechyrailtrail@gmail.com All marketing and promotion information can be sent to the Colac Otway Shire PR department to load on their Facebook page. Golden Gumboot Event <ul style="list-style-type: none"> Funding received through Community Funding Program. Colouring competition in the Colac Herald. Photo competition along the OBRT for older children/teenagers. Possible youth group involvement through the Gellibrand House. To be held during the school holidays. 19 September to 3 October. | | |
| 5. | CORRESPONDENCE - IN <ul style="list-style-type: none"> Email – Midway Plantations. Part closure of OBRT. Removal of closure signs. Email – Rail Trails Australia. Rail Trail Connections Winter Magazine. Email – Island Research. Replacement of faulty tracker counter. Email – Andrew Daffy. Installation of replaced tracker counter. Email – Tricia Jukes. Updated OBRT brochure. Email – Emma Clark – Chase the Dog event. Letter – Jodie Fincham – letter of resignation. (distributed to all) | | |

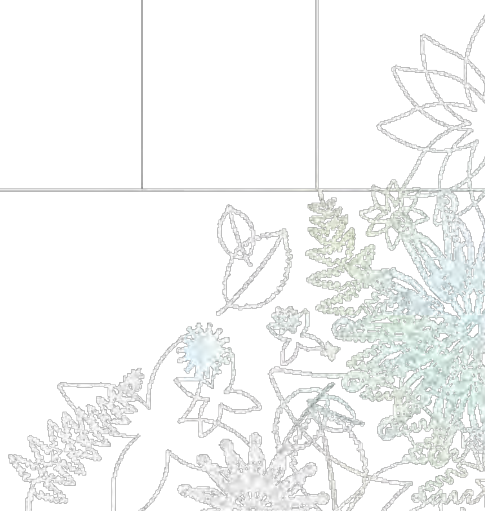
OBRT Meeting – 3/8/2015



[illegible]



| | | | |
|-----|---|---------------------------------------|---|
| 9. | <p>TREASURERS REPORT</p> <ul style="list-style-type: none"> As per copy presented – closing balance of \$5,569.31 (saved in TRIM). <p>Moved – Noel Barry
Seconded – Anthony Zappelli
Carried.</p> | Tricia Jukes | |
| 10. | <p>Executive Officer Report – Lucy Vesey</p> <ul style="list-style-type: none"> | | |
| 11. | <p>GENERAL BUSINESS</p> <ul style="list-style-type: none"> Brochures re-print. Removed Ridge café and replaced with Gellibrand General Store. New email address to be included. Approximately 2 weeks for printing. Investigate cost of small DL size flier to give away free. Funding approved through the Community Funding Program for 8 new seats. Chase the Dog application for Recreation vehicle allowed on the OBRT approved.
Moved – Christine Humphris
Seconded – Tony Grogan
Carried. Noel Barry circulated the Puffing Billy DL example to review. Old Lovatt sign. VicRoads approval to be finalised in conjunction with better working weather. Information to be available at the October meeting. Youth Expo letter invitation – Expression of Interest. Possibly display pull-up banner for the OBRT. <p>Meeting closed 11.55am.
Next meeting – Monday, 5 October 2015 - 10am to 12.30pm.</p> | <p>Tricia Jukes</p> <p>Noel Barry</p> |  |



| | | |
|--|---|--|
| 
Agenda | <h1>Councillor Briefing</h1> <p>Wednesday, 28 October 2015
COPACC
2.00pm – 4.00pm</p> | |
| | <p>ATTENDEES:
Cr Frank Buchanan, Cr Lyn Russell, Cr Stephen Hart, Cr Terry Woodcroft, Cr Brian Crook</p> <p>Sue Wilkinson (CEO) (from 2.30pm)
Mark Lyons (GM, Corporate Services) (from 2.40pm)
Brydon King (GM, Development & Community Services) (from 2.40pm)
Ingrid Bishop (GM, Infrastructure & Leisure Services) (from 2.40pm)
Jennifer Wood (Manager Governance & Customer Service) (from 2.40pm)</p> <p>Apology:</p> <p>Absent: Cr Chris Smith, Cr Michael Delahunty</p> | |
| | <h2>Agenda Topics</h2> | |
| 2.00 pm | Declaration of Interest | |
| 2.00 pm | Councillor Briefing Session/Meeting Preparation | |



Councillor Workshop

Wednesday, 4 November 2015
COPACC Meeting Room 1
2.00pm to 5.30 pm

ATTENDEES:

Cr Frank Buchanan (until 5.10pm), Cr Lyn Russell, Cr Stephen Hart, Cr Terry Woodcroft, Cr Brian Crook (until 5.10pm)

Sue Wilkinson (CEO) (left at 5.10pm)
 Brydon King (GM, Development & Community Services) (left at 5.10pm)
 Ingrid Bishop (GM, Infrastructure & Leisure Services) (left at 5.10pm)
 Mark Lyons (GM, Corporate Services)
 Jennifer Wood (Manager Governance & Customer Services)

Part: Doug McNeill, Tony White, Emma Clark, Michael Swanson, Chris Spalding

Apology: Cr Michael Delahunty,

Absent: Cr Chris Smith,

Agenda Topics

| | | |
|------------------------|---|-----------------------------|
| 2.00pm – 2.37pm | Councillor Only Time – Election of Mayor & Deputy Mayor | |
| 2.37pm – 2.40pm | Declaration of Interest
Cr Frank Buchanan & Cr Brian Crook – Advisory Meeting | |
| 2.40pm – 3.15pm | General Business | |
| 3.15pm – 3.45pm | Special Council Meeting – 18 November | Jennifer Wood |
| 3.45pm – 4.10pm | Proposed Ordinary Council meeting dates 2016 | Jennifer Wood |
| 4.10pm – 4.20pm | Apollo Bay Harbour Redevelopment | Doug McNeill |
| 4.20pm – 4.35pm | Film Studio Proposal | Michael Swanson |
| 4.35pm – 5.10pm | GOR Marathon | Tony White / Emma Clark |
| 5.10pm – 5.30pm | Advisory Meeting | Tony White / Chris Spalding |



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.

Assembly Details:

Date: 4 Nov 2015

Time: 5.00pm - 5.30pm

Assembly Location: COPACC

In Attendance:

Councillors: Crook / Hart / Woodcroft / Buchanan / Russell

Officer/s: Tony White – Manager, Economic Development and Events
Chris Spalding – Administrator, Economic Development

Matter/s Discussed: See attached meeting agenda.
Australia Day Award Nominations

Conflict of Interest Disclosures:

Councillors: Cr Buchanan & Cr Crook declared direct conflicts of interest

Officer/s: Not applicable

Left meeting at: at 5:17 pm

Completed by: Tony White – Manager Economic Development and Events



Agenda

Councillor Briefing

Wednesday, 11 November 2015
COPACC Meeting Room 1
1.00 pm to 5.08 pm

ATTENDEES:

Cr Lyn Russell, Cr Stephen Hart (left at 4.55pm), Cr Frank Buchanan, Cr Terry Woodcroft, Cr Brian Crook, Cr Russell (from 3.32pm),

Sue Wilkinson (CEO)
Mark Lyons (GM, Corporate Services)
Brydon King (GM, Development & Community Services)
Ingrid Bishop (GM, Infrastructure & Leisure Services)

Part: Doug McNeill, Tony White, Ian Seuren, Adam Lehmann, Paula Gardiner, Stewart Anderson, Dora Novak.

Apology: Cr Delahunty, Cr Russell (from 1.00pm – 3.30pm)

Absent: Cr Smith

Agenda Topics

| | | |
|-----------------|---|--|
| 1.00 pm | Declaration of Interest
Cr Stephen Hart - DWMP | |
| 1.00pm – 2.00pm | Planning Committee Briefing | Doug McNeill |
| 2.00pm – 3.00pm | CEO - Confidential | Sue Wilkinson |
| 3.00pm – 3.30pm | General Business | |
| 3.24pm – 3.37pm | Lake Beeac Foreshore Pathway | Tony White |
| 3.37pm – 3.45pm | Wye River Pathway | Tony White / Ian Seuren |
| 3.45pm – 3.50pm | General Business | |
| 3.50pm – 4.15pm | BWFC - Solar Array | Adam Lehmann/Stewart Anderson/Dora Novak |
| 4.15pm – 4.20pm | General Business | |
| 4.20pm – 4.40pm | Princes Highway | Paula Gardiner |
| 4.40pm – 4.55pm | General Business | |
| 4.55pm – 5.08pm | DWMP
(Cr Hart left at 4.55pm) | Doug McNeill |

Strengthening Transparent Governance: Community Consultation and Engagement

That the MAV review the different approaches, policy frameworks and strategies to consultation and community engagement across the Victorian local government sector with a view to highlighting leading examples of innovation and best practice.

Local Laws Penalty Provisions

That the Municipal Association of Victoria calls on the State Government to:

1. Review the penalty provisions set out in the Local Government Act, 1989 (the Act) for local laws.
2. To increase the maximum penalties set out in the Act for contravention of local laws.

MAV Advocacy

That the Municipal Association of Victoria State Council adopt a protocol to escalate its representations to Government to the level of a sector wide campaign when legitimate concerns/issues impacting the Local Government sector constantly fail to gain any recognition at Government level.

Review of Council reporting for Local Government Act Review

That the MAV request that the State Government hold a review and report on the current level of reporting, regulation and monitoring that councils are expected to meet and that the report be ran in parallel with the review process of the Local Government Act.

Land contamination management costs to Councils

That the MAV advocate to the State Minister for Environment seeking financial assistance for Councils dealing with the significant burden placed on their community resulting from legacy contaminated sites.

Recognising the differing needs of rural, regional and urban councils when finalising the rate capping framework

That the MAV call on the Minister for Local Government and the Essential Services Commission to recognise the differing needs of individual councils including rural, regional and urban councils and make allowance for these needs when finalising the rate capping framework.

Public Library Funding

That the Municipal Association of Victoria further continue to press and lobby the State Government for improved recurrent and capital library funding, including an urgent review of the current funding mechanisms to return to an equitable funding model between local and state government.

Maternal and Child Health Funding and Enhanced Maternal and Child Health Services

That the MAV State Council:

1. advocates that the State Government complete a review of the
 - a) actual unit cost of providing Universal Maternal Child Health Services; and
 - b) the Enhanced Maternal and Child Health service

2. request that the MAV negotiate
 - a) a unit cost with the Victorian Government that reflects the actual and full cost to local government in providing the service and Enhanced Maternal and Child Health Service.
 - b) an appropriate annual indexation levels to eliminate local government's increasing subsidy to this service.

ICE epidemic and the socio-economic costs to council and communities

That the MAV calls on the Victorian and Commonwealth Governments to:

- i Provide increased resources to support the drug and alcohol sector to address the ice epidemic in local communities
- ii Establish new initiatives to support and strengthen local communities at risk and in building and enhancing community health and resilience
- iii Coordinate a targeted and effective approach to education, health, rehabilitation and law enforcement to minimise the harmful effects of this growing community issue.

Social Housing

That the Municipal Association of Victoria state council calls on the State Government to allocate a portion of stamp duty revenue to social housing.

Gender inequity of sporting facilities

That the MAV State Council:

- a. acknowledges and congratulates the Victorian State Government's recent efforts to increase women's participation in sport with the announcement of the Female Friendly Facilities Fund; and
- b. requests the State Government to raise this matter at the next COAG meeting calling for the establishment of a National Framework and Fund to address the gender inequity of sporting facilities.

Federal Kindergarten Funding

That the MAV write to the Prime Minister and Minister for Education and Training seeking review of the decision of the Federal Government to only extend funding of 15 hours kindergarten for 2 years. Such a review should have regard to the recommendations of the Productivity Commission, international research showing the benefits of such education and the cost shifting implications of the government's current position.

Funding for School Focussed Youth Service Program

That the MAV State Council write to the State Minister for Education advocating for a further three year program funding to enable the State-wide School Focused Youth Service program (SFYS) to continue to be implemented across schools and communities beyond December 2015.

Proposed amendment to Domestic Animals Act 1994

That the MAV State Council calls on the Victorian Government to amend the Domestic Animals Act 1994 to provide for the following:

1. Making an offence for the non-compliance with court orders banning a person from conducting or working in a domestic animal business.
2. Inclusion of a requirement for councils to notify the Department of Economic Development, Jobs, Transport and Resources of all banning orders.
3. To provide for an infringement offence in the following circumstances:
 - 3.1 individuals who fail to comply with the action set out in a notice to comply
 - 3.2 Pet shop businesses which fail record keeping requirements

4. Inclusion of a requirement for councils to be notified if a dog is no longer guarding non-residential premises and for behavioural rehabilitation of such dogs.

Review of planning fees

That the Municipal Association of Victoria calls on the State Government to index planning fees to better meet the costs of processing as a matter of urgency and complete the review into planning fees in a timely manner, ensuring an appropriate level of cost recovery is established in consultation with Local Government.

Unfair conduct by private parking operators

That the MAV State Council:

1. congratulates the Victorian Government for legislating to stop private car park operators from clogging our courts by applying for court orders to access Vic Roads' car registration and ownership information in order to issue their unenforceable 'fake parking fines';
2. requests that the Victorian Government instruct Consumer Affairs Victoria to take action in the public interest to stop private car park operators from issuing 'Payment Notices' which are designed to mislead people into believing that these notices are enforceable parking fines backed by Victorian law; and
3. expresses its concern that private car park operators continue to demand the payment of debts which VCAT found last year are unenforceable.

Protecting the health and welfare of council authorised enforcement officers

MAV state Council advocate to the State government that for the purpose of protecting the health and welfare of Council authorised enforcement officers, the need to amend and insert in the Local Government Act 1989 (currently being reviewed) the following:

1. A specific offence provision(s) within the Act that applies to causing serious injury or the death of a council appointed authorised officer. Specifically, the offence(s):
 - a) To reflect the current offences to which section 10AA of the Sentencing Act applies, such as:
 - i Intentionally causing serious injury or the death of an authorised officer performing their duties, in circumstances of gross violence;
 - ii Recklessly causing serious injury or the death of an authorised officer performing their duties, in circumstances of gross violence;
 - iii Intentionally causing serious injury or the death of an authorised officer performing their duties; and
 - iv Recklessly causing serious injury or the death of an authorised officer performing their duties.
 - b) The penalty for the offence(s) to be a significant fine or imprisonment, or both.
 - c) The offence provision to include a subsection that makes it clear that it has effect in addition to, and not in derogation from, any Act or law relating to civil or criminal liability. This will ensure that the offence provision will not limit other criminal and civil proceedings that may be brought; and
2. Including a definition of 'serious injury' that refers to the definition currently contained within section 15 the Crimes Act.
3. That upon conviction, Local Governments have a capacity to recover all costs associated with the incident including additional work cover premiums from the defendant.

Improved transparency at MAV State Council meetings

That the MAV State Council:

1. Resolves to open this State Council and all future State Council meetings to registered members of the media and, to the extent practicable, interested members of the public.

Improved transparency at MAV State Council meetings

That the MAV State Council:

1. Authorises management to record all future State Council meetings in full and make the audio publicly available on the MAV website.
2. Requests the MAV Board to distribute draft State Council motions to delegates without consolidation or amendment at least five weeks before State Council, thereby allowing member councils an opportunity to directly seek amendment before the final distribution of papers at least two weeks before State Council. Submitting Councils are entitled to amend existing motions up to three weeks before State Council.
3. Resolves to publish the names of councils which attend State Council in the minutes of the meeting.

Bill Posting

That the MAV State Council request the State Government to investigate potential opportunities to remedy the growing issue of unsolicited advertising posters being attached to Council property and to amend the Summary Offences Act 1966 to ensure that responsibility for unauthorised posting of bills be extended to the organisation responsible for the posting of the bill.

Planning application fees

That the MAV calls on the State Government to increase town planning application fees for commercial projects to full cost recovery.

Metropolitan Planning Levy and Planning Fees

That the MAV advocate to the State Government to:

- a) Exempt councils from paying the Metropolitan Planning Levy for projects which require a planning permit and have a value in excess of \$1 million;
- b) Redirect at least 50% of the levy fees to the municipality where it is generated to assist with planning process improvement and local planning; and
- c) Call for a review of planning fees to deliver a higher amount of cost recovery.

Motion of no confidence in the Victorian Building Authority

That the MAV urge the State Government to:

1. take prompt and decisive action to ensure that ongoing failings of the Victorian Building Authority are addressed to ensure that Private Building Surveyors are properly monitored and regulated to ensure that consumers are protected from defective building work and unsafe practices; and
2. if the State Government decides it is necessary for Local Government to step in to monitor and regulate the Private Building Permit System within their municipalities, that an appropriate portion of the Building Permit Levy is redirected to Local Government to allow for the necessary resourcing and expense of fulfilling this important and onerous function.

Regional Rail Link

That the Municipal Association of Victoria call upon the State Government to increase the allocation of funding to upgrade the regional rail network in Victoria so that regional businesses, importers and exporters can get greater access to the Port of Melbourne.

Traffic noise

That the MAV State Council make a submission to VicRoads in relation to the Traffic Noise Reduction Policy, to:

- a) Strengthen the policy to ensure clear guidelines are developed to assist in decision-making processes with respect to land use planning and road planning.
- b) Ensure that the policy does not exceed 63dB (A) L10
- c) noise measurements are undertaken from the first floor and ground floor levels
- d) Take into consideration that any new noise reduction policy must give full consideration to governance arrangements for ensuring that set criteria are met, monitored and enforced.
- e) Seek that the policy, once adopted by State Government, be considered in the broader context of policies for land use planning and not exist in isolation.

Street furniture to facilitate public transport use

That the MAV advocate to the Victorian State Government to review its current funding directed to the provision of shelters, seats and concrete floors at all major public transport tram and bus stops.

Congestion Levy

That this State Council call on the state government to return a portion of the revenue collected from the Congestion Levy in inner Melbourne municipalities to those councils to spend on measures which will actually assist in reducing congestion by investing in sustainable transport projects such as cycling and walking.

Dandenong Line

That the MAV calls on the State Government, which has committed to rebuilding the Dandenong rail line, to ensure as part of this upgrade, to design new bridges, overpasses and rail stations to accommodate 4 rail tracks to future proof the line.

Expansion of Melbourne bike share

That the Municipal Association of Victoria call on the State Government to provide funding to enable the expansion Melbourne Bike Share throughout the Cities of Melbourne, Port Phillip, Stonnington, Yarra and Maribyrnong (IMAP municipalities) as a first stage of expansion through areas of high cycling potential, and its extension to Geelong, Bendigo and Ballarat within 5 years.

Improvement to rail freight

That the Municipal Association of Victoria:

1. call on the State Government to progress rail freight enhancements to improve rail freight mode share and to ensure the efficient movement of goods on the rail system through the following measures:
 - a) establish a specialist unit within the Transport Portfolio, reporting directly to a Minister, tasked to manage regional rail freight with an independent board, regional representation and the capacity to promote rail freight services to customers;
 - b) support the Mode Shift Incentive Scheme to maintain and grow rail freight, particularly container freight, and to support a target of 20% mode share for rail freight by 2025;

- c) support asset management, maintenance of rail track, and standardisation of key freight routes to support reaching the above mode share;
 - d) encourage stevedores in the Port of Melbourne and the Melbourne Ports Corporation to facilitate rail port access and increase efficient throughput;
 - e) make the significant development of metropolitan and regional rail services for import/export freight a mandatory requirement for all bids for the long term lease of the port and assess proposals submitted on this basis;
 - f) support development of the Melbourne Intermodal System comprising terminals at Lyndhurst, Somerton and Altona linked by rail freight lines and a network of regional intermodal terminals such as Donald, Dooen, Maryvale, Merbein, Tocumwal, Shepparton, Mangalore Airport, Warrnambool and Wodonga; and
 - g) support the development of a Melbourne Brisbane Inland Railway to enable better access by Victorian producers to northern markets, reduce truck numbers on regional and other roads and improve freight efficiency.
2. include consideration of the above in its strategic planning and make representations on the above matters in writing and in meetings with State Ministers including the Premier, Ministers with responsibility for Transport, the Special Minister for State and Parliamentary Secretaries with responsibilities including transport.
 3. make representations to ALGA, including pursuit at ALGA Executive and planning meetings, to include the expansion of rail freight transport including to and from regional cities, intermodal freight hubs supported by rail, and the Melbourne Brisbane Inland Railway as key items on the Agenda for ALGA Communiques and ALGA's National Local Roads and Transport Congress.

Melbourne Metro

That the MAV:

1. make representations to Federal Ministers, Senators and MPs urging federal funding for urban rail infrastructure and specifically the funding of the critical Melbourne Metro Rail Project which is of national significance.
2. make further representations to ALGA, including pursuit at ALGA Executive and planning meetings, to pursue federal funding of urban rail transport for cities including regional cities, as key items on the Agenda for ALGA Communiques and ALGA's National Local Roads and Transport Congress.

Railway Station Amenity

That the MAV calls on the Minister for Public Transport as part of rail station development to consider the amenity of rail passengers by:

1. ensuring all rail stations have accessible toilets and that all locked toilets on rail stations are re-opened for passengers; and
2. providing for escalators as well as for stairs/ramps and lifts.

Port of Melbourne

That the MAV lobby state Government, for Rural Victoria to receive a far greater share, than the \$200 million promised, from the planned privatization of the Port of Melbourne.

Funding for infrastructure Renewal

That the Municipal Association of Victoria State Council calls on State and Federal Governments to provide a more equitable and reliable source of revenue which will provide a consistent source of income for local government and enable it to reduce the infrastructure backlog as well as enhance current infrastructure and expenditure programs to keep pace with depreciation and community need.

Low Impact Bridges

That the MAV advocate to the Victorian State Government to consider prioritising a targeted program to reduce the dangerous incidence of truck impacts with low bridges on the arterial road network.

Fire plug operation and maintenance legislative changes

That the MAV advocate on behalf of its members for changes to the Water Act 1989 and the Country Fire Authority Act 1958, to remove the requirement for councils to facilitate and fund the installation and maintenance of fire hydrants.

Restoration of Federal Government Infrastructure Funding to Victoria

That the MAV calls on the Federal Government to restore infrastructure funding to Victoria, to levels before funding was cut in the May 2015 federal budget.

Modelling for Coastal Protection – Port Phillip Bay

That MAV advocate to the Victorian Government and the Office of the Minister for Environment Climate Change and Water for them to take a leading role to assist Councils, through the Association of Bayside Municipalities, to map and model integrated catchment flooding, sea level rise and storm surge such that a Coastal Hazards Vulnerability Assessment for Port Phillip Bay can be completed and appropriate measures to mitigate and adapt to future climate risk can be planned.

Implementation of United Nations sustainable development goals

That MAV supports the Workshop Statement on Implementation of the United Nations Sustainable Development Goals in Australia, as agreed at the National Workshop on Implementing the Sustainable Development Goals in Australia held in May 2015.
That the MAV writes to the Hon Julie Bishop MP, Minister for Foreign Affairs and Peter Varghese AO, Secretary, Department of Foreign Affairs and Trade to call for the initiation of a national non-partisan dialogue to develop a Sustainable Development Goals Implementation Plan.

Support for State Government's renewable energy target.

That the MAV and the Local Government Sector formalise support for State Government's renewable energy target.

Landfill levy revenue distribution

That the MAV:

- Seek information from the Minister detailing the amount of Landfill Levy revenue that has been collected by the Victorian Government across Victoria since its inception and the amount of that revenue that has been returned to Local Government.
- Write to the Premier and Minister requesting that revenue derived from the Land Fill Levy, currently held in the Sustainability Fund, be used to fund future infrastructure and programs, identified by local government, in the proposed new metro and six regional waste and resource recovery infrastructure plans currently being developed.
- Seek information from the Minister detailing the proposed plans and timelines to disburse these funds and the projects that are likely to be funded.
- Ask government to explain the detail of the revenue collected by local governments from the landfill levy, the lack of return to local government and the real and projected increase of this revenue which is above CPI.

Reduction of Carbon Emissions

That the MAV advocate to the Victorian Government on the need to develop and vigorously pursue integrated policy frameworks aiming for serious reduction of carbon emissions globally to try to avoid or reduce the risks as outlined in the report commissioned by the UK Foreign and Commonwealth Office titled Climate Change: A Risk Assessment.

Victoria's Consumer Protection Framework for Building Construction

That the Municipal Association of Victoria:

1. Endorse the recommendations outlined in the Victorian Auditor General's report '*Victoria's Consumer Protection Framework for Building Construction*'.
2. Advocate the State Government, through the Victorian Building Authority, to implement the recommendations in the Victorian Auditor General's report.

Illegal Mini (Monkey) Bike

That the MAV advocate for a review of existing legislation and / or the introduction of new rules to enhance the powers of law enforcement agencies to eliminate illegal mini-bike / motor-bike use on public land.

Business Owners right to vote

That the MAV write to Minister for local Government requesting the minister give full franchise to all business owners in all municipalities in the 2016 local government elections.

Traffic Management for RSL

That MAV join with the RSL to jointly lobby State Government to cover the cost of traffic management and insurance of events on ANZAC Day and Remembrance Day.

Improving Compliance with the Electricity Safety (Electric Line Clearance) Regulations 2015 – Insulating Battens

That MAV calls on the state government to require electricity distribution businesses (DBs) to install insulating battens on low voltage electric lines to protect trees when requested by local government.

Management of Unoccupied Dilapidated Buildings

That the MAV lobby the State Government to incorporate added powers and functions for Councils to be able to better manage unoccupied dilapidated buildings within their municipalities.

Meat Industry Act

That MAV State Council advocate to all political parties within State Government for the review of the Meat Industry Act and other relevant legislation.

Review of the Tobacco Act 1987

That MAV State Council resolve to advocate to the Victorian State Government for a review of the role of council officers in investigating activities associated with the selling of illicit tobacco products.