

**Colac Otway  
SHIRE**

**AGENDA**

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

**26 FEBRUARY 2008**

**at 3.00 pm**

**COPACC Meeting Room  
Rae Street, Colac**

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

# COLAC-OTWAY SHIRE COUNCIL MEETING

26 FEBRUARY 2008

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NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 26 February 2008 at 3.00 pm.

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## AGENDA

1. **OPENING PRAYER**
2. **PRESENT**
3. **APOLOGIES**
4. **QUESTION TIME**
5. **PRESENTATION OF MAYORAL AWARDS**
6. **DECLARATION OF INTEREST**

### Recommendation

That items ..... to which an interest declaration has been made be withdrawn from the Consent Calendar.

7. **CONFIRMATION OF MINUTES**

- Ordinary Meeting of the Colac-Otway Shire Council held on the 30/01/08.

### Recommendation

That Council confirm the above minutes.

## OFFICERS' REPORTS

### Chief Executive Officer

- |            |   |
|------------|---|
| OM082602-1 | CEO'S PROGRESS REPORT TO COUNCIL                                |
| OM082602-2 | MAV RULE CHANGE: VOTING ENTITLEMENTS AT STATE COUNCIL           |
| OM082602-3 | COLAC OTWAY SHIRE MAYORAL AWARDS                                |
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## **Corporate and Community Services**

- OM082602-6 FINANCIAL PERFORMANCE REPORT
- OM082602-7 BIRREGURRA PUBLIC HALL COMMITTEE OF MANAGEMENT
- OM082602-8 ALTERNATIVE HYDROTHERAPY OPTIONS
- OM082602-9 GENERAL ELECTIONS 2008

## **Infrastructure**

- OM082602-10 CONTRACT APPROVAL CONTRACT 0713 CRESSY-SHELFORD ROAD PAVEMENT REHABILITATION

## **Sustainable Planning and Development**

- OM082602-11 BIRREGURRA PARK MASTER PLAN
- OM082602-12 REPORT OF EXPERT REVIEW OF COLAC OTWAY LOCAL PLANNING POLICY FRAMEWORK
- OM082602-13 AMENDMENT C27 (HERITAGE OVERLAY) – PART ADOPTION OF AMENDMENT
- OM082602-14 AMENDMENT C55 (PLANNING SCHEME REVIEW) - CONSIDERATION OF SUBMISSIONS
- OM082602-15 KENNETT RIVER, WYE RIVER & SEPARATION CREEK STRUCTURE PLANS - CONSIDERATION OF ADOPTION

**Tracey Slatter  
Chief Executive Officer**

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>OM082602-1 CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receive the CEO's Progress Report to Council for information.</i></p>		
<p><b><u>OM082602-2 MAV RULE CHANGE: VOTING ENTITLEMENTS AT STATE COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b><i>(i) Strongly endorses the proposed change in rules for MAV voting entitlements so that at any meeting of State Council, the representative of each participating council member will have one vote on any motion or amendment; and</i></b></p> <p><b><i>(ii) Also supports a majority of votes of over 50% being needed to carry a motion (for example 60-70%) as this would help manage the possibility of a "divide" between smaller and larger councils.</i></b></p>		
<p><b><u>OM082602-3 COLAC OTWAY SHIRE MAYORAL AWARDS</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council endorse the attached policy "Colac Otway Shire Mayoral Awards"</i></b></p>		

<p><b><u>OM082602-4 COUNCIL APPOINTMENTS TO INTERNAL COMMITTEES AND EXTERNAL BODIES</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council reconsider its appointments to Internal Committees and External Bodies at its April 2008 meeting.</i></p>		
<p><b><u>OM082602-5 BETTER LOCAL GOVERNANCE - CONSULTATION PAPER</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council endorse the submission to Local Government Victoria in relation to the Better Local Governance Consultation Paper.</i></p>		

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM082602-1 CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR: Althea Wright  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: GEN00460

**EXECUTIVE****Otway Ward Election – Candidate Information Session**

Council presented information at the Candidate Information Session conducted by the VEC on Wednesday 6 February 2008. Information covered Council's Councillor Support Policy, Code of Conduct and a general overview of the municipality

**G21 – Transport Pillar**

Representatives from the G21 Transport Pillar attended a Committee for Economic Development (CEDA) forum on 15 February to hear presentations from a number of key speakers on the need for a National Transport Strategy to be developed for Australia. The forum discussed the use of user pays principles for the road transport network and the comparisons between Australia and other countries in how this is applied and how the principles can be utilised within cities to address traffic congestion on the road network.

**CORPORATE & COMMUNITY SERVICES****Apollo Bay Library and Facility Development Project**

The project commenced in December 2007 and Andrew Crowley of Capacity Consulting has been engaged to undertake the project. The scope of the project is to investigate the most appropriate site and model for the development of the Library. As part of the project there is also consideration for feasibility of developing a community kitchen.

Initially three potential sites have been identified which are as follows:

- The Apollo Bay P-12 School.
- Marrar Woon Community Centre (Otway Health & Community Services)
- Apollo Bay Harbour development.

The consultation process is presently occurring with the local community. Table below provides an overview of the community engagement that is occurring.

<b>Process</b>	<b>Where</b>	<b>When</b>
Community Survey	Every household in Apollo Bay	Presently being mail out
In the Community Days	Apollo Bay Market Arcade outside Food Works	Saturday 19 <sup>th</sup> January Saturday 16 <sup>th</sup> February
Community Forums	Senior Citizens Hall	Wednesday 13 <sup>th</sup> February Thursday 14 <sup>th</sup> February
Meetings with key stakeholders	Onsite meetings with Architect and community groups.	February 2008
Written Submissions	To Colac Otway Shire	End of February

The project is progressing well and feedback is being gained from the community in relation to the potential development of a permanent Library. The Steering Committee is due to meet in early March to receive documentation on the community engagement and the initial research from the Capacity Consulting.

**Youth Council**

Held on 4 February, the first Youth Council adult mentors meeting for 2008 planned the meeting and activity calendar for the year, to include the Induction Ceremony at Botanic Café on Monday 25 February 5.30 for 6.00pm.

Youth Council received advice on 1 February from the Minister for Sport, Recreation and Youth Affairs that it has been successful in receiving grant funding for National Youth Week. This funding allows three Colac Otway Youth Groups – Youth Council, FReeZA and SYCiC (Social Youth Connections in Colac, a Colac Area Health Youth Development program) to participate in the overnight trek activity planned for April 1&2, giving opportunities to identify joint projects, and confirm participation and support for each other's projects. All Councillors are invited to join the Youth Councillors for dinner on 1 April in Gellibrand.

**RECREATION****Liberty Swing**

Council was presented with the cheque for \$15,000.00 contribution from the Colac Lions Club towards the installation of the Liberty Swing in the Botanic Gardens Playspace. Already many disability agencies and families have applied for permanent keys to allow other wheelchair-bound children to join in with their friends playing on the equipment and enjoying the surrounds of the Colac Botanic Gardens and Lake Colac.

**Botanic Garden Playspace**

Disappointingly the highly popular spring rowboat "SS Miracle" in the toddlers' section of the Playspace has been the target for vandalism, having been pulled from the ground twice since installation. The supply company and Cosworks Parks and Gardens staff are discussing an alternative method of installation to minimise the likelihood of recurrence.

**Carlisle River Recreation Reserve Playground**

The new Carlisle River Recreation Reserve Playground has been completed and will be audited in March for installation compliance. This playground will become part of the suite of Colac Otway Shire playgrounds, bringing the total number to 24. The Carlisle River Recreation Reserve playground was funded through the Small Town Improvement Program. The community selected a natural timber and pale eucalyptus green combination unit that looks particularly aesthetically pleasing in its setting.

**Country Football Netball Program Application**

An application was lodged on 31 January for netball court redevelopments at Forrest Recreation Reserve under the Country Football Netball Program. The application seeks \$60,000 from the \$2 for \$1 fund, with \$21,000 cash and \$10,500 in-kind identified from the Forrest Football Netball Club. CFNP applications also have a \$5,000 cash support component from Council, contingent on the grant being received. The project will bring the netball court to compliance with Netball Victoria regulations through increased run-off space and resurfacing. An improved shelter for players and officials, improved lighting for training sessions and new fencing are included in the application.

**Barwon South West Sport and Recreation Forum**

Quarterly forum meetings re-commenced on 22 February, Corangamite Shire hosted this meeting. This valuable network allows members to share information, discuss projects and promotes professional development in the sector.

**Beechy Precinct**

We received 352 submissions to the community consultation period for the Global Connector which includes the Joint Use Library. Submissions closed on Friday 8 February 2008 and



will be collated for Council consideration at the March Council meeting. Submissions have been lodged through completed surveys, postcards, petitions and privately written letters.

The Project Architect, Leigh Dicker, is holding site meetings over the coming weeks with the Central Reserve and Colac Youth and Recreation Centre User Groups.

The Bluewater Fitness Centre Stadium Sub Committee are currently working through design principles to define space and functional requirements of the proposed stadium redevelopment. This information will provide further details for the development of the preliminary plans.

### **Regional Trails Masterplan**

The project control group has been established with representatives from both state and local government and will meet on 27 February 2008. It is expected that the project brief will call for tenders late February/early March 2008.

## **ARTS**

### **Cultural Collections Policy**

Work has commenced to compile a complete inventory and condition report for the Shire's cultural collection, comprising sculpture, paintings, photographs and historic memorabilia. This is the first step in the development of a Cultural Collections Policy for the Shire, as part of second year endorsed actions from the Arts and Culture Strategy 2007-2011.

### **Forrest Art Show**

The Recreation and Arts Coordinator was invited to officially open the second annual art exhibition at Forrest on 21 February. The art show was programmed to augment the celebrations at the Forrest Festival on 23 February

## **COPACC**

February was a busy month at COPACC with the 2008 Theatre Season beginning with the brilliant flamenco ensemble Movimientos on Saturday, February 16, at 8pm. On Thursday, February 21, COPACC showcased two distinct styles of jazz with the contemporary Ben Winkelman Trio playing award-winning tracks from their album Spanish Tinge. They were supported by the six-piece trad jazz outfit Gazjaz - lead by Alvie's Garry Richardson.

The great art of yarning makes a comeback with Mantalk. The very funny and highly entertaining David Wells and Neil Thomas explore their friendship in this part-confessional/part comedy.

The Morning Music Season for 2008 began with soprano Annalisa Kerrigan's Ireland on February 19, and is closely followed by the Australian Army Band-Melbourne's band of 34 playing love songs on February 27.

COPACC also hosted the Victorian Police Band in early February as a fundraiser for Annam Cara.

During February COPACC hosted more than 60 events including venue hires for meetings and workshops.

**Events****E Team Developments - February**

The last "E Team" meeting took place on Tuesday 12<sup>th</sup> February for event committees presenting debriefs including the Spirit of Christmas, Ulysses Motorbike Toy Run, 2008 Custom Car and Bike Show and Australia Day activities. A review of the process for Council run events was also discussed.

A meeting for key stakeholders involved in the running of the 2008 Apollo Bay Music festival was held on 14<sup>th</sup> February. This will be the first time a multi agency meeting is conducted to review an event. It is anticipated that there will be representation from Victoria Police, Vic Roads, CFA, Emergency services, the Apollo Bay Foreshore Committee, Council and other groups including security and hoteliers involved in the event. This meeting was initiated by the E Team and is designed to ensure a co-operative and integrated approach to event planning is implemented.

**GO Sports Festival 2008**

Over 1000 Athletes and 2500 spectators converged in Apollo Bay on 9 – 10 February 2008, for the Great Ocean Sports Festival. This sporting spectacular catered for a wide range of sporting enthusiasts from social weekend joggers, swimmers, cyclists, anglers and surfers, through to elite athletes.

The Great Ocean Sports Festival was hosted by the Apollo Bay Surf Life Saving Club and involved a collaborative effort bringing together the local sporting communities in the Colac Otway region.

This event was managed by the Apollo Bay Surf Life Saving Club and involved the assistance of the Apollo Bay Football Club, Apollo Bay Board Riders Association, Colac Cycling Club and Apollo Bay Sailing Club.

The Colac Otway Shire Council was responsible for auspicing funding for this project through Regional Development Victoria. Regional Development Victoria provided assistance for this event under the Provincial Victoria Key Regional Events program consisting of a grant of up to \$40,000 offered over two years

This event involved road closures in the township of Apollo Bay on Saturday 9<sup>th</sup> February 2008 to enable the Phil Anderson Classic - Criterion race (cycling event) to take place.

**Hoot'n'Nanny**

Event approval has been provided through the E Team for the 8<sup>th</sup> annual "Titpullers Hoot N Nanny" Bachelor's and Spinster's ball. The Hoot N Nanny is a 24hour country party held on Pirron Yallock's Irrewillipe reserve. Crowd numbers are expected to exceed 700 for this annual event which has participated in Council's e team process for the first time this year.

**Wye Day Out**

The Sporting & Social Club of Wye River, Separation Creek and Kennett River hosted the annual Wye River Day Out on Sunday 17<sup>th</sup> February. This event featured a collection of bands performing to celebrate the closure of the tourist season for all workers, itinerant and locals. The event was conducted on the Wye River Foreshore.

**Otway Odyssey & Forrest Festival 2008**

The 100km "Otway Odyssey" Mountain Bike Marathon took place in the Apollo Bay / Forrest region on Saturday, February 23, 2008, starting on the main street of Apollo Bay, passing through Forrest oval twice and finishing at Forrest oval. The event also included a 50km beginner race that started in Apollo Bay and finished at Forrest oval. In 2008 a new 15km beginners race called the "Otway Pioneer" was run and started and finished at Forrest.

**Forrest Festival**

The Forrest Festival coincided with the running of the Otway Odyssey event to create a festival and entertainment point for competitors, families and visitors to the event. It was intended to engage local community groups and members to provide the catering and volunteer services for the race, and to promote ancillary activities in the towns of Apollo Bay and Forrest on race weekend e.g. arts & crafts market, mountain bike tricks displays etc as part of the Festival.

**FReeZA 2008**

The Colac Otway FreeZa Committee is delighted to announce that funding has been confirmed over a two year period enabling the Committee to deliver 10 FreeZa events throughout January 2008-December 2009.

The Committee has identified that the following events will be staged using the "for youth by youth" model during 2008:

- 2 gigs at the Apollo bay Music Festival
- A youth stage at Otway Idol (Gellibrand)
- 2008 Battle of the bands
- DJ/techno dance party

The Committee has now formed partnerships with the Otway Idol Committee and the Apollo Bay Music Festival to enable FReeZA events to be incorporated as part these broader festivals.

The Colac Otway FreeZa Committee is also seeking to attract new members as several older Committee members will be leaving Colac to pursue further study at University.

**Upcoming Events**

Events which will be held throughout Colac Otway in March include: Relay for Life (1-2<sup>nd</sup> March 2008), KANA 15<sup>th</sup> March Memorial Square, Otway Idol 13<sup>th</sup> April incorporating a FReeZA event and the Apollo Bay Music Festival 25<sup>th</sup> -27<sup>th</sup> April, Apollo Bay.

**Bluewater Fitness Centre**

Capital works repairing the toddler pool tiles were completed under budget, reopening the pool to use on Thursday 25<sup>th</sup> January 2008. Upgrades also completed to the pool blankets contributed to decreasing our energy losses and running costs.

Dry area Holiday programs conducted throughout 2007 are being used for facility and market analysis via customer surveys to gather industry trends for the National Child Care Accreditation Council. Enrolments averaged 14-20 children per day.

Aquatic educational programs targeting local area school children ranging from prep to year 12 commence in February.

**INFRASTRUCTURE****Bridge Asset Management Plan**

Council at its meeting of 30 January 2008 endorsed the Bridge Asset Management Plan to be placed on public display for community and stakeholder feedback.

Public Notices have been placed in local papers on Wednesday 6 February inviting feedback to the plan.

### **Colac Town Bus Service**

The upgraded Colac town bus service commenced on Monday 4 February 2008. A new route was added to the two existing routes which included areas in the east and west of Colac. The new route now provides a public transport link between Colac and Elliminyt.

The Department of Infrastructure have recently completed the installation of flags and timetables at each of the bus stops throughout Colac and Elliminyt. Funding has been made available through Department of Infrastructure to install bus shelters at high priority sites and to make each and every stop DDA compliant. The Infrastructure & Services Department is currently developing a program to deliver these upgrade works.

### **Central Reserve Grandstand & Changerooms**

The external surfaces of the Grandstand, the home changerooms, showers and toilets have all been painted. Painting of the visitors changerooms, showers and toilets were also completed mid February.

### **Carpendeit-Bungador Road Rehabilitation**

Cosworks have started work on road improvements on the Carpendeit - Bungador Road near Speedway Road. The project is progressing well with pavement works almost completed. Construction of a major culvert is currently underway with the road expected to be opened to traffic by late February.



### **Barpinba - Poorneet Road Widening**

Work commenced on 18 February, 2008, on widening of the Poorneet Road for about 4 kilometres from the Hamilton Highway. Lake and Land Pty Ltd has been contracted to complete the job which includes replacement of culverts, road rehabilitation and widening of the existing pavement to accommodate a 6.2 metre bituminous seal.

## **SUSTAINABLE PLANNING & DEVELOPMENT**

### **Strategic Planning**

The Council has made significant progress on Council's strategic planning program over recent months.

Planning Scheme Amendment C55 implements the 3 Year Review of the Colac Otway Planning Scheme along with a range of other recently completed strategic studies and was placed on exhibition for from the beginning of December 2007 to

31 January 2008. Over 250 submissions were received, however many of these are proforma letters relating to the same issue. The next step in the process is Council consideration of submissions with a recommendation that they be forwarded to an independent Panel.

Amendment C27 seeks to implement the outcomes of the Colac Otway Heritage Study. The independent Panel which considered submissions to this amendment supported it but recommended some further work in relation to the proposed precincts and local policy. It is proposed that the amendment be split to allow that part of it relating to introduction of heritage controls to individual properties to be adopted, ensuring that this part of the amendment proceeds in the short term without waiting for the second part relating to the precincts which is expected to be presented to Council for consideration in April. The amendment is due to lapse on 9 March 2008, but a request for extension of time has been made to the Planning Minister.

Amendment C29 proposes to rezone land at the Barham River floodplain to accommodate a residential/golf course development. The independent Panel which considered submissions supported a modified version of the exhibited proposal, and officers are currently in the process of briefing Councillors on the amendment with a view that a report will be presented to Council for consideration in the next few months.

The draft Kennett River, Wye River and Separation Creek Structure Plan was placed on exhibition late in 2007 and submissions were received. The final plan has been prepared having consideration to issues raised in submissions. The next step if Council adopts the Plan would be to undertake a planning scheme amendment to include the policy elements in the Planning Scheme.

The Council allocated money in its 2007/08 budget for undertaking car parking precinct plans in both Apollo Bay and Colac. The study has commenced with parking surveys being undertaken in Apollo Bay in January 2008. This will be followed up by surveys in Colac in the next few months. Tenders will be called for appropriate consultants to be engaged to complete the Precinct Plans based on this survey work, with the work expected to stretch into the 2008/09 financial year.

This agenda presents reports which provide an opportunity to progress several of these projects.

### **Carp Management in Lake Colac**

The anticipated fish kill of the Carp in Lake Colac has commenced. The majority of the carp have concentrated on the east bank of the Lake, between Meredith Park and the Barwon Water Treatment facility.

This is a positive outcome for the broader Colac community as initial indications had been the fish kill was likely to occur immediately adjacent to Barongarook Creek, Botanic Gardens and the Lake Colac Caravan Park.

While the potential impact on Colac residents has been reduced to some degree by the more remote location, Council has continued to dedicate significant resources to ensure that the carp are removed or buried on site as far as possible. The support of Aboriginal Affairs Victoria and local aboriginal groups to ensure that the burial of the fish does not disturb cultural heritage sites has been greatly appreciated by Council as we work to address this issue. The burying of the carp has not been possible due to concerns about disturbance of aboriginal sites. Council has also worked closely with the EPA, Parks Victoria, Department of Sustainability and Environment, Fisheries Victoria and a special mention must be made of

local fisherman, Golden Eels 88 and Council's Cosworks staff for their outstanding efforts in the clean up of the carp.

### **Visitor Information Centres (VICs)**

GORVIC Upgrade – is now well over 90% complete. Final touches to be completed include painting of window and door frames to suit the new colour scheme and internal signage for the brochure displays. The upgrade has involved the complete removal of the old displays, including many that were fixed, and the installation of many new fixtures and fittings, display stands, images and media outlets.

### New VIC initiatives

*Advertising* - The upgrade of the centre has provided the opportunity for the provision of advertising space in many different forms. Operators now have the facilities available that can further expose their products to well over 160,000 visitors (and potential customers) each year.

*Sale of Tickets* – GORVIC is now selling tickets to both the Otway Fly and the Cape Otway Light station. Colac VIC is selling tickets to the Otway Fly. Both have experienced much greater than expected sales, with GORVIC selling over 750 adult tickets in a month.

Web based booking system – Installation has commenced on the 18 February 2008. There has been quite a lot of interest from operators regarding this exciting new initiative. New phones and answering service have been installed at Colac VIC to assist with the increased traffic from the implementation of the 1300 Otways phone number.

### **Apollo Bay Harbour Master Plan and Feasibility Study**

- Draft Master Plan design completed
- Draft Design Guidelines completed
- Feasibility Study and peer review by PWC underway

Colac Otway Shire was approved to participate in Department of Treasury and Finance/Regional Development Victoria Gateway Training Program to assist in development of Business Case through State Government Expenditure Review Committee (ERC). The first stage of the process began with stakeholder interviews the week commencing 11 February 2008.

### **G21 Economic Development Pillar**

Secure Water for Industry - A steering Group has been formed from representatives of Golden Plains Colac Otway, Surf Coast Shires and G21 to implement the project. Planning commences 3 March 2008.

### Otways Tourism

- Draft 3 year strategic plan completed
- Final plan to be presented to Council at the Briefing Session in April 2008
- GOT to present annual report to Council at the Briefing Session in March

### Colac Marketing Strategy

As an OBI initiative, Colac Market Day was held in Memorial Square on 24 January 2008 providing family entertainment in the main street as an additional bonus for people to stop and enjoy Colac.

**Natural Gas to Elliminyt**

Council has signed the SP AusNet Agreement to connect Natural Gas to Elliminyt. SP Ausnet has appointed a contractor who will need to seek approvals from various authorities prior to commencement.

**Lake Colac**

The pathway connecting the Balnagowan car park with Stodart St west has recommenced which will create an uninterrupted high quality concrete pathway from Stodart St west to the Bird Reserve - all of the southern foreshore.

A new concrete pathway connecting Barongarook Creek with the Bird Reserve is complete

Following a review of the Lake Colac Coordinating Committee in 2007, and via a Council resolution in 2008, a decision was made to alter the status of the LCCC from a Committee appointed under Section 86 of the Local Government Act as a 'Committee of Council' to a 'Community Advisory Committee' with a Terms of Reference. Council is currently seeking expressions of interest from the community.

Plans are well underway for the 2008 Lake Colac Clean Up which will be held as part of Clean Up Australia Day on 2 March 2008. Several sites are being considered for community participation. Over 140 people took part in 2007 and we are hopeful that numbers will be as high this year

**Small Towns Improvement Plan**

Barwon Downs Old School Grounds upgrade— applications for State and Federal funding being finalised and detailed designs are being produced. A Search for information on the old National Bank from Barwon Downs (reportedly the smallest bank in Australia) has yielded quite a positive community response, with the actual bank being located (still in Barwon Downs).

Carlisle River Recreation Reserve upgrade Stage 2 – New playground installed. There will be a community planting day to be organised around the new area.

2008/2009 STIP applications have closed and research and costings have commenced to further scope projects and their ability to obtain external funding

**Affordable Housing**

Expressions of Interest process for the Colac Affordable Housing Working Group to commence this month. This Group will work with Council on implementing the Colac Otway Shire Affordable Housing Strategy.

Working closely with the G21 Affordable Housing Pillar to establish a registered Housing Association, which will provide the region with an organisation that can

**Recommendation(s)**

***That Council receive the CEO's Progress Report to Council for information.***

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**OM082602-2 MAV RULE CHANGE: VOTING ENTITLEMENTS AT STATE COUNCIL**

AUTHOR: Tracey Slatter  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: GEN00477

**Purpose**

To seek Council's endorsement of a submission to the Municipal Association of Victoria's (MAV) in relation to their proposed rule changes regarding voting entitlements at State Council meetings.

**Background**

The MAV rules currently provide for larger (mostly metropolitan) councils to have two votes compared to smaller (mostly rural councils) one vote at MAV State Council meetings. The MAV propose to change this so that each Council has one vote regardless of its size or location.

There are 48 Rural Councils and 31 Metropolitan Councils in Victoria

**Corporate Plan/Other Strategies/Policy**

Council's 2005-09 Council Plan states -

*"We are committed to providing strong community leadership, governance and advocacy services which will benefit the community now and into the future."*

**Issues/Options**

Council has previously supported this proposal. An option is to support the proposal along with an increased majority of 60-70% of votes (rather than 50%) to carry a resolution. This would have the effect of preventing a potential 'divide' between rural and metropolitan Councils on issues.

**Proposal**

It is proposed that Council

- (i) strongly endorses the proposed change in rules for MAV voting entitlements so that at any meeting of State Council, the representative of each participating council member will have one vote on any motion or amendment; and
- (ii) also supports a majority of votes of over 50% being needed to carry a motion (for example 60-70%) as this would help manage the possibility of a "divide" between smaller and larger councils.

**Financial and other Resource Implications**

N/A

**Risk Management & Compliance Issues**

N/A

**Environmental Considerations**

N/A

**Communication Strategy/Consultation**

N/A



**Implementation**

Once endorsed by Council, the Chief Executive Officer would write a letter to the Municipal Association of Victoria outlining Council’s endorsement of the proposed changes (as attached).

**Conclusion**

It is proposed that Council support the proposal for ‘one vote one Council’ at the MAV State Council Meeting.

**Attachments**

MAV Rule Change: Voting Entitlements at State Council – Discussion Paper  
Draft proposed CEO’s Letter to Chief Executive, MAV

**Recommendation(s)**

***That Council:***

- (i) Strongly endorses the proposed change in rules for MAV voting entitlements so that at any meeting of State Council, the representative of each participating council member will have one vote on any motion or amendment; and***
  
- (ii) Also supports a majority of votes of over 50% being needed to carry a motion (for example 60-70%) as this would help manage the possibility of a “divide” between smaller and larger councils.***

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**OM082602-3 COLAC OTWAY SHIRE MAYORAL AWARDS**

AUTHOR: Tracey Slatter  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: GEN00460

**Purpose**

To seek Council's endorsement of the attached policy, which will guide the provision of the Colac Otway Mayoral Awards for Youth and Volunteers.

**Background**

Following initial discussion among Councillors, it was agreed that the provision of a Mayoral Award each month to a volunteer and a young person in Colac Otway would build on the Shire's strong support of youth and volunteers and also encourage people who are contributing to their communities. The Mayoral Awards commenced at the January 2008 Council Meeting.

Councillors also agreed that it would be useful to have a short policy to outline how the Mayoral Award initiative would be implemented.

**Corporate Plan/Other Strategies/Policy**

Council has adopted a "Strategic plan 2008-2012 Volunteer Engagement and Sustainability". Council also has various initiatives to support young people including funding a position to support youth activities, supporting FREEZA and running the Youth Council. In addition Council provides awards each year at its Australia Day ceremony in recognition of members of the community who have made a significant contribution.

The Mayoral Awards complement and build on the above Council strategies and actions.

**Issues/Options**

The Mayoral Awards are designed to provide the Mayor of Colac Otway Shire Council with the opportunity, on behalf of Council, to provide recognition and encouragement to volunteers and young people. It is important the program is not overly constrained by a process of application, nomination and assessment as this would be too resource intensive for a monthly award. However, it is also important that the Councillors have the opportunity to input to the choice of award recipient given the Award is on behalf of Council.

One option is for the Mayor to choose the recipients without reference to Council.

The proposed option is for the Mayor to discuss the proposed award recipients with Councillors as part of each monthly Councillor Workshop. The Mayor would aim to gain the general agreement from fellow Councillors as to that month's Mayoral Award recipients and will consider feedback provided. However, the final decision would rest with the Mayor. At the workshop councillors can also suggest other potential recipients for future monthly Awards for the Mayor's consideration. It is not proposed that Award recipients be decided through a formal Council resolution.

The relationship to the Annual Australia Day Awards should also be considered.

One option is for there to be no relationship between the monthly award recipients and the nominees for the Annual Australia Day Awards.

A second option is to limit Australia Day Award nominations only to those who have received a monthly Award. This may be too constricting as the Australia Day Awards aim to recognise significant contribution to the community whereas the Mayoral Awards encourage and recognise sometimes much smaller contributions to the community.

The proposed option is for monthly award recipients to be automatically included as nominees for the relevant category of the Australia Day Awards, but in addition the normal open process for seeking nominees through advertisement and selection by the Council Committee, still be followed. This would have the benefit of both broadening the number of nominees without being restricted to those who have received Mayoral Awards.

### **Proposal**

It is proposed that Council adopt the attached policy which outlines the means of selecting Mayoral Award recipients, the presentation of Awards and the relationship to the Australia Day Awards.

### **Financial and other Resource Implications**

The Mayoral Award provides a certificate of recognition and not a financial grant. As the proposed method for administration of the Awards is relatively straightforward and the cost of certificates is low there is only a negligible cost to Council for implementing the Mayoral Awards.

Encouragement of volunteering contributes positively to resourcing the priorities and activities of the Colac Otway Shire communities.

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

The provision of a policy to guide the Mayoral Awards aims to manage any risk associated with the Award process by being transparent about the process of selection.

### **Environmental Considerations**

NA

### **Communication Strategy/Consultation**

It is expected that award recipients will be positively profiled in the media. This was demonstrated as a result of the inaugural Awards being presented.

### **Implementation**

The workshop agenda will have a standing item "Mayoral Awards" to enable Councillors to have input to the selection of Mayoral Award recipients. In addition the Council Agenda will include an item "Mayoral Awards" so that the presentation of Awards can occur as part of the normal business of Council.

### **Conclusion**

The attached policy aims to provide simple guidelines to support Council in the provision and implementation of the Mayoral Awards. The Awards provide Council with the opportunity to recognise and encourage volunteers and youth in our community who make a positive contribution.

**Attachments**

Colac Otway Shire Mayoral Awards Policy

**Recommendation(s)**

***That Council endorse the attached policy “Colac Otway Shire Mayoral Awards”***

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**OM082602-4 COUNCIL APPOINTMENTS TO INTERNAL COMMITTEES AND EXTERNAL BODIES**

AUTHOR: Tracey Slatter  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: GEN00460

**Purpose**

To recommend that Council defer consideration its appointments to Internal Committees and External Bodies to the April 2008 Council Meeting.

**Background**

Council at its Statutory Meeting held on 19 December 2007 recommended that it reconsider the appointments to Internal Committees and External Bodies at either the January 2008 or February 2008 Council Meetings.

There remains one Councillor vacancy following the countback process completed in December 2007.

**Corporate Plan/Other Strategies/Policy**

N/A

**Issues/Options**

It may be more practical to review committee appointments in April rather than do a review now and another in April after the outcome of the Otway Ward By-election.

Current appointments can continue until April 2008.

**Proposal**

That Council reconsider its appointments to Internal Committees and External Bodies at its April 2008 meeting.

**Financial and other Resource Implications**

N/A

**Risk Management & Compliance Issues**

N/A

**Environmental Considerations**

N/A

**Communication Strategy/Consultation**

N/A

**Implementation**

A Workshop will be held in April to discuss committee representation to enable a report to be prepared for the April 2008 Council Meeting.

**Conclusion**

That Council reconsider its appointments to Internal Committees and External Bodies at its April 2008 meeting.

**Attachments**

Nil

**Recommendation(s)**

***That Council reconsider its appointments to Internal Committees and External Bodies at its April 2008 meeting.***

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**OM082602-5 BETTER LOCAL GOVERNANCE - CONSULTATION PAPER**

AUTHOR: Colin Hayman  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: GEN0460

**Purpose**

To provide Council with a proposed submission to the consultation paper entitled "Better Local Governance" which has been prepared by Local Government Victoria. If endorsed the submission would be forwarded to Local Government Victoria, Department of Planning and Community Development.

**Background**

The State Government has stated its intention to continue to empower and strengthen local communities through improvements in democratic processes.

The Government is committed to a reform agenda with associated initiatives to support Better Local Governance.

The Local Government Department has prepared a consultation paper "Better Local Governance" to propose a way forward on supporting Councillor conduct and to provide an opportunity for Councils .

It is proposed that changes to support Better Local Governance would include a suite of initiatives to support Councillor Conduct and Councillor Codes of Conduct. These initiatives should recognise the role of Councils in managing their own governance matters, while establishing mechanisms to deal with issues of Councillor conduct and disputes at the most appropriate level.

The proposed framework to support Better Local Governance has three main components:

- Principles of Councillor Conduct;
- Councillor Conduct Panels; and
- VCAT to deal with serious misconduct.

The attached submission agrees with the proposals with additional comments added, included comments raised by Councillors.

Part 2 – The paper has raised a number of possible amendments that have been identified that may impact on Councils.

As indicated the amendments come under 3 headings

- Elections
- Council
- Administration

The attached submission endorses the directions in the paper with additional comments to some points.

In terms of options Council could

- (i) Not forward a submission
- (ii) Forward the attached submission
- (iii) Review the attached submission

to respond to the specific proposals.

The Paper also seeks feedback on a number of other significant matters that appear to warrant legislative return.

Other parts of the broader package which include the review of Councillor remuneration and the development of improved training and development opportunities for Councillors are the subject of other consultation arrangements.

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

Council is committed to providing strong community leadership, governance and advocacy services which will benefit the community now and into the future.

### **Issues/Options**

The Paper "Better Local Governance" is in 2 parts.

Part 1 – Supporting Councillor Conduct; and  
Part 2 - Other Matters

- Elections
- Council
- Administration

Part 1 – The Paper proposes a new framework to support Councillor Codes of Conduct and to address Councillor conduct generally.

### **Proposal**

It is proposed that Council endorse the attached submission which would then be sent to Local Government Victoria by the due date of 29 February 2008.

### **Financial and other Resource Implications**

There will be financial implications for Council if a panel hearing is held to deal with a Colac Otway Shire councillor matter. The paper indicates that it would be the intention that costs will be minimised but does indicate that the Panel would receive administrative support from the Registrar and any costs will be paid by the respective Council.

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

If the reforms considered in the Consultation Paper are pursued, there will be changes to legislation. This legislation would need to be passed by Parliament.

**Environmental Considerations** N/A

### **Communication Strategy/Consultation**

Councillors were consulted as part of a Councillor Workshop. The statewide consultation process is being conducted by Local Government Victoria and submissions have been invited.

### **Implementation**

Once endorsed, the submission will be forwarded to Local Government Victoria for their consideration.

### **Conclusion**

It is proposed that Council endorse the attached submission which provides feedback on the various Better Local Governance proposals.

### **Attachments**

Better Local Governance – Colac Otway Shire's Proposed Submission to Local Government Victoria.



**Recommendation**

***That Council endorse the submission to Local Government Victoria in relation to the Better Local Governance Consultation Paper.***

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**CONSENT CALENDAR****OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | D | W |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b></p> <p><b><u>OM082602-6 FINANCIAL PERFORMANCE REPORT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That the Financial performance Report to the end of January 2008 be received.</i></p>                                                                                                                                                                                                                                                                                                                |   |   |
| <p><b><u>OM082602-7 BIRREGURRA PUBLIC HALL COMMITTEE OF MANAGEMENT</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council approve the appointment of Brian Lawrence to the Birregurra Hall Committee of Management.</i></p>                                                                                                                                                                                                                                                                                                                         |   |   |
| <p><b><u>OM082602-8 ALTERNATIVE HYDROTHERAPY OPTIONS</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendations</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Takes no further action at this time on investigating hydrotherapy pools.</i></b></li> <li><b><i>2. Takes the opportunity to continue to advocate for the need of hydrotherapy for people within the Shire when available.</i></b></li> <li><b><i>3. Advises the Warm Water Exercise Pool Community Fundraising Committee of these recommendations.</i></b></li> </ol> |   |   |

**OM082602-9 GENERAL ELECTIONS 2008**

Department: Corporate & Community Services

**Recommendation(s)**

***That Council***

- 1. Engages the Municipal Association of Victoria (MAV) to provide services to it relating to the tendering for electoral services and appoints the MAV as its agent for the purposes of conducting that tender process;***
- 2. Pursuant to Section 41A of the Local Government Act 1989 resolves to conduct its 2008 general election exclusively by postal voting.***

**Recommendation**

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

***MOVED*** .....

***SECONDED*** .....



|                                                |                |
|------------------------------------------------|----------------|
| Cape Otway Rd (RTR)                            | \$0.05m        |
| Access For All Abilities – Regional Playground | \$0.05m        |
| Total                                          | <u>\$3.15m</u> |

**Recommendation**

***That the Financial performance Report to the end of January 2008 be received.***



**OM082602-7 BIRREGURRA PUBLIC HALL COMMITTEE OF MANAGEMENT**

AUTHOR: Colin Hayman  
DEPARTMENT: Corporate & Community  
Services

ENDORSED: Tracey Slatter  
FILE REF: 42-44 Main Street  
Birregurra

**Purpose**

To endorse the appointment of a new committee member to the Birregurra Public Hall Committee of Management.

**Background**

Council appoints for the purposes of managing Council halls and reserves, Committees of Management under Section 86 of the Local Government Act 1989 as Special Committees to Council to act in accordance with rules and conditions of appointment adopted by Council.

**Council Plan/Other Strategies/Policy**

Council in its Council Plan seeks to see Colac Otway recognised as a progressive community, proud of its achievements and creating social and economic conditions that generate growth and employment and improve the quality of life. The decision by Council to appoint local persons to these Committees is seen to be progressive and inviting the community to participate in the conduct of Council's administration of public facilities. A decision in this regard also sees Council working in partnership with the community to achieve agreed goals.

**Issues/Options**

As a result of an interest expressed by community members, the Birregurra Hall Committee of Management has requested an additional member be added to the committee which requires Council endorsement.

**Option 1**

Council's policy is that Committees of Management members are appointed for a 3 year term or less where applicable. The 3 year term for these facilities is up and community persons have been put forward to be on the committee for a period of 3 years.

**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.

**Proposal**

At the Council meeting held on 28 September 2005 Council appointed 8 community members to the Birregurra Hall Committee of Management. The Committee's 3 year term ends in August 2008. Community member Brian Lawrence indicated his willingness to become a member subject to Shire approval.

**Financial and other Resource Implications** Nil

**Risk Management & Compliance Issues**

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

**Environmental Considerations** Nil

**Communication Strategy/Consultation**

A letter to be forwarded to the Committee advising Council's decision.

**Implementation**

That the Committee be advised of Council's approval of the new committee member.

**Conclusion**

The appointment of another member will assist the committee in its purpose of managing this Council facility.

**Attachments** Nil

**Recommendation**

***That Council approve the appointment of Brian Lawrence to the Birregurra Hall Committee of Management.***

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**OM082602-8 ALTERNATIVE HYDROTHERAPY OPTIONS**

AUTHOR: Greg Fletcher  
DEPARTMENT: Corporate & Community Services

ENDORSED: Colin Hayman  
FILE REF: GEN:00498

**Purpose**

This report is to provide information on the alternative options for meeting the needs of people who would benefit from a hydrotherapy facility. Consultation with the Warm Water Exercise Pool Community Fundraising Committee, service providers, health professionals and agencies was undertaken to identify alternative options and their suitability.

**Background**

A report was presented to Council at its June 2007 meeting in response to correspondence from the Warm Water Exercise Pool Community Fundraising Committee requesting an extension of time for their fundraising efforts for a warm water pool at the Bluewater Fitness Centre.

This request was made due to the limited funds that had been raised to meet the required community contribution of \$500,000 within 12 months. The fundraising committee believed that they would need an extended period of time to achieve the required amount.

It was resolved by Council at this meeting *“that Council investigates possible alternative options for meeting the needs of people who would benefit from a hydrotherapy facility in consultation with the Warm Water Exercise Pool Community Fundraising Committee and other bodies.”*

Subsequent discussions with the Warm Water Exercise Pool Community Fundraising Committee reaffirmed their commitment to continuing to raise funds for a hydrotherapy pool and have again requested that Council continue considering this facility in the future.

The most recent feedback from a representative of the Warm Water Exercise Pool Community Fundraising Committee indicated that after nearly two years since Council requested the community to raise \$500,000 approximately \$30,000 has been raised. This sum includes pledges.

**Corporate Plan/Other Strategies/Policy**

The Council Plan for 2005 - 2009 has a Community Priority *“Advocate for the development of a hydrotherapy pool located at the Bluewater Fitness Centre.”*

**Issues/Options**

There are four warm water pools that could be considered for use by people requiring hydrotherapy, in the short or longer term, within the region. These include:

*Cobden Indoor Warm Water Exercise Pool*

Cobden District Health Services (CDHS) in partnership with the Corangamite Shire have applied for funding to proceed with a warm water facility to be located on CDHS land. Significant funds have been raised by CDHS for this project. The facility would be open at times for general community access.

Although the distance between Colac and Cobden is relatively short there is concern from potential users within Colac that the benefits gained by using facilities outside Colac would be lost on the return trip. A representative from the Australian Physiotherapist Association



has indicated that they are unaware of any literature or evidence to confirm or dispute this claim and indicated that this may be true for specific ailments and unlikely for others.

#### *Shannon Park – Geelong*

The Shannon Park warm water pool in Geelong has continued to be used by some Colanda residents. Although this pool provides all of the necessary aids and equipment for pool users it is a considerable trip for Colanda residents and staff. Staff have mentioned that residents returning from this facility tend to stiffen up on the return trip.

#### *Heather's Swim School*

There are currently a number of people and agencies, seeking the benefits of warm water, who are utilising Heather's Swim School in Elliminyt. Discussions have been held with a number of these users including members of the arthritis group, local physiotherapists, Colac Area Health and Colanda.

In general, all users agree that Heather's Swim School serves many needs but there are some issues that may reduce full utilisation of the complex. These issues include:

- The sloping floor of each pool. This creates limitations for people undertaking warm water therapy. Those unsteady on their feet find it difficult to turn as they are put off-balance (this is particularly disconcerting for people who are not confident in water); there is no opportunity for people to stride out; and only a limited number of people can be in a class at the same time due to the varying depths.
- There is no certainty with a private facility, as there is with a Council facility, that it will be operating or available for warm water therapy in the future.
- There are access issues which have been identified by users and service providers. These include the need for additional hand rails on the inside of the stairs to assist entry into and out of the pools; a step ladder for those able to use steps; and a hoist for people who cannot access the pool by other means. Discussions with the operator of Heather's Swim School indicated that, due to the fibreglass construction of the pools, additional handrails and other attachments are unable to be installed. It is estimated that the cost for installing a mobile hoist would be in the vicinity of \$20,000.
- Toilet, shower and changeroom facilities are not ideal for people with limited movement or who require carer support.
- The number of showers is insufficient for larger classes.
- No access to a changing table.

These limitations are identified to highlight the differences between what is required in a purpose-built warm water therapy pool as opposed to a learn-to-swim centre. There is certainly no assertion in these comments that the centre is not highly suitable for the purpose in which it was originally intended. These issues are raised to highlight the requirements for warm water therapy compared to a standard swimming centre.

There are however, current benefits of this centre which include its ideal warm water temperature for one hour classes. This water temperature is not achievable at the Bluewater Fitness Centre. The Day Activity Programs, provided by local agencies for disability clients, and Colanda find the pool very beneficial for the many clients who are capable of accessing the water. It is estimated that there are around 6 to 10 Colanda residents who would need to enter the pools with the use of a hoist. It is unknown how many people in the community would require a hoist.

#### *Bluewater Fitness Centre*

A possible extension at the Bluewater Fitness Centre has been included in the Beechy Centre site master plan to ensure that this space is not impacted by the redevelopment. The use for this extension has not been further developed to date.

The options that Council need to consider are:

- That Council takes no further action at this time on investigating hydrotherapy pools. The most recent feedback from the Warm Water Exercise Pool Community Fundraising Committee indicates that the raising of \$500,000 would take over 16 years at the current rate.

*This option finalises a long process that has defined the need for a hydrotherapy pool but has not been able to adequately fund its construction and ongoing maintenance.*

- That Council supports in principle the needs and benefits of exercising in warm water and hydrotherapy pools and takes the opportunity to advocate for the need of hydrotherapy for people within the Shire when available.

*This option allows an 'open ended' approach where anything is possible given the right set of circumstances or opportunities.*

- That Council keeps the 'offer on the table' for the community to raise a similar proportion of the funding to that required in 2006.

*Although this offer provides an opportunity for the community to continue their fund raising efforts the ultimate sum required from the community would be far in excess of the \$500,000 previously required.*

- That Council decides to build a hydrotherapy pool without the \$500,000 raised by the community.

*This option is unachievable within Council's financial capacity and is not consistent with Council's Plan and priorities.*

### **Proposal**

It is proposed that Council consider a combination of the first two options. There are currently alternative warm water facilities for most people to use. Although these are not perfect they do provide warm water options. With an ageing population, the need for hydrotherapy may escalate. Being mindful of the need to support an active and healthy ageing population may identify future opportunities.

### **Financial and other Resource Implications**

This proposal creates no current financial and other resource implications.

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

This proposal creates no risk management and compliance issues.

### **Environmental Considerations**

Not applicable.

### **Communication Strategy/Consultation**

Discussions have been held with Heather's Swim School operator on a number of occasions, as well as warm water users, physiotherapists, Colac Area Health, other agencies, Colanda and the Warm Water Exercise Pool Community Fundraising Committee.

### **Implementation**

If the recommendations are adopted by Council, the Warm Water Exercise Pool Community Fundraising Committee will need to be informed of the outcome.

**Conclusion**

The continued use of Heather's Swim School provides access for most users. Although not suitable for all people or groups, realistically there is no other option currently available in Colac. Other facilities are available in the region for higher needs people.

With projections of an ageing population the need for supportive infrastructure may become more evident in future years to enable people to live an active and healthy life. Vigilance to identify realistic opportunities needs to be maintained. However, the provision of health services is not the primary role of Council.

**Attachments**

Nil

**Recommendations*****That Council:***

- 1. Takes no further action at this time on investigating hydrotherapy pools.***
- 2. Takes the opportunity to continue to advocate for the need of hydrotherapy for people within the Shire when available.***
- 3. Advises the Warm Water Exercise Pool Community Fundraising Committee of these recommendations.***

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**OM082602-9 GENERAL ELECTIONS 2008**

AUTHOR: Colin Hayman  
DEPARTMENT: Corporate & Community Services

ENDORSED: Tracey Slatter  
FILE REF: GEN01661 Council  
Elections 2008

**Purpose**

The purpose of this report is to provide Council with an update on the 2008 election tender process.

**Background**

All Councils in Victoria will be holding simultaneous general elections in November of this year. This is the first time that this has occurred.

Since Local Government restructure, Local Government elections have been held in November, but different Councils have held elections in different years.

The State Government has subsequently established a structure where the State Government elections are held every four years on the last Saturday in November and local government elections are held on a similar basis, but on a different cycle being two years after the State Government elections. In establishing that cycle, this year will be the first year that all Councils in Victoria will be holding concurrent elections and it will be the first time that all Councillors across Victoria will be elected for a four year term.

This creates a unique opportunity whereby a large number of Councils in conjunction with the MAV have sought to develop a standard arrangement to the election.

This has included seeking an agency arrangement open to all Councils to undertake tender processes and negotiations, development of standard tender documents and seeking to ensure through collective agreement that the services provided are those required by Councils.

As part of the timelines to develop tender documentation Council is required to also decide the method of voting – either by attendance voting or postal voting.

The Victorian Electoral Commission (VEC) undertook information sessions in October 2007 and November 2007 that Council officers attended. From this the VEC undertook to provide estimates to each Council on the costs likely to be associated with the election process. The costs for Colac Otway are likely to be around \$114,000 (incl GST) to conduct a postal election based on estimates of voter numbers and candidate numbers from previous elections. The VEC also provided a draft timeline that would allow for co-ordination of all Local Government elections and is included as an attachment.

**Council Plan/Other Strategies/Policy**

The Colac Otway Shire is committed to strong community leadership, governance and advocacy services. The Election process is an important part of having governance procedures in place.

**Issues/Options****(a) Provision of Electoral Services**

Council has removed itself from conducting elections since 1995. Council does not have the technology to conduct a postal voting election nor does it have the expertise to conduct a

proportional representation vote count. It has also removed any confusion that can arise between the Council organisation and the individual candidate.

The Council has previously outsourced the provision of electoral services to the VEC. The 2004 election cost approximately \$80,000 (incl GST). The Local Government industry has sought exemption from the Minister for Local Government from being required to tender for the Council contractor to conduct the election. The Minister has not agreed and therefore Council will be required to call for tenders to undertake the election.

#### Options

1. Council officers undertake tender processes using Colac Otway contract documents, source own legal advice, assess tenders and undertake contract negotiations.
2. Council officers use MAV tender documentation model at a cost of up to \$2,000 and undertake tender processes, source own legal advice, assess tenders and undertake contract negotiations ourselves.
3. Use MAV as an agent to undertake tender processes, evaluation and negotiation on our behalf at a cost of up to \$2000.

Because the Council is obliged to invite tenders for the provision of these services, it is necessary to develop a specification detailing the services required as well as the conditions under which they are to be provided. 78 other Councils are also in the same position.

The Municipal Association of Victoria has proposed co-ordinating a joint tender to provide electoral services. This would provide Council with the opportunity to be part of a bulk tender and to gain benefits from a co-ordinated preparation of a tender document and group advertising. It is therefore recommended that Council agree with this proposal.

The MAV has developed an arrangement where it is offering services to Councils in relation to the development of a specification for the tendering of electoral services and is offering to act as the agent of Councils to conduct the tender process.

This will provide this Council with significant benefits should it accept this offer.

They include:

- Inclusion of Colac Otway in larger and hopefully statewide awareness campaign relating to this year's elections;
- Improved quality specification for services than might be developed from within the Council's limited resources due to the legal complexity surrounding the conduct of elections; and
- Savings on the cost of developing specifications.

#### (b) Conduct of Elections

The legislation requires Council to decide whether to conduct the elections by attendance voting or postal voting, Elections since restructure have been by way of postal voting and have been conducted by the Victorian Electoral Commission (VEC) under contract for Council.

#### Options

The advantages and disadvantages of the two voting systems are listed below.

**Attendance Voting**

In attendance voting systems, most voting is done at voting centres within the municipality and mainly on election day. The attendance voting system includes provision for postal voting, by application as well as early voting at voting centres.

Attendance voting was the system of voting in all Victorian Local Government elections prior to 1995. It is also the system used for Federal and State parliamentary elections.

Advantages of attendance voting include:

- Familiarity to voters, because it is the same system used for Federal and State elections;
- Greater direct involvement of voters and candidates in a process that requires voting in person; and
- A community event that can provide opportunities for community fundraising activities.

Disadvantages of attendance voting include:

- Difficult for residents with mobility difficulties or ratepayers who live outside the municipality to attend voting centres to vote; and
- Most costly system to conduct, particularly in country areas where voters are more dispersed.

**Postal Voting**

In a postal election, all voters are sent voting material by post without prior application. Voters usually return their ballots by post, although some deliver their votes to the Returning Officer's office.

Elections where all voting is conducted by post are a relatively recent phenomenon. While not used at State or Federal level, postal elections are conducted at Local Government level in most Australian states.

Advantages of postal voting include:

- Higher voter participation and significantly lower informality, resulting in higher effective participation in the order of 9%'
- Generally preferred by voters who like the greater convenience of postal voting and the capacity to consider preferences in their own time; and
- Ready provision of information about candidates to assist voters, included along with other postal voting information for voters.

Disadvantages of postal voting include:

- Apparent greater use of "dummy" candidates to exploit the distribution of candidate's preference recommendations; and
- Concerns by some people about the security of the postal voting process.

In the 2004 Colac Otway Shire election the number of ballot papers counted, as a percentage of the total enrolment was 81.4%, compared with 77% at the election held in 2002.

The informal voting rate was 1.3% compared with 1.6% at the 2002 elections.

Comparing with the 54 Local Government elections that were conducted by the VEC in 2005.

- Overall average participation was 75.19% (75.66% for postal elections and 72.80% for attendance elections).
- Overall informal rate was 4.84% (3.64% for postal elections and 9.33% for attendance elections).

## **Proposal**

### **(a) Provision of Electoral Services**

The proposal is to appoint the Municipal Association of Victoria to provide services relating to the tendering for electoral services.

The services will include:

- Advertising of tender;
- Creation of tender document in consultation with Council;
- Sending and receiving of tenders;
- Clarify tender questions;
- Evaluation of tenders.

### **(b) Conduct of Elections**

The proposal is to undertake the 2008 general election exclusively by postal voting.

A large number of Councils took up the option of postal voting when it was initially introduced and the numbers using it have increased over time to the point where in the 2004 and 2005 elections 70 of the 79 Councils in Victoria conducted their elections using postal voting and 9 used attendance voting.

This Council has used postal voting for the past few elections which have been successfully run by the VEC.

The VEC figures indicate a higher vote participation rate as a whole for Councils using this method of voting.

It should also be noted that attendance elections are between 30% and 35% more expensive on average than equivalent sized postal elections.

### **Financial and other Resource Implications**

There will be a cost of \$2,000 for the MAV to undertake the tender process. This would be less than if Council undertook the process itself with respect to internal resources required and other costs eg. advertising.

The preliminary cost for the 2008 general elections by full postal voting is approximately \$114,000 (incl GST). This cost will need to be built into the 2008/09 Budget.

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

As well as the requirement for Council to determine the method of the conduct of the election, a number of other changes will have an impact on the operation of Council, Councillors and prospective candidates during the election period.

**Election Period and Caretaker Provisions**

Section 3(1) of the Act defines the “election period” as starting on the entitlement date (3 October) and ending at 6.00 pm on Election Day. This effectively gives a period of 57 days. Caretaker provisions will apply during the entire election period and Council is not permitted to make any “major policy decisions” during this period. A major policy decision is defined (s.93A(6)) as:

- A decision in relation to the employment or remuneration of the CEO (other than a decision to appoint an acting CEO) and the termination of the CEO;
- A contract the total value of which exceeds \$100,000 or 1 percent of Council rates revenue for the last financial year;
- An exercise of power under s.193 (entrepreneurial power).

**Publication of Information in the Election Period**

A new prohibition exists in relation to the printing, publication, distribution of information during an election period that will impact on the publication of Council newsletters and other printed material. Section 55D states that:

*“A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, and electoral advertisement, handbill, pamphlet or notice during an election period unless it only contains information about the election process.”*

“Publishing” means to publish by any means, including publishing on the internet.

**Election Material**

New prohibitions are in place which restricts the manner and content of the publication of election advertising material. A person cannot print, publish or distribute (or cause the same):

- Unless they are authorised and comply with the provision of section 55 of the Act;
- If it contains matter that is likely to mislead or deceive an elector in relation to the casting of a vote, as set out in section 55A of the Act and;
- Must disclose the authors particulars as set out in section 55.

New rules exist on the distribution and registration of “How to Vote” cards (see Section 56).

**Donations Report**

A candidate must provide to the Chief Executive within 60 days after the election an election campaign donation return detailing any gifts of \$200 or more, as stipulated in section 62 received by the candidate during the “donation period”. The donation period means the period beginning 30 days after election day in the last election and ending 30 days after election day in the current election.

The Chief Executive must provide a report to the Minister on the election campaign donations returns and enter the information into an “Election Campaign Donation Return Register” which is to be available for inspection.

**Environmental Considerations**

N/A

**Communication Strategy/Consultation**

Significant input into the election process has been sought from the VEC, the MAV and other Council officers.



The VEC and MAV have undertaken information sessions which a Council officer attended.

As a result of the sessions the MAV have undertaken research and developed an approach which is open to all Victorian Municipalities.

The communication strategy for the election will form part of the tender for the provision of electoral services and is expected to integrate into a statewide awareness campaign.

### **Implementation**

Once a decision has been made the MAV will be advised of Council's resolutions to enable the process to continue.

It is anticipated that the tender notice will be published prior to Easter and that tenders will be due by 24 April. An Evaluation Group will meet either late April or early May so that the Evaluation Report can be provided to each Council by no later than mid May. This will allow Council consideration of the report during June and the finalisation of contracts prior to the end of the financial year.

### **Conclusion**

Engaging the Municipal Association of Victoria to provide services relating to the tendering for electoral services will ensure a consistent approach across a number of municipalities.

The data shows that postal voting has resulted in higher participation rates than attendance voting and a lower rate of information voting. Postal voting is also a lower cost than attendance voting.

### **Attachment**

Local Government Elections 2008 – Postal Election Timeline.

### **Recommendation(s)**

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

- 1. Engages the Municipal Association of Victoria (MAV) to provide services to it relating to the tendering for electoral services and appoints the MAV as its agent for the purposes of conducting that tender process;***
- 2. Pursuant to Section 41A of the Local Government Act 1989 resolves to conduct its 2008 general election exclusively by postal voting.***

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**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

ITEM	D	W
<p><b><u>INFRASTRUCTURE</u></b></p> <p><b><u>OM082602-10 CONTRACT APPROVAL CONTRACT 0713</u></b>  <b><u>CRESSY-SHELFORD ROAD PAVEMENT</u></b>  <b><u>REHABILITATION</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council awards Contract 0713 for Cressy - Shelford Road Pavement Rehabilitation to Draper's Civil Contracting Pty. Ltd. at the tender price of \$299,728 (excluding GST).</i></b></p>		

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM082602-10 CONTRACT APPROVAL CONTRACT 0713 CRESSY-SHELFORD ROAD PAVEMENT REHABILITATION**

AUTHOR: Roger Fox  
DEPARTMENT: Infrastructure

ENDORSED: Ranjani Jha  
FILE REF: Con 0713

**Purpose**

Council approval is required in the awarding of Contract 0713 - Cressy-Shelford Road Pavement Rehabilitation for which tenders have been received.

**Background**

Tenders closed on 6 February, 2008, for pavement rehabilitation works on Cressy - Shelford Road for approximately 3.1 kilometres. The contract includes rehabilitation of existing pavement widening with a 250mm cement stabilised sub base and 150mm FCR base over the length of the project.

Cressy-Shelford Road shall remain open to traffic during the contract period.

The following four tenders were received :-

<b>Tenderer</b>	<b>Tendered Price \$</b>
<b>Downer EDI Works Pty Ltd</b>	<b>354,492</b>
<b>Lake &amp; Land Pty Ltd</b>	<b>330,687</b>
<b>Doran Earthmoving Pty Ltd</b>	<b>326,749</b>
<b>Draper's Civil Contracting Pty Ltd</b>	<b>299,728</b>

Prices do not include GST

The Tender Evaluation Panel assessed the submission by Draper's Civil Contracting Pty. Ltd. as being the best value and scored highest overall when applying the selection criteria.

Draper's Civil Contracting Pty. Ltd. submitted the lowest tender price and is the preferred tenderer.

**Corporate Plan/Other Strategies/Policy**

This project is consistent with the Council Plan with a community priority commitment to improve and renew our roads and infrastructure. This project is included in the 2007/2008 capital works program and is necessary to maintain the integrity of this road.

The submitted tenders were evaluated in accordance with Council's *Tendering and Contracts Policy* and a recommendation made.

**Issues/Options**

Options are either to proceed with the works and award a contract or to not accept a tender and terminate the project.

It is considered that these works are necessary to bring the road to a condition which will enable lower maintenance costs in the future and to allow for continued safe use by the public. Therefore it is recommended to proceed with the construction works.

As a project identified in Council's Approved Capital Works Program, it is considered appropriate to award the contract and proceed with works to ensure the provision of an efficient and effective road network.

**Proposal**

It is proposed to accept a tender and engage the preferred contractor to complete the specified works in 2007/2008 with a final seal applied and funded in the following year in 2008/2009.

**Financial and other Resource Implications**

The budget of \$200,000 is funded from Roads To Recovery.

The preferred tender of Draper's Civil Contracting Pty Ltd at \$299,728 (not including GST) is above the budget of \$200,000 by an amount of \$99,728. This additional amount will be funded from Council's allocation of Roads to Recovery funding.

The original estimate of the cost of works was prepared prior to the pavement design details being available, which recommended a greater depth of pavement than originally allowed for and is below the tender prices received.

Following the completion of works a final seal, which is not included in this tender, will be applied to the work. Approximately \$90,000 will be required in 2008/2009 for the final seal, which will be fully funded from Roads To Recovery.

**Risk Management & Compliance Issues**

This section of Cressy-Shelford Road is in need of rehabilitation because of failures in sections of the existing pavement and seal.

Council, under the road management plan, is responsible for maintaining this road in a safe condition and is required to undertake the works to reduce its exposure to risk.

The Contractor is required to provide documentation for traffic management, environmental and occupational health and safety. Council can be confident that Draper's Civil Contracting will minimise its exposure to risk in occupational health and safety issues and non-compliance of the contract. They are quality assured and have Vicroads pre-qualification in road works to \$5 million.

**Environmental Considerations**

Contractors are required to provide suitable approved environmental plans and to actively prevent incidents. Environmental events or hazards will be identified through administration of the contract.

**Communication Strategy/Consultation**

The tender was advertised in the Colac Herald on 14 December, 2007, the Geelong Advertiser, Ballarat Courier, Warrnambool Standard on 14 December, 2007.

Immediately prior to commencement of works the Contractor is required to notify affected property owners and others.

It is intended for the road to remain open to all traffic during the construction period. Public notification will be provided in the form of newspaper notices and abutting property owners will be advised directly of the works.

**Implementation**

Upon Council's approval the Contract will be awarded and works will be programmed to commence.

Draper's Civil Contracting proposes to commence works two weeks after being notified if successful with completion of all works within the contract period.

**Conclusion**

A recommendation is made by the Tender Evaluation Panel to award the contract to Draper's Civil Contracting Pty. Ltd at the tendered price of \$299,728 (excluding GST).

Additional funds of \$100,000 will be sourced from Roads To Recovery to complete all necessary works.

**Attachments**

No attachments

**Recommendation(s)**

***That Council awards Contract 0713 for Cressy - Shelford Road Pavement Rehabilitation to Draper's Civil Contracting Pty. Ltd. at the tender price of \$299,728 (excluding GST).***

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## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | D | W |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM082602-11 BIRREGURRA PARK MASTER PLAN</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Notes that significant community consultation has occurred for the development of the Birregurra Park Master Plan including two community meetings and the opportunity for the Birregurra and district community to provide feedback.</i></b></li> <li><b><i>2. Notes that nineteen submissions were received and incorporated into the Birregurra Park Master Plan.</i></b></li> <li><b><i>3. Considers future funding applications to complete components off the Birregurra Park Master Plan via STIP applications, Capital Works budget bids and other Council funding streams via ongoing consultation with the Birregurra community.</i></b></li> <li><b><i>4. Adopt the Birregurra Park Master Plan.</i></b></li> </ol> |   |   |
| <p><b><u>OM082602-12 REPORT OF EXPERT REVIEW OF COLAC OTWAY LOCAL PLANNING POLICY FRAMEWORK</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council request the Minister of Planning to prepare and approve a 'fast track' amendment to the Colac Otway Planning Scheme to implement the recommendations of the Expert Review of the Colac Otway Local Planning Policy Framework.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |   |   |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><u>OM082602-13 AMENDMENT C27 (HERITAGE OVERLAY) – PART ADOPTION OF AMENDMENT</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Council adopt this report as its consideration of the Panel’s report.</i></b></li> <li><b><i>2. Council split Amendment C27 (Heritage Overlay) to the Colac Otway Planning Scheme and adopts part A which applies heritage controls to individual sites and introduces new Municipal Strategic Statement content to the Colac Otway Planning Scheme.</i></b></li> <li><b><i>3. Upon completion of the review and revision of the local policy and heritage precincts content (Part B) of Amendment C27, a report be prepared for the consideration of Council recommending the adoption of Part B of Amendment C27.</i></b></li> </ol> |  |  |
| <p><b><u>OM082602-14 AMENDMENT C55 (PLANNING SCHEME REVIEW) - CONSIDERATION OF SUBMISSIONS</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Council adopt the report titled "Colac Otway Amendment C55 (Planning Scheme Review) – Consideration of Submissions Report" as the Council's consideration of and decision about submissions in accordance with sections 22 and 23 of the Planning and Environment Act 1987.</i></b></li> <li><b><i>2. Council request that the Minister for Planning appoint an independent panel to consider all submissions to Amendment C55 to the Colac Otway Planning Scheme.</i></b></li> </ol>                                                                                                                                          |  |  |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><u>OM082602-15 KENNETT RIVER, WYE RIVER &amp; SEPARATION CREEK STRUCTURE PLANS - CONSIDERATION OF ADOPTION</u></b></p>                                                             |  |  |
| <p>Department: Sustainable Planning and Development</p>                                                                                                                                  |  |  |
| <p><b><u>Recommendation(s)</u></b></p>                                                                                                                                                   |  |  |
| <p><b><i>That:</i></b></p>                                                                                                                                                               |  |  |
| <p><b><i>1. Council adopt the final Kennett River, Wye River and Separation Creek Structure Plans.</i></b></p>                                                                           |  |  |
| <p><b><i>2. The recommendations of the Kennett River, Wye River and Separation Creek Structure Plans be implemented through an amendment to the Colac Otway Planning Scheme.</i></b></p> |  |  |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....





**Corporate Plan/Other Strategies/Policy**

This project aligns with the Council Plan's objective to "*Continue implementation of Small Town Improvement Program in partnership with community groups*".

**Issues/Options**

There are two options to consider:

1. That Council adopt the Birregurra Park Master Plan.
2. That Council does not adopt the Birregurra Park Master Plan.

Option one is the preferred option as the process of developing the Master Plan has provided a strategic framework for the future development of Birregurra Park via significant community consultation

The Economic Development Unit will continue to work with the Birregurra Community Group to develop STIP applications which will provide future development of the park.

**Proposal**

It is proposed that Council adopt the Birregurra Park Master Plan which will assist in guiding design and future development of the park.

**Financial and other Resource Implications**

Priority projects may be completed using STIP funding, from the Capital Works program or through other Council funding streams. Some projects will be completed in stages through a number of successive applications and the Economic Development Unit will actively seek support for matching external funds from appropriate State and Federal Government funding bodies.

Discussions have taken place between the Economic Development Unit and the Birregurra community to ascertain what level of involvement community groups may be able to provide, to assist in the development of some aspects of the park. On a project-by-project basis, groups within the community may be able to commit both financial and in-kind support to the development of the Park.

Council has an existing maintenance budget allocation for works at Birregurra Park and with new infrastructure within the park, it is expected that maintenance will increase, thus requiring additional allocations in the budget.

**Risk Management & Compliance Issues**

The components of the park plan will be undertaken in accordance with Council's risk management processes.

**Environmental Considerations**

There are no environmental issues in relation to this recommendation being put to Council. Any works to be completed from the Birregurra Park Master Plan may have environmental implications on Birregurra Park and the Economic Development Unit will liaise with the Environment Unit to ensure that actions will be taken to minimise this.

**Communication Strategy/Consultation**

As indicated above, a variety of methods to consult with the community were undertaken in devising the master plan for Birregurra Park. Through community meetings and surveying the community, the Economic Development Unit is confident that the park is a true reflection of the community's wishes for the future development of Birregurra Park.

The Birregurra Community Group will be notified of Council's adoption of the Birregurra Park Master Plan via mail.

**Implementation**

The components of this plan will be implemented when funding is identified and sourced through a successful STIP application from the Birregurra Community Group or through other Council funding and/or when applicable external funding becomes available

**Conclusion**

This master planning process that has been undertaken demonstrates the current thoughts and ideas of the Birregurra and district community for the future of Birregurra Park. A strategic framework such as this will allow for the future development of the park at the direction of the community. Given this, it is recommended that Council adopt the Birregurra Park Master Plan.

**Attachments**

Birregurra Park Master Plan

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

- 1. Notes that significant community consultation has occurred for the development of the Birregurra Park Master Plan including two community meetings and the opportunity for the Birregurra and district community to provide feedback.***
- 2. Notes that nineteen submissions were received and incorporated into the Birregurra Park Master Plan.***
- 3. Considers future funding applications to complete components off the Birregurra Park Master Plan via STIP applications, Capital Works budget bids and other Council funding streams via ongoing consultation with the Birregurra community.***
- 4. Adopt the Birregurra Park Master Plan.***

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**OM082602-12 REPORT OF EXPERT REVIEW OF COLAC OTWAY LOCAL PLANNING POLICY FRAMEWORK**

AUTHOR: Jeff Morgan  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: Planning Scheme  
GEN00451/Local  
Policy Review

**Purpose**

To advise Council of the recommendations arising from the Expert Review of the Colac Otway Local Planning Policy Framework and to recommend that Council requests that the Minister for Planning amend the Colac Otway Planning Scheme to implement the recommendations of the review.

**Background**

In August 2006 the Minister for Planning released a report entitled "Cutting Red Tape in Planning". Action 10 of the report focused on making local policy stronger, with action 10.1 being to:

- Establish an expert team or teams to provide independent advice to councils about more effective expression of existing and new local planning policies to provide greater certainty and facilitate amendments to planning schemes arising from this process.

In April 2007 the Minister's Department wrote to Council offering the appointment of an expert team to independently review Council's local planning policies. The offer also stated that where the team indicates suitability for 'fast track' amendment, approval by a Ministerial amendment can be sought. The fast track process is explained in the attached advisory note – 'A Protocol for Fast Tracking Amendments' (**Attachment 1**).

The advisory note identifies that having to comply with a redundant planning scheme provision is time consuming and inefficient and wastes the resources of both the applicant and the council. The Government is committed to action to remove unnecessary matters from planning schemes, with the fast track protocol being developed to speed up the processing of amendments which remove redundant provisions. An amendment is suitable for the 'fast track' process where changes are considered to be policy neutral and remove unnecessary or redundant planning provisions.

This offer of the appointment of a local policy review team was accepted in May 2007. A team was appointed in June 2007, consisting of Alison Glynn of Planning Panels Victoria, Julie O'Callaghan of the Department of Sustainability and Environment and Michelle Watt, Statutory Planning Coordinator at Colac Otway Shire Council.

The review team's report, prepared in September 2007, was released to Council in January 2008. The report recommends a number of changes to the Colac Otway Planning Scheme, to be implemented through a fast track amendment. The report, along with all recommended changes to the Municipal Strategic Statement and Local Policies, is at **Attachment 2**.

**Corporate Plan/Other Strategies/Policy**

Council has recently completed a review of the Colac Otway Planning Scheme which was exhibited as amendment C55 to the Colac Otway Planning Scheme from 6 December 2007 until 31 January 2008. This amendment will result in a complete rewrite of the planning scheme and will eventually supersede the recommendations of the expert review of the local planning policy. Amendment C55 is unlikely to be completed and gazetted by the Minister until late 2008 at the earliest, while the recommendations of the expert review of the local planning policy could be implemented by the Minister for Planning within two to three months. It is therefore considered worthwhile to make the recommended, temporary improvements to the planning scheme in the short term while in the longer term amendment C55 will further update and improve the planning scheme.

**Issues/Options**

All local policies of the Colac Otway Planning Scheme were reviewed, being:

Clause 22.01 – Main Roads / Scenic Routes

Clause 22.02 – Ridgelines

Clause 22.03 – Tourism Development – Apollo Bay Harbour Precinct

Clause 22.04 – House Lot Excision in Rural Zones

Clause 22.05 – Coastal and Otway Ranges Townships

Clause 22.06 – Erosion Management Policy

These local policies are at Attachment 3.

The report, at Attachment 2, discusses each policy and issues relating to current and future use of the policy as well as the need, effectiveness of implementation and clarification of wording of each policy.

Recommendations in relation to each policy are listed below:

**Clause 22.01 – Main Roads / Scenic Routes**

- Clause 22.01 be deleted.
- The deletion of Clause 22.01 be implemented as a policy neutral decision and fast-tracked for approval provided that:
  - The schedule to Clause 35.07 (Farming Zone) is amended to list specific roads currently detailed in Local Policy 22.01. Where there is conflict between the distances specified in the Local Policy and the Schedule, Council will need to determine which distance should apply. It is noted, however, that the Farming Zone Schedule is the more recently reviewed and approved planning tool and therefore generally should take precedence.
  - The provisions of the local policy relating to building height (8 metres and 2 storey) and form are retained in other provisions of the Local Planning Policy Framework, notably Clause 22.05.
  - Additional wording is placed into the provisions of Clause 21.04 to clarify the direction of Council to protect the scenic landscape values of identified routes through the municipality as identified in Clause 21.04 – 08 in a form generally consistent with Appendix 1 to this report.

**Clause 22.02 – Ridgelines**

- Clause 22.02 be deleted.
- The deletion of Clause 22.02 be implemented as a policy neutral decision and fast-tracked for approval provided that:
  - Additional wording is placed into the provisions of Clause 21.04 - 02 to clarify the direction of Council to protect the scenic landscape values of ridgelines and landforms in a form generally consistent with Appendix 1 to this report.
  - If Council seeks to protect specifically defined ridges or landforms of significance from buildings and works these must be appropriately mapped and identified through the application of a Significant Landscape overlay introduced as part of a separate amendment. (Note that this is addressed as part of Amendment C55 (Planning Scheme Review).

**Clause 22.03 – Tourism Development – Apollo Bay Harbour Precinct**

- Clause 22.03 be deleted.
- The deletion of Clause 22.03 be implemented as a policy neutral decision and fast-tracked for approval provided that:
  - Additional wording is placed into the provisions of Clause 21.04 - 10 to clarify that the area currently affected by Local Policy 22.03 should be developed to promote tourism development consistent with the Apollo Bay Harbour Precinct (noting that the existing framework plan accompanying Clause 21.04 – 10 identifies such an area). Suggested wording changes to Clause 21.04 – 10 are attached in Appendix 1.

It is important to note that this recommended change is not related to the current preparation of the Apollo Bay Harbour Masterplan and design guidelines, which is a separate, ongoing project. The recommendation of the expert review of this local policy is policy neutral and does not increase or decrease the level of control over the Apollo Bay harbour precinct. It relates only to improving the existing planning scheme as it relates to the harbour precinct.

**Clause 22.04 – House Lot Excision in Rural Zones**

- Clause 22.04 be retained but amended to clarify wording and intent of the policy as detailed in Appendix 2.
- The amendment of Clause 22.04 be implemented as a policy neutral decision and fast-tracked for approval provided that the wording changes generally accord with that detailed in Appendix 2.

**Clause 22.05 – Coastal and Otway Ranges Townships**

- Clause 22.05 be retained but amended to clarify wording and intent of the policy as detailed in Appendix 2.
- The amendment of Clause 22.05 be implemented as a policy neutral decision and fast-tracked for approval provided that the wording changes generally accord with that detailed in Appendix 2.

**Clause 22.06 – Erosion Management Policy**

- Clause 22.06 be deleted.
- The deletion of Clause 22.06 be implemented as a policy neutral decision and fast-tracked for approval provided that:
  - Additional wording is placed into the provisions of the Schedule to Clause 44.01 to include decision guidelines currently contained as policy directions of Clause 22.06 – 3, as detailed the attached suggested new Schedule to Clause 44.01.

The recommended changes will improve the Colac Otway Planning Scheme by removing unnecessary policies and inserting appropriate guidance in the Municipal Strategic Statement.

Removing policies as recommended will not result in the issues addressed by the policies being ignored, but will streamline the planning scheme by ensuring that issues addressed by the redundant policies are addressed in appropriate locations in the Municipal Strategic Statement. This will provide better direction to statutory planners when considering these issues as they apply to planning permit applications and is policy neutral in that it will not increase or decrease the level of planning controls.

### **Proposal**

It is proposed that Council requests that the Minister for Planning amend the Colac Otway Planning Scheme to implement the recommendations of the Expert Review of the Colac Otway Local Planning Policy Framework.

### **Financial and other Resource Implications**

There are minimal financial and resource implications for Council. Council officers will be required to prepare the amendment documentation to submit to the Minister with the request that the Minister amend the Planning Scheme to implement the recommendations of the local policy review.

There will be no further financial or resource costs to Council.

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

None identified.

### **Environmental Considerations**

None identified.

### **Communication Strategy/Consultation**

Council's Statutory Planning Unit has been provided several opportunities to review the draft report and final recommendations of the expert review of the Colac Otway Local Planning Policy Framework and have not raised any concerns.

As it is proposed that the Minister for Planning undertake the amendment to implement the recommended changes to the planning scheme, the usual consultation requirements (eg notice, exhibition, panel hearing etc) of the *Planning and Environment Act 1987* do not apply. The purpose of the 'fast track' process is to reduce the timeframe for preparing amendments that merely remove unnecessary and redundant planning provisions.

The relationship between Amendment C55 and the expert review of the local planning policy and the benefits of the recommendations can be communicated to the wider community through media releases.

### **Implementation**

This recommendation will be implemented by preparing the necessary amendment documentation and forwarding it to the Minister for Planning with a request that he prepare a 'fast track' amendment to implement the recommendations of the expert review of the Colac Otway Local Planning Policy Framework.

**Conclusion**

In April 2007 the Minister's Department wrote to Council offering the appointment of an expert team to independently review Council's local planning policies. The offer also stated that where the team indicates suitability for 'fast track' amendment, approval by a Ministerial amendment can be sought.

A review team was appointed and has released its report recommending a number of changes to the Colac Otway Planning Scheme, with the recommendation that these changes be implemented through a fast track amendment. The recommendations are considered to be policy neutral and remove unnecessary or redundant planning provisions.

It is now proposed that Council requests that the Minister for Planning amend the Colac Otway Planning Scheme to implement the recommendations of the Expert Review of the Colac Otway Local Planning Policy Framework.

**Attachments**

**Attachment 1:** Advisory note – 'A Protocol for Fast Tracking Amendments'

**Attachment 2:** Report of Expert Review of Planning Policy – Colac Otway Planning Scheme

**Attachment 3:** Colac Otway Planning Scheme – Local policies

**Recommendation(s)**

***That Council request the Minister of Planning to prepare and approve a 'fast track' amendment to the Colac Otway Planning Scheme to implement the recommendations of the Expert Review of the Colac Otway Local Planning Policy Framework.***

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**OM082602-13 AMENDMENT C27 (HERITAGE OVERLAY) – PART ADOPTION OF AMENDMENT**

AUTHOR: Yash Bonno  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: Amendment C27

**Purpose**

To present the Panel Report for Amendment C27 (Heritage Overlay) to Council for consideration and recommend that Council splits the amendment and adopts part of the amendment with a further report to be prepared to consider adopting the final part of the amendment.

**Background**

The Colac Otway Heritage Study was adopted by Council's Planning Committee on 21 September 2005. To implement the recommendations of the Heritage Study, the Planning Committee also resolved (in part):

*"In accordance with section 9(2)) of the Planning and Environment Act 1987, the General Manager Environment and Planning (now General Manager Sustainable Planning and Development) seek the authorisation of the Minister for Planning to prepare amendment C27 (Heritage Overlay) to the Colac Otway Planning Scheme.*

*Upon receipt of authorisation from the Minister, proposed amendment C27 (Heritage Overlay) to the Colac Otway Planning Scheme be exhibited in accordance with Part 3 Division 1 of the Planning and Environment Act 1987 for a period of 8 weeks."*

Authorisation from the Minister was received on 14 November 2005. Amendment C27 was subsequently exhibited from 9 March 2006 to 5 May 2006. A total of 63 submissions were received. A report on submissions was presented to Council's Planning Committee meeting held on 6 December 2006 which resolved that:

*"The item be withdrawn, so a further Workshop can be held to assist with the process of dealing with Amendment C27 (Heritage Overlay) and that it then be brought back to a future Planning Meeting."*

A workshop was held with Councillors on 14 March 2007 to enable Councillors to consider and discuss in detail issues raised in submissions. Subsequent to the workshop, Council's Planning Committee considered submissions at its meeting on 11 April 2007. As a result of considering submissions, the following changes were made to the amendment:

- Amend the schedule to the Heritage Overlay so external paint controls do not apply to: HO301 Pier Precinct Apollo Bay, HO304 Beech Forrest Precinct, HO305 Birregurra Main Street Precinct, HO308 Colac Estate Housing Precinct, HO310 Queens Avenue Precinct Colac, HO311 Residential Precinct Colac, HO313 Grant Street Precinct Colac, HO315 Factory Houses Precinct Cororooke, HO316 Duverney St Precinct Cressy.
- Remove HO9 from the Heritage Overlay.
- Remove HO10 from the Heritage Overlay.
- Remove HO11 from the Heritage Overlay.
- Remove HO17 from the Heritage Overlay.
- Remove HO47 from the Heritage Overlay.

- Modify HO57 by updating the data sheet in the heritage study for the site with the information provided.
- Remap HO118 to the south west corner of Gellibrand and Manifold Streets, 29-35 Gellibrand Street.
- Change the amendment in the manner requested by updating the data sheet in the heritage study for HO128 with the information provided.
- Change the amendment in the manner requested by removing the rear second storey of the building and the adjacent communications tower from HO140 and modify HO307 accordingly.
- Modify HO163 to include an incorporated plan that excludes the entire site except the chimney stack from requiring a planning permit, but that the incorporated plan requires a measured drawing and photographic survey of the site to be undertaken prior to modification.
- Remove HO207 from the Heritage Overlay.
- Change the amendment in the manner requested by removing 6-8 Hopkins Street and 2 Sladen Street from HO306. Modify HO306 data sheet in Heritage Study to reflect this change.
- Change HO308 to exclude properties west of Queen Street and change the data sheet for HO308 to reflect this.
- Remove HO309 from the Heritage Overlay.
- Modify the statement of significance for HO314 by deleting reference to “mature plantings”.
- Remove HO317 from the Heritage Overlay.
- Remove HO318 from the Heritage Overlay.
- HO1 to be remapped by excluding the north east parcel from the overlay.
- HO25 to be remapped in accordance with the correct address. Address of HO25 in schedule to HO to be changed to 59-71 Noel St. A letter of notification be sent to affected landowners inviting submission to the proposed amendment.
- Amend mapping for HO56 to better reflect extent of coverage of building on site.
- Remove HO57 map from 95 Main St. HO57 to be mapped at 53 Main Street.
- HO182 to be remapped in accordance with the statement of significance and field inspection. A letter of notification be sent to all adjoining landowners inviting submission to the proposed amendment. Period for submissions to be 4 weeks. If submissions are received, these be considered and referred to a Panel in accordance with Officer delegations.
- HO189 to be remapped in accordance with statement of significance and the Victorian Heritage Register description.
- Delete last sentence in history section of data sheet for HO206. Amend schedule to HO – HO206 – change Irrewarra to Irrewillipe.
- Remove HO221 from the Heritage Overlay.
- HO227 – as identified in the heritage study - to be mapped in accordance with the statement of significance and included in the Schedule to the heritage overlay.
- HO310 - Queens Ave Precinct, Colac. The reference to deep culverts is incorrect, change statement of significance to remove reference to the deep culverts.
- Due to the removal of HO309, HO318 and HO317, remove local policies 22.06-8 (HO309), 22.06-16 (HO317) and 22.06-17 (HO318) from Amendment C27.

A total of 28 submissions that did not result in the amendment being changed in the manner requested were referred to a Panel.

The Panel to hear and consider submissions in respect of Amendment C27 was appointed on 24 May 2007, comprising Cathie McRobert (Chairperson) and Maggie Baron (member).

The Panel hearing was held on 12 and 13 July 2007 in Colac and the Panel report released to Council on 24 August 2007. The Panel report is at **Attachment 1**.

In accordance with Section 26 of the *Planning and Environment Act* 1987, Council's Planning Committee considered the release of the Panel's report to the public at its meeting on 12 September 2007. In its consideration, Council's Planning Committee noted some minor errors in the report, specifically;

1. Recommendation 13, which relates to St. Johns Church (HO124), included unrelated recommendations relating to the Water Tower at Cressy (HO 172).
2. Representatives of St. Johns Church, who lodged a late submission and appeared at the Panel hearing, were not listed in Appendix A.

Subsequently, it was resolved that:

***“Council’s Planning Committee requests that Planning Panels Victoria provides an amended Panel Report that rectifies mistakes made in the report and that the amended report be made publicly available.”***

Planning Panels Victoria revised the Panel report and remedied the mistakes identified by Council, at which time the Panel report was made available to the public and those attending the hearing notified of its release.

### **Corporate Plan/Other Strategies/Policy**

A planning and development community priority in the 2005-2009 Council Plan is to:

- “Undertake a comprehensive review of the Colac Otway Planning Scheme and prepare an updated Municipal Strategic Statement and Local Planning Policy Framework to address the recommendations arising from the Planning Scheme Review.”

Amendment C27 which implements the findings of the Colac Otway Heritage Study is a key step in the Planning Scheme review and achieving this community priority in the Council Plan.

### **Issues/Options**

The Panel has considered all issues raised in submissions and provided conclusions and recommendations about the Amendment. Conclusions and recommendations of the Panel are summarised in Section 1 of the Panel report and are listed below:

- “Amendment C27 proposes to implement the Colac Otway Heritage Study. It changes the Local Planning Policy Framework and applies the Heritage Overlay to 243 individual places and 17 precincts.
- Exhibition resulted in 63 submissions. Council resolved to make changes to the Amendment after considering submissions. These changes and the submissions where the issues were resolved were not referred to the Panel and have not been considered by it.

- The Panel has found that the Heritage Study adopted the recommended methodology. With revisions as a result of the audit, consultation processes and Panel consideration, it provides an appropriate basis for Amendment C27.
- Some errors are inevitable. Council has responded to submissions highlighting errors and challenging elements of the exhibited Amendment by supporting a significant number of revisions to the Overlay. This indicates that the process is working and adds confidence to the basis for the proposed planning scheme provisions.
- The Panel does not support submissions opposing the application of the Heritage Overlay on the basis of costs associated with obtaining planning approvals or claims that property values will be adversely affected. Council's recommendations to remove external paint controls and to review the prohibited use provisions are endorsed. The Panel also encourages Council to adopt systems to minimise the administrative burden, such as promoting early consultation with Council's heritage advisor.
- Whether heritage controls should extend to the interior of the Wesleyan Church in Colac was particularly contentious (see 6.2.17). The Panel concluded that internal controls affecting important elements of the Church interior are justified but interior controls should not apply to the Church Hall or the Church fixtures, furniture and organ.
- The Panel considers that the values of the Queens Avenue (HO310) and Grant Street (HO313) Precincts in Colac do not meet the threshold for application of the HO and recommends review of the extent of HO311 (which includes areas without contributory properties). Other planning scheme mechanisms directed at protecting the valued neighbourhood character of these areas could be considered but would require a further amendment.
- The Panel's consideration of referred submissions relating to other heritage places is provided in Chapter 6.
- The proposed changes to the MSS are accepted but should be edited to remove unnecessary content and duplication within the LPPF as part of the broader review of the MSS that is currently underway.
- The Panel supports further revisions to the policy tabled by Council but the policy would benefit from restructuring to achieve a more concise document and some editing. Similarly, a number of revisions to the schedule to the HO were put forward by Council at the hearing and are endorsed by the Panel.
- It is apparent that the Council officer managing this project and Council's heritage advisor have the expertise necessary to undertake the further refinement of the Amendment recommended by the Panel.
- Recommendations of the Advisory Committee currently reviewing the Heritage Overlay may be relevant. If these recommendations are available before the Amendment is approved and do not involve 'substantive changes', the Panel would encourage them to be applied without further exhibition."

**Outlined below are the recommendations of the Panel, particularly as they apply to submissions referred to Panel, with associated Officer comment:**

- *The Heritage Study should be revised to include a legend on the maps associated with precinct based heritage places.*

**Comment:** A legend has been included on the maps associated with precinct based heritage places. Note that it is not proposed to adopt that part of the amendment dealing with precincts at this point as further work is still required.

- *The Panel considers that the values of the Queens Avenue (HO310) and Grant Street (HO313) Precincts in Colac do not meet the threshold for application of the HO and recommends review of the extent of HO311 (which includes areas without contributory properties). Other planning scheme mechanisms directed at protecting the valued neighbourhood character of these areas could be considered but would require a further amendment.*

**Comment:** HO310 and HO313 are recommended to be removed from the amendment. The extent of HO311 has been reviewed. Note that it is not proposed to adopt that part of the amendment dealing with precincts at this point as further work is still required.

- *The accuracy of individually significant heritage places identified in the Beac Commercial Precinct HO303 should be reviewed.*

**Comment:** Accuracy of mapping of individually significant places the in Beac Commercial Precinct HO303 was considered and addressed when Council considered submissions. The recommendation of the Panel is to essentially “double check” the accuracy. Officers will confirm the accuracy prior to part two of this amendment being considered for adoption.

- *The Heritage Study citation for HO74 (Studbrook) should be revised to reflect the minor changes to the property.*

**Comment:** The objection submitted that the building has been modified and is no longer in original condition. The Panel concluded that modifications are normal over time and provided they respect the heritage significance and do not compromise a heritage building. Council’s Heritage Advisor has used the information that was provided by the submitter to update the citation.

- *Further work should be undertaken to substantiate or refine the Statement of Significance for HO147 (Shops At 243 – 253 Murray Street Colac) and the Statement of Significance in the Heritage Study and policy should be refreshed accordingly before adoption of the Amendment.*

**Comment:** Objection disputed accuracy of history. Council’s Heritage Advisor has reviewed the statement of significance and made appropriate revisions.

- *The (draft) Statement of Significance for HO176 Watch Hill homestead, Cundare should be finalised, ensuring:*
  - *No additional details are included unless supported by a site visit, and*
  - *The image from the National Trust website is included in the citation.*
  - *The final Statement of Significance should be forwarded to the owner and Council should seek a site meeting to discuss reducing the extent of the Heritage Overlay.*

**Comment:** During preparation of the Heritage Study, the owner refused access for a site inspection. Basis for objection was that a site inspection had not been undertaken. Further repeated attempts have been made to contact the owner. Contact has not been made with the owner. The statement of significance has been revised to include the image from the National Trust and the history component of the statement of significance updated based on a literature review. Nothing in the physical description has been altered as there has not been a site inspection.

- *The revised Heritage Overlay maps provided to the Panel should be adopted subject to any further changes as a result of Panel recommendations.*

**Comment:** This work has been completed.

- *The extent of the Heritage Overlay HO301 should be reduced to remove the golf course along with the deletion of the reference to the spring from the Statement of Significance.*

**Comment:** The golf course has been removed from HO301. There is no reference (and never was) to the spring in the statement of significance.

- *With regard to HO124 (St Johns Church Hall):*
  - *The Heritage Study data sheet for HO124, 41 Pollock Street Colac should be updated to incorporate the more accurate information presented at the hearing, including explicit mention of the exclusion of the 1947 extension.*
  - *The extent of HO124 should be reduced to exclude the 1947 extension to the Parish Hall (and the retirement village unit).*

**Comment:** This has been completed by Council's Heritage Advisor.

- *Council and Barwon Water should develop a simple Conservation Management Plan for HO172 to tailor permit requirements and accommodate necessary maintenance.*

**Comment:** This has been completed by Council's Heritage Advisor with assistance from Barwon Water.

- *Minor editing is recommended to ensure a clear distinction between heritage and neighbourhood or historic character provisions is maintained in the planning scheme.*

**Comment:** This has been completed by Council Officers to ensure consistency with the MSS text of Amendment C55 (Planning Scheme Review).

- *The revised Clause 22.06 policy (Appendix B) tabled during the hearing should be adopted subject to:*
  - *Deletion of references to precincts excluded from the Heritage Overlay as a result of Council consideration of submissions and Panel recommendations; and*
  - *Further changes recommended by the Panel.*

**Comment:** This work is still to be undertaken and will be considered for adoption as part two of this amendment.

- *The Statements of Significance in the Proposed Clause 22.06 policy should be refreshed to focus on the heritage significance of the precincts and to exclude descriptive material.*

**Comment:** This work is still to be undertaken and will be considered for adoption as part two of this amendment.

- *The Heritage Victoria Draft Guidelines for Assessing Planning Permit Application (February 2007) be included as a reference document.*

**Comment:** This work is still to be undertaken and will be considered for adoption as part two of this amendment.

- *Consideration should be given to extending the scope of the policy to:*
  - *Individual heritage places with an explicit statement to the effect that decisions for individual places will have regard to the effect of development on the heritage significance of the place, as identified in the relevant Heritage Study Statements of Significance.*
  - *Provide advice on the treatment of properties in heritage precincts that do not contribute to the heritage values of the precinct.*
  - *Provide advice on the circumstances in which prohibited uses within individually significant heritage places may be supported*

**Comment:** This work is still to be undertaken and will be considered for adoption as part two of this amendment.

- *The Proposed Clause 22.06 policy should be restructured and edited as set out in Section 7.2 of the Panel report.*

**Comment:** This work is still to be undertaken and will be considered for adoption as part two of this amendment.

- *External painting controls (repainting of previously painted surfaces) should be reviewed. They should only apply when the colour scheme has been determined to be significant to the heritage values of the place. External paint controls should not apply in the precincts or to infrastructure such as rail lines serving saw mills and significant trees.*

**Comment:** In response to this recommendation, it is recommended that external paint controls should not apply to the following:

**HO3, 4, 5, 6, 7, 16, 24, 26, 27, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 44, 50, 52, 54, 58, 60, 62, 64, 67, 68, 70, 73, 76, 80, 82, 84, 88, 102, 108, 113, 114, 122, 123, 127, 163, 172, 174, 179, 182, 183, 186, 189, 192, 193, 196, 197, 201, 208, 210, 211, 212, 214, 215, 222, 226, 227, 231, 232, 237, 242, 243, 245, 246, 247, 248 and all precincts.**

- *The provision in the Schedule to the Heritage Overlay allowing consideration of prohibited uses should be reviewed to:*
  - *Exclude heritage places where dispensations from 'use provisions' are not relevant; and*
  - *Determine whether the provision is appropriate for each heritage place, particularly precinct based places.*

**Comment:** In response to this recommendation, it is recommended that prohibited uses be permitted in the following:

**HO18, 19, 20, 43, 45, 53, 98, 99, 100, 104, 109, 116, 124, 125, 126, 131, 132, 134, 157, 158, 165, 166, 170, 187, 223, 235.**

#### Wesleyan Church and Hall – HO157

One of the sites included in the amendment is HO157, the Wesleyan Church and Hall. The exhibited amendment did not propose to apply the heritage overlay to the interior of the Wesley Church. During exhibition of the amendment, several submissions were received about this site requesting that internal controls apply to the Wesley Church. The issue of internal controls applying to the Church was a significant issue for the Panel to consider. The Wesley Church is currently for sale and members of the community expressed concern to Council that the sale of the building may result in a new owner acquiring the church and altering the interior before the Panel hearing and amendment process has run its course.

The Panel, in considering internal controls, recommended that the following elements of the Church be covered by internal controls:

- *Original timber trusses and timber panelled roof;*
- *Original wall bracket light fittings installed on timber crosses around the walls of the Church;*
- *Original light fittings suspended from the Church ceiling;*
- *All original internal door furniture including the timber architraves;*
- *Timber wall panelling as well as the brick dado;*
- *Timber bracket above the lectern; and*
- *Timber bracket above the main entry (south east entry) into the Church.*

It is recommended that the statement of significance and schedule to the Heritage Overlay be revised to reflect this recommendation.

#### Onion Dehydration Factory – HO163

Council's Planning Committee in considering submissions in respect to the Amendment at its meeting on 11 April 2007, resolved to:

***'Modify HO163 to include an incorporated plan that excludes the entire site except the chimney stack from requiring a planning permit, but that the incorporated plan requires a measured drawing and photographic survey of the site to be undertaken prior to modification. If the owner does not agree to this, refer submission to a panel.'***

The resolution provided that no permit would be required under the overlay for anything done in accordance with the incorporated plan, except for the chimney stack where a planning permit would be required.

Prior to the recent Panel hearing for Amendment C27, Council received from Earth Tech Engineering (on the owner's behalf) correspondence indicating there was no objection to the above resolution.

Subsequently at the Panel hearing, the Panel made comment on the Heritage Overlay over the property. The Panel suggested that if a measured drawing & photographic survey were prepared before the amendment is adopted, the heritage overlay could be removed from the factory and limited only to the chimney stack.



The owner provided Council with the required photographic survey and measured drawings on 19 November 2007. The report provided was reviewed by Council officers who were of the opinion that the work undertaken by the consultant was in accordance with Council guidelines for photographic surveys and measured drawings and acceptable to Council for the purposes outlined above.

It is recommended that the heritage overlay be reduced in extent to only include the chimney stack.

#### **Additional matter – Aboriginal heritage places**

The schedule to the Heritage Overlay includes a column titled “Aboriginal heritage place?”. Review of this column indicates that a total of 37 places have been identified as an Aboriginal heritage place, with all of these entries being incorrect. It is recommended that all places identified as ‘yes’ in this column be changed to ‘no’ as they are not Aboriginal heritage places within the meaning of the heritage overlay.

#### **Additional matter – HO94 Eliminook**

Following the Panel hearing, Council Officers identified a mapping error for this site, identified incorrectly as 80 Main Street Birregurra. The property is actually at 585 Warncoort - Birregurra Rd. Notice was not provided to 585 Warncoort - Birregurra Rd, hence it is recommended that HO94 be removed from the Heritage Overlay and be reconsidered for adoption of part B of the Amendment following further investigation and discussion with the land owners.

#### **Additional matter – HO169 Frenchman’s Inn**

Following the Panel hearing, Council Officers identified a mapping error for this site. The correct site was identified but the overlay applied to incorrect parcels. The landowner was correctly notified during exhibition of the amendment and made no submission to the amendment. The mapping error can therefore be rectified so that the overlay applies to the correct parcel. This has occurred and is included in the revised map at Attachment 2.

#### **Concluding comments**

Based on the reasons set out in the Panel Report, the Panel recommends Amendment C27 to the Colac Otway Planning Scheme should be adopted subject to the recommendations set out in the Panel’s report and summarised in the options below. These recommended changes are in addition to revisions to the Heritage Study and Schedule to the Heritage Overlay made by Council after it considered submissions.

#### **Option 1 - Adopt part of Amendment C27**

Section 29 of the *Planning and Environment Act 1987* provides for part of an amendment to be adopted by Council once Divisions 1 and 2 of the Act have been complied with in terms of considering and making a decision on submissions. Given that work on individual sites within the overlay has now been completed, it is proposed that Amendment C27 be split by Council into two parts:

##### *Part A – Individual sites and MSS content*

Now that Council has considered submissions and the Panel report, Divisions 1 and 2 of the Act have been complied with. The individual sites component of the amendment has been changed in accordance with the recommendations of the Panel. This part of the Heritage Overlay can now be adopted. The inclusion of individual sites and MSS content into the Colac Otway Planning Scheme will assist in not further delaying protection for the Shire’s sites of heritage and cultural significance. This option also ensures controls are introduced

sooner where currently there are no controls and will provide certainty to landowners, including the Colac Uniting Church.

*Part B – Adopt the local policy and precincts once they are reviewed & revised in accordance with Panel recommendations*

The Panel identified a number of revisions, which are required to the local policies and precincts identified in the amendment. This work will primarily be undertaken by Council's Heritage Advisor with Officer support. Given the level of work required to complete these revisions, it is anticipated that the work to be undertaken will be completed and ready for Council adoption in April. A further report will be presented to Council to enable adoption of this part of Amendment C27.

**This is the recommended option.**

### **Option 2 - Complete all work and then adopt amendment.**

This option is not recommended as it would further delay protection for individual sites within the Shire until such time as the local policies and precincts had been reviewed and revised. The Colac Uniting Church has expressed an interest in having the heritage process finalised in order to provide them and other owners with certainty regarding their properties.

**This is not the recommended option.**

### **Proposal**

It is proposed that:

- In accordance with section 27(1) of the *Planning and Environment Act 1987*, this Council report be adopted as Council's consideration of the Panel Report.
- In accordance with Section 29 of the Act, Council adopts Part A of Amendment C27, implementing heritage controls for individual sites and associated MSS content into the Colac Otway Planning Scheme. The amendment documentation in accordance with this proposal is at **Attachment 2**.
- Once further review and revisions to the local policy and heritage precincts has been completed, a further report is prepared for the consideration of Council recommending the adoption of Part B of Amendment C27.

### **Financial and other Resource Implications**

Heritage Victoria has provided Council with a heritage advisory service grant of \$7,500, which has been matched by Council for this financial year for a total of \$15,000. The grant funding and budget allocation for heritage advisory services along with the budget allocation for processing the amendment will cover costs associated with the further review and revision of the amendment prior to adoption and Ministerial approval.

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

Section 27 of the *Planning and Environment Act 1987* requires the Council to consider the Panel's report before deciding whether or not to adopt the amendment. This report satisfies Council's obligation under this Section of the Act.

Section 29 of the *Planning and Environment Act 1987* provides for part of an amendment to be adopted by Council once Divisions 1 and 2 of the Act have been complied with in terms of considering and making a decision on submissions. Council's notice and exhibition of the

Amendment and subsequent consideration of submissions and the Panel report satisfies the requirements of Divisions 1 and 2 of the Act, and therefore Section 29.

### **Environmental Considerations**

The amendment will have no adverse effect on the natural environment and will add to the richness and diversity of the built environment.

### **Communication Strategy/Consultation**

Exhibition of Amendment C27 to the Colac Otway Planning Scheme has been in accordance with the requirements of the *Planning and Environment Act 1987* and Council's Community Consultation and Engagement Policy.

Should Council adopt Part A of the Amendment and the Minister subsequently approves the amendment, all affected property owners and submitters will be notified.

### **Implementation**

If Council resolves to adopt the amendment in part, the resolution will be implemented by:

- Submitting the adopted amendment to the Minister for Planning, in accordance with Section 31 of the *Planning and Environment Act 1987*.

### **Conclusion**

Proposed Amendment C27 (Heritage Overlay) to implement the recommendations of the Colac Otway Heritage Study was exhibited from 9 March 2006 to 5 May 2006. A total of 63 submissions were received. Council's Planning Committee considered submissions to Amendment C27 at its meeting on 11 April 2007 and resolved to refer to Panel 28 submissions that had been considered but had not resulted in the Amendment being changed in the manner requested.

Council has now received the Panel's report, which recommends that Amendment C27 should be adopted subject to the recommendations set out in the Panel's report. Revisions recommended in the Panel report have been made and it is now recommended that the part of the Amendment that applies to individual sites and MSS content (Part A) now be adopted. The part relating to local policies and heritage precincts are subject to significant further review and revisions and are forecasted to be ready for Council's consideration in April 2008.

### **Attachments**

**Attachment 1:** Panel Report

**Attachment 2:** Amendment documentation

### **Recommendation(s)**

***That:***

- 1. Council adopt this report as its consideration of the Panel's report.***
- 2. Council split Amendment C27 (Heritage Overlay) to the Colac Otway Planning Scheme and adopts part A which applies heritage controls to individual sites and introduces new Municipal Strategic Statement content to the Colac Otway Planning Scheme.***

- 3. ***Upon completion of the review and revision of the local policy and heritage precincts content (Part B) of Amendment C27, a report be prepared for the consideration of Council recommending the adoption of Part B of Amendment C27.***

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**OM082602-14 AMENDMENT C55 (PLANNING SCHEME REVIEW) - CONSIDERATION OF SUBMISSIONS**

AUTHOR: Yash Bonno  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: Amendment C55

**Purpose**

To present submissions received during exhibition of Amendment C55 (Planning Scheme Review) to the Colac Otway Planning Scheme for Council's consideration and determination in accordance with sections 22 and 23 of the *Planning and Environment Act 1987*.

**Background**

The *Planning and Environment Act 1987* requires Council to regularly review the provisions of the Colac Otway Planning Scheme. Specifically, section 12A (5) of the Act directs Council to undertake a review of its Municipal Strategic Statement (MSS) every three years. The Act has recently been amended to widen this review to incorporate an entire review of the Planning Scheme.

Colac Otway Shire Council commenced a review of the Colac Otway Planning Scheme in 2005 with the engagement of Mark Marsden initially and more recently John Keaney as planning consultants to Council. The three year Planning Scheme Review (PSR) report was adopted by Council in December 2005 and forwarded to the Minister for Planning who acknowledged receipt of the report in March 2006.

The PSR incorporates a number of strategic projects undertaken by Council and the State Government, which have informed the proposed changes to the Planning Scheme, including:

- The 3 year Planning Scheme review report, adopted by Council in December 2005.
- The Colac Structure Plan (CSP), adopted by Council on 28 February 2007.
- The Apollo Bay Structure Plan (ABSP), adopted by Council on 26 April 2007.
- The Rural Land Strategy (RLS), adopted by Council on 26 September 2007.
- Review of minimum lot sizes in the proposed Rural Living Zone areas in Colac & Elliminyt, adopted by Council in March 2007.
- The Great Ocean Road Region Landscape Assessment Study (GORRLAS).

The first project that initiated the amendment was the 3 year Planning Scheme review report. The recommendations of this report have directly influenced the redrafting of the planning scheme. The recommendations were:

1. *That the identified key issues and influences be absorbed into the revised MSS.*
2. *That consideration be given to structuring the revised MSS in accordance with the five SPPF headings.*
3. *That the existing MSS be thoroughly edited to simplify and clarify the strategic directions in the scheme.*
4. *That the existing local policies be redistributed into other overlays or VPP tools other than the "excision policy" which needs review.*
5. *That new policies be investigated as part of the planning scheme rewrite.*
6. *That the existing zone selection and the existing zone schedules be reviewed.*
7. *That the existing overlay selection and locations be reviewed.*

8. *That all existing overlay schedules be thoroughly reviewed and edited especially to “exempt out” unnecessary applications and to include further strategic work which has been completed.*
9. *That the existing schedules to the Particular and General Provisions be reviewed.*
10. *That the matters listed above still requiring attention be included in the “Further Strategic Work” section in the revised MSS.*
11. *That the Monitoring and Review section in the MSS be rewritten with clear and logical issues to review based on the outcomes of the planning scheme rewrite.*

Amendment C55 facilitates the implementation of recommendations arising out of the PSR and proposes a significant number of changes to the Colac Otway Planning Scheme.

At its meeting on 26 September, 2007 the Council considered a report in relation to the PSR and the proposed Planning Scheme Amendment C55, and resolved to exhibit the amendment and seek authorisation from the Minister for Planning. A further report was provided to Council at its meeting on 24 October 2007, where Council endorsed the detailed provisions that were to be exhibited with the amendment.

Authorisation from the Minister was received on 19 November 2007. Amendment C55 was subsequently exhibited from 6 December 2007 to 31 January 2007. A total of 251 submissions were received, of this total 160 submissions were based on the Otway Forum standard template submissions. All the Otway Forum submissions objected to residential development on the Barham River floodplain. There were 3 variations of the templates; one addressed the issue of a green break between Apollo Bay and Marengo, another on cut and fill necessary for development on that land, and lastly the preservation of the green break. It should be noted that these issues were examined in detail by the independent Panel convened to examine Amendment C29 (Great Ocean Green). The Panel for C29 concluded that this area is suitable for residential development and Council's concerns regarding the maintenance of a 'green break' between Apollo Bay and Marengo, could be adequately addressed by a 350m vegetated buffer from the Great Ocean Road (GOR) and through the development of comprehensive management plans. The ABSP identifies that if residential development is to occur within this location, it should be single storey with restricted site coverage. **Attachment 1** is the C55 – Consideration of Submissions Report. The exhibited explanatory report for the amendment is at **Attachment 2**.

In accordance with Section 22 of the *Planning and Environment Act* (1987), Council must consider all submissions made during the exhibition period. Under Section 23 of the Act, “Decisions about submissions”, the following is required:

23. *Decisions about submissions*
  - (1) *After considering a submission which requests a change to the amendment, the planning authority must –*
    - (a) *change the amendment in the manner requested; or*
    - (b) *refer the submission to a panel appointed under Part 8; or*
    - (c) *abandon the amendment or part of the amendment.*

This attached Consideration of Submissions report summarises the submissions made to the exhibition of the amendment, recommends minimal changes to the amendment and recommends that all submissions be referred to a panel.

### **Corporate Plan/Other Strategies/Policy**

The Colac Otway Shire Council Plan 2005-2009 Community Planning Priorities include:

*“Undertaking a comprehensive review of the Colac Otway Planning Scheme including a rural zones review and the preparation of an updated Municipal Strategic Statement and Local Planning Policy Framework to address the recommendations arising from the Planning Scheme Review.”*

Council has identified a Council Plan Specific Performance Criterion as:

- *‘New re-written MSS completed, in line with the review of the MSS.’*

Planning Scheme Amendment C55 will implement these elements of the Council Plan.

### **Issues/Options**

Notice of Amendment C55 to the Colac Otway Planning Scheme appeared in the Victorian Government Gazette on Thursday 6 December 2007. The closing date for submissions was Thursday 31 January 2008, in accordance with the resolution of Council at its meeting on 26 September 2007 to exhibit the amendment for 8 weeks.

A total of 251 submissions were received. Of this total 160 submissions received were based on the Otway Forum standard template submissions which objected to residential development on the Barham River floodplain. During the exhibition period, Council Officers answered over 100 phone and counter enquiries regarding the Amendment. The nature of the queries centred mainly on how Amendment C55 would specifically affect that person’s property and how to make a submission if they wished to object.

### ***Common themes raised in submissions***

- **The consultation period for C55 was inadequate and should be extended and the Amendment documents were difficult to access.**

Statutory provisions require Council to exhibit an Amendment for a period no less than 1 month, however due to the scale of the Amendment exhibition was extended to 8 weeks. The extended period included the Christmas break which had the added benefit of allowing the significant number of absentee ratepayers holidaying along the coast to view exhibition documents, inform themselves and make a submission.

In order to further facilitate community understanding of the Amendment, 5 Information sessions on C55 were held on the 11 & 13 December 2007 at Gellibrand, Colac, Beeac, Forrest and Apollo Bay. The venues and times of the five sessions held across the municipality were widely advertised and it is considered that the program was an appropriate information dissemination process given the availability of Council resources and the Shire-wide nature of the information being provided. Council’s website provided a link to the Department of Planning and Community Development (DPCD), which provided electronic access to the exhibition documents as is standard practice for all Amendments throughout Victoria. Hardcopies were made available at the Colac and Apollo Bay Customer Service Centres, Beeac, Gellibrand and Forrest general stores, Colac Library and sent to all relevant community groups. Further to this, members of the public were invited to contact Council Officers to arrange an appointment to discuss the Amendment.

- **The future settlement boundary for Apollo Bay should not include the Barham River floodplain.**

The Apollo Bay Structure Plan identifies part of the Barham River floodplain as within the coastal settlement boundary and shows the land between the Barham River and Great Ocean Road as outside the settlement boundary, however, the text within the ABSP identifies that if residential development is to occur within this location, it should be single

story. There is therefore the expectation that development could occur there, but it is acknowledged that this may be unclear and may need to be clarified at a Panel hearing.

Issues relating to the inclusion of this land within the settlement boundary and / or for residential development have been considered in detail through the structure plan process and the Panel process for Amendment C29.

- **Object to the back zoning of industrial land to Farming Zone in Colac and the rezoning of land at Forest Street to Industrial.**

A number of submissions objected to the rezoning of industrial land to the east and west of Colac to Farming Zone (FZ) and the zoning of additional industrial land on Forest Street. All exhibited zonings are in accordance with the adopted Colac Structure Plan (CSP).

The CSP recommended the back zoning of this industrial area in Colac West, as it is outside the Colac Sewerage District and due to these servicing issues further development/ subdivision should be avoided. The back zoning of industrial land to the east of Colac is recommended as the area has yet to be developed for industrial purposes and faces environmental and amenity constraints and is outside the Colac Sewerage District. The rezoning of additional industrial land on Forest Street is in response to maintaining an adequate supply of industrial zoned land in Colac given the back zoning of industrial land to the east and west of Colac to FZ, and does not have the same constraints particularly as Barwon Water has undertaken to extend the Sewerage District to include this land. It is anticipated that the appropriateness of the rezoning from Industrial 1 Zone to Farming Zone will be considered by a Panel.

- **Site specific rezoning requests.**

Submissions requesting a rezoning of their land within the Colac area sought either a Residential 1 Zone (R1Z) or Low Density Residential Zone (LDRZ). Given Colac has a 50 – 80 year supply of residential zoned land (Colac Structure Plan) and has approximately 190ha zoned LDRZ, it is difficult to justify the residential rezoning of additional areas of land within the Colac area. Furthermore, the rezoning of these properties in the manner requested would allow extensive subdivision and have the potential to increase the supply of residential zoned land significantly.

- **Support the rezoning of land in Rural Living Zone (RLZ) in Colac and it should occur in other areas of the Shire.**

The support of submissions for the rezoning is acknowledged. In terms of the identification of other areas within the Shire for this zone, Clause 21.06 of the exhibited MSS identifies further strategic work to be undertaken which includes:

- Prepare a rural living strategy to identify appropriate locations for rural residential development across the Shire.
- Undertake a review of lots less than 8 hectares in the context of their agricultural capability, level of dwelling development and proximity to townships with a view to applying the Rural Living Zone in appropriate locations.

Work to support the application of additional Rural Living Zone areas has yet to occur.

- **Council's policy on timber plantations is not supportive of the timber industry.**

The timber industry is a significant contributor to the Shire's economy and the exhibited MSS contains a strategy to '*Continue to encourage the forestry industry within the Shire due to its significant contribution to the Shire economy and employment*'. However a number of submitters have found the remaining strategies to be in conflict with this strategy, particularly as they perceive them as advocating restricting the location and



viability of plantations. It is noted however, that Council's adopted Rural Land Strategy (RLS) identified that a significant expansion in the area of timber plantations on farmland of strategic significance could be of concern due to the impacts of higher land prices on farm viability and reduction of area of land available for food production.

The RLS also identified community concern regarding water yields in water supply catchments, which was supported by Barwon Water and Wannon Water both advising that their preference is to limit timber plantations in declared water supply catchments to protect water quality and water yields and enable consideration of the cumulative impact of plantations.

The Great Ocean Road Region Landscape Assessment Study (GORRLAS), which was undertaken by the State Government, identifies the potential for timber plantations to have a negative impact on the nationally significant Great Ocean Road Region landscape. Landscape is an issue that is not addressed to a significant degree by the Code of Forest Practice.

The strategies referred to in these submissions are considered reasonable and it must be noted only apply where a permit is required for timber production, which is generally only where land is zoned Rural Conservation Zone or the proposed plantation is not in accordance with the Code of Forest Practice or does not meet the requirements of table 1 of the Farming Zone, in which case it is considered reasonable to provide guidance in the MSS to assess such applications.

Furthermore, these strategies have been included despite the accompanying permit triggers not being exhibited in the Planning Scheme in anticipation of the State Government completing its review of planning controls for timber plantations.

Council is supportive of the timber industry as it plays a critical role within the Shire's economy, however due regard must be given to ensure that timber plantations are located in areas best suited in terms of environmental, social, economic and land capability impacts.

- **Permit controls should be applied to timber plantations**

It is noted that a number of submissions requested that permit controls should be applied, however as noted in the notification to landowners, the Minister for Planning did not authorise Council to exhibit Amendment C55 with these controls. Specifically, the Minister noted;

*'I am deferring my decision on this issue as the Department of Primary Industries (DPI) is finalising a *Review of planning scheme requirements for plantation development in Victoria*, and in partnership with the Department of Planning and Community Development, a study on the *Impact of land use change on water resources*. I understand that Council is actively participating in the first review.*

*I also encourage Council to undertake further strategic work to justify the 40 hectare permit trigger for timber production. This work should take into consideration the recent request from Wannon Water to include land within water supply catchments in the Rural Conservation Zone'.*

Council's exhibited MSS does contain, as policy, strategies to address the following issues identified by the Rural land Strategy:

- *Ensure that timber production does not negatively impact on the viability of traditional agricultural activities in areas identified as being 'farmland of strategic significance', also taking into*

*consideration the cumulative impact of timber production on traditional agricultural activities in these areas.*

- *Ensure that timber production does not negatively impact upon water quality and water yield in Declared Water Supply Catchments, also taking into account the cumulative impact of timber production on water quality and yield in these areas.*
- *Utilise vegetation buffers of appropriate width (minimum 20 metres) to screen the clear felling of large areas of the landscape that are adjacent to and visible from main road corridors and tourist routes. It may be appropriate to harvest buffers when the clear felled areas of the landscape protected by the buffer have regrown adequately.*

It is clear from a number of submitters on this issue that whilst the policies were supported, they lacked any provision for Council to apply them. It is recommended that the issues related to Council's proposed policy on timber plantations and submitter's request for permit triggers be addressed by a Panel.

- **Requested wording changes to the exhibited MSS.**

A number of positive wording changes to the MSS have been proposed by submitters. Due to the number of requested wording changes from all submitters it is considered that these are best considered in their entirety by a Panel.

- **Amendment C55 should be considered before Amendment C29**

This is essentially not a submission to Amendment C55 in that it is not requesting a change to the exhibited amendment. Notwithstanding this, there is no legal impediment to Council considering and determining C29 prior to the adoption of amendment C55. C29 is a site specific amendment involving new statutory zones and overlays, and has been in train for some years and has been informed by its own process including exhibition, submissions, Panel hearing and Panel report. C29 was supported by the Independent Panel which considered the amendment in significant detail and determined that it could be adopted before finalisation of the Apollo Bay Structure Plan (ABSP). The amendment now requires a decision by Council, which is then to be followed by a decision by the Minister (should it be adopted by Council). Amendment C55 by contrast is a 'planning scheme review' type amendment which is more 'strategic' and just starting its statutory process. It was made clear during the exhibition process for C55 that while the C29 land was included in the ABSP, none of the specific details of that amendment (zones or overlays) were being revisited in any way by Amendment C55.

- **Dwellings should be allowed on parcels less than 40ha within the Farming Zone and Rural Conservation Zone.**

Council's adopted Rural Land Strategy identified that the proliferation of dwellings within the FZ has the potential to undermine agricultural activities and associated economy within the Shire. The FZ does not preclude Council's consideration of a dwelling on allotments less than 40ha and the Amendment seeks no change to the schedule of the FZ. However, the Rural Land Strategy recommended a strict interpretation of the Decision Guidelines in the assessment of permit applications.

The schedule to the RCZ does not prescribe a minimum lot size for dwellings within the zone and the exhibited MSS actively supports applications for dwellings within the zone. The Amendment seeks no change to the schedule of the RCZ.

## Options

To assist Council in reaching a determination on this matter the following three options have been identified that are in accordance with Section 23 of the Act:

### Option 1

Change the amendment in the manner requested (Section 23(1) (a) of the Act).

Changing the amendment in the manner requested by some submissions may be considered appropriate, however if the amendment was changed in the manner requested by all submissions this would compromise the recommendations arising out of the strategic projects undertaken by Council, as part of the overall PSR. Having regard to the volume of changes requested by submitters and the extent of the proposed revisions to the Colac Otway Planning Scheme by Amendment C55, it is recommended that all submissions are referred to a Panel for consideration and comment with minimal changes.

**This is not a recommended option.**

### Option 2

Refer all submissions to a Panel (Section 23(1) (b) of the Act)

The submissions to the proposed amendment have been discussed in detail in this report and Attachment 1: Colac Otway Amendment C55 (Planning Scheme Review) – Consideration of Submissions Report. It is recommended that all submissions be referred to a Panel. This will give the submitters the opportunity to raise their concerns before an independent Panel hearing.

**This is the recommended option.**

### Option 3

Abandon the amendment or part of the amendment (Section 23(1) (c) of the Act)

This option is not recommended as Council's Planning Scheme Review contains a number of strategic studies undertaken and adopted by Council and the proposed Amendment C55 implements the recommendations arising from the Planning Scheme Review.

**This is not a recommended option.**

## Proposal

It is proposed that all submissions received to Amendment C55 to the Colac Otway Planning Scheme be referred to a Panel.

## Financial and other Resource Implications

Forwarding submissions to a Panel and attendance and presentation at the Panel hearing is likely to cost Council \$60,000 - \$80,000. The significant costs associated with the Panel hearing arise from several factors, including;

- The volume of proposed changes involved with the Amendment, which implements recommendations from several strategic projects.
- The requirement for the authors of the Apollo Bay Structure Plan, Colac Structure Plan, Rural Land Strategy and GORRLAS to appear as expert witnesses at the hearing.
- The significant number of issues raised by submissions will increase the duration of the Panel hearing need to be addressed by Council at the hearing.

A budget allocation has been provided for the Planning Scheme Review project. Staff resources have also been allocated to this project.

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

Section 21(2) of the *Planning and Environment Act 1987* states:

*“The planning authority must make a copy of every submission available at its office for any person to inspect during office hours free of charge until the end of two months after the amendment comes into operation or lapses.”*

All submissions to the Amendment are therefore publicly available documents as this section of the *Planning and Environment Act 1987* overrides relevant privacy legislation.

This report and the attached Consideration of Submissions report satisfy Council's obligations under sections 22 and 23 of the *Planning and Environment Act 1987*.

### **Environmental Considerations**

A range of environmental issues are addressed by the proposed amendment, which will ultimately be beneficial to the environment. These issues have been considered and addressed in detail in the Colac Structure Plan, Apollo Bay Structure Plan, Rural Land Strategy, Great Ocean Road Region Landscape Assessment Study and by relevant authorities. It is noted that a further opportunity will be afforded to relevant authorities and the community to comment on the proposed amendment during the Panel hearing process.

### **Communication Strategy/Consultation**

If Council resolves to refer submissions to a panel, Council and those whose submissions are referred to a Panel will have opportunity to be heard at the Panel hearing.

### **Implementation**

If Council's Planning Committee resolves to refer submissions to a Panel, the resolution will be implemented by referring all submissions to a panel. The Minister for Planning will be requested to appoint a panel under Part 8 of the *Planning and Environment Act 1987*.

### **Conclusion**

Colac Otway Shire Council commenced a review of the Colac Otway Planning Scheme in 2005. The review consisted of a number of strategic projects undertaken by Council and the State Government, including the:

- 3 year Planning Scheme Review report
- Colac Structure Plan
- Apollo Bay Structure Plan
- Rural Land Strategy
- Great Ocean Road Region Landscape Assessment Study (prepared by the State Government).

These projects have now been completed and adopted by Council. Amendment C55 facilitates the implementation of recommendations arising out of the Planning Scheme Review process and proposes a significant number of changes to the Colac Otway Planning Scheme.

A total of 251 submissions were received following exhibition of the amendment, of this 160 submissions were based on the Otway Forum standard template submissions. It is recommended that all submissions be referred to a Panel. This will give submitters the opportunity to raise their concerns before an independent Panel appointed by the Minister for Planning.

#### **Attachments**

**Attachment 1:** Colac Otway Amendment C55 (Planning Scheme Review) – Consideration of Submissions Report

**Attachment 2:** Amendment C55 Explanatory Report

#### **Recommendation(s)**

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

- 1. Council adopt the report titled "Colac Otway Amendment C55 (Planning Scheme Review) – Consideration of Submissions Report" as the Council's consideration of and decision about submissions in accordance with sections 22 and 23 of the Planning and Environment Act 1987.***
- 2. Council request that the Minister for Planning appoint an independent panel to consider all submissions to Amendment C55 to the Colac Otway Planning Scheme.***

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**OM082602-15 KENNETT RIVER, WYE RIVER & SEPARATION CREEK STRUCTURE PLANS - CONSIDERATION OF ADOPTION**

|             |                                      |           |                                              |
|-------------|--------------------------------------|-----------|----------------------------------------------|
| AUTHOR:     | Yash Bonno                           | ENDORSED: | Jack Green                                   |
| DEPARTMENT: | Sustainable Planning and Development | FILE REF: | Kennett Rvr, Wye Rvr, Sep Crk Structure Plan |

**Purpose**

To present the final Kennett River, Wye River and Separation Creek Structure Plans (KWSSP) to Council for the purpose of adoption.

**Background**

Council's Planning Committee at its meeting held on 21 September 2005 adopted the Skenes Creek, Kennett River, Wye River and Separation Creek Neighbourhood Character Study (2005) and resolved to prepare and exhibit amendment C22 to the Colac Otway Planning Scheme to implement the recommendations of the study. The Planning Committee also resolved to commence work on the Wye River, Separation Creek and Kennett River Structure Plan once Amendment C22 was exhibited.

The KWSSP project was commenced by Council in 2006. A significant amount of work, including a background and discussion paper and associated community consultation (including workshops in Melbourne and Wye River) as well as a community consultation summary report was undertaken during 2006. As a result of resource and timing constraints associated with the completion of the Planning Scheme Review, Planisphere were contracted to complete the final stages of the KWSSP including draft and final structure plans. Council, at its meeting on 22 August 2007, resolved to place the draft Structure Plans on public exhibition for a period of 6 weeks from 27 August to 8 October 2007. In accordance with Council's Community Consultation and Engagement Policy, the following consultation program was undertaken:

- Public notices appeared in the Colac Herald, the Echo, the Apollo Bay News Sheet and the Otway Light advising of release of Structure Plan, period of exhibition, date and venue of community workshops and procedure for making a written submission and verbal submission to a Council hearing.
- Notice sent directly to KWSSP Stakeholder Reference Group (SRG) members advising of the release of the draft document, period of exhibition, date and venue of SRG meeting.
- The draft KWSSP was placed on internet and hard copies in the Colac and Apollo Bay Customer Service Centres and the Colac Library.
- SRG Meeting was held on Wednesday 29 August 2007.
- Community information sessions were held in Melbourne on Thursday 9 September 2007 and Wye River on Saturday 11 September 2007.
- Councillor hearing of verbal submissions occurred on Wednesday 17 October 2007.

During the public consultation period, extensive community feedback and submissions were received and considered. Planisphere subsequently prepared a Recommended Changes Report, which was presented to the SRG on 27 November 2007 and to a Councillor workshop on 5 December 2007. Some of the recommended changes addressed issues such as:

- Environmental Management
- Settlement boundaries
- The role of the towns
- The character of the towns
- Foreshore Management

The SRG session and Councillor workshop also discussed the proposal for a Further Investigation Area for an open space/recreation, non-urban form tourist accommodation and small scale residential development to the west of Wye River, proposed to be subject to a separate, detailed planning and community consultation process.

The recommended changes together with final changes that address the Wye River Further Investigation Area have now been included in the KWSSP recommended for adoption (**Attachment 1**).

### **Corporate Plan/Other Strategies/Policy**

Colac Otway Shire Council Plan 2005-2009 Community Planning Priorities include:

*Complete a Neighbourhood Character Study and Structure Plan which will provide guidelines and a policy basis for determining development applications in the towns of Skenes Creek, Separation Creek and Wye River.*

Council has also identified a Corporate Plan Specific Performance Criterion as:

- *'Develop the Wye River, Kennett River and Separation Creek Draft Structure Plan ensuring the integration of directions to deal with issues of concern to the community including water, waste water, parking and public safety in accessing beach, and sustainable town development.'*

Council's adoption of the final KWSSP will meet this Specific Performance Criterion and result in the completion of the above Community Planning Priority.

### **Issues/Options**

The final KWSSP acknowledges a range of issues raised during public exhibition of the draft Structure Plans and addresses these issues where appropriate. Broad themes in the KWSSP are:

- Landscape & Settlement Character
- Size of the Settlements (Settlement Boundaries)
- Environment
  - Effluent disposal
  - Water supply
  - Stormwater management
  - Wildfire threat
  - Building in landslip prone areas
- Activities
  - Foreshore
  - Commercial, retail and tourism opportunities
- Access

During initial community consultation the following two key themes emerged from the community:

*“a concern about the degradation of their natural environment, especially with respect to the water quality of the rivers and estuaries”*

*“a belief that an integrated holistic approach to the issues of wastewater, stormwater, drainage and landslide management is essential for the ongoing environmental sustainability of the townships.”*

The following principles, which flow from the above two key themes, guided preparation of the KWSSP:

- Wye River, Separation Creek and Kennett River will remain as distinct coastal hamlets nestled in the foothills of the Otway Ranges
- The impact of the hamlets on the natural environment will be as minimal as possible with water being sustainably managed and vegetation acknowledged and valued.
- The primary roles of the hamlets will be to provide housing for permanent and part time residents and to provide a diverse range of holiday accommodation.

Key objectives and strategies of the final KWSSP are as follows.

#### ***Landscape & Settlement Character***

- Continue to protect and maintain the landscape setting of the three hamlets.
- Maintain the existing Township zone boundary.
- Ensure that development in the Rural Conservation Zone complies with the policy context of the Colac Otway Planning Scheme and the objectives and requirements of that zone.
- Restrict development on the Low Density Residential Zone north of Separation Creek by introducing a Development Plan Overlay based on the approved three and four lot subdivision plans.

The Low Density Residential Zoned (LDRZ) land north of Separation Creek is not covered by the Significant Landscape Overlay, Neighbourhood Character Overlay or Design and Development Overlay. Council has granted planning permits to allow a four lot subdivision of the eastern portion of this land and a three lot subdivision of the western portion of this land. While these subdivisions have not occurred to date, they provide an indication of the limited development potential of this LDRZ land. Council's decisions on these subdivision proposals set a 'planning context' that indicates that while some subdivision may be possible, the environmental and topographical constraints of this land can only support a limited degree of development.

Given that these subdivisions have not occurred, it is possible that a land owner may seek a permit for a greater number of lots in the future. This would not meet the future direction outlined in the Structure Plan. This limited degree of subdivision would support the landscape character objectives of the Structure Plan and allow the landscaped setting of Separation Creek to be retained. In this light a strengthening of the planning controls to restrict development of this area has been recommended. It is recommended that a Development Plan Overlay requiring subdivision in accordance with the permitted subdivision plans be introduced to ensure a restricted extent of subdivision for land in this zone.



***Size of the Settlements (Settlement Boundaries)***

- Contain growth of the hamlets within the existing boundaries.
- Contain development within the settlement boundary as defined on the Size of Settlements map.
- Ensure that any development outside the settlement boundary is non-urban in appearance and function and meets the criteria contained in the GORRLAS.
- Encourage any infill development, particularly tourist accommodation, to locate in the flatter, less vegetated areas near the centre of the hamlets (as depicted in map) in preference to steeper more vegetated land.
- Facilitate a process to consider a mix of open space/recreation, non-urban form tourist accommodation and small scale residential development on land on the southern side and to the west of the riverside Caravan Park.

***Effluent disposal***

- Ensure that waste water from existing and proposed development is effectively managed so that no undue environmental effects occur.
- Implement the Wye River and Separation Creek wastewater system as proposed by Hyder Consulting in the Wye River, Separation Creek, Kennett River Concept Design Final Report (Hyder Consulting 2007).
- Advocate for funding for improved effluent management at Kennett River.
- Provide adequate effluent management at Kennett River.
- Encourage parties that extract river water, such as the campgrounds to adopt water efficiency measures, maximising collection of rainwater on site, installing storage of 'winterfill' and introducing water reduction measures such as using treated waste water for toilet flushing.

***Water supply***

- Ensure that individual landowners remain responsible for their own water supply Strategies.
- Undertake an education program to improve potable water security and reduce quality risks for property owners based on the DHS publication – Your Private Drinking Water Supply 2006.

***Stormwater management***

The report recommends implementation of the GHD Stormwater Management Strategy, and includes the stormwater packages as an appendix to the Structure Plans. Specifically, this includes:

- Minimise soil disturbance and vegetation removal.
- Extend the existing pipe and pit system where possible and, direct stormwater from private property to a roadside table drain or low flow pipes.
- Properly grade roads to direct water to the roadside drains.
- Contain road drainage within road reserves or, in the case of cross falls, direct road drainage through private property via easements.
- Remove development and obstructions and establish easements over natural drainage lines, including those on private property.
- Provide sediment traps and dissipation systems at discharge points and, where possible, ensure that stormwater passes through wetlands before being released into rivers.

- Maintain the wetland in Kennett River and its role as a biofiltration system and investigate other opportunities to introduce similar systems.
- Encourage water sensitive urban design in new developments.

***Wildfire threat***

- Reduce the threat of wildfire while where possible maintaining the vegetated character of the hamlets.
- Provide information to residents and landowners about CFA publications and educational programs to ensure the community is aware of wildfire risks and methods to reduce risk, including through appropriate management, selection and placement of vegetation and landscaping.
- Finalise the Municipal Fire Prevention Plan.
- Consult with the CFA on low impact modification to the existing road network.
- Ensure that the requirements of the Wildfire Management Overlay are adhered to.

***Building in landslip prone areas***

- Reduce the likelihood of landslip in the hamlets.
- Maintain the Erosion Management Overlay on steeply sloping and unstable land surrounding the hamlets.
- Maintain the minimum lot size and site coverage provisions in the Scheme as a way to minimise the amount of development - and therefore loads induced on slopes.
- Maintain vegetation and encourage revegetation to improve land stability.
- Implement the stormwater management strategies to reduce runoff and associated landslip and erosion effects.

***Activities: Foreshore***

- Maintain the foreshore area and keep as natural as possible.
- Minimise intrusion of new structures.
- Provide quality facilities to provide for and attract tourism.
- Ensure that the foreshores are readily accessible from all areas of the hamlets.

Specific actions are identified for each hamlet in the attached Structure Plans.

***Activities: Commercial, retail and tourism opportunities***

- Support the growth of tourism as an employer for the region.
- Continue to provide commercial and retail services by incremental change to existing facilities.
- Continue to provide affordable tourist accommodation.
- Continue to provide tourist accommodation principally in the form of holiday rental of single dwellings.
- Provide more diverse, small scale accommodation in the central locations shown on the Structure Plan maps.

Specific actions are identified for each hamlet in the attached Structure Plans.

**Access**

- Provide a road network that reflects the character of the hamlets and acknowledges that these roads are shared by vehicles and pedestrians.
- Improve pedestrian access between the hamlets and the foreshore.
- Improve pedestrian access between the beach and the hamlets, particularly the general stores/café and hotel.
- Improve the appearance of the Great Ocean Road and the hamlets by removing unnecessary signage.

Specific actions are identified for each hamlet in the attached Structure Plans.

***Other general issues raised during public consultation and addressed by the final Structure Plans include:******Further Investigation Area***

At the conclusion of the second round of consultation, a site inspection was undertaken by Council officers and representatives of the owner of land immediately west of Wye River. The outcome of this inspection was a recommendation to Council to identify a Further Investigation Area for the purpose of a mix of open space/recreation, non-urban form tourism accommodation and small scale residential development on land adjacent to the western boundary of the Caravan Park. The implementation of this recommendation would require the rezoning of Rural Conservation zoned land.

This Further Investigation Area is proposed to be subject to further, detailed planning and consultation to investigate what is possible. This recommendation responds directly to some concerns raised during the Public Exhibition period that the draft Structure Plans report did not promote any additional public open space in Wye River/Separation Creek.

The Structure Plans provide the following Objectives and Strategies for the modified proposal, including (but not limited to):

- Facilitate a process to consider a mix of open space/recreation, non-urban form tourist accommodation and small scale residential development on land on the southern side and to the west of the riverside Caravan Park.
- Ensure that any residential development on land immediately to the south of the riverside Caravan Park meets the following criteria:

Any proposal for subdivision and development of this site should:

Have minimal visual impact on the landscape by requiring that any new development:

- Is located at the bottom of the escarpment or as close as is practicable to the bottom of the escarpment and is not visible from the Great Ocean Road.
- Reflects the slope of the site, to ensure the built form is recessive in the landscape context.
- Sites buildings with existing or re-established vegetation and utilises informal new landscaping to screen the development, while highlighting the topographic features of the site.
- Uses modest, low profile building forms.
- Minimises the impacts of features such as fences, property boundaries and driveways
- Uses muted, coastal recessive tones and colours and non reflective materials to assist in blending the development into the landscape context.

- Avoids the use of solid fencing, particularly for property boundaries.
- Encourages indigenous vegetation in naturalistic planting patterns.
- Ensures that substantial revegetation with indigenous vegetation appropriate to the site takes place prior to the construction of dwellings (and is protected throughout the construction period) to ensure effective screening of the development from views from an early stage.
- Avoids the planting of non-indigenous vegetation, particularly where this would be visible from the viewing points outlined above.
- Avoids cut and fill/excavation and minimizes level changes (building platforms).

Demonstrate that the subdivision:

- Will provide a significant public open space at the time the subdivision commences.
- Will provide natural environmental benefits to the Wye River area.
- Will not impose additional infrastructure and service requirements, particularly for water supply and effluent disposal (i.e. will be self-sustaining and/or incorporate high levels of best practice sustainable development in the design and operation of the facilities).
- Will provide adequate traffic management solutions for the entry to the riverside Caravan Park and for access to and from the Great Ocean Road.
- Will integrate with adjoining land uses, and not cause detriment to the operation of legitimate uses of that land.

### Scully Mill

In response to an objection to the naming and highlighting of Scully Mill, all references to Scully Mill are removed from the final document with the exception of a future pedestrian trail along Separation Creek. Given Separation Creek is in private ownership, any future pedestrian trail must be subject to the agreement of the landowner.

### Water & Sewerage

Due to the nature of the terrain and lack of a suitable source of water, the final Structure Plans have been amended to state that conventional sewerage and reticulated water are not recommended for the hamlets.

### Pedestrian Crossings and Speed Limits

The Structures Plans recommends Council works with VicRoads to provide pedestrian crossings within the hamlets and a reduction in speed limits. However, it is acknowledged that the final decision rests with VicRoads as the manager of the Great Ocean Road.

### **Proposal**

It is proposed that Council adopt the final KWSSP and once adopted, that the KWSSP recommendations be implemented through a subsequent amendment to the Colac Otway Planning Scheme.

### **Financial and other Resource Implications**

A budget allocation has been provided for the completion of the KWSSP and staff resources have also been allocated to this project. A budget allocation for the implementation of the recommendations arising from the KWSSP through an amendment to the Colac Otway Planning Scheme will occur as part of the budgetary process.

**Risk Management & Compliance Issues**

None identified.

**Environmental Considerations**

A range of environmental issues are considered and addressed in the KWSSP.

**Communication Strategy/Consultation**

The community consultation strategy for the draft KWSSP was in accordance with Council's Community Consultation and Engagement Policy. Twenty submissions were received during the consultation period which has resulted in amendments to the KWSSP where appropriate.

Further consultation opportunities will be available to submitters during the formal planning scheme amendment process when the KWSSP and its recommendations are introduced into the Colac Otway Planning Scheme. This will give submitters who disagree with the final KWSSP the opportunity to make a formal submission and be heard at a panel hearing during the planning scheme amendment process.

**Implementation**

Implementation of the KWSSP will be through a planning scheme amendment, where the relevant recommendations of the KWSSP will be introduced into the Colac Otway Planning Scheme.

**Conclusion**

The KWSSP project was commenced by Council in 2006. Council, in commencing the project, conducted a significant amount of work, including a background and discussion paper and associated community consultation (including workshops in Melbourne and Wye River) as well as a community consultation summary report. As a result of resource and timing constraints associated with the completion of the Planning Scheme Review, Planisphere were contracted to complete the final stages of the KWSSP including draft and final structure plans.

The final Kennett River, Wye River and Separation Creek Structure Plans are now presented to Council for adoption. Following the adoption of the KWSSP, a planning scheme amendment will be prepared by Council to implement the key directions of the Plan. At this point, there will be a further opportunity for the community to comment on the Structure Plans in the amendment to the Colac Otway Planning Scheme.

**Attachments**

Attachment 1: Final Kennett River, Wye River and Separation Creek Structure Plans

**Recommendation(s)**

**That:**

- 1. Council adopt the final Kennett River, Wye River and Separation Creek Structure Plans.**
  
- 2. The recommendations of the Kennett River, Wye River and Separation Creek Structure Plans be implemented through an amendment to the Colac Otway Planning Scheme.**

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**Recommendation**

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

<b><i>SUBJECT</i></b>	<b><i>REASON</i></b>	<b><i>SECTION OF ACT</i></b>
<b><i>Report from Delegates to Other Bodies</i></b>	<b><i>Matter which may prejudice Council or any person</i></b>	<b><i>Section 89(2)(h)</i></b>

IN-COMMITTEE