



## **COUNCIL MEETING**

# **AGENDA**

**Wednesday 28 August 2024**

**at 4:00 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 28 August 2024

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## COLAC OTWAY SHIRE COUNCIL MEETING

NOTICE is hereby given that the next **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 28 August 2024 at 4:00 PM.

### AGENDA

#### **1 DECLARATION OF OPENING OF MEETING**

##### **OPENING PRAYER**

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

*AMEN*

#### **2 PRESENT**

#### **3 APOLOGIES AND LEAVE OF ABSENCE**

#### **4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY**

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

##### **RECORDING AND PUBLICATION OF MEETINGS**

Please note: All Council meetings will be live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at [www.youtube.com](https://www.youtube.com)).

## **5 QUESTION TIME**

A maximum of 30 minutes is allowed for question time. Any person wishing to participate in public question time by videoconference will need to register their intention to do so by contacting the shire prior to 5pm on Monday 26 August 2024. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. You must ask a question. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting. Written questions must be received by 5pm on Monday 26 August 2024.
2. Questions via videoconference by prior arrangement.
3. Questions from the floor.

## **6 PETITIONS / JOINT LETTERS**

Nil.

## **7 DECLARATIONS OF INTEREST**

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

## **8 CONFIRMATION OF MINUTES**

- Council Meeting held on 24 July 2024
- Unscheduled Council Meeting held on 14 August 2024

### ***RECOMMENDATION***

***That Council confirm the minutes of the Council Meeting held on 24 July 2024 and the Unscheduled Council Meeting held on 14 August 2024.***

Item: 9.1

## PP139/2023-1 - 173 Hart Street Colac - Use and Development of a Childcare Centre

<b>ADDRESS AND PROPERTY DETAILS</b>	173 Hart Street, Elliminyt  Lot 1 PS: 910230 V/F: 12466/154 Parish of Elliminyt	<b>APPLICATION NUMBER</b>	PP139/2023-1
<b>PROPOSAL</b>	Use and Development of Childcare Centre and Display of Sign		
<b>PERMIT TRIGGERS</b>	<p>Clause 32.03 (LDRZ): a planning permit is required for the use and development of a childcare centre.</p> <p>Clause 52.05 (Signs): a planning permit is required to display a business identification sign.</p>		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	The number of objections received exceeds three (16 objections received).		
<b>ZONE</b>	Low Density Residential Zone (LDRZ)	<b>OVERLAYS</b>	Nil
<b>COVENANTS</b>	Section 173 agreement AW491091N (dated 25/01/2023) relating to the requirement for a stormwater management plan for any future dwelling on the land.		
<b>CULTURAL HERITAGE</b>	The site is within an area of cultural heritage sensitivity and the proposed childcare centre is a high impact activity. An approved Cultural Heritage Management Plan (CHMP) has been provided.		
<b>OFFICER</b>	Vikram Kumar	<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Planning and Strategic Focus		
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Application Plans [9.1.1 - 3 pages]</li> <li>2. Traffic Report [9.1.2 - 37 pages]</li> <li>3. Acoustic Impact Assessment [9.1.3 - 21 pages]</li> </ol>		

## 1. LOCATION PLAN / AERIAL PHOTO

### LOCATION PLAN

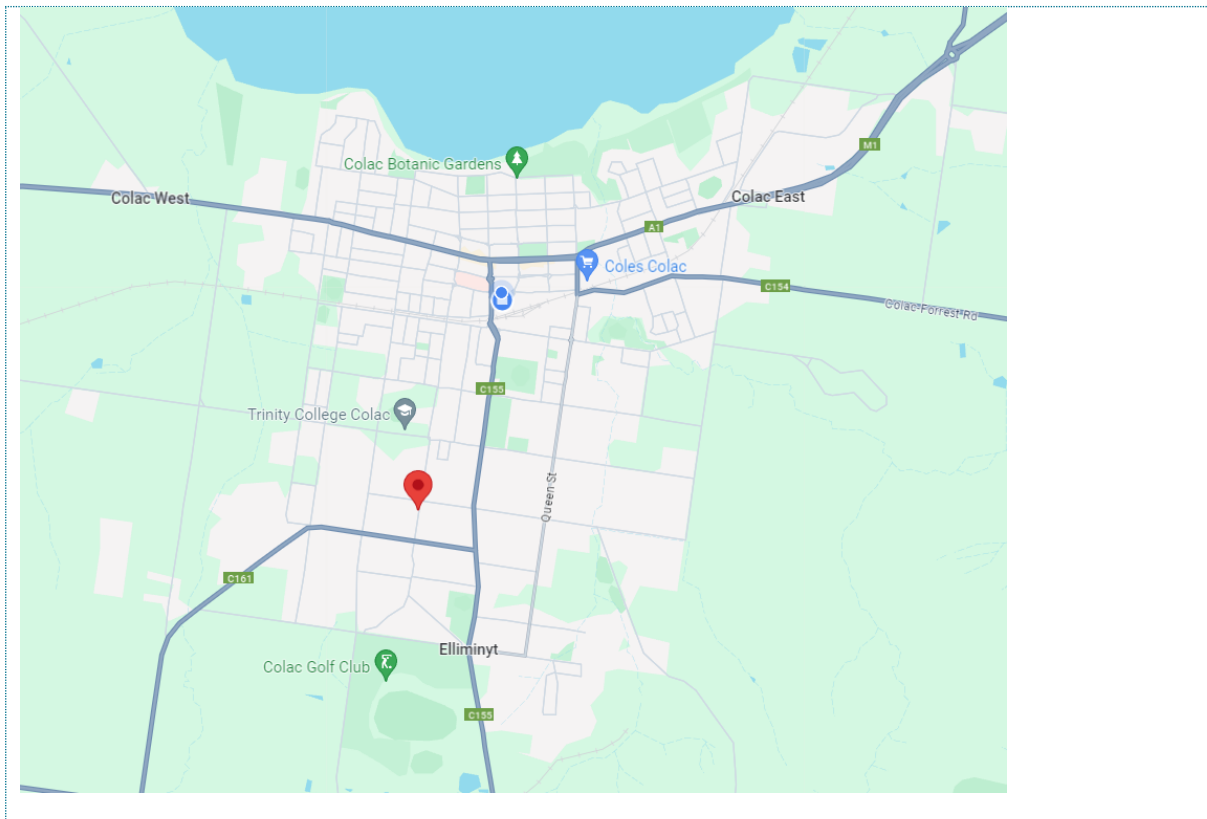


Fig. 1 – Plan showing the location of the site (marked with red pin)

## AERIAL PHOTO

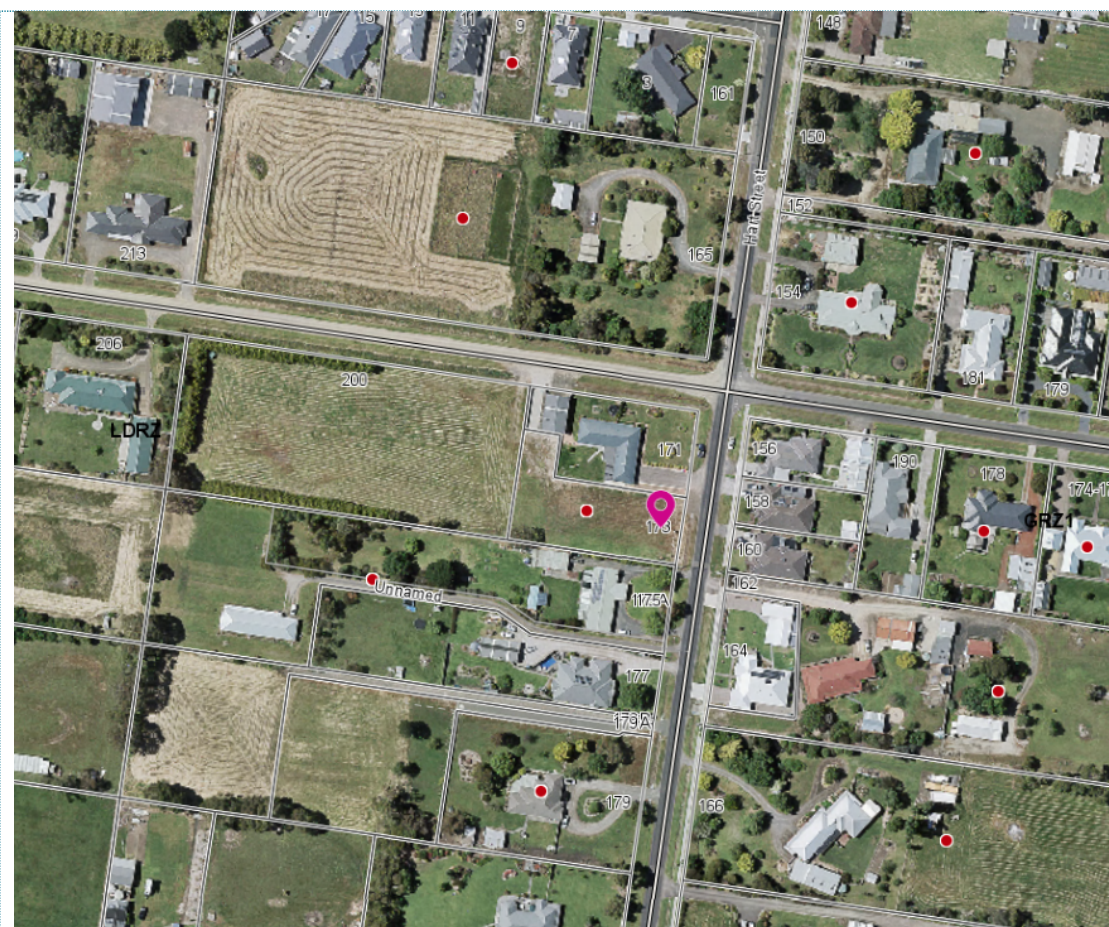


Fig. 2 – Aerial image of the site (marked with pink pin) and surroundings

## 2. RECOMMENDATION

***That Council in accordance with Section 64 of the Planning and Environment Act (1987) resolves to issue a Notice of Decision to Grant a Permit for the Use and Development of the Land at 173 Hart Street, Elliminyt (Lot 1 PS: 910230 V/F: 12466/154) for a Childcare Centre, the Display of a Business Identification Sign and Associated Works, subject to the following conditions:***

### ***Amended Plans***

- 1. Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:***
  - a) The number of children specified on the site plan reduced to a maximum of 98***
  - b) An acoustic fence extending the length of both side boundaries and across the rear boundary of the site***
  - c) Details of the height, design, materials and colour of the acoustic fence, which***



*must have regard to the character of the area and must accord with the recommendations in section 5.5.1 of the Acoustic Impact Assessment by Octave Acoustics (Document No. AC329ME-01E02 Acoustic Impact Assessment (r0), dated 24/8/23).*

- d) *The extent of the 'outdoor meals area' and details of the maximum number of children using that area at any one time*

#### **Endorsed Plans**

2. *The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

#### **Number of Children/Staff**

4. *No more than 98 children and 15 staff may be present on the premises at any one time, unless otherwise approved in writing by the Responsible Authority. No more than 10 members of staff may be present on the premises before 10am or after 5pm, unless otherwise approved by the Responsible Authority.*

#### **Hours of Operation**

5. *The use hereby permitted must operate only between the following hours unless otherwise approved in writing by the Responsible Authority:*
  - *Monday to Friday, between 6.30am and 6.30pm.*

*The outdoor play area must not be used before 7.00am or after 6.00pm.*

*The childcare centre must remain closed on weekends.*

#### **Deliveries**

6. *Deliveries to the site must only take place from Monday to Friday between 8.00am and 6.00pm, unless otherwise approved by the Responsible Authority.*

#### **Construction Management Plan**

7. *Prior to the commencement of any works relating to the development, unless otherwise approved in writing by the Responsible Authority, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.*
8. *All works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them.*

#### **Access**

9. *Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*
10. *Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, the redundant vehicular crossing must be reinstated to the satisfaction of the Responsible Authority.*

#### **Car Park**

11. *Prior to the commencement of the use hereby permitted, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
  - a) *Constructed*
  - b) *Properly formed to such levels that they can be used in accordance with the plans;*
  - c) *Drained;*
  - d) *Line-marked to indicate each car space and all access lanes;*
  - e) *Marked or signed to clearly designate the staff parking spaces shown on the endorsed plans for the purpose of staff parking only;*
  - f) *Clearly marked to show the direction of traffic along access lanes and driveways;*

*all to the satisfaction of the Responsible Authority.*

*The areas must be constructed and drained to prevent diversion of flood or drainage waters and must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.*

*Car parking spaces and access lanes must be kept available for these purposes at all times.*

#### **Roadside Parking and Drainage**

12. *Prior to the commencement of the use hereby permitted, unless otherwise agreed in writing by the Responsible Authority, those sections of the Hart Street nature strip immediately in front of the site and on the eastern side of road opposite the subject site must be developed to create parking and surfaced with all-weather seal coat to the satisfaction of the Responsible Authority.*
13. *Prior to the commencement of the use hereby permitted, kerb and channel must be constructed in front of the site and on the eastern side of Hart Street opposite the subject land to the satisfaction of the Responsible Authority. Laybacks must be provided to impacted driveways to the satisfaction of the Responsible Authority.*
14. *Prior to the commencement of the use hereby permitted, 'no parking' signage must be installed in Hart Street at the full cost of the permit holder in accordance with details to be approved by the Responsible Authority.*
15. *Prior to the commencement of development, unless an alternate timeframe is agreed in*



*writing by the Responsible Authority, a 375mm diameter concrete pipe must be installed and covered, with the provision of driveable end walls, in front of the site and on the eastern side of Hart Street opposite the subject site to the satisfaction of the Responsible Authority.*

16. *Prior to the commencement of any road and/or drainage works within the road reserve, detailed engineering plans for those works must be submitted to and approved in writing by the Responsible Authority, unless otherwise agreed by the Responsible Authority. All works must be carried out in accordance with the approved engineering plans.*

#### **Construction of Footpath**

17. *Prior to the commencement of the use hereby permitted, a footpath must be constructed on the west side of Hart Street which runs from in front of the subject site to the intersection of Hart Street and Aireys Street, in accordance with details to be submitted to and approved by the Responsible Authority.*

#### **Waste Management Plan**

18. *Prior to the commencement of development, details of waste management must be submitted to and approved in writing by the Responsible Authority. The Waste Management Plan must provide details of arrangements for waste storage and collection, and include details of access arrangements for waste collection vehicles to the waste management area shown on the endorsed plans if the car park is in use.*

#### **Stormwater**

19. *All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
20. *The site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction and/or operation, to the satisfaction of the Responsible Authority.*

#### **Stormwater Management Plan**

21. *Prior to the commencement of development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended). All works must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.*
22. *Within five (5) business days of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection must be requested. The written approval of the Responsible Authority to the stormwater detention system must be obtained prior to the childcare centre hereby permitted being brought into use.*

### **Landscaping**

**23. Prior to the commencement of development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan, which must be drawn to scale with dimensions, must show:**

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed**
- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
- c) details of surface finishes of pathways and driveways**
- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant**

**An in-ground irrigation system is to be provided to all landscaped areas.**

**All species selected must be to the satisfaction of the Responsible Authority.**

**24. Prior to the commencement of the use hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased, or damaged plants are to be replaced.**

### **Noise Mitigation**

**25. Noise levels emanating from the premises must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4: 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues'. Noise Control Guidelines publication 1254.2, May 2021 must also be considered.**

**26. Prior to the commencement of the use hereby permitted, an acoustic fence must be constructed along the length of the site's side boundaries and along the length of the rear boundary, to the satisfaction of the Responsible Authority. The fence must accord with the details approved under condition 1 of this permit.**

**27. Prior to the commencement of the use hereby permitted, a Noise Management Plan based on, but not limited to, the recommendations in section 5.5.2 of the Acoustic Impact Assessment prepared by Octave Acoustic (Document No. AC329ME-01E02 Acoustic Impact Assessment (r0), dated 24/8/23) must be submitted to and approved by the Responsible Authority. The childcare centre must thereafter be operated in accordance with the Noise Management Plan.**

**28. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**

**29. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority. Rooftop**

*mechanical plant (especially large plant items such as condensers and ventilation fans) must be located centrally where practicable.*

**Signage**

30. *All signage must be constructed and maintained to the satisfaction of the Responsible Authority.*
31. *Any signage lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and/or adjacent streets. Any lighting must be turned off outside of the operating hours of the childcare centre.*

**Lighting**

32. *External lighting must be designed, baffled, and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.*

**Expiry**

33. *This permit will expire if one of the following circumstances applies:*
- a) The development has not commenced within two years of the date of this permit.*
  - b) The development is not completed and the use has not commenced within four years of the date of this permit.*

*In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.*

**Notes:**

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit.*
2. *Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
3. *At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*
4. *Prior to the commencement of any works relating to the development allowed by this permit, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads) must be submitted.*
5. *The CFA has recommended that an emergency management plan be developed for the site. That plan should include consideration of bushfire risk and actions in the event of a bushfire and severe fire weather. Closure on Catastrophic Fire Danger Days is recommended.*

6. ***The premise is required to comply with the Food Act. If at any time food is offered as part of paid service an application to register a food business will be required and must be approved by Council's Health Protection Unit.***

### 3. PROPOSAL

The application seeks a planning permit for the use and development of the land for a childcare centre, and the display of a business identification sign.

A childcare centre is defined as “*land used to care for five or more children who are not permanently resident on the land*” and is nested under ‘Education Centre’.

The childcare centre, which would cater for a maximum of 98 children, would operate from Monday to Friday, between 6:30am and 6:30pm. A maximum of 15 members of staff would work at the centre.

The plans show that the childcare centre would have three rooms for children under 3 years of age and two rooms for children over 3 years of age. Ancillary facilities, such as staff rooms, food preparation areas and toilets, would also be provided in the building. A covered verandah running around three sides of the building would include an outdoor meals area. An outdoor play area of 765sqm would be provided at the rear of the site.

The building would be set back a minimum of 20.25m from Hart Street. The distance from the building to the southern boundary would be a minimum of 1.5m and from the verandah to the northern boundary would be 2.5m (see figure 3 below).

A new Colorbond fence is proposed along the rear boundary and a 1.5m high metal picket fence is proposed along the front boundary. In addition, as discussed later in this report, the erection of 1.9m high acoustic fencing along the northern and southern boundaries has been recommended in the submitted Acoustic Impact Assessment.



Fig. 3 – Site plan

A new 6m wide crossover is proposed from Hart Street. An on-site car park, with parking for 21 cars, would be provided in front of the building. Some of the on-site parking next to the building would be tandem parking, with six of those spaces to be reserved for staff. As the amount of on-site parking proposed would meet the rate specified in the planning scheme for childcare centres, the application does not seek, or require, a reduction in parking.

The applicant has advised that the purpose-built centre would be privately owned and managed. Unlike common practice at government funded childcare centres, there would not be specified childcare sessions each day; instead, parents would be able to drop off and pick up their children anytime between 6.30am and 6.30pm. The applicant has also stated that, as there would not be set start or finish times, the drop offs and pick-ups would be staggered over the whole day as parents work around their schedules.

In terms of traffic generation, the Traffic Report states that there would be 73 vehicles (two-way flow) per hour in the morning peak hour, and 92 vehicle two-way flow per hour in the evening peak:

#### Peak Hour Trip Generation Estimation for Proposed Child Care Centre

Use	Inventory	AM Period		PM Period	
		Rate	Two-Way Traffic Flow (veh/hr)	Rate	Two-Way Traffic Flow (veh/hr)
Peak Hour	98 no.	0.74	73	0.93	92
AM Dropoff		1.54	151	-	-
PM Pickup		-	-	1.52	149

#### Waste Collection

The waste management area would be located to the north of the building, near the tandem parking. The applicant has confirmed that waste collection would be undertaken on site, stating that a dedicated loading bay is not considered necessary because waste could be collected outside of peak operating hours (i.e. 7:00am to 10:00am and 3:00pm to 6:00pm on weekdays). Outside of peak traffic hours, a waste mini rear loader vehicle would be able to stop in the parking aisle adjacent to the bin enclosure area to collect the bins.

#### Signage

The applicant has also proposed a business identification sign measuring 2.35m x 0.9m (2.11sqm). This would be located on the east elevation of the building and would advertise the name of the childcare centre.

#### Noise

The application includes an Acoustics Impact Assessment, which makes recommendations on noise mitigation measures – notably recommending the construction of an acoustic fence along parts of the northern and southern boundaries, and the preparation and implementation of a Noise Management Plan.

#### Contamination

The rear of the site was previously used by McNaughton Excavations Pty Ltd. Given this previous use of the land, regard was had when assessing the application to Clause 13.04-1S (Contaminated and Potentially Contaminated Land) of the planning scheme and to the guidance in Planning Practice Note 30, which identifies childcare centres and children's playgrounds as sensitive uses. The applicant was therefore asked to submit a Soil Contamination Assessment to ensure there are no issues with contamination. That report states that test points were investigated across the site, with soil samples taken and analysed for specific contaminants. The report concludes that soil at the site is classified as clean fill in accordance with EPA Publication IWRG621 (2009) - Soil Hazard Categorisation Thresholds.

#### Building Materials

The proposed single-storey building would be constructed of non-reflective muted materials, as shown on the plans.

## 4. SUBJECT LAND & SURROUNDINGS

The site, which is located on the west side of Hart Street, has an area of 2006m<sup>2</sup> and a frontage of 26.85m. The site was created as vacant lot under planning permit PP23/2022-1, which was issued in April 2022. Statement of compliance for this subdivision was issued in February 2023.



The site is in the Low Density Residential Zone (LDRZ), as is land to the south and west. No overlays affect the site. Land to the east, on the opposite side of Hart Street, is in the General Residential Zone (GRZ1), as is land further north (see figure 4 below).

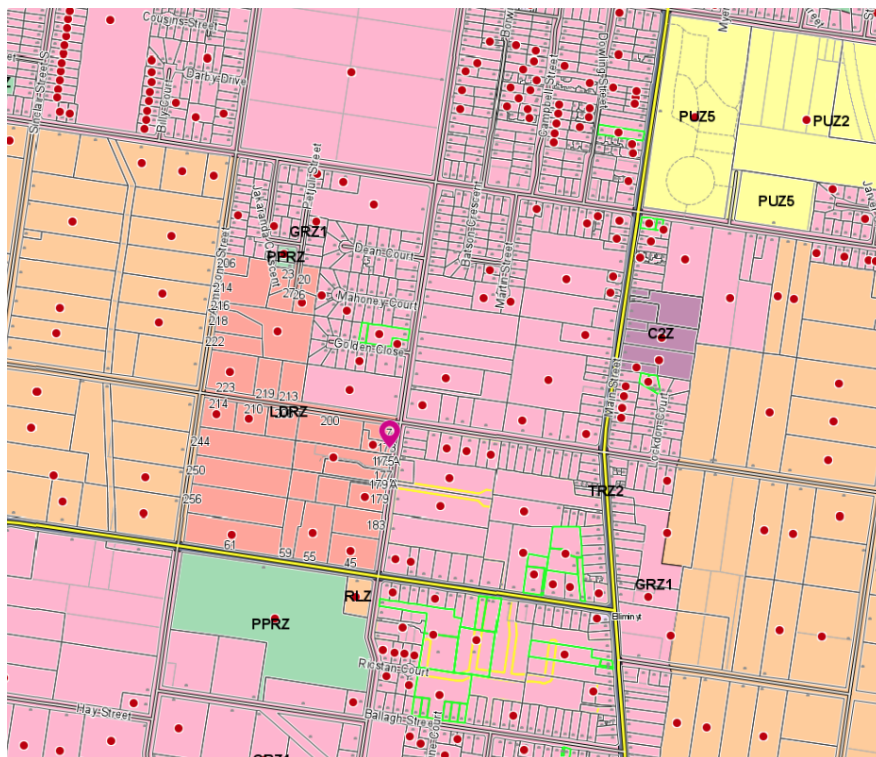


Fig. 4 – Zoning plan showing location of site (marked with pink pin)

As shown in the Streetview image below (figure 5), Hart Street narrows approximately 350m north of the subject site. Figure 6 is a Streetview image looking south towards the site from Aireys Street (with the site marked by the red dot).



Fig. 5– Streetview image, looking south down Hart Street



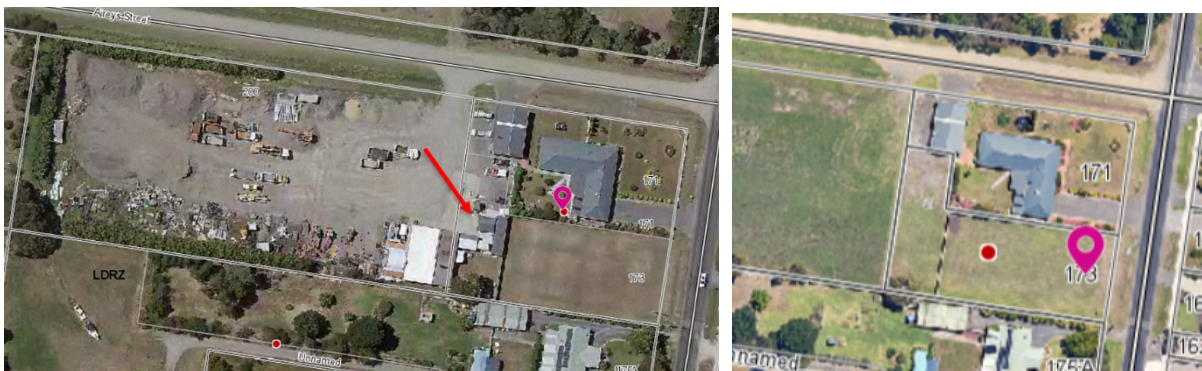
*Fig. 6 – Streetview image, looking south down Hart Street towards subject site (marked with red dot)*

Whilst Hart Street is sealed, that section of Aireys Street to the west of Hart Street is gravel.

There is swale drain along that section of Hart Street in which the subject site is located (see below).



As noted earlier in this report, the rear portion of the site was previously used by McNaughton Excavations Pty. Ltd. (see aerial images from 2019 and 2022 below).



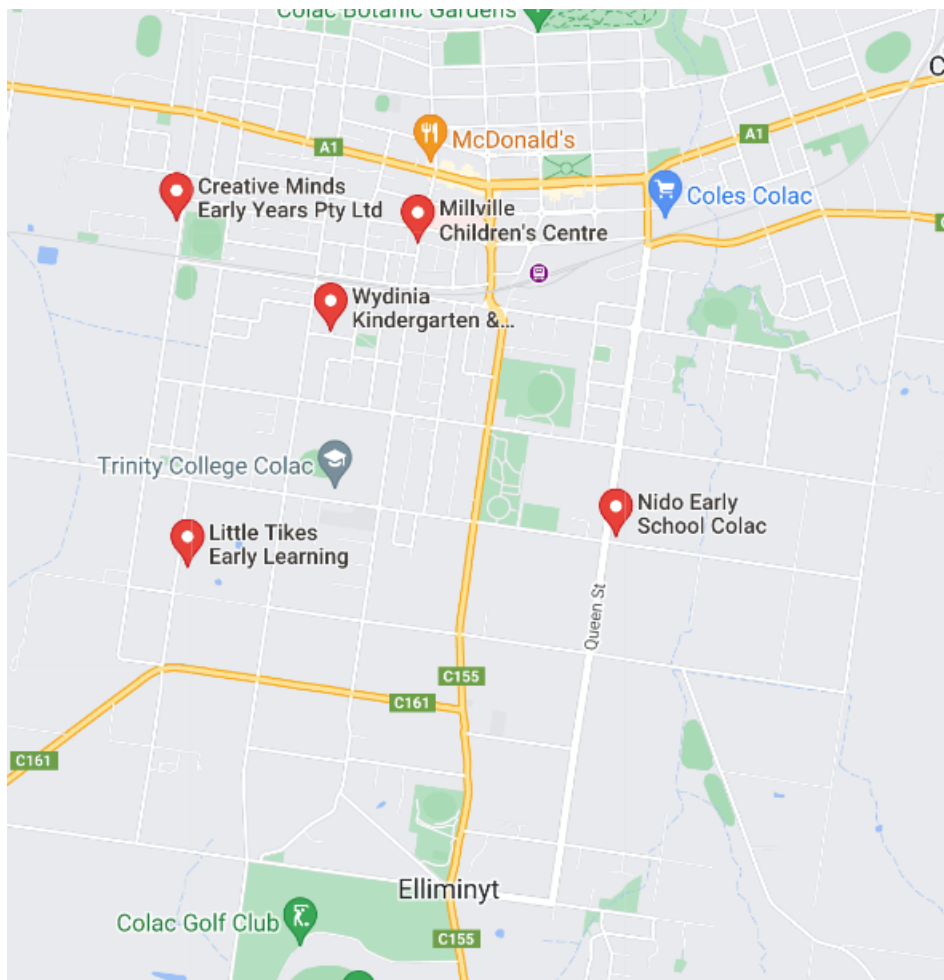
In terms of the existing features of the site, the following is noted:

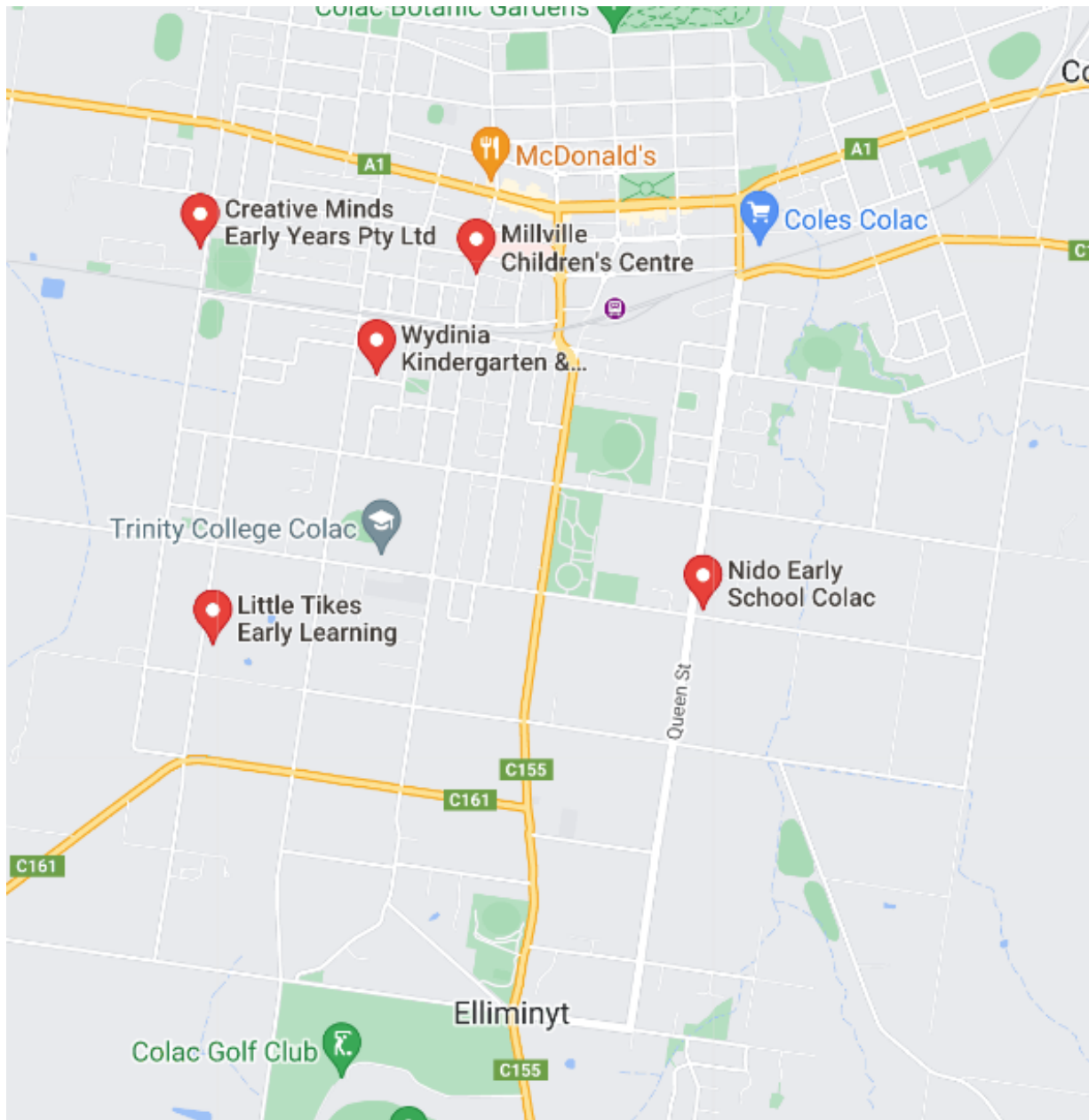


- There is an existing crossover which would be replaced by a new crossover, as per the plans.
- There is an existing unused pole on the land, which would be removed as it is proposed to have an underground electricity supply to the site.



The following plan and table provide details of existing childcare centres in the town:





Planning permit	Zoning	Address	Site area	Number of car parking spaces provided on site	Maximum number of children
PP64/2022-1 Permit issued on 13/09/2022	GRZ1	49 Cants Road, Colac	2495.2sqm	7	34
PP13/2013-1 Permit issued on 15/05/2013	GRZ1	21-27 Hart Street, Colac	2669sqm	10	85
PP33/2003-1 Permit issued on 01/07/2003	GRZ1	91-97 Pound Road, Colac	3228sqm	No information found	91
PP13/2015-1	PUZ2	19 Dunoon Street, Colac	1356.40sqm	No information found	48

Planning permit	Zoning	Address	Site area	Number of car parking spaces provided on site	Maximum number of children
PP372/2022-1	RLZ	218 Sinclair Street South, Elliminyt	1.22ha	15	57
PP334/2022-1 Permit issued 28 March 2024	GRZ1	28 Hesse Street, Colac	806sqm	6	30

## 5. PLANNING SCHEME PROVISIONS

### Municipal Planning Strategy & Planning Policy Framework

Clause 02.02 – Vision

Clause 02.03-6 – Economic Development

Clause 11.01-1S – Settlement

Clause 11.02-2S – Supply of Land

Clause 13.02-1S – Bushfire Planning

Clause 13.04-1S – Contaminated and Potentially Contaminated Land

Clause 15.01-5S – Neighbourhood Character

Clause 15.03-2S - Aboriginal Cultural Heritage

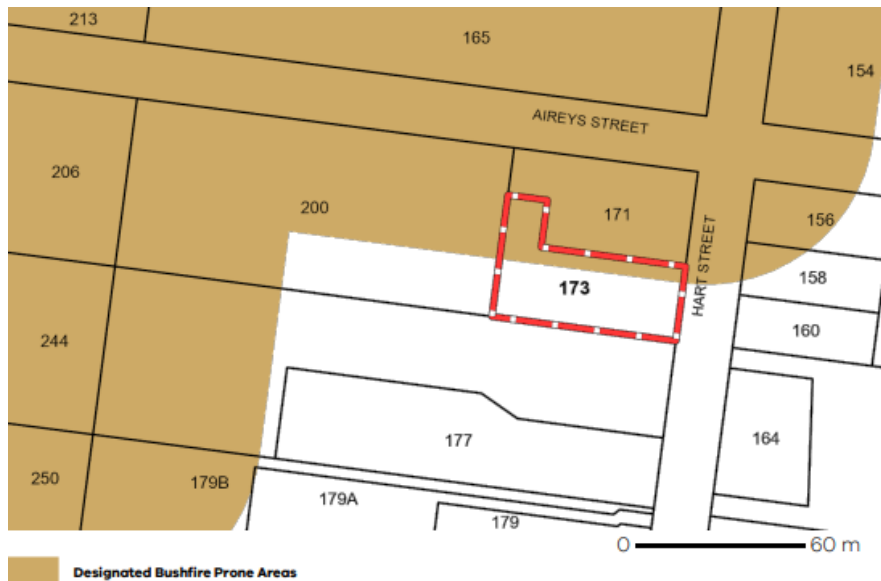
Clause 15.03-2L - Colac Aboriginal Cultural Heritage

Clause 17.01-1S, 1R, 1L – Diversified Economy

Clause 19.02-2S – Education Facilities

- Clause 02.02 (Vision) recognises the vision for Colac under the Colac 2050 Growth Plan (2019) and states that *“the city draws on the core concepts of sustainability and liveability to create a physically and socially connected place that meets the needs of all ages and abilities. It is a city characterised by its strong local and multi-faceted economy, which provides diverse business investment and employment opportunities”*.
- Clause 02.03-6 (Economic Development) recognises that the Shire provides diverse employment opportunities through a range of primary industries, tourism, and commercial and community services.
- Clause 11.01-1S (Settlement) seeks to ensure that retail, office-based employment, community facilities and services are concentrated in central locations.
- Clause 13.02-1S (Bushfire Planning) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Part of the subject site is identified as being within a designated bushfire prone area, as shown below.



In a bushfire prone area designated in accordance with regulations made under the *Building Act* 1993, bushfire risk should be considered when assessing planning applications for specified uses and development, which include childcare centres.

- Clause 13.04-1S (Contaminated and Potentially Contaminated Land) seeks to ensure that contaminated and potentially contaminated land is used and developed safely.
- Clause 15.03-2S (Aboriginal Cultural Heritage) and Clause 15.03-2L (Colac Aboriginal Cultural Heritage) seek to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

This site is within an area of cultural heritage sensitivity; and the proposed childcare centre is a high impact activity. The applicant therefore prepared a Cultural Heritage Management Plan (CHMP). This was approved by the Eastern Maar Aboriginal Corporation, which stated:

*“Eastern Maar Aboriginal Corporation is satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of Section 53 of the Aboriginal Heritage Act 2006, and the CHMP adequately addresses the matters set out in Section 61.”*

- Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support, and protect neighbourhood character, cultural identity and sense of place.
- Clause 17.01-1S (Diversified Economy) seeks to facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Clause 19.02-2S (Education Facilities) seeks to assist the integration of education and early childhood facilities with local and regional communities. Strategies to achieve this include the following:
  - *Consider demographic trends, existing and future demand requirements, and the integration of facilities into communities in planning for the location of education and early childhood facilities.*

- *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
- *Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.*
- *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.*

## **Zone**

The subject site is in the Low Density Residential Zone (LDRZ). The key purpose of this zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

A childcare centre is a use for which a permit is required in the LDRZ. A permit is also required for buildings and works associated with a Section 2 (permit required) use under Clause 32.03-4.

## **Overlays**

The site is not covered by any overlays.

## **Other relevant provisions**

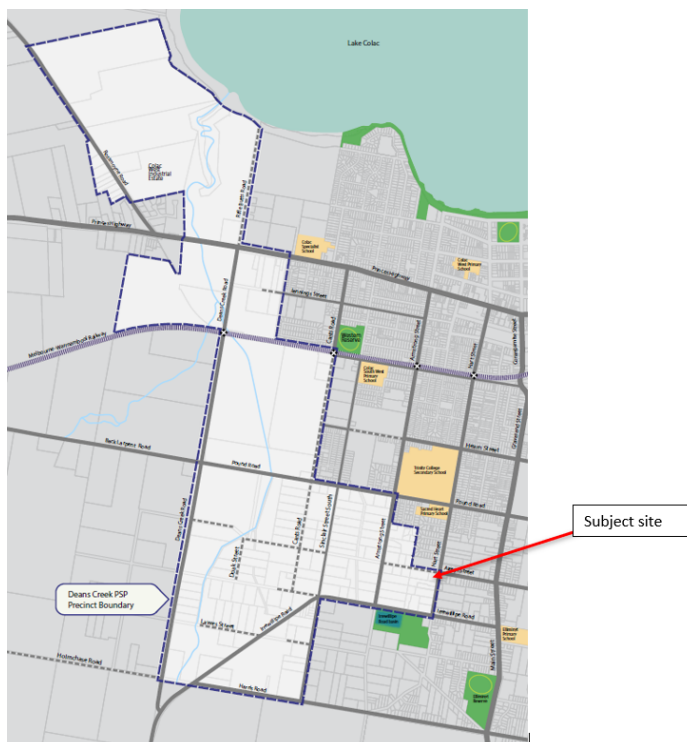
- Clause 52.05 – Signs
- Clause 52.06 – Car Parking
- Clause 53.18-5 and 53.18-6 - Stormwater Management in Urban Development

## **Colac 2050 Growth Plan and Deans Creek Precinct Structure Plan**

The subject site is within a growth area identified in the Colac 2050 Growth Plan, which Council formally adopted in August 2019. The Growth Plan was introduced into the Colac Otway Planning Scheme by Amendment C97cola, which updated planning policy in the Colac Otway Planning Scheme to reflect the Growth Plan's key directions.

The Colac 2050 Growth Plan identifies land at the western edge of Colac as suitable for expansion of the township. The area known as the Deans Creek Growth Area covers approximately 570 hectares. Upon completion of development, the area could accommodate from 4,500 to 6,000 dwellings.

The plan below shows the Deans Creek Precinct Structure Plan (PSP), and identifies the location of the subject site:



Council is currently undertaking work on the preparation of the Deans Creek Precinct Structure Plan. Overtime, it is anticipated that the population in the immediate area of the childcare centre will increase, and the character of the area will trend to higher residential densities.

### Relevant Planning Scheme amendments

C97col, gazetted on 07 December 2020

This amendment implemented the strategic land use directions of the Colac 2050 Growth Plan (2019) by updating the Municipal Planning Strategy, relevant clauses in the Planning Policy Framework, and the schedules to the Operational Provisions at clause 72.08 (Background Documents) and clause 74.02 (Further Strategic Work).

## 6. REFERRALS

### Internal Referrals

The application was referred internally to Council's Health Protection Unit, Building Unit and Infrastructure Department.

No objections were raised, subject to conditions being imposed in the event a permit is issued.

### External Referrals

The application was not required to be referred to external authorities.

## 7. PUBLIC NOTIFICATION & RESPONSE

Public notice was given for this application in the form of a site notice and letters to adjoining landowners/occupiers. Sixteen (16) objections were received.

The grounds of objection are summarised as:

1. Zoning and Land Use:

- The proposed childcare centre does not conform to current zoning regulations. The construction of this childcare centre would introduce a commercial element to this quiet residential neighbourhood. This is inconsistent with the character of surrounding properties.
- Do not understand how a business of this size could be approved to operate in a residential area.

2. Traffic and safety:

- The additional traffic generated by the childcare centre would undoubtedly have a significant impact on the quiet residential street, especially during drop off and pick up hours. This would cause parking issues as there is no curb and channelling on this part of the street and, as such, cars would need to park on the nature strip causing damage and the probability of people parking in or over driveways. This could be a danger to children running out onto the street.

3. Noise and Disturbance:

- Childcare centres typically have outdoor play areas and the noise from this would be disruptive to the peace and tranquillity of the neighbourhood. This would have a major impact on homes close to the centre.

4. Car parking

- There do not seem to be many car parking spaces available considering the number of children for whom the childcare centre is proposed to cater.

5. Security Concerns

- The security of property and the neighbourhood would be compromised by the increased foot traffic and visitors to the centre. Also concerned about play items such as balls clearing the fence and potentially causing broken windows.

The applicant opted not to have a Consultation Meeting.

Objectors and the applicant were given opportunity to address Councillors at the Submission Committee meeting on 10 July 2024, when a number of objectors spoke about their concerns with the proposal. The applicant did not attend.



## 8. OFFICER'S ASSESSMENT

The key matters for consideration in this case are whether the principle of allowing a childcare centre on the subject site is acceptable, and whether the scale of the proposal is appropriate for the area.

It is noted that the Colac Otway Shore Council Plan 2021-2025 has as a priority the creation of environments where children can be happy, healthy, supported, educated and safe. An indicator to measure success against this priority is increased childcare options/availability. A high-level priority in the Council Plan is additional childcare for Colac and Apollo Bay. As such, the principle of permitting additional childcare facilities accords with the Council Plan.

Notwithstanding this, of importance from a planning perspective is assessing whether the childcare centre would be acceptable in terms of the planning policies and controls that apply to the proposal and to the subject site.

In assessing whether the scale would be acceptable, regard must be had to the zoning and character of the area, and to matters such as:

- the potential impacts of the use on the amenity and character of the area as a result of traffic generation and off-site parking
- the potential impacts from noise generated by activities on-site, including the use of the outdoor areas and the car park
- whether the built form would be acceptable.

As noted earlier in this report, Clause 19.02-2S (Education Facilities) seeks to assist the integration of education and early childhood facilities with local and regional communities. Strategies to achieve this include locating childcare facilities to maximise access by public transport and safe walking and cycling routes; ensuring childcare facilities provide safe vehicular drop-off zones; and ensuring streets and accessways adjoining early childhood facilities are designed to encourage safe bicycle and pedestrian access.

### **Low Density Residential Zone (LDRZ)**

A starting point for assessing whether the principle of allowing a childcare centre on the land is considering the provisions of the zone.

A planning permit is required to use land in the LDRZ for a childcare centre, and also for buildings and works associated with that use.

It is noted that - with the exception of a childcare centre with a maximum frontage of 2m in the Commercial 1 Zone, or a childcare centre in the Public Use Zone 2 (Education) if the use is carried out by or on behalf of the public land manager - a childcare centre is a use that requires a planning permit in all residential, commercial and industrial zones. In terms of rural zones, a permit can be granted in the Rural Living Zone, but the use is prohibited in the Farming Zone, Rural Conservation Zone and the Rural Activity Zone. As such, a childcare centre is a type of use and development that must almost always be assessed on its merits in all zones in which it can be permitted, having regard to the circumstances of the site.

It is considered that the site is of a size and in a location that could accommodate a childcare centre of an appropriate size. It is not considered that there are site specific matters that render the principle of a childcare centre on the land unacceptable. Therefore, the key issue in this case is considered to



be whether the scale of the proposal is acceptable and whether any potential impacts from the use or development could be mitigated or would be unacceptable.

### **Built Form**

The building would be single-storey, with a street setback similar to those of the neighbouring dwellings. The materials and colours of the building would be muted and non-reflective. Side fencing would be similar in height to that on the side boundaries of other properties in the area. The metal picket fence proposed at the front of the site would also not be out of keeping.

Whilst a car park is not a common feature in the streetscape or area, it is not considered that the proposed car park at the front of the site would be detrimental to the character of area or that the visual appearance of the proposed development would warrant a refusal of the application.

As such, the main considerations relate to the scale of the proposal and the potential impacts from the use of the land.

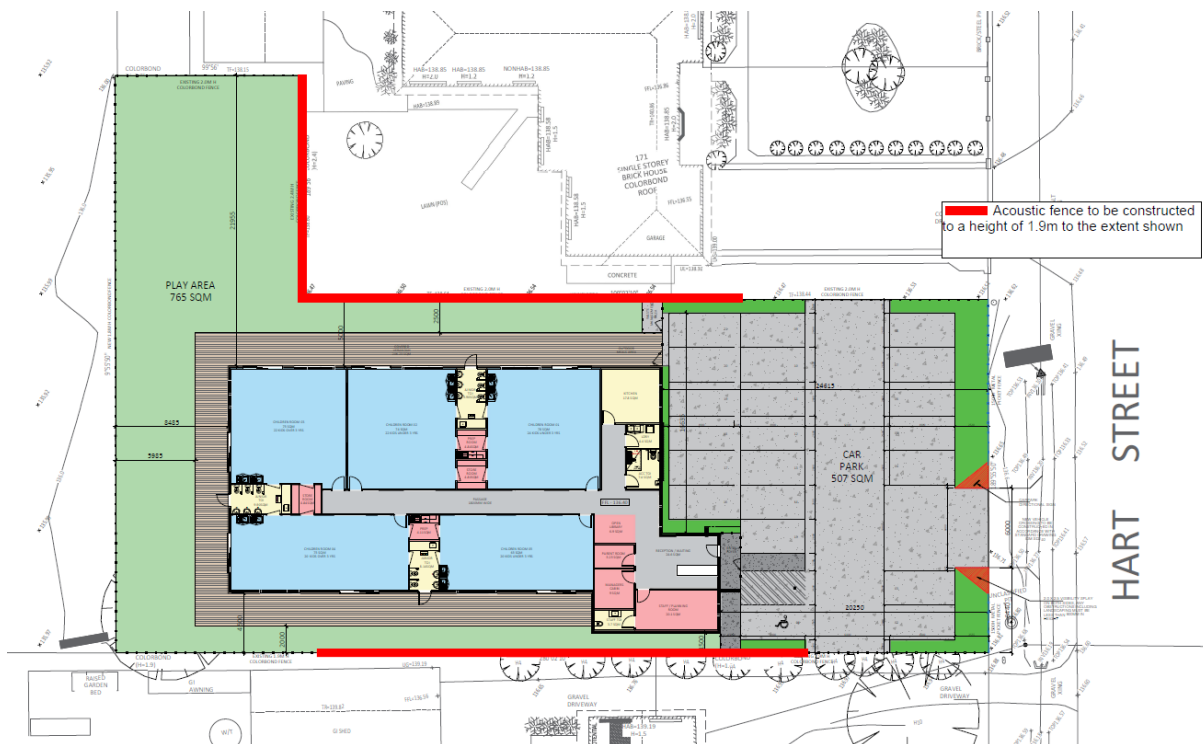
### **Noise**

An Acoustic Impact Assessment prepared by Octave Acoustics (dated 24 August 2023) was submitted in response to a further information request by Council. The report states that noise impacts associated with children playing in the outdoor areas were calculated in 3-D computer modelling software, and that noise impacts associated with use of the car park were also modelled.

The report calculated the potential impact from the proposed outdoor play area, traffic noise and noise emissions associated with mechanical plant, and concluded that the proposed use would be acceptable if acoustic fencing is installed, and a Noise Management Plan prepared.

### **Acoustic Fences**

Below is a plan that shows the location of the proposed acoustic fences, as shown in the Acoustic Impact Assessment, in red:



The Acoustic Impact Assessment recommends that “a 1.9m high acoustic fence is installed to the extent shown in the marked up architectural drawings in Appendix B and in accordance with the specifications described in Section 5.5.1 [see further information on this below] in order to reduce child’s play noise transmission to the potentially most affected residential dwellings”.

The report also states:

*“In addition to the physical noise control provided by an acoustic fence, it is recommended that, to further control noise transmission, the childcare centre management implements a noise management plan which contains noise management strategies...”*

The report advised that the following noise control strategies should be included in the noise management plan:

*“Control of operational noise levels*

- *The use of the outdoor play areas should be limited to between 7:00am and 6:00pm.*
- *The behaviour of children should be monitored and modified as required by adequately trained childcare workers. Staff shall ensure that children are educated to discourage screaming and shouting and that such behaviour is modified where necessary.*
- *Crying children in outdoor play areas should be taken inside the centre and settled before returning to outdoor activities.*
- *Carers should be educated to control the level of their voice while outside.*
- *No music shall be played in the outdoor areas.*
- *Musical instruments shall not be used in outdoor areas.*
- *Parents and guardians shall be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.*
- *Gates are not to be slammed shut. Gates shall have a soft close mechanism installed to prevent excessive noise when the gate is closed.*
- *Windows and doors shall be kept closed during periods in which high noise activities occur, such as indoor music or singing.*

#### *Management & Training*

- *A contact phone number for the centre's director shall be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the centre.*
- *All staff (both permanent and casual) will be required to read the Noise Management Plan.*
- *A laminated copy of the Noise Management Plan shall be displayed in the entry foyer.*

#### *Complaints/incidents*

- *Centre management shall maintain a log of noise complaints received. This shall record the contact details of the complainant, the time of the complaint and the nature of the complaint. This log shall be made available to a council noise control officer upon request.*
- *Centre management shall review the details of the complaint and respond to the complainant as quickly as possible to advise them what, if any, actions have been undertaken as a result."*

The application was referred to Council's Health Protection Unit, which expressed concern that the acoustic fence as proposed would not be sufficient to appropriately mitigate noise and should instead run the full extent of the side and rear boundaries. The Health Protection Unit noted:

- *The rear yard and front yard of 171 Hart St, 175a and the future use of 200 Aireys adjoining 173 Hart St are susceptible to sound characterises not absorbed or reflected. The remaining Colorbond fencing can lend itself to refraction of the sound coming into contact with the fence due to the material's nature.*
- *Furthermore, reflected sound from the acoustic barrier and potentially diffraction having some effect also as sound waves move around and migrate through different materials.*
- *The front carpark offers a ground effect from the sound generated by vehicles, children, parents, and workers arriving due to its material being asphalt.*
- *Wind effect will also play a part as residents wishing to enjoy their amenity will potentially be affected from that non-continuity of the sound barrier allowing sound to travel in a non-uniform way.*
- *Sound can diffract (bend) around barriers as well as over the top of. Combine those factors with a fence constructed of different material partly not of an acoustic nature and I feel the effectiveness of partial acoustic fencing will fall short of the desired outcome which is to absorb and reflect sound away from the nearby residents.*
- *I feel at the minimum a suitable acoustic fence needs to be constructed along all mentioned neighbouring property boundaries.*

The Health Protection Unit also advised that a Noise Management Plan should be submitted, noting the Acoustic Impact Assessment recommends having such a plan in place.

Permit conditions requiring these matters to be addressed have been included in the recommendation at the start of this report.

In the event a permit is issued, the acoustic fence would be required to be constructed in accordance with the recommendations provided in Section 5.5.1 of the Acoustic Report, i.e.:

- *Acoustic fence may be constructed using lapped timber paling, fibre cement sheeting, lightweight aerated concrete, transparent acrylic panels, glass or profiled sheet cladding as long the selected material (or combined skins) has a mass of at least 10kg/m<sup>2</sup>;*
- *The fence shall have no gaps or holes in it, or the likelihood of such occurring through natural causes or deformations, thus allowing noise to pass through;*
- *The fence must be designed and built in an acceptable manner so that noise will not pass underneath it;*
- *It is preferable that the selected cladding is prefabricated to be jointed with an overlap or rebated joint (e.g., ship lapped);*
- *Where the above requirement cannot be met, any butt joints shall be sealed with a fire-rated weatherproof mastic or an overlapping piece of material meeting the mass requirements of 10kg/m<sup>2</sup> (minimum 35mm each side of the butt joint);*
- *Where acoustic timber palings are installed, all palings shall overlap by a minimum of 35mm;*
- *Where multiple cladding layers are used (e.g., FC sheeting over timber paling screen), joints in the cladding materials shall not coincide.*
- *The height of the acoustic fence is relative to the height of the external play area rather than relative to the ground.*

It is recommended that details of the fence are required to be approved prior to construction, to ensure the design and materials would be acceptable in terms of the character of the area.

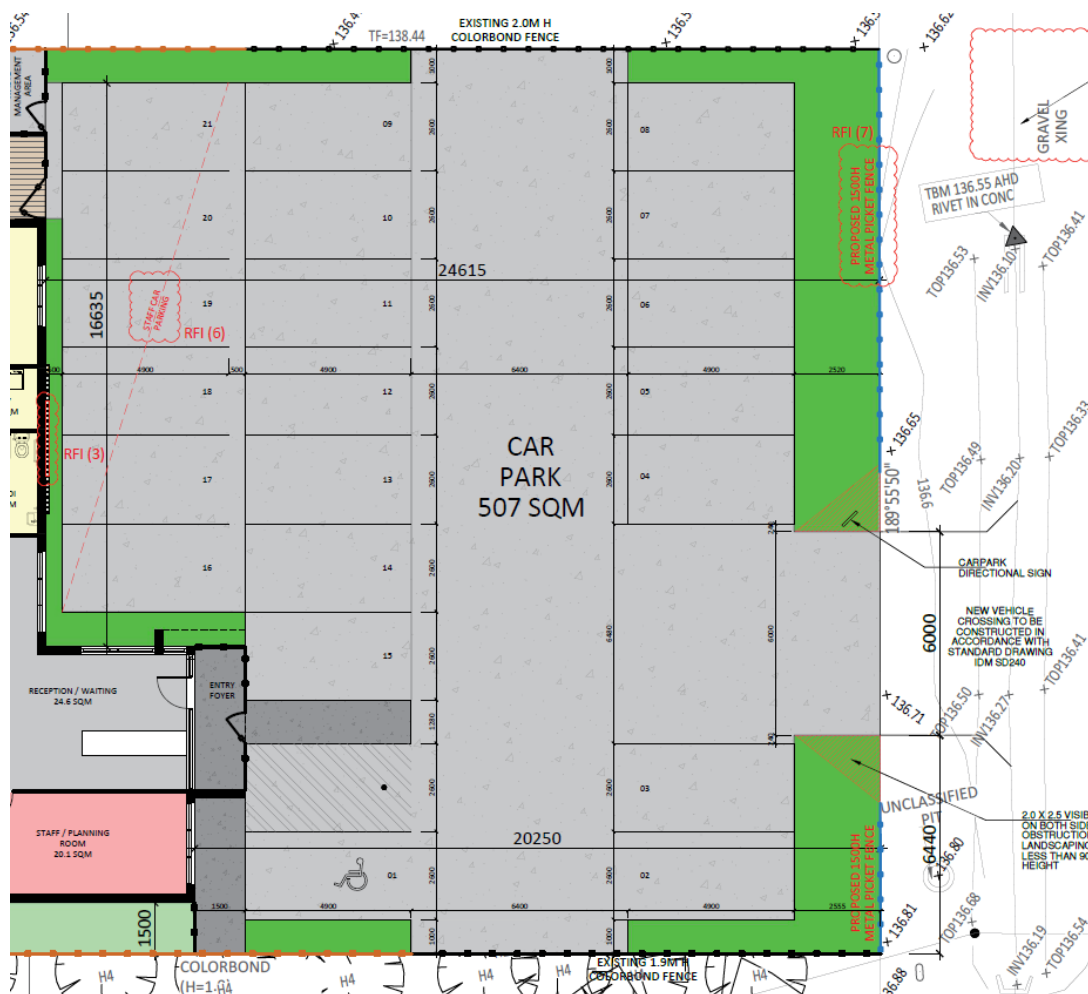
Given the findings in the Acoustic Impact Assessment, and the comments of the Health Protection Unit, on balance it is considered that noise from the centre could be managed and mitigated to an acceptable level. This would be subject to acoustic fencing being erected along the full extent of both side boundaries and the rear boundary, and the preparation and implementation of a Noise Management Plan.

#### **Clause 52.06 (Car Parking)**

Clause 52.06-2 (Car Parking) requires that before a new use commences, the number of parking spaces required under clause 52.06-5 must be provided on the land.

For a childcare centre, the specified rate is 0.22 space to each child. For 98 children, 21 spaces are required (6.6 spaces, rounded down to the nearest whole number, as per the provisions of Clause 52.06). Under this proposal 21 on-site spaces would be provided, including 1 accessible space as required by the Building Code of Australia.

As noted earlier, it is proposed to have 6 designated car parking spaces for staff in a tandem parking arrangement (shown on the plan below).



The proposal would meet the specified car car parking rate for childcare centres under the planning scheme.

The application was referred to Council's Infrastructure Department, which advised as follows:

*"After reviewing the submitted application for the proposed childcare centre, it appears that the reduction in the number of children to 98 aligns with the statutory car parking requirements outlined in Clause 52.06-5. In addition, tandem car-parking arrangement similar to the proposed layout have been accepted by Geelong City Council and other metro Councils such as Wyndham Vale and Hobson Bay City Councils for childcare centres."*

The proposal would provide the amount of parking required under the planning scheme and, given the comments from the Infrastructure Department, it is considered that the tandem parking arrangement can be accepted.

However, it is recognised that not all parents may be able to enter the car park due to its usage when they arrive, and that some parents may opt not to use the car park. This means that there may be some on-street parking as a result of the proposal. As noted earlier, Clause 19.02-2S (Education Facilities) states that a strategy to assist the integration of early childhood facilities with local and regional communities is to ensure childcare facilities provide safe vehicular drop-off zones. The impact of potential on-street parking is considered below.

### **Clause 52.34 (Bicycle Facilities)**

This planning scheme provision does not apply to childcare centres.

### **Traffic and On-Street Parking**

A major concern of objectors is the potential impacts from traffic generation and off-site parking. To assess these impacts - and understand how the on-site parking and drop off/pickup would operate - details about how the childcare centre would operate were sought.

As noted earlier in this report, the centre would cater for up to 98 children. It is proposed that in total 15 staff would be employed. A total of 21 car parking spaces are proposed on site, in accordance with the rate specified in the planning scheme, with some being tandem spaces.

The applicant has advised that the number of staff present at the site would incrementally increase throughout the day and then incrementally decrease. As such, the highest number of staff present at any one time, and occupying car parking spaces, would be outside peak drop off and pickup times.

The applicant provided the following information about typical staff movements:

- 7am – 2 staff arrive
- 8am – 4 staff arrive
- 9am – 2 staff arrive
- 10am – 2 staff arrive

As such, by 10am there would be 10 staff on-site.

Between 10am and 3pm, an additional 5 staff would be on site to prepare and serve food, tidy up after meals, allow all day staff to have lunch breaks etc. The following information about likely movements in the afternoon was provided:

- 3pm - 2 staff depart
- 4pm -2 staff depart
- 5pm – 3 staff depart
- 6pm – 3 staff depart

In summary, based on the applicant's advice, the maximum number of staff on site up to 10am would be 10. Between 10am and 2pm, this would increase to 15 staff members of staff. From 3pm onwards, there would be 10 staff or less on site.

Council's Infrastructure Department has reviewed the submitted information and calculated the number of spaces that would be required at the peak hours of 8:14am - 9:14am and 4:50pm - 5:50pm. The Infrastructure Department had regard to the amount of parking that would be available at any given time on site (e.g., if 10 staff would be on site, 11 spaces would be available) and based its calculations on a 15 minute drop off/pick up timeframe. Based on the inbound and outbound data provided in the Traffic Report, it was concluded that the childcare centre may not need to rely on off-site parking at all. Based on the total vehicle numbers in the peak period, it was found a maximum of 8 spaces may be required in the morning peak period and a maximum of 10 spaces in the evening peak.

The Infrastructure Department advised that it does not object to the proposal, subject to conditions being included on any permit issued. These include conditions requiring the applicant to install a drain and construct parking in the road reserve in front of the site to provide extra space for pick-up and drop off without having to disturb the traffic flow. The permit holder would also be required to install no parking signage. In addition, there would be a requirement to construct a footpath on the west side of Hart Street from the front of the subject site as far as the intersection of Hart Street and Aireys Street, to provide pedestrian access for people within walking distance.

### **Contamination**

As noted earlier in this report, a Soil Contamination Assessment was submitted which advised that the soil on site can be classified as clean fill.

As such, this is not a matter which would prevent a planning permit being issued for the proposed childcare centre.

### **Clause 52.05 (Signs)**

Under Clause 32.03-7, signage in the LDRZ is in Category 3 of Clause 52.05 (Signs). This category relates to high amenity areas, with medium limitation. The purpose of this category is to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which the sign is displayed or the surrounding area.

The application proposes to display one business identification sign, measuring 2.11sqm, which would be appropriately located on the front elevation of the building.

The sign would be located approximately 24.61m from the site frontage and it is not considered that it would have an adverse impact on important or significant features of the building, site, streetscape setting or landscape, views and vistas or area.

As such, the proposed sign is considered acceptable in terms of the provisions of Clause 52.05.

### **Clause 13.02-1S (Bushfire Planning)**

The site is not covered by the Bushfire Management Overlay (BMO), but part of the site is in a designated bushfire prone area.

Under Clause 13.02-1S of the planning scheme, bushfire risk should be considered for specified uses and development, including childcare centres, in a bushfire prone area when assessing planning applications. The applicant was therefore requested to provide a response relating to bushfire risk.

The applicant's response included the following:

*"Only a portion of the subject land is situated within the bush fire prone area, and as a result, the bushfire risk for this site is assessed as low. However, a BAL construction assessment will still need to be carried out by a building surveyor during the building permit stage. The construction of the centre will be conducted in compliance with the relevant requirements outlined in the Building Act."*

The response was sent to the Country Fire Authority (CFA) for comment. The CFA advised it does not object to the grant of a permit and does not require any conditions to be imposed. The CFA also stated:

*“CFA recommends the site develop an emergency management plan which includes consideration of the bushfire risk and actions in the event of a bushfire and severe fire weather. Closure on Catastrophic Fire Danger Days is recommended.”*

In an event a permit is issued, it is recommended that this advice is provided as a note on the permit.

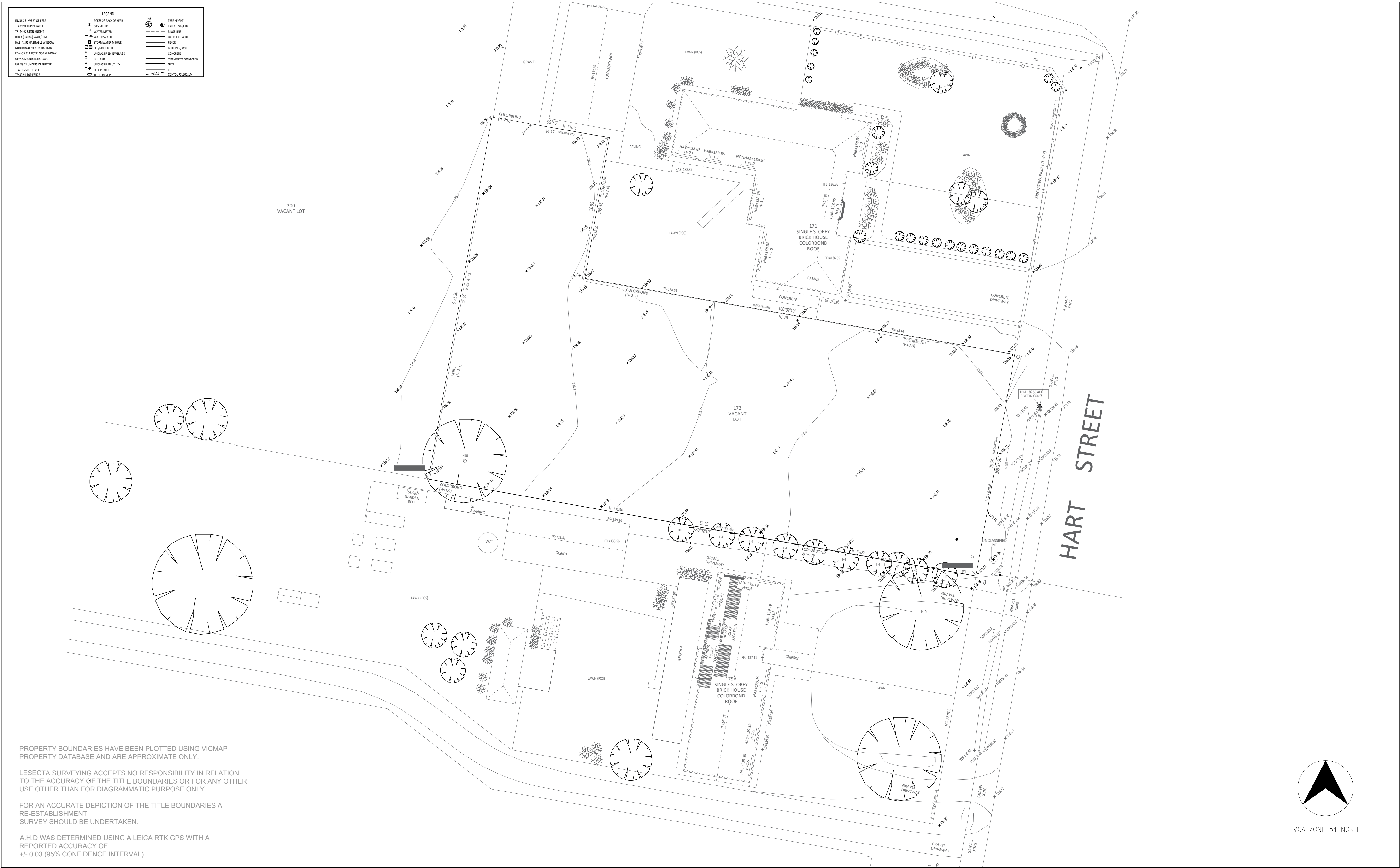
#### Conclusion

Whilst the proposed childcare centre would be quite large, on balance it is considered that a Notice of Decision to Grant a Permit could reasonably be issued. The key areas of concern, as discussed in this report, are the potential impacts from traffic, on-street parking and noise. Given the findings of the submitted Acoustic Impact Assessment and Traffic Report, and the advice from Council's Infrastructure Department and Health Protection Unit – and subject to compliance with the permit conditions set out in the recommendation at the start of this report – on balance it is considered that any potential negative impacts could be mitigated to an acceptable extent.

## **9. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



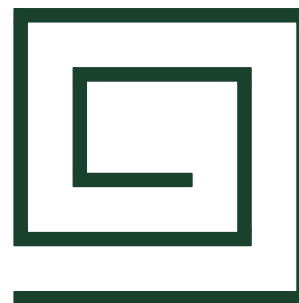


PROPERTY BOUNDARIES HAVE BEEN PLOTTED USING VICMAP PROPERTY DATABASE AND ARE APPROXIMATE ONLY.

LESECTA SURVEYING ACCEPTS NO RESPONSIBILITY IN RELATION TO THE ACCURACY OF THE TITLE BOUNDARIES OR FOR ANY OTHER USE OTHER THAN FOR DIAGRAMMATIC PURPOSE ONLY.

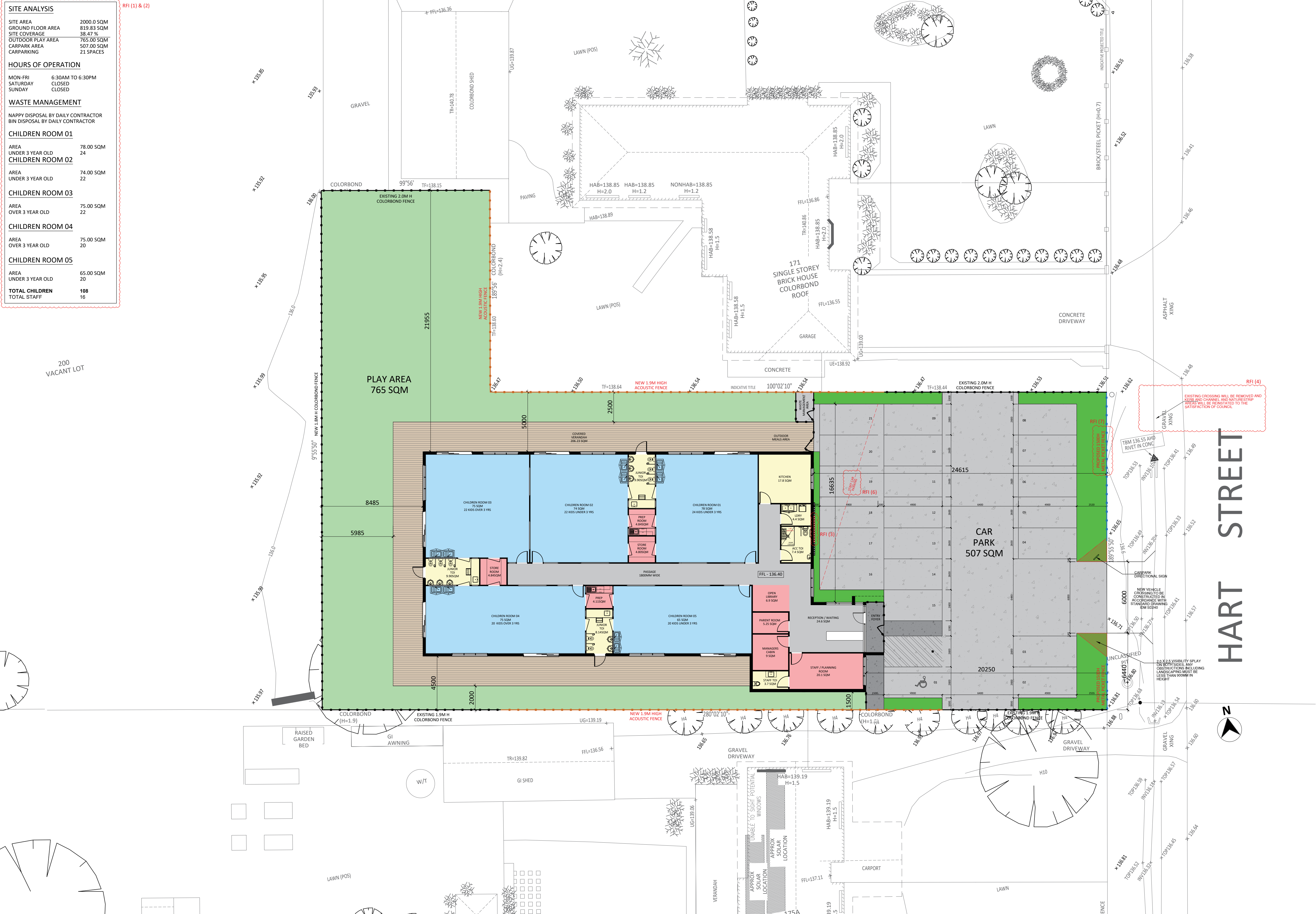
FOR AN ACCURATE DEPICTION OF THE TITLE BOUNDARIES A RE-ESTABLISHMENT SURVEY SHOULD BE UNDERTAKEN.

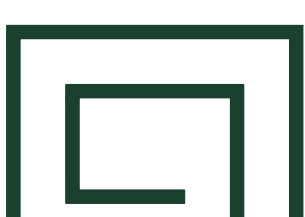
A.H.D WAS DETERMINED USING A LEICA RTK GPS WITH A REPORTED ACCURACY OF +/- 0.03 (95% CONFIDENCE INTERVAL)

<div><div>GD DESIGN</div></div>	PO BOX 7320 POINT COOK VIC 3030 M. 1300 GDDESIGN W.www.gddc.com.au	ISSUED:			REVISION:		CLIENT SIGN OFF: I / WE CONFIRM THAT THESE DRAWINGS ACCORD WITH OUR REQUIREMENTS AND AUTHORISE THEIR USE FOR NEXT STAGE PURPOSES.  SIGNED.....DATE.....  SIGNED.....DATE.....	CLIENT NAME: DINESH JOSHI SITE ADDRESS: 173 HART STREET ELLIMINYT VIC DRAWING: <b>NEIGHBORHOOD &amp; SITE DESCRIPTION PLAN</b>	DATE: 29.08.2023	<div>DRG # <b>01</b> REV #</div>
		DATE	ISSUED TO	BY	DATE	DESCRIPTION			SCALE: 1:120 @ A1	
									DRAWN: AJ	
									CHECKED: GD	
									JOB NO:	



SITE ANALYSIS	
SITE AREA	2000.0 SQM
GROUND FLOOR AREA	819.83 SQM
SITE COVERAGE	38.47 %
OUTDOOR PLAY AREA	765.00 SQM
CARPARK AREA	507.00 SQM
CARPARKING	21 SPACES
HOURS OF OPERATION	
MON-FRI	6:30AM TO 6:30PM
SATURDAY	CLOSED
SUNDAY	CLOSED
WASTE MANAGEMENT	
NAPPY DISPOSAL BY DAILY CONTRACTOR	
BIN DISPOSAL BY DAILY CONTRACTOR	
CHILDREN ROOM 01	
AREA	78.00 SQM
UNDER 3 YEAR OLD	24
CHILDREN ROOM 02	
AREA	74.00 SQM
UNDER 3 YEAR OLD	22
CHILDREN ROOM 03	
AREA	75.00 SQM
OVER 3 YEAR OLD	22
CHILDREN ROOM 04	
AREA	75.00 SQM
OVER 3 YEAR OLD	20
CHILDREN ROOM 05	
AREA	65.00 SQM
UNDER 3 YEAR OLD	20
TOTAL CHILDREN	108
TOTAL STAFF	16





GD DESIGN

PO BOX 7320  
POINT COOK VIC 3030  
M. 1300 GDDDESIGN  
W. www.gddc.com.au

ISSUED:

DATE	ISSUED TO	BY

REVISION:

DATE	DESCRIPTION

CLIENT SIGN OFF:

I / WE CONFIRM THAT THESE DRAWINGS ACCORD WITH OUR REQUIREMENTS AND AUTHORISE THEIR USE FOR NEXT STAGE PURPOSES.

SIGNED.....DATE.....

SIGNED.....DATE.....

CLIENT NAME: DINESH JOSHI

SITE ADDRESS: 173 HART STREET ELLIMINYT VIC

DRAWING: SITE PLAN

DATE: 29.08.2023

SCALE: 1:150 @ A1

DRAWN: AJ

CHECKED: GD

JOB NO:

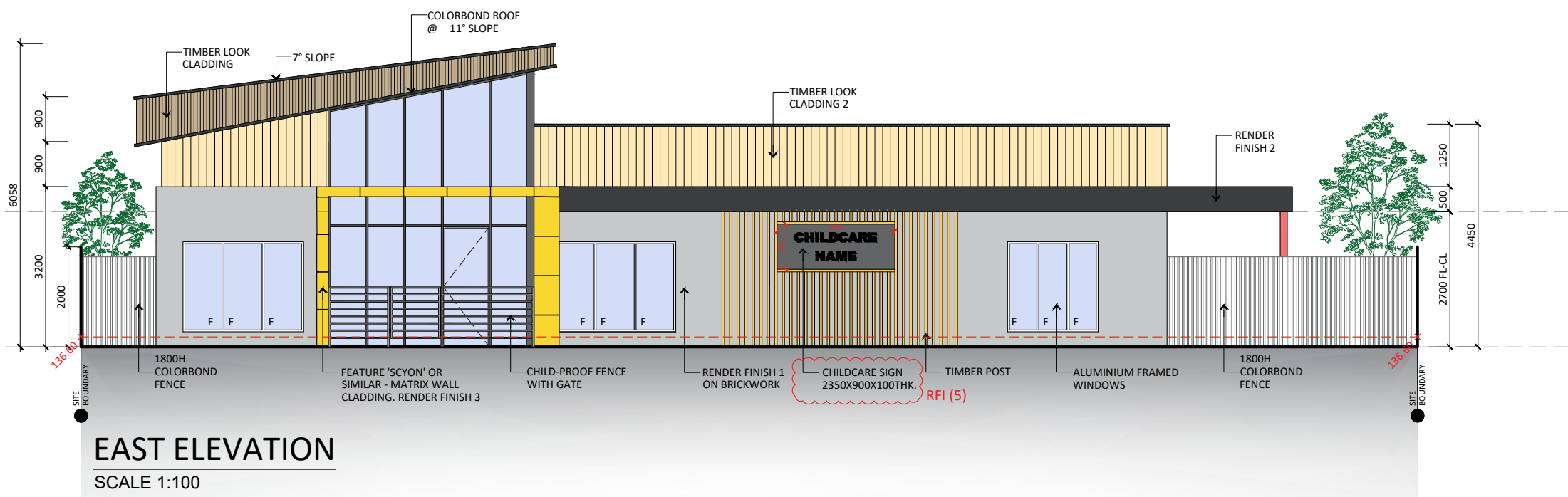
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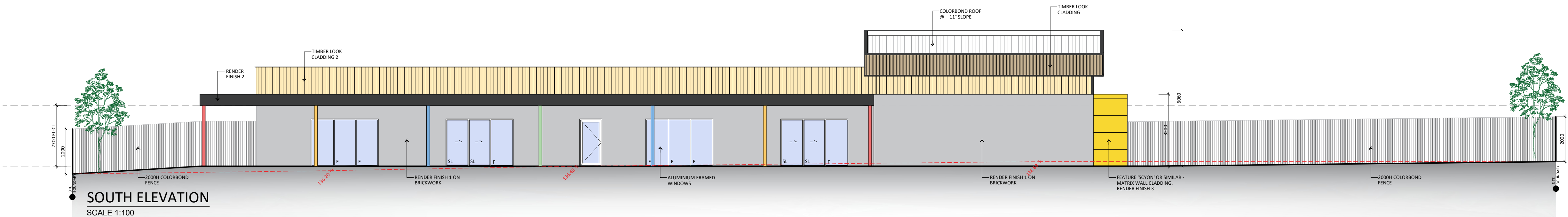
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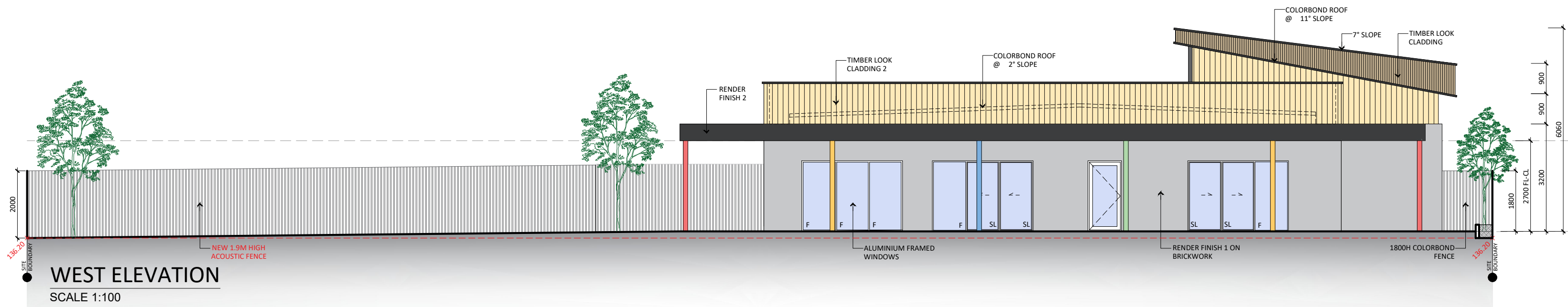
Exterior Finishes	Brand/Manufacturer	Colour	Swatch
Roof	Colorbond	woodland gray	
Gutter	Colorbond	woodland gray	
Fascia	Colorbond	woodland gray	
Window and Door Frames	Colorbond	monument	
Render Finish 1	Colorbond	Shale Grey	
Render Finish 2	Colorbond	monument	
Render Finish 3	Dulux colour	dandelion yellow	
Timber look cladding		Merbau	
Timber look cladding 2		Classic Cedar	
Powdercoated Fence & Gate	Colorbond	woodland gray	



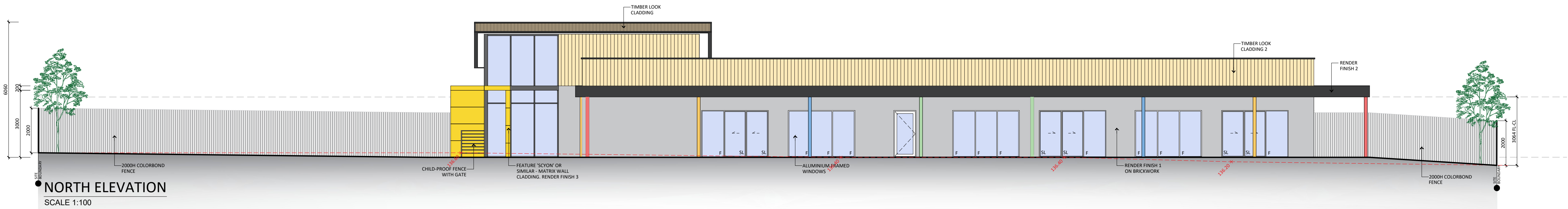
EAST ELEVATION  
SCALE 1:100



SOUTH ELEVATION  
SCALE 1:100



WEST ELEVATION  
SCALE 1:100



NORTH ELEVATION  
SCALE 1:100



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ISSUED:

DATE	ISSUED TO	BY

REVISION:

DATE	DESCRIPTION

CLIENT SIGN OFF:

I / WE CONFIRM THAT THESE DRAWINGS ACCORD WITH OUR REQUIREMENTS AND AUTHORISE THEIR USE FOR NEXT STAGE PURPOSES.

SIGNED.....DATE.....

SIGNED.....DATE.....

CLIENT NAME: DINESH JOSHI

SITE ADDRESS: 173 HART STREET ELLIMINYT VIC

DRAWING:

ELEVATIONS

DATE: 29.08.2023

SCALE: 1:100 @ A1

DRAWN: AJ

CHECKED: GD

JOB NO:

DRG #

03

REV #



# Traffic Engineering

Proposed Child Care Centre  
173 Hart Street, Elliminyt  
Traffic Impact Assessment





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# 1 Introduction and Scope

TTM Consulting (Vic) Pty Ltd has been requested by the Applicant to undertake a traffic report for a proposed child care centre at 173 Hart Street, Elliminyt.

The ensuing report addresses the traffic and parking impacts of the proposal, including an assessment of the site access and car parking layout with regards to Clause 52.06-9 of the Planning Scheme.

TTM Consulting concludes the proposal warrants provision of the sought Planning Permit from a traffic engineering perspective.



## 2 Existing Conditions

### 2.1 The Site

The subject site is located at 173 Hart Street, Elliminyt and has a total site area of approximately 1,958 square metres. The subject site has approximately 26.45 metres frontage to Hart Street along the eastern boundary of the site. Figure 1 show the location of the site and the surrounding road network.

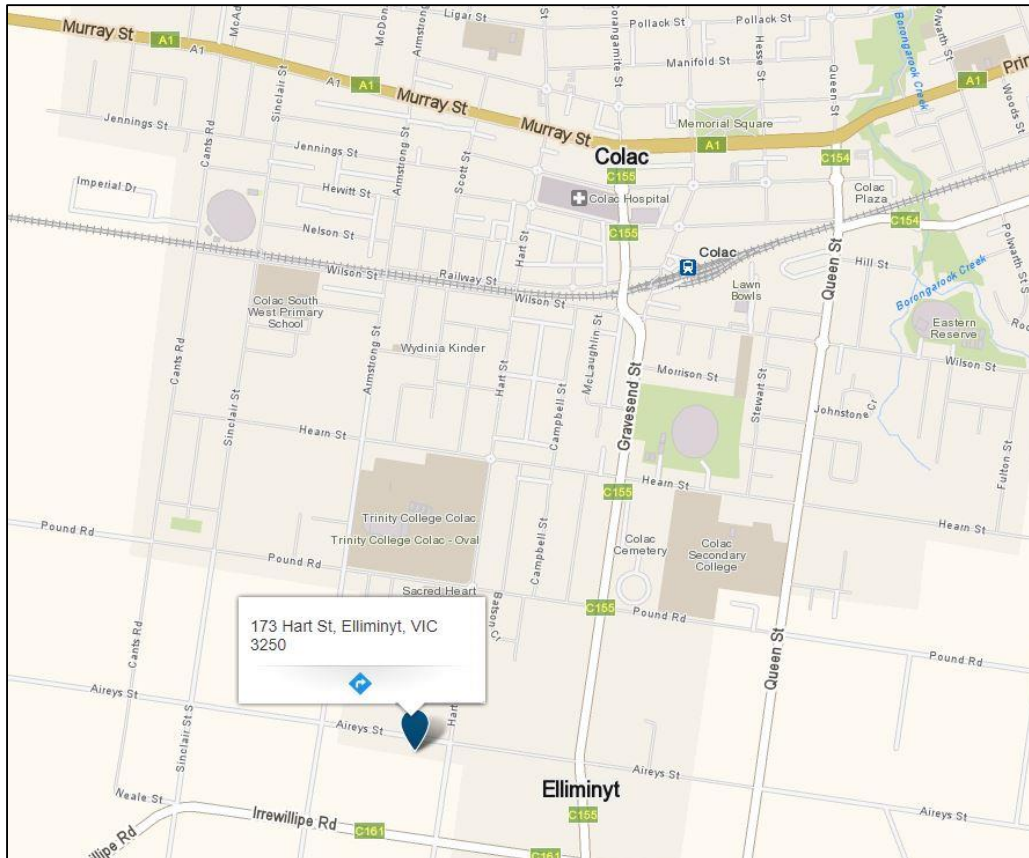


Figure 1: Site Location and Surrounding Road Network. Source: WhereIS

The site is zoned in the Lower Residential Zone (GRZ1) in the Colac Otway Planning Scheme. Figure 2 shows the surrounding Planning Scheme Zones.



Figure 2: Surrounding Planning Scheme Zones. Source: VicPlan

Site: 173 Hart Street, Elliminyt

Reference: 24MET0340R01.DOC

## 2.2 Road Network

**Hart Street** is a local road and comprises a single two-way carriageway that is approximately 7.0 metres wide. There are no kerbs and pedestrian footpath on either side of the road carriageway. The posted speed limit is 50 kph. Figures 3 and 4 shows the configuration of Hart Street along the site frontage.



Figure.3: Hart Street Facing North (Site on LHS). Source: Google Maps



Figure 4: Hart Street Facing South (Site on RHS). Source: Google Maps

## 2.3 Nearby Public Transport

The following public transport services are proximate to the site.

Table 1: Public Transport Services Proximate to the Site

Mode	Routes		Nearest Bus Stop	Distance to Bus Stop
Bus	1	Bairnsdale – West Bairnsdale	164 Hart Street	62m
		Ararat West via Brewster Road & Lowre Road		
		Benalla – Benalla West		



Figure 5: PTV Services Proximate to the Site. Source: Public Transport Victoria

## 2.4 Existing Child Care Centre Demand

A mode of travel survey was undertaken for The Hive Early Learning Centre at 260-264 Arthur Street Fairfield on Wednesday 17<sup>th</sup> July 2024 from 6:30am to 10am and 2:30pm to 6:15pm. Based upon Council's Register this site has approval for 118 places.

In addition to the mode of travel, the following data was captured:

- Mode of Travel – Car, Walk, Bike, etc
- Purpose – Staff or Drop off/Pickup or Other
- Time of Arrival and Departure
- No. of Children Drop off/Picked up at the Centre
- Car movements only (Park on-site or on-street)

A full copy of the survey data is attached in Appendix B, the following table provides a summary of the key criteria obtained from the survey data.

	AM Period	PM Period
Survey period	6:30am to 10am	2:30pm to 6:15pm
Total children arrive/depart (Capacity)	87	88
Proportion arrive as 2 children	24%	27.5%
Time of Stay – 85 <sup>th</sup> percentile	11:00 min	13:00 min
<b>Mode of Travel (Includes Staff and Children)</b>		
Car	87 (0.92)	72 (0.88)
Walk	5 (0.05)	9 (0.10)
Bike	3 (0.03)	2 (0.02)
<b>Parking Demand</b>		
Average – No. (Rate/Child)	6.57 (0.08)	8.64 (0.10)
85 <sup>th</sup> Percentile – No. (Rate/Child)	10 (0.11)	12 (0.14)
99 <sup>th</sup> Percentile – No. (Rate/Child)	13 (0.15)	16 (0.18)
<b>Traffic Generation – Movements per hour</b>		
Average – No. (Rate/Child)	49.18 (0.57)	46.67 (0.54)
85 <sup>th</sup> Percentile – No. (Rate/Child)	61 (0.70)	74 (0.84)
99 <sup>th</sup> Percentile – No. (Rate/Child)	64 (0.74)	82 (0.93)
Total movements over survey period	134 (1.54)	134 (1.52)
Peak Hour Time Period	8:14am to 9:14am	4:50pm to 5:50pm



### 3 The Proposal

The Applicant is proposing a child care centre at 173 Hart Street, Elliminyt. Vehicle access to the site is via a proposed 6.0 metres wide vehicle crossing onto Hart Street.

The following table summarises the proposed inventory and uses.

Table 2: Proposed Inventory

Item	Inventory
Child Care Centre	98 children
Car Parking	21 no. (including 1 disabled space)

A copy of the development plan is attached in Appendix A.



## 4 Car Parking Requirements and Provision

Clause 52.06-5 of the Planning Scheme outlines the parking requirements for the subject proposal. The number of car parking spaces required is summarised in the following table.

Table 3: Parking Supply Requirement

Land Use	Car Parking Rate	Inventory	Car Parking Spaces Requirement	Provision
Child Care Centre	0.22 to each child	98 no.	21 no.	21 no.
<b>Total</b>			<b>21 no.</b>	<b>21 no.</b>

The proposal has provision for a total of 21 on-site parking spaces which satisfies the statutory car parking requirements.



## 5 Traffic Generation and Impacts

### 5.1 Peak Hour Traffic Generation

Adopting the trip generation rate as outlined in the survey in Section 2.7, the AM and PM peak hour movements are estimated to be 0.74 per child place and 0.93 per child place respectively.

The trip generation rates from the survey will be used to generate the estimated traffic flow for the proposed child care centre. The estimated trip generation is summarised below.

Peak Hour Trip Generation Estimation for Proposed Child Care Centre

Use	Inventory	AM Period		PM Period	
		Rate	Two-Way Traffic Flow (veh/hr)	Rate	Two-Way Traffic Flow (veh/hr)
Peak Hour	98 no.	0.74	<b>73</b>	0.93	<b>92</b>
AM Dropoff		1.54	<b>151</b>	-	-
PM Pickup		-	-	1.52	<b>149</b>

For child care centres, peak period traffic volumes are typically split 55% inbound and 45% outbound in the morning peak, with the reverse occurring in the afternoon.

On this basis the 73 vehicles per hour during AM peak hour are split (40 inbound/33 outbound) and the 92 vehicles per hour during the PM peak hour are split (41 inbound/51 outbound).

For Child Care Centres it is estimated that 90% of daily vehicle movements occur during the AM and PM drop off and pickup periods. The subject site is estimated to generate 300 movements during the AM drop off and PM pickup, thus daily movements from the proposed centre will be 330 vehicle movements per day.

## 5.2 Parking And Traffic Generated by the Proposal

Based upon the survey data in Section 2.4 the graphs attached in Appendix C confirm how parking demand and traffic generation varies between the morning and afternoon periods.

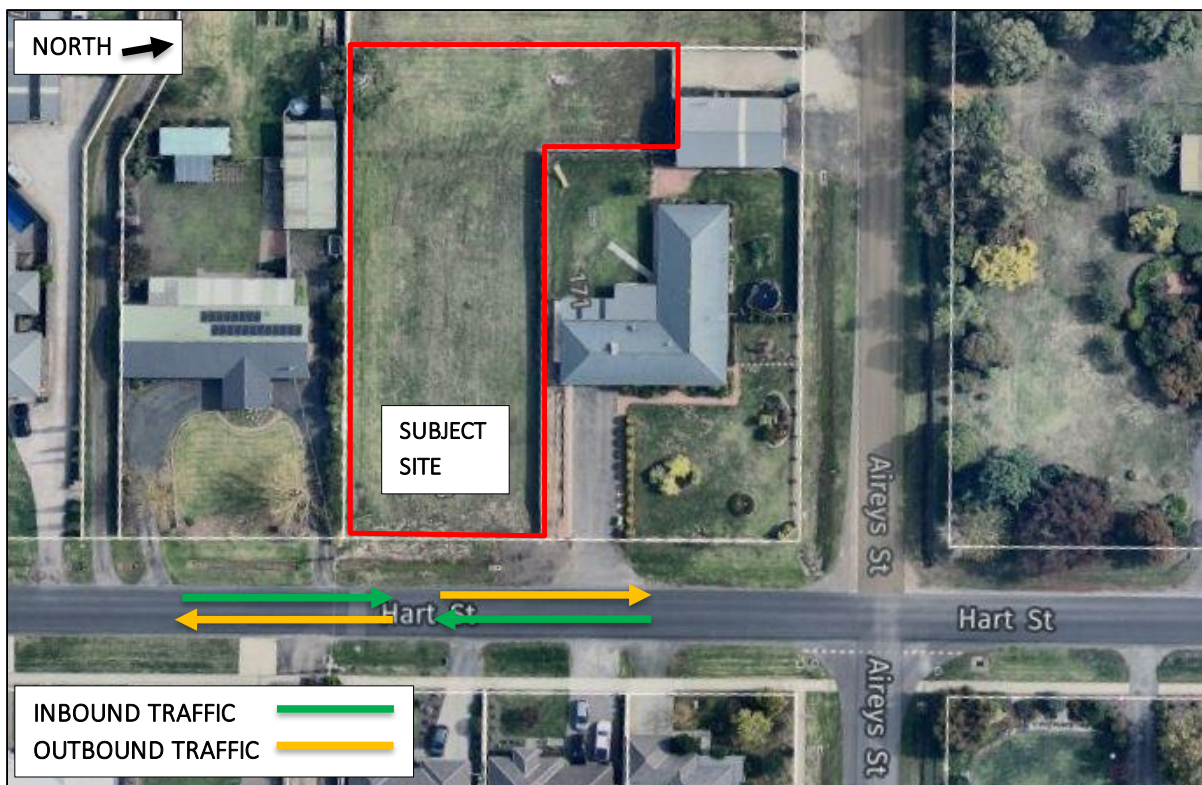
The graph includes the 85<sup>th</sup> percentile demand which is a common design standard used when designing traffic facilities.

For the proposed 98 place child care centre the following table provides a summary of the 85<sup>th</sup> percentile parking and peak hour traffic demand generated by the proposal.

	AM Peak Hour	PM Peak Hour
Parking Demand – 85 <sup>th</sup> percentile	11.26 no.	13.36 no.
Peak Hour Traffic Generation – 85 <sup>th</sup> percentile	72.09 no.	82.46 no.

## 5.3 Impact Of Traffic Generated by the Proposal

Vehicle movements entering and exiting the site is depicted in the following figure.



Inbound and Outbound Traffic Movements



TTM Consulting assumes the traffic inbound and outbound movements on Hart Street would typically generate 25% of its vehicle movements onto the road network for each direction.

The child care centre is estimated to generate up to 72 additional vehicle movements per hour during the AM peak hour and 82 additional vehicle movements per hour during the PM peak hour. Therefore, 25% of these movements is equivalent to 18 and 21 vehicle movements per hour in any direction during the AM and PM peak hour period respectively.

Therefore, the additional traffic generated by the child care centre can be adequately accommodated within the surrounding road network.

## 6 Car Parking and Access Area Design

### 6.1 Site Access

A new two-way vehicle crossing is proposed from Hart Street. The proposed crossover is 6.0 metres wide to allow for concurrent entry and exit movements.

### 6.2 Car Parking Spaces

The proposal comprises 21 on-site car parking spaces (including one disabled space) in the form of 90 degree and tandem parking. The dimensions for the parking spaces are 2.6 metres wide by 4.9 metres long and all spaces are accessed from the 6.4 metres wide aisle. These dimensions are in accordance with the Planning Scheme Clause 52.06-9.

The swept path diagrams attached in Appendix D confirm the B85 vehicle from AS2890.1:2004 successfully enters and exits the critical parking spaces in a single manoeuvre and up to a 3-point turn whilst entering and exiting the site in a forward direction. The car parking access is appropriate from a traffic engineering perspective.

### 6.3 Waste Collection and Access

Waste collection will be undertaken on site. A dedicated loading bay is not considered necessary because waste can be collected outside of peak operating hours (i.e. 7:00am to 10:00am and 3:00pm to 6:00pm on weekdays). Outside of peak traffic hours the waste mini rear loader vehicle will be able to stop in the parking aisle adjacent to the bin enclosure area to collect the bins.

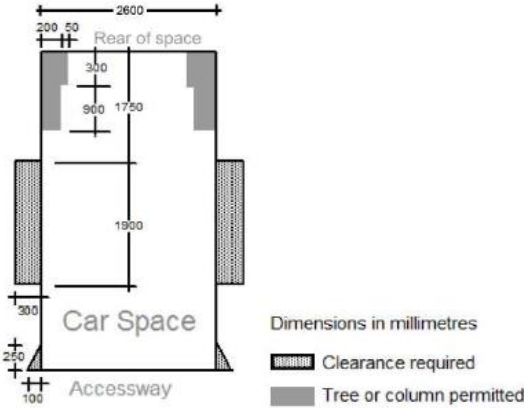
Swept path diagram have been prepared using Autodesk Vehicle Tracking V23 for a waste truck circulating the site. The 'Waste-Wise Mini' was used, the dimensions of which can be found at the bottom of the diagrams attached in Appendix E. The swept path diagram demonstrates sufficient space for the Waste-Wise Mini to enter and exit the site in a forward direction.

## 6.4 Response to Clause 52.06-9 Design Standards

Clause 52.06-9 of the Planning Scheme outlines design criteria for car parking and accessways. The following table provides a response to each of the relevant design criteria.

Table 9: Response to Relevant Design Criteria

Clause 52.06-9 design criteria	TTM Response
<b><i>Design Standard 1 - Accessways</i></b>	
Be at least 3 metres wide.	Satisfied.
Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.	Satisfied.
Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.	Not applicable as it is a private car park.
Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheelbase of 2.8 metres.	Satisfied.
If the accessway serves four or more car spaces <u>or</u> connects to a road in a Transport Zone 2 or Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.	Satisfied.
Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or Transport Zone 3.	Not applicable as the subject site does not connect to a road in a Transport Zone 2 or Transport Zone 3.
Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.	Not applicable as there is no footpath along the site frontage.
If an accessway to four or more car parking spaces is from land in a Transport Zone 2 or Transport Zone 3, the access to the car spaces must be at least 6 metres from the road carriageway.	Not applicable as accessway is from land in General Residential Zone (GRZ1).

Clause 52.06-9 design criteria	TTM Response																													
Design Standard 2 – Car parking spaces																														
<p>Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.</p> <p><b>Table 2: Minimum dimensions of car parking spaces and accessways</b></p> <table><tr><th>Angle of car parking spaces to access way</th><th>Accessway width</th><th>Car space width</th><th>Car space length</th></tr><tr><td>Parallel</td><td>3.6 m</td><td>2.3 m</td><td>6.7 m</td></tr><tr><td>45°</td><td>3.5 m</td><td>2.6 m</td><td>4.9 m</td></tr><tr><td>60°</td><td>4.9 m</td><td>2.6 m</td><td>4.9 m</td></tr><tr><td rowspan="4">90°</td><td>6.4 m</td><td>2.6 m</td><td>4.9 m</td></tr><tr><td>5.8 m</td><td>2.8 m</td><td>4.9 m</td></tr><tr><td>5.2 m</td><td>3.0 m</td><td>4.9 m</td></tr><tr><td>4.8 m</td><td>3.2 m</td><td>4.9 m</td></tr></table> <p><i>Note</i> Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).</p>	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m	5.8 m	2.8 m	4.9 m	5.2 m	3.0 m	4.9 m	4.8 m	3.2 m	4.9 m	Satisfied.
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length																											
Parallel	3.6 m	2.3 m	6.7 m																											
45°	3.5 m	2.6 m	4.9 m																											
60°	4.9 m	2.6 m	4.9 m																											
90°	6.4 m	2.6 m	4.9 m																											
	5.8 m	2.8 m	4.9 m																											
	5.2 m	3.0 m	4.9 m																											
	4.8 m	3.2 m	4.9 m																											
<p>A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked ‘clearance required’ on Diagram 1, other than:</p> <p>A column, tree or tree guard, which may project into a space if it is within the area marked ‘tree or column permitted’ on Diagram 1.</p> <p>A structure, which may project into the space if it is at least 2.1 metres above the space.</p> <p>Diagram 1 Clearance to car parking spaces</p> 	Satisfied.																													
Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.	Not applicable.																													
Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.	Satisfied.																													



Clause 52.06-9 design criteria	TTM Response													
Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.	Not applicable.													
Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.	Satisfied.													
<b>Design Standard 3 – Gradients</b>														
Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. <b>This does not apply to accessways serving three dwellings or less.</b>	The gradients and levels have not been shown on the development plans however there is no reason as to why this cannot be satisfied as the existing site is relatively flat.													
Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction. <table border="1"><thead><tr><th>Type</th><th>Length Ramp</th><th>Max Grade</th></tr></thead><tbody><tr><td rowspan="2">Public</td><td>&lt;20m</td><td>1:5</td></tr><tr><td>&gt;20m</td><td>1:6</td></tr><tr><td rowspan="2">Private</td><td>&lt;20m</td><td>1:4</td></tr><tr><td>&gt;20m</td><td>1:5</td></tr></tbody></table>	Type	Length Ramp	Max Grade	Public	<20m	1:5	>20m	1:6	Private	<20m	1:4	>20m	1:5	As above.
Type	Length Ramp	Max Grade												
Public	<20m	1:5												
	>20m	1:6												
Private	<20m	1:4												
	>20m	1:5												
Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.  Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.	As above.													

## 7 Response to Council RFI

Council has issued and RFI with the following items raised by Council.

Council RFI Item	TTM Response
1. <i>What is the total (maximum) number of children on site at any one time?</i>	The Applicant has confirmed that they will accept a permit condition limiting the permitted number of children to 98.
2. <i>What time of day do you expect this maximum to be?</i>	Based upon demand at other child care centres peak child demand will occur between 10am to 3pm.
3. <i>Will there be a staggered drop off and pick up of children for the morning and evening?</i>	Yes and the survey data attached in Appendix B confirms drop off from 7:10am to 10am and pickup from 3pm to 6pm.
4. <i>Will the daytime session be broken up into 'short' and 'long' day sessions i.e. 'AM' and 'PM' or do you expect all children to be on site all day?</i>	No this centre will allow full day bookings only.
5. <i>If the day is to be broken up into two sessions, how many children are anticipated in the 'AM' and how many in the 'PM' session?</i>	Not applicable
6. <i>How long is it anticipated that each car parking space will be occupied for during drop-off and pick-up?</i>	Based on the survey data in Appendix B, the 85 <sup>th</sup> percentile drop off time in the morning is 11 minutes and afternoon collection time is 13 minutes.
7. <i>Concerns are raised internally within Council over the number of children proposed to be on site under this application. Given the concerns raised would you consider reducing numbers?</i>	The Applicant has agreed to reduce the number of children to 98.
8. <i>Would you accept a condition limiting the number of children on site at any one time?</i>	Yes we would expect a condition limiting the number of children to 98.
9. <i>Response to Clause 13.02 (bushfire)? How does preproposal meets the requirements?</i>	The Applicant will provide this
<i>In addition to the above, please provide the response to following:</i>	
1. <i>As per the discussion, it is understood that the drop off time is expected to vary between 6:30 to 9 or 9:30 AM and pick from 2:30 to 6:00PM in evening. Traffic report to be updated to reflect the above timing and show the expected traffic distributed between the hours for both pick up and drop off?</i>	The graphs in Appendix C confirm how traffic distribution occurs over the drop off and pickup periods.



<p>2. <i>Report to include the maximum expected waiting time for each car during drop and pick up?</i></p>	<p>Based on the survey data in Appendix B, the 85<sup>th</sup> percentile drop off time in the morning is 11 minutes and afternoon collection time is 13 minutes.</p> <p>Further data extraction confirms the maximum wait time in the AM period is 19 minutes and 25 minutes in the PM period.</p>
<p>3. <i>Tandem parking spaces</i></p>	<p>The innermost tandem spaces are to be utilised by staff. Signage should be erected on-site to reconfirm this condition.</p> <p>Staff should be instructed to park in the inner tandem parking spaces when they arrive on-site.</p> <p>During the parent induction process, parents are to be advised how the tandem parking spaces operate and that they can park in front of another vehicle whilst they are dropping off or picking up a child.</p>

## 8 Summary and Conclusions

The Applicant is proposing a child care centre at 173 Hart Street, Elliminyt. The proposal is appropriate from a traffic and parking context. The analysis of the development is summarised as follows:

- The Applicant has provision for a total of 21 on-site parking spaces which satisfies the statutory requirements of the Planning Scheme.
- The proposed car park layout and access arrangements are appropriately designed for this form of development and are designed in accordance with Design Standards 1, 2 and 3 from Clause 52.06 of the Planning Scheme.
- Swept path diagrams confirms that the site access car parking layout has been designed appropriately for the design vehicle movements about the site.
- The expected traffic generation will have no adverse impact on the adjacent road network.

### TTM Consulting (Vic) Pty Ltd



Michael Srea  
Traffic Engineer

### Record

No.	Author	Reviewed/Approved	Description	Date
1.	M. Srea	D. Hancox	Traffic Report: Original Issue	23/06/2023
2.	M. Srea	D. Hancox	Updates to respond to RFI	29/7/2024

## Appendix A    Development Plans





# PROPOSED CHILDCARE CENTRE

173 HART STREET ELLIMINYT



[illegible]

DATE	DESCRIPTION

I / WE CONFIRM THAT THESE DRAWINGS ACCORD  
WITH OUR REQUIREMENTS AND AUTHORISE THEIR  
USE FOR NEXT STAGE PURPOSES.

SIGNED.....DATE.....

SIGNED.....DATE.....

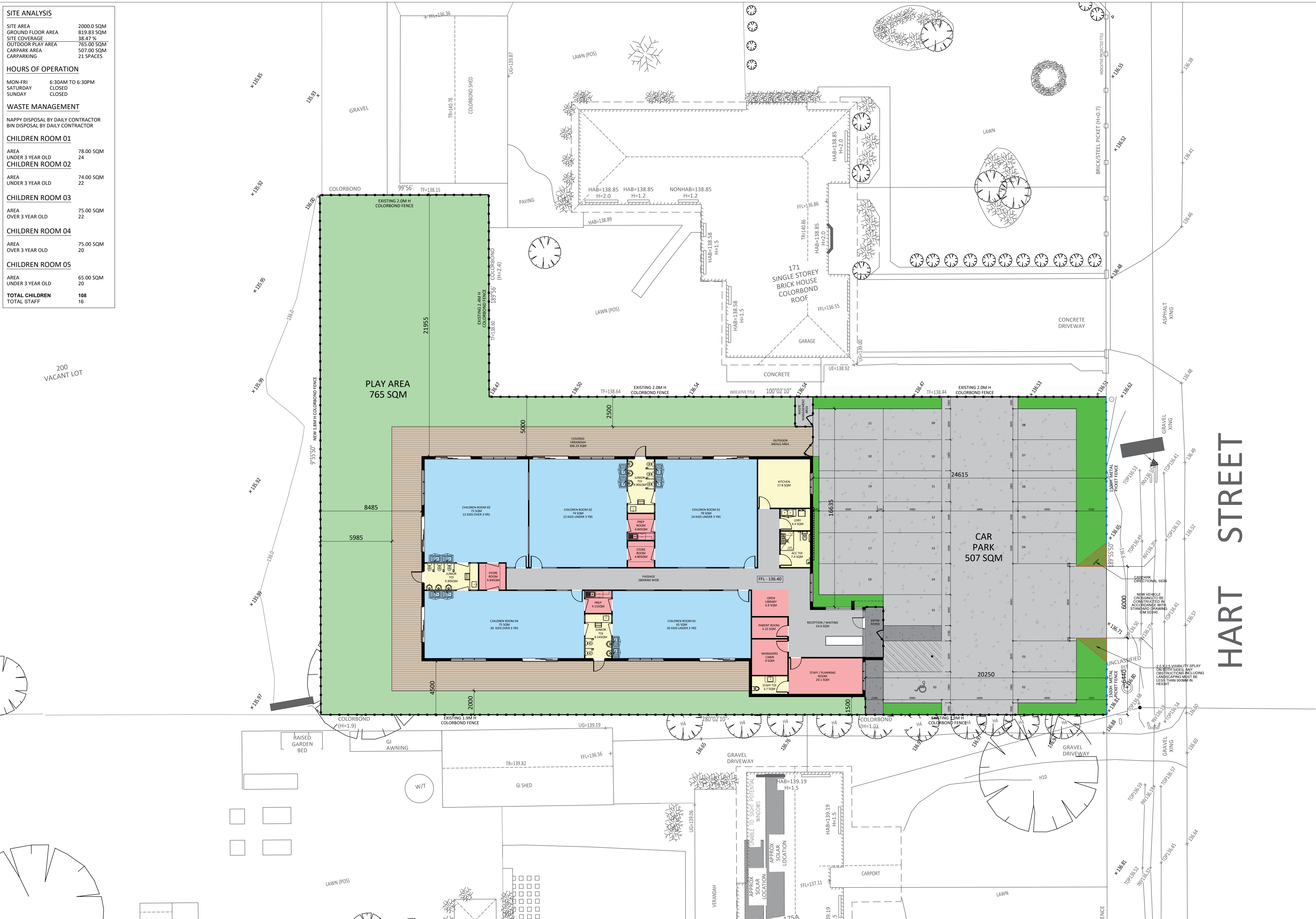
**DRAWING: NEIGHBOURHOOD & SITE DESCRIPTION PLAN**

**JOB NO:**

REV #



SITE ANALYSIS	
SITE AREA	2000.0 SQM
GROUND FLOOR AREA	819.83 SQM
SITE COVERAGE	38.47 %
OUTDOOR PLAY AREA	765.00 SQM
CARPARK AREA	507.00 SQM
CARPARKING	21 SPACES
HOURS OF OPERATION	
MON-FRI	6:30AM TO 6:30PM
SATURDAY	CLOSED
SUNDAY	CLOSED
WASTE MANAGEMENT	
NAPPY DISPOSAL BY DAILY CONTRACTOR	
BIN DISPOSAL BY DAILY CONTRACTOR	
CHILDREN ROOM 01	
AREA	78.00 SQM
UNDER 3 YEAR OLD	24
CHILDREN ROOM 02	
AREA	74.00 SQM
UNDER 3 YEAR OLD	22
CHILDREN ROOM 03	
AREA	75.00 SQM
OVER 3 YEAR OLD	22
CHILDREN ROOM 04	
AREA	75.00 SQM
OVER 3 YEAR OLD	20
CHILDREN ROOM 05	
AREA	65.00 SQM
UNDER 3 YEAR OLD	20
TOTAL CHILDREN	108
TOTAL STAFF	16



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511/101 OVERTON RD  
WILLIAMS LANDING  
  
NORTH BRANCH  
22/797 PLENTY RD  
SOUTH MORANG  
  
0426 884 332  
www.gddc.com.au

ISSUED:

DATE	ISSUED TO	BY

REVISION:

DATE	DESCRIPTION

CLIENT SIGN OFF:

I / WE CONFIRM THAT THESE DRAWINGS ACCORD WITH OUR REQUIREMENTS AND AUTHORISE THEIR USE FOR NEXT STAGE PURPOSES.

SIGNED.....DATE.....

SIGNED.....DATE.....

CLIENT NAME: FOUR SQUARE HOMES WEST PTY LTD

SITE ADDRESS: 173 HART STREET ELLIMINYT VIC

DRAWING:

SITE PLAN

DATE: 22.06.2023

SCALE: 1:150 @ A1

DRAWN: AJ

CHECKED: GD

JOB NO:

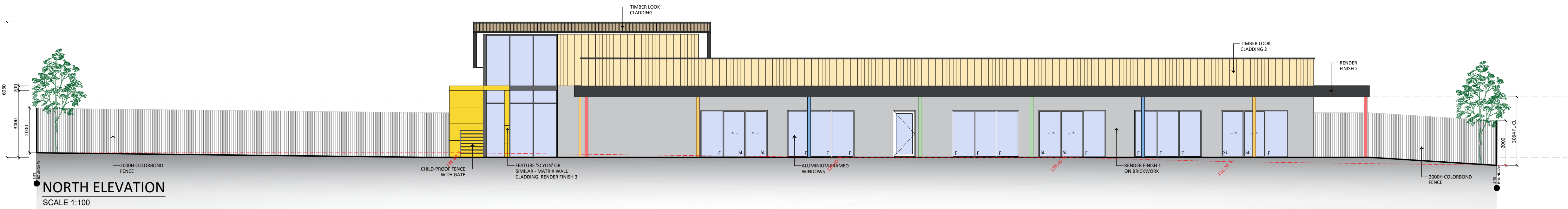
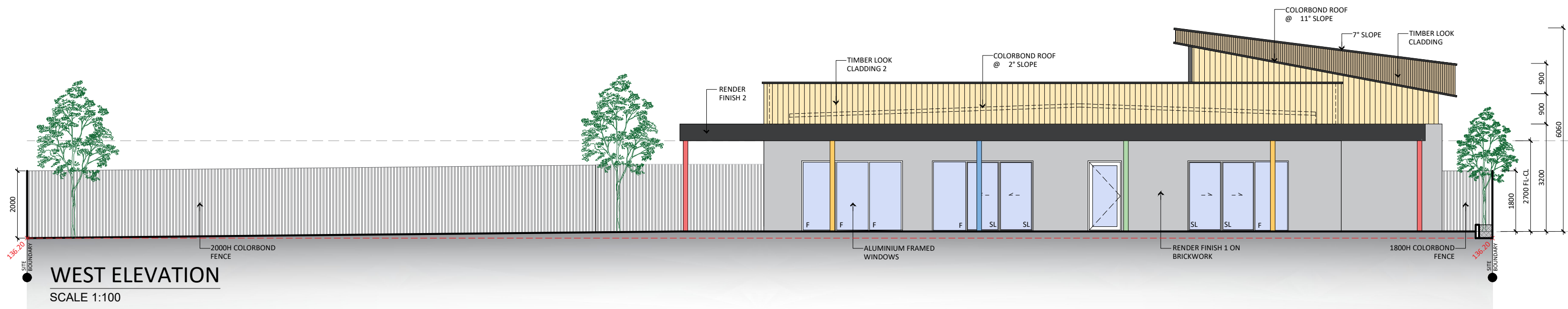
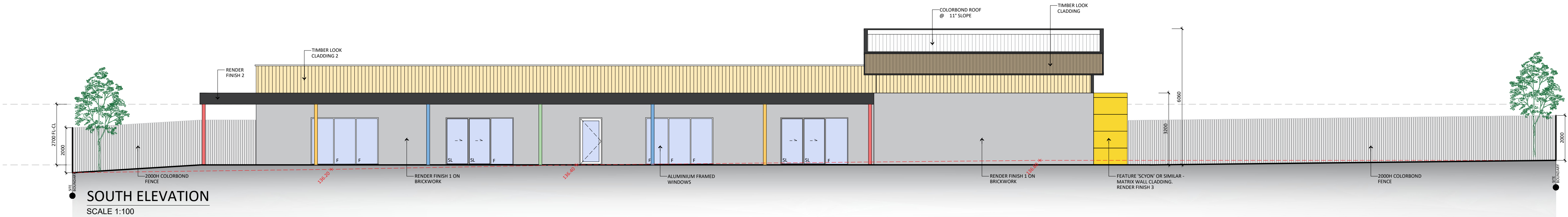
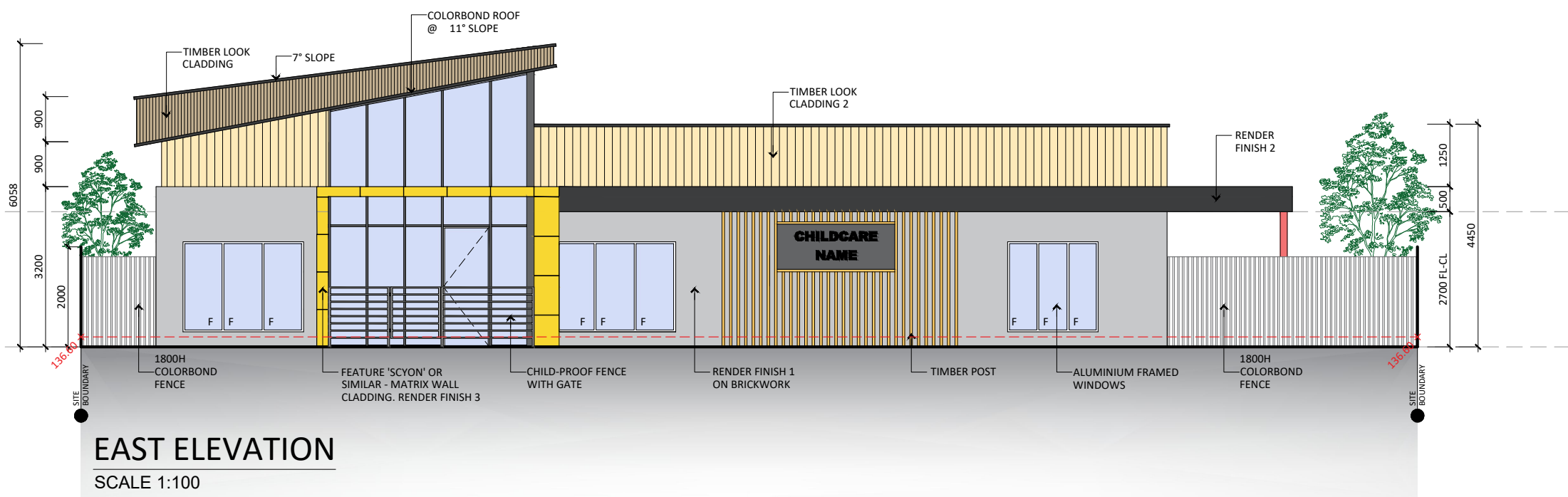
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02

REV #



Exterior Finishes	Brand/Manufacturer	Colour	Swatch
Roof	Colorbond	woodland gray	
Gutter	Colorbond	woodland gray	
Fascia	Colorbond	woodland gray	
Window and Door Frames	Colorbond	monument	
Render Finish 1	Colorbond	Shale Grey	
Render Finish 2	Colorbond	monument	
Render Finish 3	Dulux colour	dandelion yellow	
Timber look cladding		Merbau	
Timber look cladding 2		Classic Cedar	
Powdercoated Fence & Gate	Colorbond	woodland gray	



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WILLIAMS LANDING  
  
NORTH BRANCH  
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DATE	ISSUED TO	BY

**REVISION:**

DATE	DESCRIPTION

**CLIENT SIGN OFF:**

I / WE CONFIRM THAT THESE DRAWINGS ACCORD WITH OUR REQUIREMENTS AND AUTHORISE THEIR USE FOR NEXT STAGE PURPOSES.

SIGNED.....DATE.....

SIGNED.....DATE.....

**CLIENT NAME:** FOUR SQUARE HOMES WEST PTY LTD

**SITE ADDRESS:** 173 HART STREET ELLIMINYT VIC

**DRAWING:**  
**ELEVATIONS**

**DATE:** 22.06.2023

**SCALE:** 1:100 @ A1

**DRAWN:** AJ

**CHECKED:** GD

**JOB NO:**

**DRG #**

**03**

**REV #**

## Appendix B    Child Care Traffic Survey Data

time in	time out	Mode	Action	Location	No.	Time on-site	
6:53:00		Car	Staff	Site	1		
7:09:00	7:13:00	Car	drop off	on-street	1	0:04:00	
7:09:00	7:18:00	Car	drop off	Site	1	0:09:00	
7:16:00	7:21:00	Car	drop off	Site	2	0:05:00	
7:21:00	7:27:00	Car	drop off	Site	2	0:06:00	
7:26:00	7:32:00	Car	drop off	Site	1	0:06:00	
7:27:00		Car	Staff	Site	1		
7:28:00	7:35:00	Car	drop off	Site	1	0:07:00	
7:29:00	7:39:00	Car	drop off	Site	1	0:10:00	
7:29:00		Walk	Staff		1		
7:31:00	7:37:00	Car	drop off	Site	1	0:06:00	
7:35:00	7:42:00	Car	drop off	Site	1	0:07:00	
7:36:00		Walk	Staff		1		
7:37:00	7:44:00	Car	drop off	site	1	0:07:00	
7:41:00	7:47:00	Car	drop off	site	1	0:06:00	
7:43:00	7:52:00	Car	drop off	site	2	0:09:00	
7:43:00	7:50:00	Car	drop off	on-street	1	0:07:00	
7:43:00	7:52:00	Car	drop off	site	2	0:09:00	
7:46:00	7:50:00	Car	drop off	on-street	1	0:04:00	then walked to work
7:47:00	7:52:00	Car	drop off	Site	1	0:05:00	
7:48:00	7:55:00	Car	drop off	Site	1	0:07:00	
7:48:00	7:55:00	Car	drop off	Site	2	0:07:00	
7:52:00	8:00:00	Car	drop off	Site	1	0:08:00	
7:57:00	8:02:00	Car	drop off	Site	1	0:05:00	
8:06:00	8:09:00	Car	drop off	Site	1	0:03:00	
8:06:00	8:17:00	Car	drop off	Site	1	0:11:00	
8:10:00	8:14:00	Car	drop off	site	1	0:04:00	
8:10:00	8:19:00	Car	drop off	site	1	0:09:00	
8:14:00	8:21:00	Car	drop off	site	2	0:07:00	
8:14:00	8:23:00	Car	drop off	site	2	0:09:00	
8:14:00	8:21:00	Car	drop off	on-street	2	0:07:00	
8:16:00	8:20:00	Walk	drop off		1	0:04:00	
8:18:00	8:24:00	Car	drop off	site	2	0:06:00	
8:18:00	8:29:00	Car	drop off	site	1	0:11:00	
8:19:00	8:21:00	Walk	drop off		1	0:02:00	
8:24:00	8:34:00	Car	drop off	site	2	0:10:00	
8:24:00	8:34:00	Car	drop off	site	1	0:10:00	
8:26:00	8:37:00	Car	drop off	site	1	0:11:00	
8:26:00	8:32:00	Car	drop off	site	1	0:06:00	
8:26:00	8:40:00	Car	drop off	site	1	0:14:00	
8:27:00	8:40:00	Car	drop off	site	1	0:13:00	
8:28:00	8:34:00	Car	drop off	on-street	1	0:06:00	
8:29:00	8:38:00	Car	drop off	site	2	0:09:00	
8:30:00		Car	Staff	site	1		
8:30:00	8:33:00	Car	drop off	on-street	1	0:03:00	

time in	time out	Mode	Action	Location	No.	Time on-site	
8:30:00		Car	staff	site	1		
8:32:00		Car	staff	site	1		
8:32:00	8:40:00	bike	drop off	site	1	0:08:00	
8:33:00	8:40:00	bike	drop off	site	1	0:07:00	
8:36:00	8:51:00	Car	drop off	site	1	0:15:00	
8:38:00	8:46:00	Car	drop off	Site	1	0:08:00	
8:40:00	8:48:00	Car	drop off	site	2	0:08:00	
8:41:00	8:45:00	walk	drop off		1	0:04:00	
8:41:00	8:47:00	Car	drop off	site	1	0:06:00	
8:42:00	8:56:00	Car	drop off	site	1	0:14:00	
8:44:00	9:00:00	Car	drop off	site	2	0:16:00	
8:47:00	9:06:00	Car	drop off	site	1	0:19:00	
8:53:00	8:57:00	Car	drop off	on-street	1	0:04:00	
8:53:00	9:02:00	Car	drop off	site	2	0:09:00	
8:54:00	9:03:00	Car	drop off	on-street	1	0:09:00	
8:55:00	9:07:00	Car	drop off	site	1	0:12:00	
8:55:00	9:01:00	Car	drop off	site	2	0:06:00	
8:55:00		Car	staff	site	1		
8:56:00	9:07:00	bike	drop off	site	1	0:11:00	
9:01:00	9:07:00	Car	drop off	site	2	0:06:00	
9:02:00	9:11:00	Car	drop off	site	1	0:09:00	
9:03:00	9:17:00	Car	drop off	site	1	0:14:00	
9:04:00	9:20:00	Car	drop off	site	1	0:16:00	
9:04:00	9:13:00	Car	drop off	site	1	0:09:00	
9:10:00	9:14:00	Car	drop off	site	1	0:04:00	
9:10:00	9:16:00	Car	drop off	site	1	0:06:00	
9:24:00	9:37:00	Car	drop off	site	1	0:13:00	
9:29:00	9:38:00	Car	drop off	site	1	0:09:00	
9:37:00	9:44:00	Car	drop off	site	2	0:07:00	
9:47:00	9:54:00	Car	drop off	site	1	0:07:00	
9:47:00	9:58:00	Car	drop off	site	1	0:11:00	
9:49:00	9:54:00	Car	drop off	site	1	0:05:00	
9:52:00	9:59:00	Car	drop off	site	1	0:07:00	
			<b>Whom</b>	<b>Count</b>	<b>Sum</b>	<b>On-site Duration</b>	
			Staff	8	8	0:08:07	Average
			drop off	70	87	0:11:00	85th Percentile
			<b>Mode Of Travel</b>			0:16:56	99th Percentile
			Car	70	87	0.92	
			Walk	5	5	0.05	
			Bike	3	3	0.03	

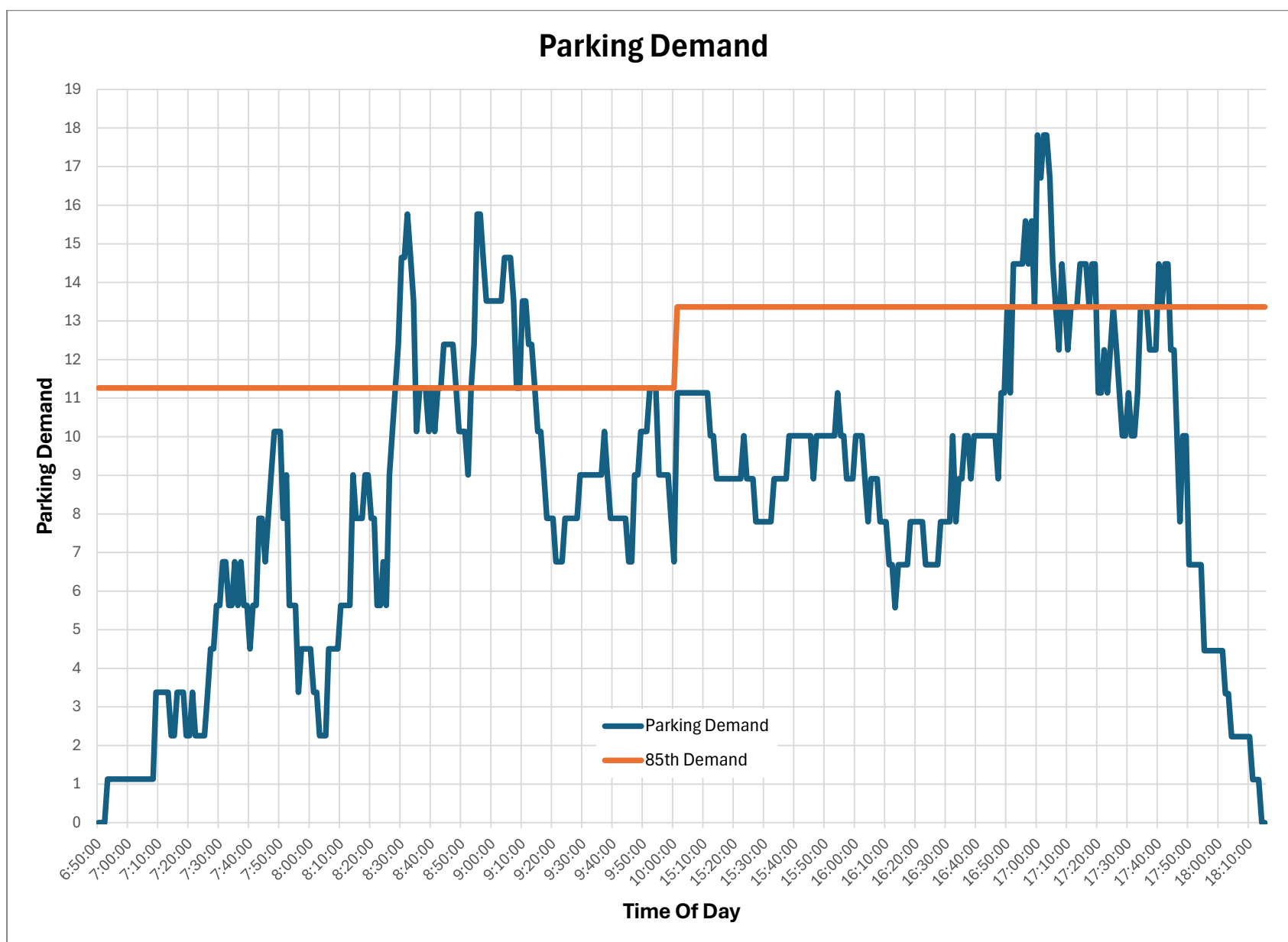


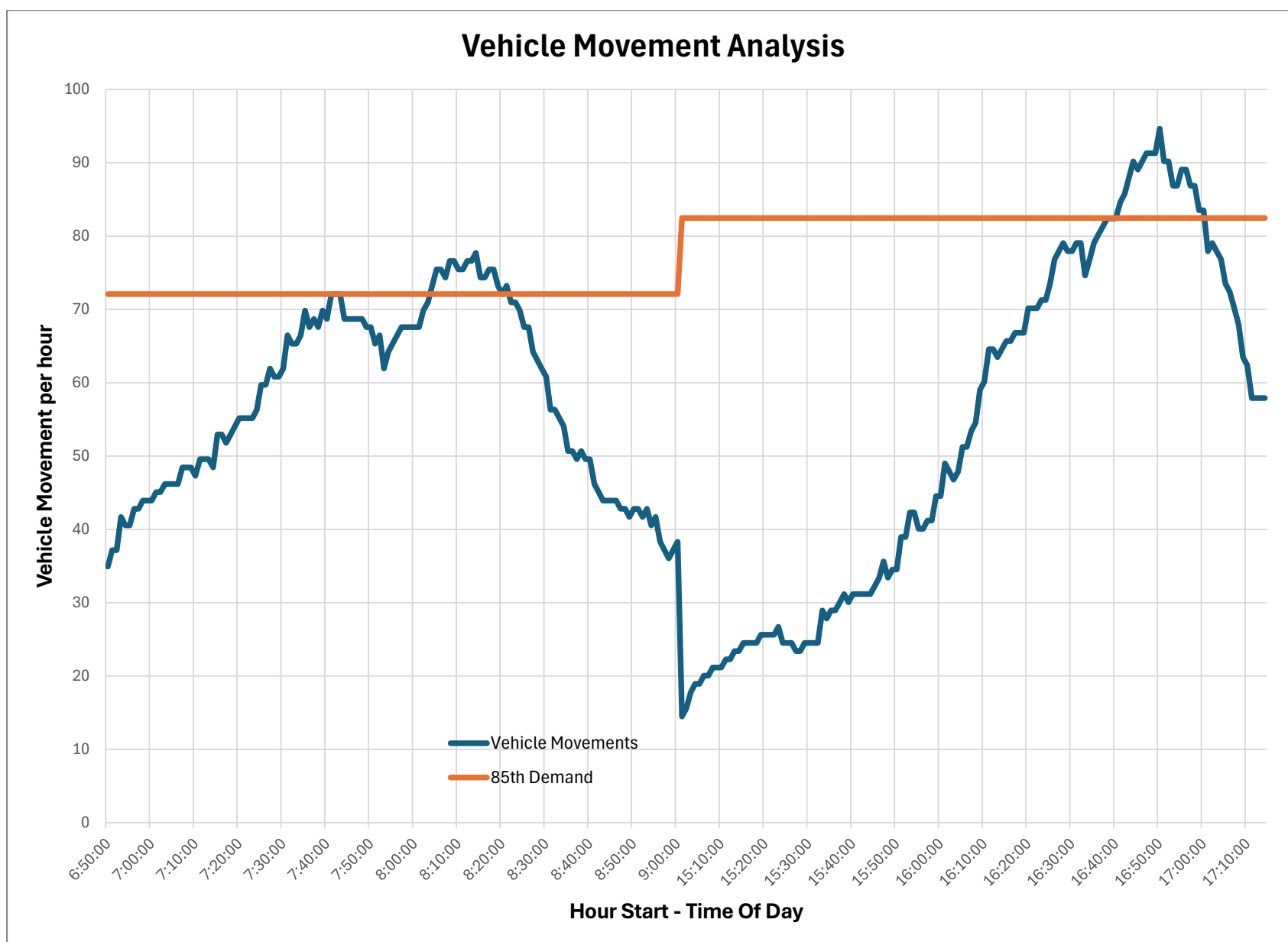
Time in	Time out	Mode	Purpose	Park Location	No.	Time on-site	
14:30:00							10 parked cars
15:00:00	15:11:00	Car	Pickup	Site	1	0:11:00	
	15:07:00	Walk	Staff		1		
	15:11:00	walk	Staff		1		
	15:13:00	Car	Staff	Site	1		
15:23:00	15:26:00	Car	Pickup	On street	1	0:03:00	
	15:23:00	Car	Staff	Site	1		
15:33:00	15:45:00	Car	Pickup	On street	2	0:12:00	
15:38:00	15:47:00	Car	Pickup	Site	1	0:09:00	
15:47:00	15:54:00	Car	Pickup	Site	1	0:07:00	
15:48:00	15:56:00	Car	Pickup	Site	2	0:08:00	
15:54:00	16:03:00	Car	Pickup	Site	1	0:09:00	
16:00:00	16:10:00	Car	Pickup	Site	1	0:10:00	
	16:01:00	Car	Staff	Site	1		
	16:02:00	Car	Staff	Site	1		
16:02:00	16:07:00	Car	Pickup	Site	2	0:05:00	
16:05:00	16:12:00	Car	Pickup	On street	1	0:07:00	
16:10:00	16:15:00	Walk	Pickup		1	0:05:00	
16:14:00	16:22:00	Car	Pickup	On street	1	0:08:00	
16:18:00	16:32:00	Car	Pickup	Site	1	0:14:00	
16:24:00	16:32:00	Bike	Pickup	Site	1	0:08:00	
16:28:00	16:32:00	Car	Pickup	On street	1	0:04:00	
16:32:00	16:45:00	Car	Pickup	Site	2	0:13:00	
16:32:00	16:37:00	Car	Pickup	On street	1	0:05:00	
16:34:00	16:44:00	Car	Pickup	On street	1	0:10:00	
16:36:00	16:46:00	Car	Pickup	Site	1	0:10:00	
	16:36:00	Walk	Staff		1		
16:39:00	16:50:00	Car	Pickup	On street	2	0:11:00	
16:45:00	16:50:00	Car	Pickup	Site	1	0:05:00	
16:46:00	17:00:00	Car	Pickup	Site	2	0:14:00	
16:46:00	16:53:00	Walk	Pickup		1	0:07:00	
16:48:00	17:03:00	Car	Pickup	Site	1	0:15:00	
16:48:00	16:58:00	Car	Pickup	Site	1	0:10:00	
16:50:00	16:56:00	Car	Pickup	Site	1	0:06:00	
16:50:00	17:05:00	Car	Pickup	Site	2	0:15:00	
16:52:00	17:04:00	Car	Pickup	Site	2	0:12:00	
16:52:00	17:03:00	Car	Pickup	Site	1	0:11:00	
16:52:00	16:58:00	Car	Pickup	On street	1	0:06:00	
16:56:00	17:04:00	Car	Pickup	Site	2	0:08:00	
16:58:00	17:06:00	Car	Pickup	Site	1	0:08:00	
17:00:00	17:13:00	Car	Pickup	Site	1	0:13:00	
17:00:00	17:09:00	Car	Pickup	Site	2	0:09:00	
17:00:00	17:07:00	Car	Pickup	Site	1	0:07:00	
17:00:00	17:10:00	Car	Pickup	Site	1	0:10:00	
17:02:00	17:06:00	Car	Pickup	On street	1	0:04:00	

Time in	Time out	Mode	Purpose	Park Location	No.	Time on-site	
17:04:00	17:08:00	Car	Pickup	Site	1	0:04:00	
17:07:00	17:10:00	Walk	Pickup		1	0:03:00	
17:07:00	17:16:00	Car	Pickup	Site	1	0:09:00	
17:08:00	17:22:00	Car	Pickup	Site	1	0:14:00	
17:08:00	17:10:00	Car	Pickup	Site	1	0:02:00	
17:08:00	17:25:00	Car	Pickup	Site	1	0:17:00	
17:10:00	17:19:00	Car	Pickup	Site	2	0:09:00	
17:10:00	17:19:00	Car	Pickup	Site	2	0:09:00	
17:10:00	17:35:00	Car	Pickup	Site	1	0:25:00	
17:14:00	17:19:00	Car	Pickup	Site	2	0:05:00	
17:14:00	17:24:00	Car	Pickup	Site	1	0:10:00	
17:17:00	17:30:00	Bike	Pickup	Site	1	0:13:00	
	17:18:00	Walk	Staff		1		
17:18:00	17:26:00	Car	Pickup	Site	1	0:08:00	
17:22:00	17:30:00	Car	Pickup	Site	2	0:08:00	
17:24:00	17:33:00	Car	Pickup	Site	1	0:09:00	
17:25:00	17:36:00	Car	Pickup	Site	2	0:11:00	
17:25:00	17:37:00	Car	Pickup	Site	1	0:12:00	
	17:27:00	Car	Staff	Site	1		
17:30:00	17:40:00	Car	Pickup	Site	1	0:10:00	
17:33:00	17:45:00	Car	Pickup	Site	1	0:12:00	
17:34:00	17:41:00	Car	Pickup	Site	1	0:07:00	
17:34:00	17:46:00	Car	Pickup	Site	2	0:12:00	
17:34:00	17:43:00	Car	Pickup	Site	2	0:09:00	
17:36:00	17:45:00	Car	Pickup	Site	1	0:09:00	
17:37:00	17:49:00	Car	Pickup	Site	1	0:12:00	
17:39:00	17:43:00	Car	Pickup	On street	1	0:04:00	
17:30:00	17:39:00	Walk	Pickup		1	0:09:00	
17:40:00	18:03:00	Car	Pickup	Site	2	0:23:00	
17:42:00	17:45:00	Car	Pickup	On street	2	0:03:00	
17:42:00	17:49:00	Car	Pickup	Site	1	0:07:00	
17:46:00	17:49:00	Car	Pickup	Site	1	0:03:00	
	17:46:00	Car	Staff	Site	1		
17:48:00	17:54:00	Car	Pickup	Site	1	0:06:00	
17:48:00	18:01:00	Car	Pickup	Site	1	0:13:00	
	17:54:00	Car	Staff	Site	1		
	18:05:00	Walk	Staff		2		
	18:10:00	Car	Staff	Site	1		
	18:13:00	Car	Staff	Site	1		
			<b>Whom</b>	<b>Count</b>	<b>Sum</b>	<b>On-site Duration</b>	
			Staff	14	15	0:09:13	Average
			pickup	69	88	0:13:00	85th Percentile
			<b>Mode Of Travel</b>			0:23:38	99th Percentile
			Car	72	91	0.88	

Time in	Time out	Mode	Purpose	Park Location	No.	Time on-site	
			Walk	9	10	0.10	
			Bike	2	2	0.02	

## Appendix C Demand Profile For Application

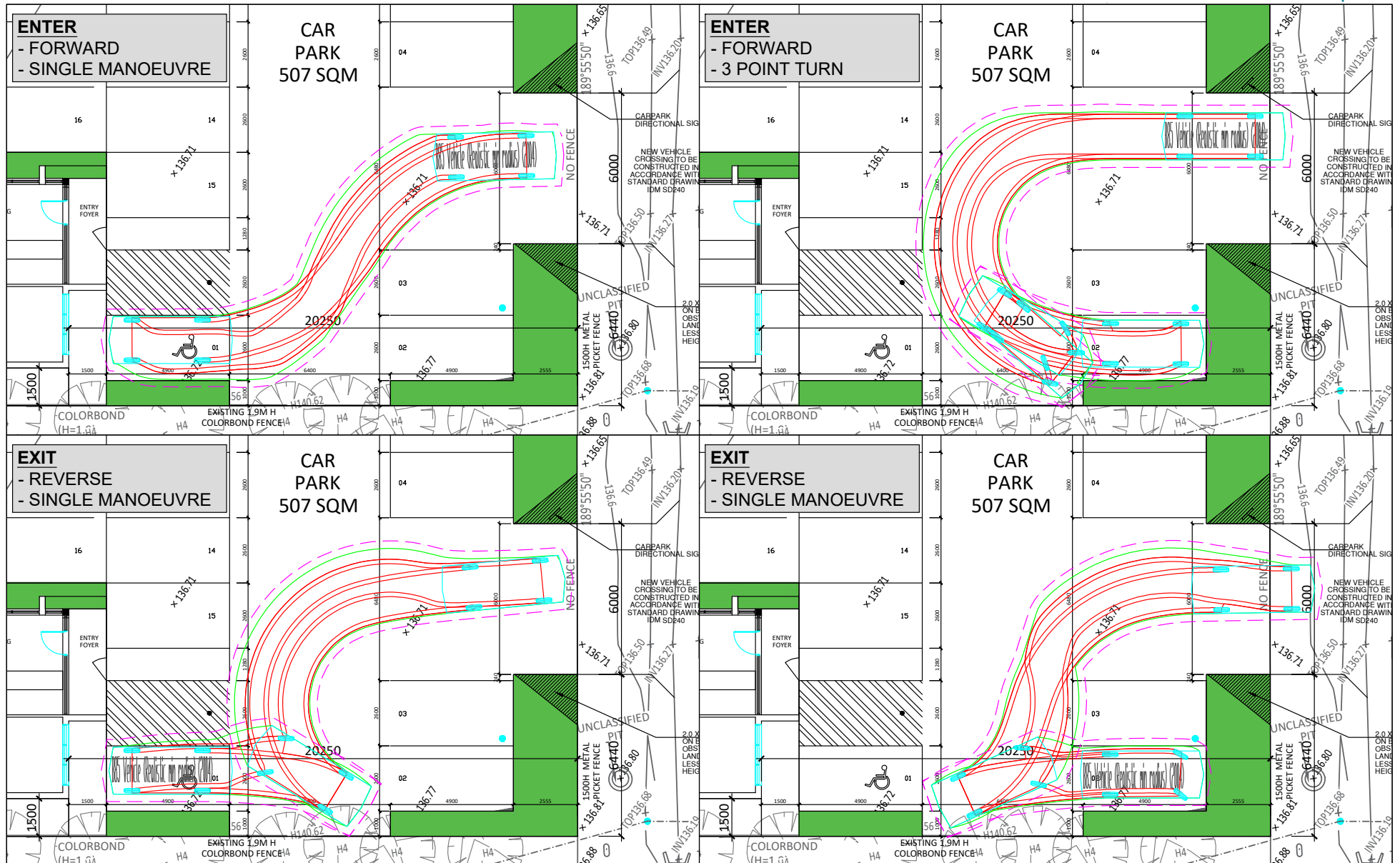






## Appendix D    Swept Path Diagrams

- B85 Design Vehicle

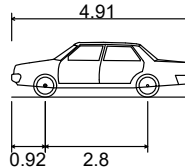


Wheel path

### Vehicle Overhang

Vehicle Overhang +  
300mm Clearance

Swept Path Diagram Prepared using Autodesk Vehicle Tracking v23



B85 Vehicle (Realistic min radius) (2004)

Overall Length	4.910m
Overall Width	1.870m
Overall Body Height	1.499m
Min Body Ground Clearance	0.120m
Track Width	1.770m
Lock to Lock Time	4.00sec
Curb to Curb Turning Radius	5.750m



Acoustics Data Traffic Waste

TTM Consulting (Vic) Pty Ltd

Suite 17, 70 - 80 Wellington Street

Collingwood VIC 3066  
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P : (03) 9419 0911  
E : [ttmvic@ttmgroup.com.au](mailto:ttmvic@ttmgroup.com.au)

**PROPOSED CHILD CARE CENTRE**

173 HART STREET,  
ELLIMINYT

### SWEPT PATH DIAGRAMS

	0	1	2	3	4
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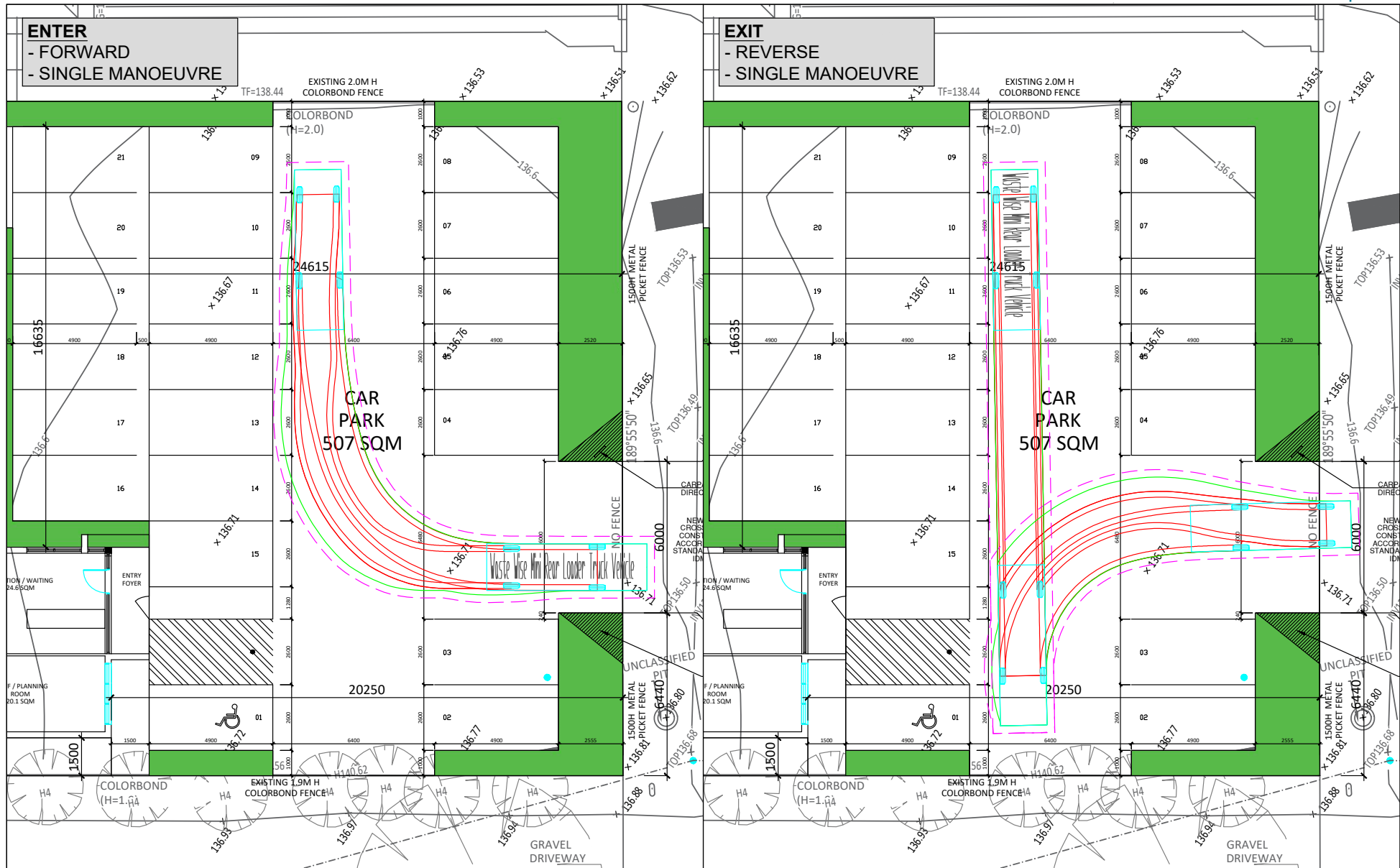
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1:200 @ A4	
Drawing No :	1330701

Drawing No : 1220701	72
Sheet No : 1	Issue : A

## Appendix E    Swept Path Diagrams

- Waste Collection Vehicle







Joshi Lawyers  
24 August 2023

# 173 Hart Street, Elliminyt

Acoustic Impact Assessment

[www.octaveacoustics.com.au](http://www.octaveacoustics.com.au)

**Octave Acoustics**

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40 / 130 Hyde Street, Footscray

Melbourne, Vic 3011



**Project** 173 Hart Street, Elliminyt  
**Client** Joshi Lawyers  
**Document Number** AC329ME-01E02 Acoustic Impact Assessment (r0)

Revision	Date	Comment	Author	Reviewer
0	24.08.2023	Issued to Client	TM	LE

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# 1. Introduction

Octave Acoustics were engaged to conduct an acoustic assessment for the proposed childcare centre at 173 Hart Street, Elliminyt (Subject Site) to respond to an RFI issued by Colac Otway Shire Council regarding planning application PP139/2023-1.

The proposed development is a single storey childcare centre that is designed to have a capacity for 108 children and the proposed operating hours are 6:30am to 6:30pm Monday to Friday.

## 2. Site Assessment

### 2.1. Background Noise Measurements

Octave Acoustics attended the Subject Site from 1:45pm to 2:15pm on Wednesday the 16<sup>th</sup> of August 2023 to conduct an attended background noise measurement in the "Background Measurement Location", shown in Figure 1 below. For premises that operate during regular business hours, it is typical to find the lowest background noise throughout the middle of the day (between peak traffic periods). Further, this time is representative of when children are most likely to be outdoors in play areas. The noise monitor was situated in free field conditions, at a height of approximately 1.5m above ground level. The measured  $L_{A90}$  was 42 dB(A), which was used to establish noise limit criteria.

Noise measurements were carried out using an NTi XL2 meter which was calibrated before and after the monitoring period using a Brüel & Kjær 4231 calibrator. No drift in calibration was detected. The NTi XL2 complies with the requirements of IEC 61672-1:2013 Sound Level Meters and is classified as a Class 1 instrument. The calibrator complies with the requirements of IEC 60942:2004 Sound Calibrators. Both the XL2 and the calibrator carry current NATA certification.

### 2.2. Site Zoning

The Subject Site is zoned Low Density Residential Zone (LDRZ) and is bounded to the:

- North by a single storey residential dwelling at 171 Hart Street (zoned LDRZ);
- East by single storey residential dwellings at 158 and 160 Hart Street (zoned GRZ1);
- South by single storey residential dwellings at 175a Hart Street (zoned GRZ1); and
- West by a large section of vacant land (zoned LDRZ).



Figure 1 – Site Context

### 3. Council Issued RFI

Colac Otway Shire Council have issued an RFI regarding planning application PPI39/2023-1 with the relevant section regarding acoustics copied below.

*8. An acoustic report to demonstrate compliance with EPA noise regulation and relevant environmental reference standards. Should there be exceedances with EPA noise limits, you would need to demonstrate how the proposal would prevent unreasonable noise.*

*Note: Concerns raised around noise impacts to noise sensitive dwellings - (children noise / deliveries / traffic).*

## 4. Criteria

### 4.1. Noise Emissions Associated with Mechanical Plant

Noise associated with commercial building plant and services are required to comply with Part 5.3 of the Environment Protection Regulations 2021 (EPR 2021). EPA Victoria Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues Publication 1826.4 provides a protocol for determining EPR 2021 noise limits and carrying out subsequent assessment of noise impacts.

EPR 2021 is a regulation under the Environment Protection Act 2017 (EP Act) and compliance is mandatory when noise levels are assessed at noise sensitive areas which include residential properties. The applicable EPR 2021 noise limits for plant and services noise emissions have been calculated based on the neutral zoning levels. These are presented in Table 1 below.

**Table 1 – EPR 2021 Noise Criteria for Plant Noise Emissions – Neutral Zoning Levels**

Period	Zoning Level, $L_{Aeq}$
Day <sub>1</sub>	50
Evening <sub>2</sub>	44
Night <sub>3</sub>	39
Notes: <ol style="list-style-type: none"> <li>Day period is:               <ul style="list-style-type: none"> <li>07:00 – 18:00 Monday – Saturday (except public holidays)</li> </ul> </li> <li>Evening period is:               <ul style="list-style-type: none"> <li>18:00 – 22:00 Monday – Saturday</li> <li>07:00 – 22:00 Sunday and public holidays</li> </ul> </li> <li>Night period is:               <ul style="list-style-type: none"> <li>22:00 – 07:00 Monday – Sunday</li> </ul> </li> <li>Where the noise source under consideration is equipment used solely in relation to emergencies (such as fire pumps, standby generators, stair pressurisation and smoke spill fans), the relevant noise limit applying to the testing or maintenance of such equipment is increased by 10dB for the day period and 5dB for the evening and night periods.</li> </ol>	

### 4.2. Outdoor Play Areas

The predominant noise emitted from childcare and early learning centres is typically noise associated with children using outdoor play areas. There are currently no guidelines or policies in Victoria for the assessment of noise emissions associated with outdoor play areas of childcare centres. In lieu of such guidelines or policies, it is appropriate to consider the *Guideline for Child Care Centre Acoustic Assessment*, September 2020 published by the Association of Australasian Acoustical Consultants (the AAAC Guideline) and Victorian Civil and Administrative Tribunal (VCAT) precedent.

#### 4.2.1. AAAC Guideline

The Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment, Version 3.0 (AAAC Guideline) sets out a recommended assessment method and criteria for noise impacts associated with outdoor play areas. However, the AAAC guideline is not referenced in Victorian planning schemes, policies or guidelines and compliance is not mandatory. The AAAC Guideline recommends that noise impact associated with outdoor play areas do not exceed:

- 5dB(A) above background noise where outdoor play is greater than 4 hours per day; and
- 10dB(A) above background noise where outdoor play is less than 4 hours per day.

However, it is the experience of acoustic consultants in Victoria that strict adherence to these criteria may in many circumstances be overly onerous and burdensome. In order to understand why this may be the case, it is informative to consider the origins of the AAAC Guideline which lie in the paper *Are We Assessing Child Care Noise Fairly?* by T. Gowen. This paper was based on a questionnaire put to attendees of a meeting of the Australian Acoustical Society in NSW. Outcomes of the questionnaire included:

- that 46% of respondents disagreed that childcare centres should be assessed the same manner as industrial premises; and
- A number of respondents agreeing that childcare centres should be assessed in the same manner as industrial premises recommended an exception to noise associated with outdoor play.

This reflects that it is the position of the majority of suitably qualified people, that the emission of noise associated with children at play is less likely to be considered unreasonable when compared to comparable noise levels from other activities such as those related to commerce and industry.

Therefore, it is considered that the '5dB(A) above background noise' criteria may be too onerous. Instead, it is appropriate that the application of objective criteria take into account the broader circumstances of the proposal, such as:

- Local zoning.
- The need for additional childcare spaces.
- The implications associated with noise mitigation treatments (such as shadowing associated with noise fences).
- The hours and days of the week during which the outdoor play area will be used.

#### 4.2.2. VCAT Precedent

A key VCAT decision is:

*Petzierides v Hobsons Bay CC (Red Dot) [2012] VCAT 686 (28 May 2012).*

The matter related to an amendment to a Permit to undertake minor building works at an existing childcare centre and to increase the number of children from 75 to 80. This is a Red Dot decision. The reason given for why this decision was considered of significant is as follows:

*The Noise of Children in Child Care Centres – General agreement that noise emanating from child care centres is reasonable in residential areas does not obviate need to ensure any noise impact is of an acceptable level.*

As of 2022 there were 24 VCAT decisions referencing the Petzierides v Hobsons Bay CC decision.

A further VCAT decision of interest is:

*Tamoe Investments Pty Ltd v Glen Eira CC [2015] VCAT 719 (12 May 2015)*

The decision refers to the following References from Petzierides V Hobsons Bay CC and concludes that this accords with the need for consideration of amenity impacts under the decision guidelines of the local zoning and Clause 65 of the Planning Scheme.

*In this day and age, where child care centres may have anywhere between, say, 40 and 140 children, it is appropriate for such centres to take responsibility for its potential noise impacts and provide acoustic attenuation to minimise the impact of the noise of children playing upon adjoining residential properties to an acceptable level.*

The decision also states that:

*The AAAC Guideline is not a reference document in the Scheme and it is not an adopted policy of Council. This limits the weight I give to this document. Even if I was to find the AAAC Guideline a useful guide to judging the acoustic impact of the proposal, I consider the proposal, subject to permit conditions relating to acoustic treatment, would achieve an acceptable outcome.*

Overall, the above commentary:



- Supports a position that noise impacts associated with childcare centres do not need to be assessed in accordance with the AAAC Guideline.
- Does not rule out the validity of the AAAC Guideline as an assessment tool.
- Acknowledges that there is general agreement that noise emanating from childcare centres is reasonable in residential areas.
- Acknowledges a requirement for the minimisation of noise impacts associated with children playing.

#### 4.2.3. Proposed Approach

Octave Acoustics considers that the criteria set out in the AAAC Guideline are a useful tool in the assessment of potential amenity impacts. However, rather than being treated as rigid requirements (as per EPR 2021), Octave Acoustics treats the criteria as trigger noise levels, beyond which consideration should address whether attenuation has been provided to minimise the noise and:

- the character of the noise.
- the time and duration of the noise.
- whether the noise is typical for the area.
- how often the noise occurs.
- the number of people affected by the noise.

Collectively, the above bullet points are equivalent to the *Offensive Noise Test* in the NSW Department of Environment, Climate Change and Water *Noise Guide for Local Government*, 2009 referred to and accepted in *Beis Efraim College Limited v Bayside CC [2014] VCAT 856* (16 July 2014) by the Member<sup>1</sup> as “...factors could reasonably be taken into account in assessing this proposal...”

Trigger noise levels were calculated from the results of the attended noise measurement and are presented in Table 2 below.

**Table 2 – Trigger Noise Levels for the Assessment of Noise Associated with Outdoor Play Areas**

AAAC Base Background Noise Level, $L_{A90}$ dB	Trigger Level Range, $L_{Aeq15}$ dB	
	Less than 4hrs / day outside	Greater than 4hrs / day outside
42	52	47

#### 4.3. Traffic Noise

There are currently no guidelines or policies in Victoria for the assessment of noise associated with the operation of private vehicles in the carpark on childcare centre land. In lieu of such guidelines or policies, it is appropriate to consider the *Guideline for Child Care Centre Acoustic Assessment*, September 2020 published by the Association of Australasian Acoustical Consultants (the AAAC Guideline).

##### 4.3.1. AAAC Guideline

The Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment, Version 3.0 (AAAC Guideline) sets out a recommended assessment method and criteria for noise impacts associated with pick up and drop off. However, the AAAC guideline is not referenced in Victorian planning schemes, policies or guidelines and compliance is not mandatory. The AAAC Guideline recommends that noise impact associated with pick up and drop off do not exceed 5dB(A) above background noise.

<sup>1</sup> Referencing the decision of the NSW Land and Environment Court in the matter of *Meridian School v Pedavoli*.

4.4. Sleep Disturbance Criteria

Octave Acoustics applies sleep disturbance triggers to the assessment of transient noise occurring during the night period. Whilst there are currently no policies or guidelines in Victoria for the assessment of sleep disturbance, VCAT typically accepts triggers defined in accordance with the NSW Road Noise Policy 2011 (RNP). The RNP concludes that:

*Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep; and*  
*One or two noise events per night, with maximum internal noise levels of 65-70dB(A) are not likely to affect health and wellbeing significantly.*

Assessment with respect to these triggers is carried out for the night period, between the hours 10pm to 7am. Where residential windows may be open for ventilation, it is generally accepted that the noise reduction via the open window is 10dB(A). Therefore, external noise levels need to exceed sleep disturbance triggers by more than 10dB(A) to warrant further assessment. Refer to Table 3 below.

Table 3 – Sleep Disturbance Noise Triggers

Bedroom Trigger Level dB L <sub>Amax</sub>	Correction for Outdoor Level	Associated Outdoor Trigger Level dB L <sub>Amax</sub>
50-55	+10 dB	60-65

## 5. Assessment

### 5.1. Outdoor Play Areas

This assessment has been carried out with respect to the reference drawing set in Appendix B. A 3-D computer noise model of the site and surrounds was built in CadnaA software and calculations run implementing the ISO9613 algorithms. The ISO9613 algorithms calculate the propagation of noise between source and receiver taking into account propagation effects associated with:

- Source sound power.
- Geometrical spreading.
- Atmospheric conditions.
- Air-absorption.
- Ground absorption (modelled as  $g=0.5$ )
- Reflections.
- Barrier effects associated with topography and built form, including buildings and fences.

Sound power levels associated with children playing in the designated outdoor area were taken from the AAAC Guideline, with octave bands based on measured noise data, as presented in Table 4 below. These levels were used to calculate sound power levels for all 108 children, playing outside contemporaneously (divided into age groups as specified in the Ground Floor Plan of Appendix B). The noise from outdoor play was modelled as an area source, 1m above ground level in accordance with the AAAC Guideline.

**Table 4 – Sound Power Levels for Groups of 10 Children, re  $10^{-12}$  W**

Age Group	SWL	Octave Band Centre Frequency, Hz							
		63	125	250	500	1000	2000	4000	8000
0 – 2	78	54	60	66	72	74	71	67	64
2 – 3	85	61	67	73	79	81	78	74	70
3 – 5	87	64	70	75	81	83	80	76	72

#### 5.1.1. Resultant Noise Levels

Based on the results of the 3-D computer noise model, it is recommended that a 1.9m high acoustic fence is installed to the extent shown in the marked up architectural drawings in Appendix B and in accordance with the specifications described in Section 5.5.1 in order to reduce child's play noise transmission to the potentially most affected residential dwellings.

The calculated noise levels with the proposed acoustic fencing are shown below in Table 5.

**Table 5 – Calculated Noise Levels from Outdoor Play Areas with Recommended Acoustic Fencing as shown in Appendix B Installed**

Address	Trigger Level Range, $L_{Aeq}$ dB	108 Children Outside <sup>1</sup> , $L_{Aeq}$ dB	Further Consideration Required?
158 Hart Street	47 – 52	42	N
160 Hart Street	47 – 52	42	N
171 Hart Street	47 – 52	50	Y <sub>1</sub>
175a Hart Street	47 – 52	48	Y <sub>1</sub>
Notes      1.      Predicted noise level falls within trigger range.			

It should be noted that:

- The calculation is conservative as it assumes all 108 children are in attendance and are all playing outside at the same time.
- Due to the conservative methodology, typical noise levels are likely to be lower than predicted levels.
- The calculated noise level at 175a Hart Street is only 1 dB above the lower trigger level and a change in sound level of 3 dB is just perceptible<sup>2</sup>.

With acoustic fencing in place to the extent shown in Appendix B and to the requirements described in Section 5.5.1, the resulting noise impacts associated with use of the outdoor play area have been minimised as far as practicable within the context of the site. The calculated noise levels are only marginally about the lower trigger levels at 175a Hart Street and are in the middle of the trigger range at 171 Hart Street.

In addition to the physical noise control provided by an acoustic fence, it is recommended that, to further control noise transmission, the childcare centre management implements a noise management plan which contains noise management strategies in accordance with Section 5.5.2.

## 5.2. Traffic Noise

### 5.2.1. Carpark Noise

The proposed childcare centre includes a carpark for 21 vehicles. The receivers that are potentially most affected by noise associated with operation of vehicles in the carpark are located adjacent to the carpark at 175a and 171 Hart Street.

The 3D computer noise model described in Section 5.1 was run with the following assumptions were applied:

- Night period (before 7am), vehicles moving at 10 km/h, with 20 vehicle entries and 20 vehicle exits an hour.
- Day period (after 7am), vehicles moving at 10 km/h, with 50 vehicle entries and 50 vehicle exits an hour as a representation of a busy period of car-park activity for the childcare centre which can accommodate at most, 108 children.
- Delivery trucks and waste collection trucks moving at 10 km/h, with 1 vehicle entry and 1 vehicle exit an hour during the day period only.
- Car sound power levels ( $L_{Aeq}$ ) were modelled at 81 dB and delivery or waste collection trucks at 86 dB in accordance with AAAC Guidelines.

Average noise levels experienced at the potentially most affected residential receivers due to use of the carpark have been calculated and are shown in Table 6 below.

<sup>2</sup> Engineering Noise Control, 5<sup>th</sup> ed. (Bies. A. D., Hansen. H. H., Howard. Q. C.)

**Table 6 – Assessment of Carpark Noise – Average Noise Levels**

Receiver	Day/Evening		Night		Complies?
	Sound Pressure <sub>i</sub> , L <sub>Aeq</sub> dB	EPR Noise Limits, L <sub>Aeq</sub> dB	Sound Pressure <sub>i</sub> , L <sub>Aeq</sub> dB	EPR Noise Limit, L <sub>Aeq</sub> dB	
158 Hart Street	32	50/44	29	39	Yes
160 Hart Street	32	50/44	29	39	Yes
171 Hart Street	37	50/44	34	39	Yes
175a Hart Street	36	50/44	32	39	Yes

The calculated average noise levels at the potentially most affected receivers shows that compliance with the EPR noise limits is expected to be achieved.

### 5.2.2. Transient Carpark Noise

**Table 7 – Vehicle Sound Power Levels dB, re 10<sup>-12</sup> W**

Source	SWL dB(A)	Octave Band Centre Frequency, Hz							
		63	125	250	500	1000	2000	4000	8000
Car engine start L <sub>max</sub>	92	104	90	84	85	84	84	85	86
Car door close L <sub>max</sub>	94	109	102	92	93	85	82	77	70

Based on previous data collected by Octave Acoustics shown in Table 7, car door closes were typically found to have the highest sound power level associated with standard carpark use, with an L<sub>Amax</sub> of 94 dB. This data has been incorporated in the 3D noise model and it is calculated that transient carpark noise will be below sleep disturbance criteria in the potentially most affected receivers, as shown in Table 8.

**Table 8 – Assessment of Carpark Noise – Transient Noise Levels**

Address	Outdoor Sleep Disturbance Assessment Trigger, L <sub>Amax</sub> dB	Maximum Predicted Carpark Noise Level Outdoors, L <sub>Amax</sub> dB	Complies?
158 Hart Street	60-65	52	Y
160 Hart Street	60-65	52	Y
171 Hart Street	60-65	56	Y
175a Hart Street	60-65	61	Y



### 5.3. Noise Emissions Associated with Mechanical Plant

#### 5.3.1. Noise Emissions from the Child Care Centre

Mechanical plant is required to comply with EPR 2021 noise limits. At this early stage of the project neither a detailed mechanical design or associated plant and equipment selections are available. The AAAC Guideline, however, provides guidance on sound power levels for typical sized plant that could be expected to be installed at a childcare centre as provided in Table 9.

Assessment of typical mechanical plant distributed on the rooftop has been conducted in accordance with the AAAC Guideline methodology using the 3-D computer noise model (refer to Section 5.1), with the following assumptions:

- Two large (double fan) condenser units;
- One small kitchen exhaust fan and five small exhaust fans for the WCs.

Based on these assumptions, it is expected that plant operating during the daytime is not expected to constitute a noise issue, however, due to the potential for plant use before 7am and after 6pm and it is recommended that:

- Rooftop mechanical plant (especially large plant items such as condensers and ventilation fans) are to be located centrally where practicable in order to minimise noise transmission to adjacent residences;
- Condenser units are switched off before 7:00am and after 6:00pm, or;
- Acoustic screening around large plant items is installed (appropriate to their size and location); or
- Condenser units with quiet operation modes (capable of reducing sound power level by at least 5 dB) are to be selected and are to operate under quiet mode before 7:00am and after 6:00pm

At this stage, it is typically satisfactory to accept a condition on the permit which stipulates a requirement for compliance with EPR 2021.

**Table 9 – AAAC Guideline Sound Power Levels for Mechanical Plant**

Plant Item	Sound Power Level $L_{Aeq}$ dB
Small (single fan) condenser (outdoor unit)	65
Medium (double fan) condenser (outdoor unit)	70
Large (double fan) condenser (outdoor unit)	80
Small exhaust fan (toilet, garbage room)	60
Small kitchen exhaust fan	70

### 5.4. Music Noise

No playback or loudspeaker systems should be permitted outside of the proposed building. This is generally consistent with other approved childcare centres and removes all practical doubt with respect to EPR 2021 criteria for music noise.

### 5.5. Recommendations

#### 5.5.1. Acoustic Fencing

The acoustic fence described in Section 5.1.1 shall be consistent with the recommendations of this report, detailed as follows:

- Acoustic fence may be constructed using lapped timber paling, fibre cement sheeting, lightweight aerated concrete, transparent acrylic panels, glass or profiled sheet cladding as long the selected material (or combined skins) has a mass of at least 10kg/m<sup>2</sup>;
- The fence shall have no gaps or holes in it, or the likelihood of such occurring through natural causes or deformations, thus allowing noise to pass through;
- The fence must be designed and built in an acceptable manner so that noise will not pass underneath it;
- It is preferable that the selected cladding is prefabricated to be jointed with an overlap or rebated joint (e.g., ship lapped);
- Where the above requirement cannot be met, any butt joints shall be sealed with a fire-rated weatherproof mastic or an overlapping piece of material meeting the mass requirements of 10kg/m<sup>2</sup> (minimum 35mm each side of the butt joint);
- Where acoustic timber palings are installed, all palings shall overlap by a minimum of 35mm;
- Where multiple cladding layers are used (e.g., FC sheeting over timber paling screen), joints in the cladding materials shall not coincide.
- The height of the acoustic fence is relative to the height of the external play area rather than relative to the ground.

### 5.5.2. Noise Management Plan

The following noise control strategies should be included in the noise management plan:

#### Control of operational noise levels

- The use of the outdoor play areas should be limited to between 7:00am and 6:00pm.
- The behaviour of children should be monitored and modified as required by adequately trained childcare workers. Staff shall ensure that children are educated to discourage screaming and shouting and that such behaviour is modified where necessary.
- Crying children in outdoor play areas should be taken inside the centre and settled before returning to outdoor activities.
- Carers should be educated to control the level of their voice while outside.
- No music shall be played in the outdoor areas.
- Musical instruments shall not be used in outdoor areas.
- Parents and guardians shall be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.
- Gates are not to be slammed shut. Gates shall have a soft close mechanism installed to prevent excessive noise when the gate is closed.
- Windows and doors shall be kept closed during periods in which high noise activities occur, such as indoor music or singing.

#### Management & Training

- A contact phone number for the centre's director shall be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the centre.
- All staff (both permanent and casual) will be required to read the Noise Management Plan.
- A laminated copy of the Noise Management Plan shall be displayed in the entry foyer.

#### Complaints/incidents

- Centre management shall maintain a log of noise complaints received. This shall record the contact details of the complainant, the time of the complaint and the nature of the complaint. This log shall be made available to a council noise control officer upon request.
- Centre management shall review the details of the complaint and respond to the complainant as quickly as possible to advise them what, if any, actions have been undertaken as a result.

## 6. Conclusion

Octave Acoustics was engaged to carry out an assessment of potential noise impacts of the proposed single storey childcare centre development to be constructed at 173 Hart Street, Elliminyt. Octave Acoustics conducted the assessment using background measurements conducted on site.

Noise impacts associated with children playing in the outdoor areas were calculated in 3-D computer modelling software. Noise impacts associated with use of the carpark was also modelled.

In order to minimise associated noise impact on residential dwellings proximate to the Subject Site due to outdoor play area noise, it is proposed that 1.9m high acoustic fencing is installed around the outdoor play area in accordance with the specifications of Section 5.5.1. The extent of the acoustic fencing is provided in Appendix B.

With the proposed acoustic fencing in place, it is expected that noise emissions from child's play noise from the outside play area will have been minimised as far as practicable within the context of the site and are not predicted to exceed the AAAC Guideline recommended upper trigger levels at adjacent residential dwellings.

It is calculated that noise emissions from use of the carpark will comply with EPR 2021 noise limits. It is further calculated that noise emissions from use of the carpark due to transient events such as car door closes, or engine starts will comply with sleep disturbance criteria.

It is recommended that the centre management implement a noise management plan which provides strategies to minimise noise impacts.

At this early stage of the proposed development, there are no mechanical plans or specifications available to inform a detailed assessment with respect to EPR 2021 compliance. Therefore, Octave Acoustics has carried out an assessment of noise from the childcare centre using sound power levels for typical mechanical plant provided in the AAAC Guideline. The results of this assessment indicate that plant associated with the centre are expected to comply with EPR 2021 during the day period using standard equipment types and building methods, such as duct lining or plant screening, however compliance during the night and evening periods are expected to require additional measures, such as selection of plant with quiet operation modes, or appropriately specified acoustic screening of rooftop plant. At this stage, it is typically satisfactory to accept a condition on the permit which stipulates a requirement for compliance with EPR 2021.

## Appendix A: Glossary of Terms

### 'A' Frequency Weighting

The 'A' frequency weighting roughly approximates to the Fletcher–Munson 40 phon equal loudness contour. The human loudness perception at various frequencies and sound pressure levels is equated to the level of 40 dB at 1 kHz. The human ear is less sensitive to low frequency sound and very high frequency sound than midrange frequency sound (i.e., 500 Hz to 6 kHz). Humans are most sensitive to midrange frequency sounds, such as a child's scream. Sound level meters have inbuilt frequency weighting networks that very roughly approximates the human loudness response at low sound levels. It should be noted that the human loudness response is not the same as the human annoyance response to sound. Here low frequency sounds can be more annoying than midrange frequency sounds even at very low loudness levels. The 'A' weighting is the most commonly used frequency weighting for occupational and environmental noise assessments. However, for environmental noise assessments, adjustments for the character of the sound will often be required.

### AMBIENT NOISE

The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc. Usually assessed as an energy average over a set time period 'T' (LAeq,T).

### AUDIBLE

Audible refers to a sound that can be heard. There are a range of audibility grades, varying from "barely audible", "just audible" to "clearly audible" and "prominent".

### BACKGROUND NOISE LEVEL

Total silence does not exist in the natural or built environments, only varying degrees of noise. The Background Noise Level is the minimum repeatable level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc. It is quantified by the noise level that is exceeded for 90 % of the measurement period 'T' (LA90,T). Background Noise Levels are often determined for the day, evening and night time periods where relevant. This is done by statistically analysing the range of time period (typically 15 minute) measurements over multiple days (often 7

days). For a 15-minute measurement period the Background Noise Level is set at the quietest level that occurs at 1.5 minutes.

### 'C' FREQUENCY WEIGHTING

The 'C' frequency weighting approximates the 100 phon equal loudness contour. The human ear frequency response is more linear at high sound levels and the 100 phon equal loudness contour attempts to represent this at various frequencies at sound levels of approximately 100 dB.

### DECIBEL

The decibel (dB) is a logarithmic scale that allows a wide range of values to be compressed into a more comprehensible range, typically 0 dB to 120 dB. The decibel is ten times the logarithm of the ratio of any two quantities that relate to the flow of energy (i.e., power). When used in acoustics it is the ratio of the square of the sound pressure level to a reference sound pressure level, the ratio of the sound power level to a reference sound power level, or the ratio of the sound intensity level to a reference sound intensity level. See also Sound Pressure Level and Sound Power Level. Noise levels in decibels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dB, and another similar machine is placed beside it, the level will increase to 53 dB (from  $10 \log_{10}(10^{(50/10)} + 10^{(50/10)})$ ) and not 100 dB. In theory, ten similar machines placed side by side will increase the sound level by 10 dB, and one hundred machines increase the sound level by 20 dB. The human ear has a vast sound-sensitivity range of over a thousand billion to one, so the logarithmic decibel scale is useful for acoustical assessments.

dBA – See 'A' frequency weighting

dBC – See 'C' frequency weighting

### EQUIVALENT CONTINUOUS SOUND LEVEL, LAeq

Many sounds, such as road traffic noise or construction noise, vary repeatedly in level over a period of time. More sophisticated sound level meters have an integrating/averaging electronic device inbuilt, which will display the energy time-average (equivalent continuous sound level - LAeq) of the 'A' frequency weighted sound pressure level. Because the decibel scale is a logarithmic ratio, the higher noise levels have far more sound energy, and therefore the LAeq level tends to indicate an average which is strongly influenced by short-term, high level noise events. Many studies show that

human reaction to level-varying sounds tends to relate closer to the LAeq noise level than any other descriptor.

### 'F' (FAST) TIME WEIGHTING

Sound level meter design-goal time constant which is 0.125 seconds.

### FREE FIELD

In acoustics a free field is a measurement area not subject to significant reflection of acoustical energy. A free field measurement is typically not closer than 3.5 metres to any large flat object (other than the ground) such as a fence or wall or inside an anechoic chamber.

### FREQUENCY

The number of oscillations or cycles of a wave motion per unit time, the SI unit is the hertz (Hz). 1 Hz is equivalent to one cycle per second. 1000 Hz is 1 kHz.

### LOUDNESS

The volume to which a sound is audible to a listener is a subjective term referred to as loudness. Humans generally perceive an approximate doubling of loudness when the sound level increases by about 10 dB and an approximate halving of loudness when the sound level decreases by about 10 dB.

### MAXIMUM NOISE LEVEL, LAFmax

The root-mean-square (rms) maximum sound pressure level measured with sound level meter using the 'A' frequency weighting and the 'F' (Fast) time weighting. Often used for noise assessments other than aircraft.

### MAXIMUM NOISE LEVEL, LASmax

The root-mean-square (rms) maximum sound pressure level measured with sound level meter using the 'A' frequency weighting and the 'S' (Slow) time weighting. Often used for aircraft noise assessments.

### NOISE

Noise is unwanted, harmful or inharmonious (discordant) sound. Sound is wave motion within matter, be it gaseous, liquid or solid. Noise usually includes vibration as well as sound.

### OFFENSIVE NOISE

Reference: Dictionary of the NSW Protection of the Environment Operations Act 1997).

"Offensive Noise means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or likely to be harmful to) a person who is outside the premise from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances prescribed by the regulations."

### 'S' (SLOW) TIME WEIGHTING

Sound level meter design-goal time constant which is 1 second.

### SOUND ATTENUATION

A reduction of sound due to distance, enclosure or some other device. If an enclosure is placed around a machine, or an attenuator (muffler or silencer) is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 20 dB reduces the sound energy by one hundred times.

### SOUND EXPOSURE LEVEL (LAE)

Integration (summation) rather than an average of the sound energy over a set time period. Use to assess single noise events such as truck or train pass by or aircraft flyovers. The sound exposure level is related to the energy average (LAeq,T) by the formula  $LA_{eq,T} = LAE - 10 \log_{10} T$ . The abbreviation (SEL) is sometimes inconsistently used in place of the symbol (LAE).

### SOUND PRESSURE

The rms sound pressure measured in pascals (Pa). A pascal is a unit equivalent to a newton per square metre (N/m<sup>2</sup>).

### SOUND PRESSURE LEVEL, Lp

The level of sound measured on a sound level meter and expressed in decibels (dB). Where  $L_p = 10 \log_{10}(P_a/P_o)^2$  dB (or  $20 \log_{10}(P_a/P_o)$  dB) where  $P_a$  is the rms sound pressure in Pascal and  $P_o$  is a reference sound pressure conventionally chosen is 20  $\mu$ Pa ( $20 \times 10^{-6}$  Pa) for airborne sound.  $L_p$  varies with distance from a noise source.

### SOUND POWER

The rms sound power measured in watts (W). The watt is a unit defined as one joule per second. A measure the rate of energy flow, conversion or transfer.

### SOUND POWER LEVEL, Lw

The sound power level of a noise source is the inherent noise of the device. Therefore, sound



power level does not vary with distance from the noise source or with a different acoustic environment.  $L_w = L_p + 10 \log_{10} 'a'$  dB,

re:  $1pW$ , ( $10^{-12}$  watts) where 'a' is the measurement noise-emission area ( $m^2$ ) in a free field.

### SOUND TRANSMISSION LOSS

The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS1191 – 2002.

### STATISTICAL NOISE LEVELS, $L_n$

Noise which varies in level over a specific period of time 'T' (standard measurement times are often 15-minute periods) may be quantified in terms of various statistical descriptors with some common examples:

The noise level, in decibels, exceeded for 1% of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as  $L_{AF1,T}$ . This may be used for describing short-term noise levels such as could cause sleep arousal during the night.

The noise level, in decibels, exceeded for 10% of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as  $L_{AF10,T}$ . In most countries the  $L_{AF10,T}$  is measured over periods of 15 minutes, and is used to describe the average maximum noise level.

The noise level, in decibels, exceeded for 90% of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as  $L_{AF90,T}$ . In most countries the  $L_{AF90,T}$  is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

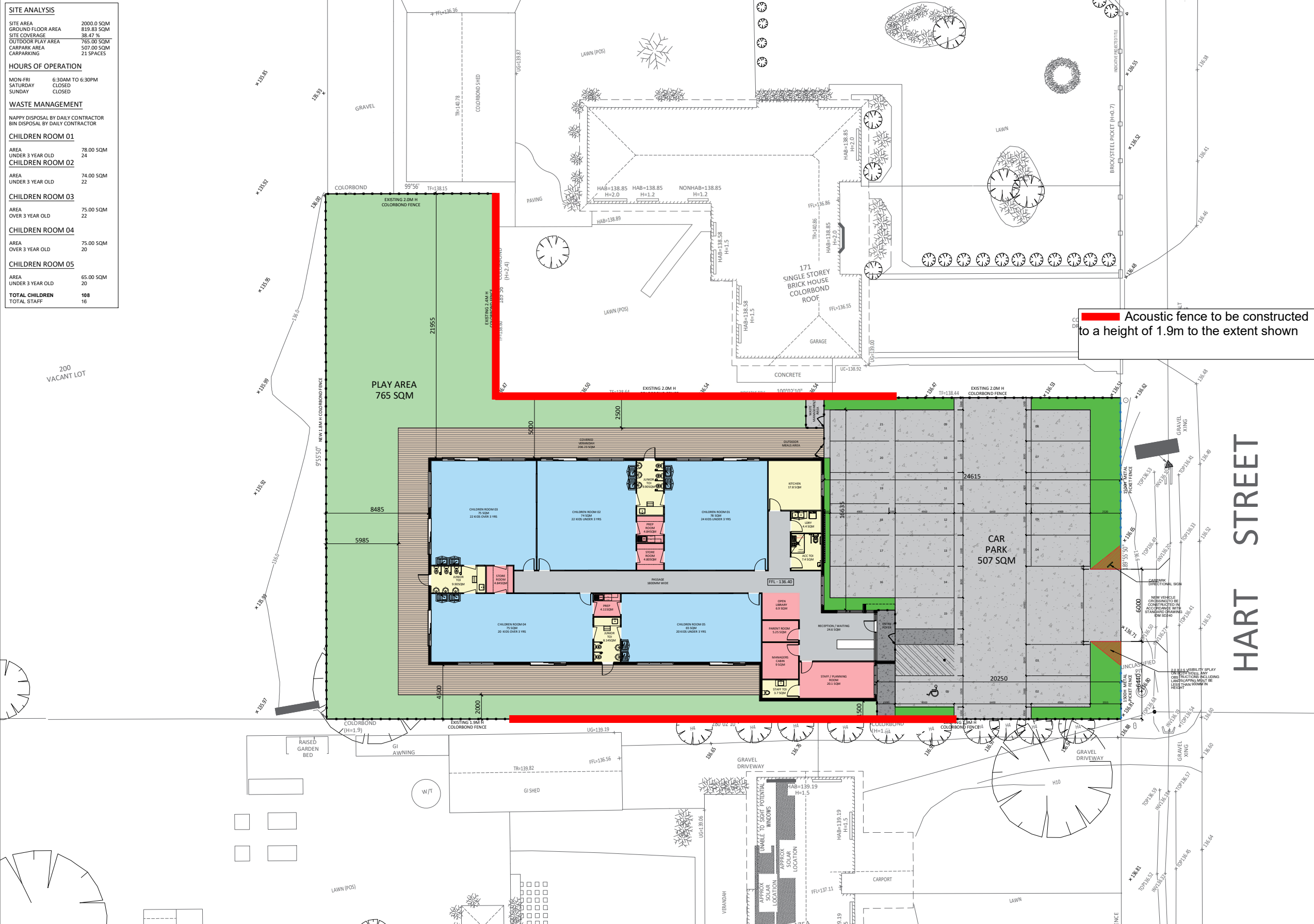
### WEIGHTED SOUND REDUCTION INDEX, $R_w$

This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 Hz to 3.150 kHz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999). Internal partition wall  $R_w+C$  ratings are frequency weighted to simulate insulation from human voice noise. The  $R_w+C$  is similar in value to the STC rating value. External walls, doors and windows may be  $R_w+C_{tr}$  rated to simulate insulation from road traffic noise. The spectrum adaptation term  $C_{tr}$  adjustment factor takes account of low frequency noise. The weighted sound reduction index is normally similar or slightly lower number than the STC rating value.

### 'Z' FREQUENCY WEIGHTING

The 'Z' (Zero) frequency weighting is 0 dB within the nominal 1/3 octave band frequency range centred on 10 Hz to 20 kHz. This is within the tolerance limits given in AS IEC 61672.1-2004: 'Electroacoustics – Sound level meters – Specifications'.

## Appendix B: Acoustic Fence Extents



Acoustic fence to be constructed to a height of 1.9m to the extent shown



**GD DESIGN  
CONSULTANTS**

WEST BRANCH  
511/101 OVERTON RD  
WILLIAMS LANDING

NORTH BRANCH  
22/797 PLENTY RD  
SOUTH MORANG

0426 884 332  
www.gddc.com.au

ISSUED:		
DATE	ISSUED TO	BY

REVISION:	
DATE	DESCRIPTION

**CLIENT SIGN OFF:**  
I / WE CONFIRM THAT THESE DRAWINGS ACCORD WITH OUR REQUIREMENTS AND AUTHORISE THEIR USE FOR NEXT STAGE PURPOSES.

SIGNED.....DATE.....

SIGNED.....DATE.....

<b>CLIENT NAME:</b>	FOUR SQUARE HOMES WEST PTY LTD
<b>SITE ADDRESS:</b>	173 HART STREET ELLIMINYT VIC
<b>DRAWING:</b>	<b>SITE PLAN</b>

<b>DATE:</b>	22.06.2023
<b>SCALE:</b>	1:150 @ A1
<b>DRAWN:</b>	AJ
<b>CHECKED:</b>	GD
<b>JOB NO:</b>	

<b>DRG #</b>	<b>02</b>
<b>REV #</b>	

Item: 9.2

## Project Budget Adjustments and Cash Reserve Transfers - July 2024

<b>OFFICER</b>	Paula Gardiner
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To present the project budget adjustments and cash reserve transfers for Council ratification and approval. These budgets are for 2024-25 Capital Works and Operational projects.

### 2. EXECUTIVE SUMMARY

The project budget adjustments presented in this report relate to the 2024-25 financial year. It seeks formal approval to adjust project budgets, create new projects where needed, or recognise that some projects are complete and can be formally closed. The report demonstrates good governance and project management practice and provides improved transparency to the community about matters that occur outside of the annual budget cycle.

### 3. RECOMMENDATION

*That Council:*

- 1. Approves the new projects as presented in Tables 1 and 2 of this report, at a total net cost to Council of \$0.*
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

## 4. KEY INFORMATION

The following project budget transfers are presented for Council consideration and transparency to the community. Amounts are presented as exclusive of GST as per Council's adopted budget and financial reporting as follows:

- Increases in the project expense budget are presented without brackets.
- Decreases in the project expense budget are presented with brackets.

Council allocates funding to projects through its annual budget or by specific resolution. Where matters arise that require urgent action to address compliance or safety concerns, and the service delivery cannot be reasonably stopped, the Chief Executive Officer may need to approve establishment of a project to address the issue. In these instances, the Chief Executive Officer will advise all Councillors as soon as possible, and the project will be ratified by Council at the next practical meeting through Table 1.

The opening balances, at the time of writing this report, before any transfers recommended in this report are considered, are:

- Unallocated Renewal Funds: \$1,452,422
- Unallocated Discretionary Funds: \$38,489

The above balances reflect the balances at the time that this report was prepared and may have been adjusted if Council has considered matters earlier in the meeting agenda.

**Table 1 – New projects for Council ratification**

Project name	Funding source	Basis for variation	Project allocation (exc. GST)	
			Exp	Income
Operating Project - Municipal Emergency Resourcing Program (MERP)	State Government Grant	Funds received from State Government via Surf Coast Shire for shared emergency management support program.	\$9,000	\$9,000
Operating Project – Engage	State Government Funding	Funding allocation received for the Youth Program, Engage for the 2024-25 financial year.	\$52,690	\$52,690
Operating Project – Vocal, Young and Local	State Government Funding	Funding allocation received for the Youth Program, Vocal, Young and Local for the 2024-25 financial year.	\$55,767	\$55,767

Where an opportunity or need arises outside of the annual budget development process, it should be approved by Council before work on the project commences. This enables Council to confirm any



financial commitment it makes to the project in a manner that is transparent to the community. Projects presented for Council approval are presented in Table 2.

**Table 2 – Newly initiated projects for Council approval**

Project name	Funding source	Basis for variation	Project allocation (exc. GST)	
			Exp	Income
None	N/A	N/A	\$0	\$0

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that Council's decisions to adjust project budgets are open and transparent to the community. Therefore, any changes to project budgets or cash reserves are reported in Tables 3a and 3b of this report to demonstrate the diligence and transparency of the organisation's financial management principles.

**Table 3a – Project budgets requiring adjustment (Capital Projects)**

Project Name	Transfers from project account	Transfers to project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Reconstruction Program – Mooleric Road, Stage 1	WO 00031845 Unallocated Renewal Funds	WO 00038108 – 2023 – 2024 Capital Works – Road Reconstruction Program – Mooleric Road, Stage 1	Seeking additional Council renewal funding as the Federal Government funding application was not successful.	\$150,000	\$0
Drainage Renewal Program - Bromfield St Colac - Outfall Stormwater Pipe Renewal	WO 00038251 - 2023 - 2024 Capital Works Drainage Renewal Program - Bromfield St Colac - Outfall Stormwater Pipe Renewal	WO 00031845 Unallocated Renewal Funds	Project commenced during 2023-24 and funded from Minor Drainage Renewal Program allocated in the 2023-24 budget.	(\$45,000)	\$0

**Table 3b – Project budgets requiring adjustment (Operational Projects)**

Project name	Transfers from project account	Transfers to project account	Basis for variation	Project allocation (exc. GST)	
				Expenditure	Income
Community Grants	Reimbursement of grant received.	WO 00038433 - 2024-2025 Operating Projects - Community Grants	Grant funding reimbursed.	\$1,578	\$1,578

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management, and project review activities. Closed projects are presented in Table 4 for Council's ratification and to provide transparency to the community that these projects are deemed to be complete.

**Table 4 – Project closures for ratification**

Project name	Funding source for return of unexpended budget funds	Project Allocation (Expenditure)	Actual YTD
Cororooke Hall Upgrades	LRCI – Phase 4 Small Halls Program	\$20,570	\$20,570

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

This report contributes to financial viability by ensuring Council approves and is well informed about the allocation and movement of project funds to achieve the best outcomes for the municipal community.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

Not applicable.

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

Not applicable.

### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Not applicable.

### **Public Transparency (s58 LGA 2020)**

This report contributes to public transparency by ensuring that the allocation and movement of project funds is made available to the community.

## **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 2: We are a financially robust organisation.

## **Financial Management** (s101 *Local Government Act 2020*)

This report contributes to financial management principles by recording the allocation and movement of project funds that may impact on the budget, current and future.

## **Service Performance** (s106 *Local Government Act 2020*)

This report contributes to service performance for project delivery by considering the allocation and movement of project funds for successful project outcomes.

## **Risk Assessment**

There are no identified Workplace Health and Safety implications or identified risks associated with this report.

## **Communication/Implementation**

Implementation of Council's decision will be undertaken by the responsible officers within Council. Project partners and stakeholders will be notified of Council's decision where relevant by the Project Sponsor or Project Manager.

## **Human Rights Charter**

There are no matters identified with this report that impact on human rights as defined in the charter.

## **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

### Option 1 – Approve transfers as per the recommendation.

This option is recommended as the project budgets and cash reserve transfers supports implementation of Council's strategies.

### Option 2 – Not approve transfers as recommended.

This option is not recommended as transfers are necessary to allow ongoing delivery and closure of projects, which have been through a series of governance checks.

Item: 9.3

## Nature Strip Planting Policy and Guidelines - Consideration of Submissions and Adoption

<b>OFFICER</b>	Dora Novak
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Colac Otway Shire Nature Strip Planting Policy for Adoption [9.3.1 - 5 pages]</li><li>2. Colac Otway Shire Council Nature Strip Planting Guidelines for adoption [9.3.2 - 18 pages]</li><li>3. Submissions - Summary of Officer Recommended Changes [9.3.3 - 10 pages]</li></ol>

### 1. PURPOSE

The purpose of this report is to present submissions to the draft Nature Strip Planting Policy and Guidelines and present the final versions of these documents for Council consideration.

### 2. EXECUTIVE SUMMARY

The draft Nature Strip Planting Policy and Guidelines were publicly exhibited between 24 May and 5 July 2024, attracting fourteen written submissions. Verbal presentations from submitters were heard at the Submissions Committee Meeting on 14 August 2024.

Officers have considered the issues raised in submissions and have recommended changes that modify the exhibited documents in response. Recommended changes are detailed in the Submissions – Summary of Officer Recommended Changes Table attached to this report and have been incorporated into the final version of the policy and guidelines attached to this report. Key issues are discussed further below. It is recommended the amended documents be adopted.

### 3. RECOMMENDATION

**That Council:**

- 1. Receives and considers all submissions to the draft Nature Strip Planting Policy and Guidelines (provided as confidential attachment).**
- 2. Expresses its appreciation to the community for their contribution to the development of Nature Strip Planting Policy and Guidelines.**
- 3. Notes that amendments have been made as per the Response to Submissions Table (Attachment 3) and are presented as final documents.**
- 4. Adopts the attached Nature Strip Planting Policy (Attachment 1) and Nature Strip Planting Guidelines (Attachment 2).**

### 4. KEY INFORMATION

The issue of nature strip planting, lack of clear policy and associated guidelines and concerns about the permit application process and associated fees are often raised by the community. These issues were regularly raised during the community and stakeholder consultation process for the development of Council's Environmental Sustainability Strategy 2023-2033 and Climate Change Action Plan in relation to barriers to urban greening and improvements to urban biodiversity.

The benefits of urban greening efforts such as nature strip plantings include improving air quality, reducing urban heat island effect, enhancing biodiversity, improving recreational spaces, and promoting overall health and well-being among urban residents. Urban greening initiatives also improve the visual appeal of streetscapes and filter pollutants from stormwater runoff.

Council's adopted Environmental Sustainability Strategy prioritises urban greening initiatives to build resilience to climate change. Also, the Climate Change Action Plan (CCAP) includes an action directly related to this issue and states Built Environment - Action 1.10 "*Develop Nature Strip Planting Guidelines to encourage neighbourhood and street-scale urban greening and urban gardening.*" The implementation timeframe for this action was short term.

Enabling, encouraging, and facilitating nature strip planting continues to be raised by the community as an important action for Council to address and facilitate. Fees associated with Nature Strip Planting permits, which were seen as a barrier to nature strip planting improvements by residents, were removed from the 2023-24 Council Fees and Charges.

Council's new local law, Colac Otway Shire Local Law no. 1 – General Local Law 2023, was adopted in August 2023 and included wording that gives weight to any future Nature Strip Policy and/or Guidelines adopted by Council:

*"7.5 Vegetation on Road and Council Owned/Managed Land*

*(a) A person:*

- (1) must not, without a permit, plant or allow to be planted any seedling or vegetation on a road other than:*
  - (i) plants that are consistent with an adopted Council policy that is published on Council's website;*
  - (ii) plantings specified in an adopted precinct specific plan published on Council's website; and*
  - (iii) grass; or*



*(2) must not, without a permit, use mechanical plant or equipment for excavation when planting or removing plants on a road or Council land; and*  
*(3) who is the owner or occupier of land adjoining land owned or managed by Council, must ensure that environmental weeds prescribed by Council are contained to their land and not encroaching on Council land."*

The purpose of the Nature Strip Planting Policy (Attachment 1) is to create a framework for residents to plant nature strips adjoining their properties in city and township areas within Colac Otway Shire and enable and empower them to contribute to urban greening efforts, improve urban biodiversity and habitat connectivity. This is in recognition of the environmental, social and amenity values of nature strips and the benefits of diverse nature strip plantings that replace the traditional exotic lawn treatment. This policy affirms Council's commitment to best practice management of land under its authority and commitment to environmental sustainability and climate change action.

Nature Strip Planting Guidelines (Attachment 2) have also been developed in conjunction with the Policy to provide a practical reference which give Colac Otway Shire property owners clear and specific nature strip planting guidance, information, and advice. The policy and associated guidelines will facilitate the safe, consistent, and orderly greening of nature strips that balances positive biodiversity outcomes with other important functions of the road reserve (e.g. pedestrian and road safety, accessibility, and asset protection).

Council currently has an effective process for issuing Nature Strip Planting permits for local Council streets. Applications are considered and reviewed on a case-by-case basis to check species and works proposed to ensure that plantings proposed do not compromise road safety or damage services. Council has been and continues to receive, process and issue nature strip planting permits. However, the Policy and associated Guidelines will bring together all the key information and requirements about nature strip plantings on Council nature strips into one framework that will be easily accessible, easy to share and promote and will provide consistent information to residents that want to plant out their nature strips.

The policy and associated guidelines together provide a strong framework and instrument to facilitate the safe, consistent, and orderly greening of nature strips that balances positive biodiversity outcomes with other important functions of the road reserve (e.g. pedestrian and road safety, accessibility, and asset protection).

The development of Nature Strip Planting Policy and Guidelines included research into other council's policies and guidelines with input from all relevant units of Council to ensure that they align with Council's other policies and programs including the Street Tree Planting Program, road safety requirements and Council's Local Laws.

The Policy and Guidelines would apply to Council managed streets and roads within urban and residential areas within the 60km or less speed limit areas. Main arterial roads would continue to require a permit from Department of Transport and Planning even within townships. Street trees are excluded from the Guidelines as street trees are dealt with through a different Council program administered by Council's Services and Operations team.

Once the Nature Strip Planting Policy and Guidelines are adopted by Council and published on Council's website, residents who plant their nature strips in accordance with the policy and guidelines will no longer be required to apply for a permit from Council, removing the often- perceived administrative barrier to wider uptake of nature strip plantings and community urban greening efforts.

However, notification about nature strip plantings will be strongly encouraged (via an online notification e-form on Council's website), to allow Council to track and report on this aspect of urban greening and habitat creation as well as for record keeping purposes to ensure that plantings are compliant with the guidelines and maintained for amenity and road safety. This will also allow Council to follow up queries and complaints when properties change hands and enable appropriate and timely Council intervention if required due to lack of maintenance or compliance with the guidelines (e.g. endangering public and road safety or impacting accessibility).

At its 22 May 2024 meeting, Council resolved to exhibit the draft Nature Strip Planting Policy and Guidelines for the purpose of seeking feedback from the community. The draft Nature Strip Planting Policy and Guidelines were publicly exhibited between 24 May and 5 July 2024. During the six-week period community members were able to provide feedback by written submission.

A total of fourteen written submissions were received, and three submitters requested to speak to their submissions at Council's 14 August 2024 Submissions Committee meeting. A complete copy of all submissions is appended to this report as a confidential attachment.

#### Key Feedback from the Submissions

The following is a high-level summary of the key feedback themes from the submissions process were as follows, noting that a more detailed summary of submissions, officers' detailed comments and proposed recommendations is provided as Attachment 3 to this report:

- Submissions were very supportive of the policy and guidelines.
- Height of plantings and buffer/setback zones – concerns were raised about the height of planting set at maximum of 50cm and requirement for ongoing maintenance to keep at the required height.
- Owner/Occupier concerns - especially in terms of the responsibility for nature strip plantings when a property changes hands.
- Species Selection - the pros and cons of requiring natives only, or a mix of natives and exotics were both presented by different submissions.
- Edible Plants - there was a small number of submissions that asked that edible plants be allowed to be planted as nature strip plantings.

#### Other themes and requests:

- Structure and Format – Many positive comments about the clarity, presentation and content of the draft guidelines. Comments were also received about a few spelling errors, photo selection and other layout related suggestions.
- Street trees – many and varied comments about street trees, both existing and to be planted, were received but were outside of the scope of the draft policy and guidelines. These will be passed onto the Council's Services and Operations Team which administer and deliver Council's Street Tree Planting Program.
- Maintenance – concerns around increased maintenance requirements and lack of maintenance and associated compliance or enforcement if required were raised in some submissions.
- Essential Services' access and legal consent and liability were also concerns raised by a small number of submitters.

Officers have carefully considered the issues raised in submissions and have recommended changes that modify the draft Nature Strip Planting Policy and Guidelines in response. Details of the proposed

modifications are outlined in the 'Submissions – Summary of Officer Recommended Changes' Table attached to this report.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

The Nature Strip Planting Policy and Guidelines have been prepared in accordance with governance principles outlined in section 9 of the Local Government Act 2020. They support long term action by residents to address climate change and create a more environmentally sustainable landscape.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

The Nature Strip Planting Policy and Guidelines align with and complement the Council Plan and do not exceed Council's legislative power. They are consistent with State policy and relevant strategies and plans of Council such as Council's Environmental Sustainability Policy, Framework and Strategy and Council's Climate Change Action Plan.

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

The Policy and Guidelines demonstrate Council's commitment to mitigate and plan for climate impacts, with consideration for the economic, social and environmental sustainability of the municipality.

### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Extensive community engagement has been undertaken in the development of the draft Policy and Guidelines in accordance with the principles outlined in Council's Community Engagement Policy.

### **Public Transparency (s58 LGA 2020)**

The policy and associated guidelines will facilitate transparent, safe, consistent and orderly greening of nature strips that balances positive biodiversity outcomes with other important functions of the road reserve (e.g. pedestrian and road safety, accessibility and asset protection) without a need for a permit.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 2 - Valuing the Natural and Built Environment

Objective 1: We mitigate impacts to people and property arising from climate change

Objective 3: Protect and enhance the natural environment

Objective 5: Provide and maintain an attractive and safe built environment

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Council's Environmental Sustainability Strategy 2023-2033 prioritises urban greening initiatives to build resilience to climate change. Also, Council's Climate Change Action Plan includes an action directly related to this issue and states Built Environment - Action 1.10 "*Develop Nature Strip Planting Guidelines to encourage neighbourhood and street-scale urban greening and urban gardening.*" The implementation timeframe for this action was short term.

**Financial Management** (s101 *Local Government Act 2020*)

The draft Policy and Guidelines have been developed in-house by Council within its operational budget and adoption of the Nature Strip Planting Policy and Guidelines will have no financial management impacts.

**Service Performance** (s106 *Local Government Act 2020*)

The policy and guidelines are an instrument to facilitate the safe, equitable and orderly greening of nature strips that balances positive urban biodiversity and climate resilience outcomes with other important functions of the road reserve such as pedestrian and road safety, accessibility, and asset protection.

**Risk Assessment**

The adoption and adherence to the Policy and Guidelines will help to minimise risks associated with nature strip plantings in terms of pedestrian and road safety, asset protection and adverse environmental impacts.

**Communication/Implementation**

The development of the Nature Strip Planting Policy and Guidelines involved community and stakeholder consultation and once adopted it will be made publicly available on Council's website and promoted to the community to accelerate and enable community urban greening efforts.

**Human Rights Charter**

No impact.

**Officer General or Material Interest**

No officer declared an interest under the Local Government Act 2020 in the preparation of this report.

**Options**

Option 1 – Adopt the Nature Strip Planting Policy and Guidelines subject to modifications as recommended in the attachments

This option is recommended by officers as these documents will provide Council with a clear, transparent, safe, consistent and orderly greening of nature strips that balances positive biodiversity outcomes with other important functions of the road reserve (e.g. pedestrian and road safety, accessibility and asset protection) without a need for a permit. It will facilitate and enable community urban greening efforts that will assist Council in protecting and enhancing our environment; to take appropriate action to mitigate and adapt to a changing climate; and creates resilient and sustainable communities into the future. It is considered that proposed changes to the documents appropriately take into account issues and concerns raised by public submissions.

Option 2 – Adopt draft Nature Strip Planting Policy and Guidelines as exhibited and without modification.

This option is not recommended as it ignores issues and concerns raised by submissions received through the public exhibition process.

Option 3 – Defer the item and request that additional work be undertaken/changes made to the draft documents.

This option is not recommended as significant work has gone into developing and making amendments to the draft Nature Strip Planting Policy and Guidelines that respond to submissions received. It is unlikely that further work would benefit the documents, and there is a clear desire by the community to adopt and formalise these documents.

Option 4 – Do not support the draft Nature Strip Planting Policy and Guidelines and cease work on the project.

This option is not recommended as Council has committed to undertake this work in Council's Climate Change Action Plan and there is considerable community interest in Council taking strong climate change action. It is considered that the documents are ready for adoption and deliver a priority action from Council's Climate Change Action Plan.





## Council Policy

### NATURE STRIP PLANTING POLICY

#### PURPOSE

The purpose of this policy is to create a framework for residents to plant nature strips adjoining properties in city and township areas within Colac Otway Shire and enable and empower them to contribute to urban greening, urban biodiversity and climate resilience. This is in recognition of the environmental, social and amenity values of nature strips and the benefits of diverse nature strip plantings that replace the traditional exotic lawn treatment. This policy also affirms Council's commitment to best practice management of land under its authority and commitment to environmental sustainability.

#### SCOPE

This policy applies to nature strips within the road reserve in city and township boundaries of Colac Otway Shire where Council is the managing authority. This policy must be read in conjunction with the requirements applying to a particular use or activity under Colac Otway Shire Local Law no. 1 – General Local Law 2023.

This policy does not apply to, nor does it permit works to be carried out in:

- Nature strips outside township boundaries (e.g. on arterial roads, including high-capacity roads or main roads, and roadsides in rural areas)
- Areas covered by a heritage planning overlay;
- The median or other areas of the road reserve;
- Nature strips containing existing native vegetation; and
- Areas in which, because of the local conditions (e.g. terrain), it is not safe or feasible to modify the nature strip.

Council acknowledges that in some instances it may not be possible for the policy objectives and associated guidelines to be implemented due to factors such as specific streetscaping or nature strips incorporating principles of water sensitive urban design that are required to be maintained in accordance with the design intent (e.g. rain gardens).

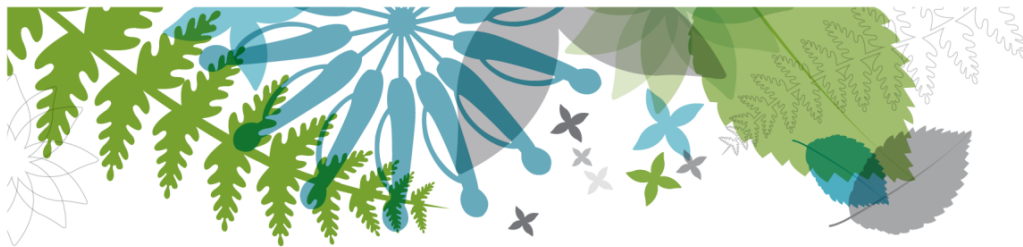
#### DEFINITIONS

**Biodiversity** - The variety of all life forms: the different plants, animals and micro-organisms, the genes they contain and the ecosystems they form. It is a concept that emphasises the inter-relatedness of the biological world. It is often considered at three levels: genetic diversity, species diversity and ecosystem diversity.

**Environmental sustainability** - Acting in a way that ensures future generations have the natural resources available to live an equal, if not better, way of life as current generations.

**Nature strip** - The nature strip is the area of public land between the property boundary and the road kerb. It does not include the footpath, kerb or driveway.

**Street tree** - Trees situated within, or selected and planted by Council within, the road reserve. Street trees are under the management of Council.



**Water Sensitive Urban Design** - A land planning approach based on scientific analysis and engineering design which integrates the urban water cycle (including the management of stormwater, groundwater, wastewater and drinking (potable) water supply into urban design to minimise environmental degradation and improve aesthetic and recreational appeal.

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#### REFERENCES

- Colac Otway Shire Local Law no. 1 – General Local Law 2023
- Colac Otway Shire Council Environmental Sustainability Strategy 2023-2033
- Colac Otway Shire Council Climate Change Action Plan
- Colac Otway Shire Council Climate Adaptation Plan 2017-2027

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#### STATEMENT OF POLICY

Council is committed to demonstrating environmental and socially beneficial best practice, and is highly supportive of appropriate nature strip planting that adheres to the requirements of this policy and its associated guidelines. The policy and guidelines are an instrument to facilitate the safe, consistent and orderly greening of nature strips that balances positive biodiversity outcomes with other important functions of the road reserve (e.g. pedestrian and road safety, accessibility and asset protection).

#### POLICY PRINCIPLES

The following policy principles are endorsed by Council:

- Nature strips relevant to this policy are Council-managed public space that contribute to a sense of place and community;
- It is essential that nature strips are safe and accessible spaces;
- Nature strips contribute to a healthy environment for people, plants and animals;
- Nature strips play an active role in supporting Council's response to climate change, including the minimisation of risk to community and infrastructure.
- Nature strips perform a role in housing essential services to the community, including water mains, gas and power.

#### OBJECTIVES

The objectives of the Nature Strip Planting Policy are:

- To provide a framework for implementation of Council's Nature Strip Planting Guidelines;
- To provide clear process and direction to the community on what can and cannot be planted in nature strips;
- To support improvement measures and targets identified in Council's Environmental Sustainability Strategy 2023-2033 and Climate Change Action Plan;
- To demonstrate Council's commitment to establishing, promoting and maintaining a culture of sustainability and environmental responsibility;
- To protect and enhance the amenity and aesthetic values of streetscapes within Colac Otway Shire;
- To foster the protection and enhancement of the environment, biodiversity, the conservation of water resources, and to contribute to reducing our greenhouse footprint; and
- To raise awareness of environmental sustainability and increase community participation.



## **OUTCOMES**

The expected outcomes of the implementation of the associated guidelines under this policy are:

- An empowered community actively contributing to urban greening and climate resilience;
- Increased biodiversity in streets within city and township boundaries in Colac Otway Shire;
- Improved amenity and aesthetic character of streets;
- Safe, consistent and orderly greening of nature strips that balances positive biodiversity outcomes with other important functions of the road reserve; and
- Increased community participation, collaboration and understanding of environmental practice.

## **NATURE STRIP GUIDELINES**

Council has developed this policy as an instrument to implement the Colac Otway Shire Nature Strip Guidelines. The guidelines will give practical effect to these policy principles and Colac Otway Shire Local Law no. 1 – General Local Law 2023.

The guidelines provide clear guidance for property owners and residents by outlining what landscaping works may be undertaken and what acceptable standard treatments may be applied to nature strips within the shire.

If a property owner wishes to undertake works on a nature strip that varies from the acceptable standard works and/or treatments outlined within the guidelines, a permit under the Local Law will need to be obtained. As part of this permit application process, officers will need to individually assess any proposed works against the guidelines, these policy principles and any other requirements of Council.

## **STREET TREES**

Planting and maintaining street trees is solely the responsibility of Council. Property owners or residents are not permitted to remove or prune existing trees or plant new trees. Property owners and residents are not permitted to undertake any form of alteration to street trees, including boxing around the tree base or placing a planter box, as this can have a detrimental effect on the health of the tree.

## **NATURE STRIP MAINTENANCE**

Council does not carry out maintenance or renovation of modified nature strips. Property owners and residents who undertake nature strip planting must maintain the nature strip abutting their property. This includes regular weeding, edging, removal of potential trip hazards, and litter collection to the standards specified in the associated guidelines.

## **ESSENTIAL SERVICES WITH NATURE STRIPS**

Council and service authorities that supply gas, water, electricity and telecommunications may require access to nature strips to undertake maintenance work. These service authorities are required to reinstate the nature strip following maintenance work, but are not required to reinstate nature strips that have been modified or landscaped in any treatment other than grass. Land owners and residents must consider possible impact of works by service authorities when planning nature strip landscaping works, as outlined in the associated guidelines.

## **RISK**

Property owners and residents are responsible for the cost of maintaining and carrying out works in nature strips, including all materials, labour, watering and any incidental damage to public infrastructure. Property owners and



residents entering the nature strip to carry out maintenance and other works must take reasonable care for their own safety and for the safety of other persons in the immediate vicinity.

When planning works, property owners and residents must check the location of underground services using “Before You Dig” and Council should be notified of any hazards in the nature strip.

#### CHANGE OF PROPERTY OWNERSHIP

In the event that the nature strip adjoining a property changes ownership, it is the responsibility of the previous property owner to share and communicate the requirements of the nature strip garden guidelines to the new owner. It then becomes the new landowner’s responsibility to maintain the nature strip in line with the guidelines.

The owners have two options:

- The new owner takes on the nature strip garden as part of the change of ownership; or
- The previous owner needs to remove the garden and reinstate the standard grassed nature strip.

If the property is rented, it becomes the responsibility of the tenant to maintain the nature strip. It is the landowner or rental agent’s responsibility to communicate this to the tenants.

#### RESPONSIBILITIES

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
Chief Executive	Ensure overall corporate compliance with the policy.
Manager Assets & Engineering	Overall responsibility for the policy implementation.
Managers	Ensure compliance with the policy by all Council Officers under their supervision.
Coordinator Local Laws	Compliance with guidelines and the issuing of permits.
Coordinator Environment	Responsible for reviewing, updating and implementing policy and associated guidelines.

#### POLICY IMPLEMENTATION

All Council staff are required to consider environment, economic and social outcomes and impacts in their work. It is the responsibility of all Councillors, staff, contractors and volunteers to understand the objectives outlined in this policy and to assist community members with their implementation of the associated guidelines.

#### RELATED DOCUMENTS

- Colac Otway Shire Local Law no. 1 – General Local Law 2023
- Colac Otway Shire Council Environmental Sustainability Strategy 2023-2033
- Colac Otway Shire Council Climate Change Action Plan
- Colac Otway Shire Council Climate Adaptation Plan 2017-2027



#### DOCUMENT CONTROL

Policy owner	Manager Assets & Engineering	Division	Executive
Adopted by council		Policy Number	
File Number		Review date	



Colac Otway Shire

# Nature Strip Planting Guidelines



Colac Otway  
SHIRE



### Acknowledgement of Traditional Custodians

The Colac Otway Shire Council respectfully acknowledges the Gulidjan and Gadubanud peoples as the traditional owners of the Colac Otway region, the land upon which the activities of the Colac Otway Shire Council are conducted.

We pay our respects to their ancestors and elders, past, present and emerging. We recognise and respect their unique cultural heritage, beliefs and uphold their continuing relationship to this land.



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## Nature Strip Guideline Objectives

Nature strips in urban and township environments have an important role to play in contributing to the environmental, social and aesthetic health of our shared community spaces.

Nature strips can enhance our streets by providing green zones; healthy and connected corridors; and improved street character.

They are also essential in providing a safe buffer between pedestrians and vehicular traffic, as well as space to support waste management and the maintenance of essential services.

Colac Otway Shire Council has developed these guidelines in order to support our community's endeavours to improve and beautify nature strips outside their property boundaries in urban and township settings.



# Background

## WHAT IS A NATURE STRIP?

The nature strip is the area of public land between the property boundary and the road kerb. It does not include the footpath, kerb or driveway.

Nature strips have many essential functions, such as:

- Providing a buffer between each private residence and the road;
- Providing a range of essential services, including telephone, gas, water, NBN, sewerage, electricity and street lighting;
- Being the primary location for kerbside household waste disposal service access;
- Providing safe access for service maintenance staff and postal services;
- Providing safe access for passengers, including wheelchairs and prams, to parked vehicles;
- Being the location of public bus stops.

Important social and environmental values of well planted and maintained nature strips include:

- Increasing biodiversity;
- Providing shelter and food for local wildlife;
- Establishing green corridors that link natural reserves to help wildlife move across the landscape;
- Providing canopy cover that cools the urban environment or township during the warmer months;
- Enhancing community connectedness and beautiful streetscapes;
- Enabling better water quality and flow into the soil to help with stormwater management and decrease flooding risk.



### Road reserves in rural areas

A rural road reserve is the narrow strip of land between a property boundary and the road in areas outside the urban area designated by the beginning of the 80 km zone.

This public land houses utilities and is important for traffic safety, as well as being a place where indigenous or native plants can thrive and provide opportunities to improve the local environment. Modification of rural road reserves is not permitted.



# Understanding responsibilities of nature strip management

## STREET TREES

Council plants, prunes and maintains all street trees. Property owners or residents are not permitted to prune or remove these trees or plant street trees without Council guidance and approval..

As the responsible authority for street trees, Council selects species appropriate to the area, plants and then maintains them. This is due to the complexities of ensuring all aspects of safety are maintained, as well as necessary access to services, both above and below ground.

Community members are welcome to request a street tree adjacent to their property where there is not already a street tree. For further information and street tree requests please call (03) 52329400 or e-mail [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au).

## NATURE STRIPS OUTSIDE PROPERTY BOUNDARIES

While the nature strip is publicly owned, as land manager Council supports residents in conducting plantings that comply with these guidelines and the permit and notification requirements outlined below.

Mown grass nature strips are currently the most common in Colac Otway Shire urban and township areas. They are low maintenance, and are compatible with some of the other regular requirements of nature strips, including accessibility and access to services.

A potentially highly beneficial alternative to grass is a planted and mulched nature strip, particularly where it is planted with low-growing indigenous plants. To achieve these benefits, it must be:

- Carefully planned,
- Consider public safety and access to the road reserve,
- Ensure safe and easy access to essential services,
- Be well maintained.



The planting of street trees and landscaping in public open spaces in new developments is part of the subdivision process and is the responsibility of developers.



# Nature Strip Modification Guidelines for Residents

COUNCIL HAS DEVELOPED THESE GUIDELINES IN ORDER TO SUPPORT RESIDENTS TO improve THE QUALITY OF THE NATURE STRIP ADJOINING THEIR PROPERTY BOUNDARY. THE FOLLOWING PAGES OUTLINE WHAT THIS WILL INVOLVE.

## HOW TO BEGIN

### Planning

A well-designed nature strip garden begins at the planning stage. Before starting your nature strip garden project, consider the following:

- Read these guidelines to understand the requirements of planting in public space and to get tips on potential designs and species selection.
- Talk to your neighbours. Let them know what you are planning, talk through ideas and any concerns, and explore whether they would also like to join in.
- Consider what species are most appropriate for the conditions of your nature strip and the character of your streetscape.
- Consider planting indigenous plants to promote biodiversity and improve habitat for local fauna.
- Consider planting drought-tolerant species and grouping plants with similar water needs together to reduce water use.
- Create a design of your proposed nature strip planting - this will help you to ensure it meets the requirements of these guidelines and is in line with your vision of what you want to achieve.
- Consider and plan for what the ongoing maintenance requirements of your planting will be.

### Essential Services

Nature strips play a major role in providing space for essential services to residential properties in our shire. These services include stormwater, power, NBN/telecommunications, gas, sewage, and water. Damaging these services while gardening can be dangerous and costly, so please consider this in your planning.

Council, utility companies, and contractors have the right to remove and disturb the nature strip and its soil as required without notice for the purpose of maintaining and/or improving essential services. Utility companies are required to reinstate level soil and grass on the nature strip following maintenance work, but are not required to reinstate nature strips that have been modified and landscaped with anything other than grass.

### Permits & Notifications

#### Planting the nature strip

Nature strip planting by residents is permitted, provided the proposed modifications meet the specifications outlined in these guidelines. If any proposed landscaping treatment does not comply with these Guidelines, a permit is required.

Colac Otway Shire has a free permit and notification process in place for nature strip gardens. If you are planting your nature strip in accordance with these guidelines, you still need to notify Council. Simply fill out the form available here ([link](#)) with your details, address, a small checklist, and a rough plan for the nature strip you are landscaping. This allows Council to keep track of all the community efforts to improve nature strip gardens and ensure that you have considered all the requirements of planting in a nature strip.

If you wish to implement something in your nature strip that is outside of the guidelines, you are required to submit a permit application, available here ([link](#)). The application will then be reviewed and assessed to determine if the installation is appropriate.

#### Permits for driveways or other minor works within the road reserve

As the road reserve includes roadsides or nature strips, drains, verges, shoulders, and roadways, any treatments not covered within the scope of these guidelines, such as driveway construction, require a Works Within Road Reserve permit to be obtained. The application is available here ([link](#)).





## ESSENTIAL SPECIFICATIONS

### Footpath Safety and Protection

Footpaths play a major role in providing safety and access along roadsides. They must be kept free of obstructions so everyone can use them safely. Vegetation and mulch that encroaches on the footpath can impact the safety and accessibility of the path, especially for people using prams, wheelchairs, scooters, and people who might need assistance with mobility.

Council therefore requires that:

- A minimum 30cm offset is required on the nature strip beside any footpath. No plants or mulch can at any time encroach on the footpath.
- Where there is no sealed or clearly delineated footpath, 1.8m from the property boundary line must be retained to allow for safe access or the future development of a footpath.

### Kerbside Safety and Protection

Nature strip planting can have an impact on road safety, and kerbside and footpath access. Considerations need to be made to ensure everyone can safely enter and exit vehicles and have access to the footpath. Plants growing into kerbs can also detrimentally impact stormwater flows, and present a hazard to people exiting parked cars.

Council therefore requires that:

- There is a 50cm offset beside the kerb, and all plants are trimmed to maintain this buffer.
- You must keep a suitable area for kerbside rubbish collection within the nature strip.
- You can grow grass, a low groundcover, or have mulch in the offset area for access and kerbside rubbish collection.

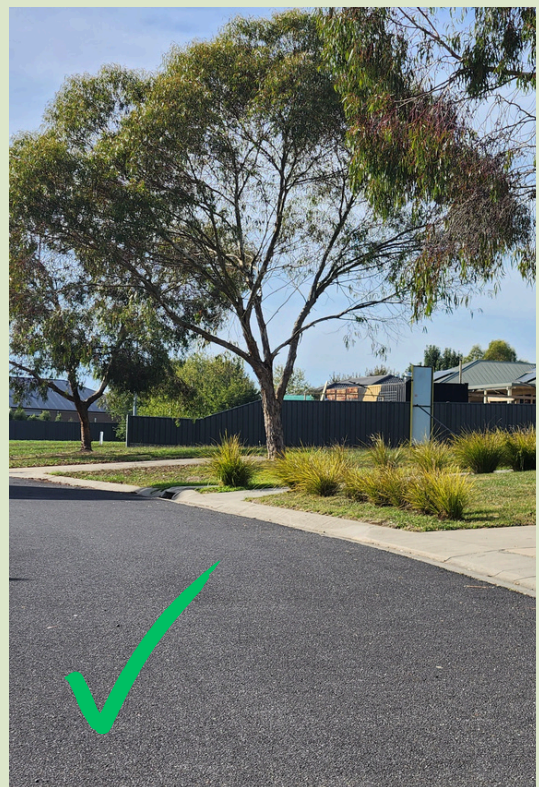


### Emergency Safety Protection - Fire hydrants

Fire hydrants are typically located underground in the nature strip, with a metal cover on top. They are identified by a blue reflector on a marker post or on the road. When landscaping a nature strip it is important to ensure that the fire hydrant is not buried and any marker post remains clearly in place.

### Protection of Street Trees

- No plants can be planted within a 50cm radius buffer around the base of any street tree trunks, use small plants or tube stock to reduce the amount of digging required around the tree.
- Do not mound soil, mulch, or grass clippings against the tree trunk, as this can limit water and air flows and cause disease.
- Be careful when digging anywhere under the canopy of a tree. Use only hand tools. If the soil is hard to dig, you must stop, as this may indicate you are near a tree root.
- If you uncover tree roots, do not cut, scrape, or damage them. Re-bury them with soil and mulch.
- While groundcover plants that grow in a prostrate manner are welcome, climbing plants (such as vines) that may encroach on the trunk of a street tree and climb up it.

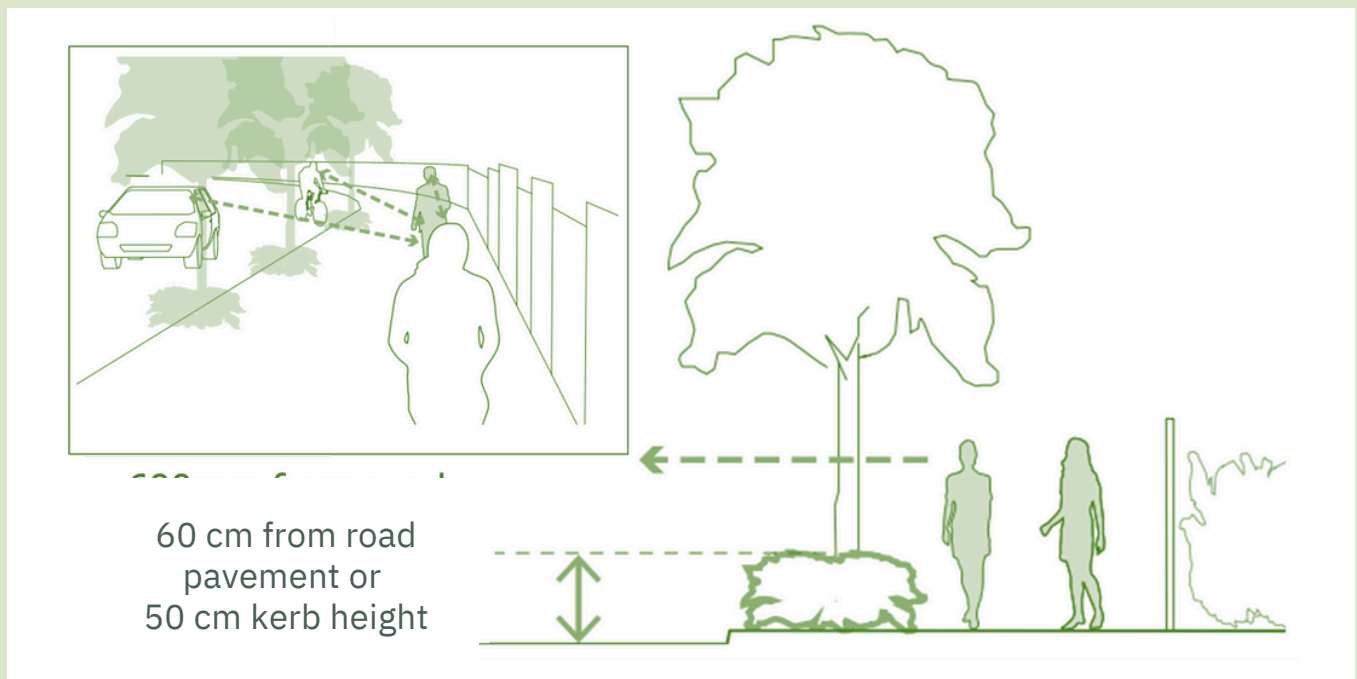


## PLANTING REQUIREMENTS WITHIN THE NATURE STRIP

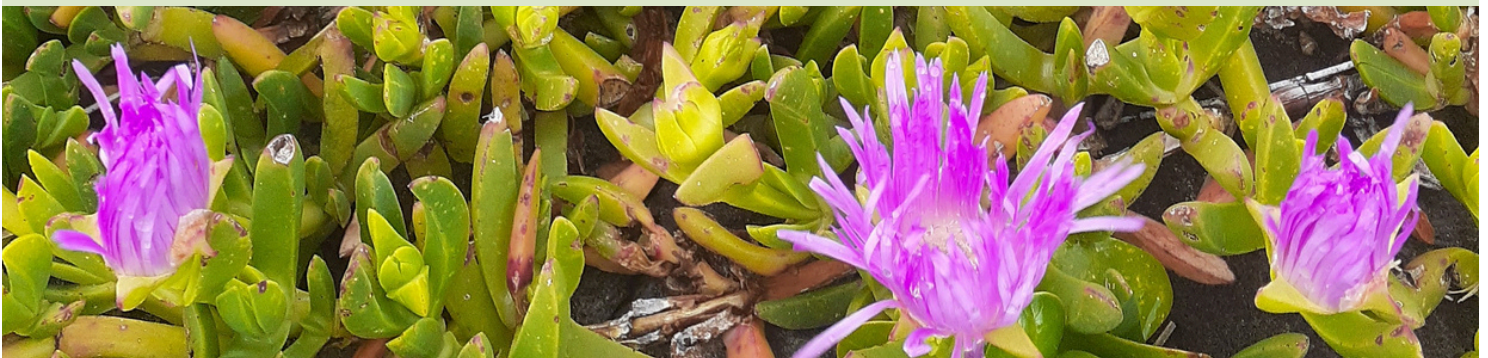
Council has designated the following height and buffer requirements in order to ensure safety and visibility for everyone walking, cycling, and driving, as well as safe access to essential services.

- All plants must be small species, kept under 50cm high in the central designated area of the nature strip (i.e 60cm from the surface of the road). This aligns with the Urban Design Guidelines for Victoria (section 6.3), which can be referenced at <https://www.planning.vic.gov.au/guides-and-resources/guides/urban-design-guidelines-for-victoria/objects-in-the-public-realm/trees-and-planting>

Street plantings must maintain clear sightlines along paths and streets. Landscaping along roads, streets, pedestrian and bicycle paths should not block sightlines for drivers, pedestrians or cyclists.



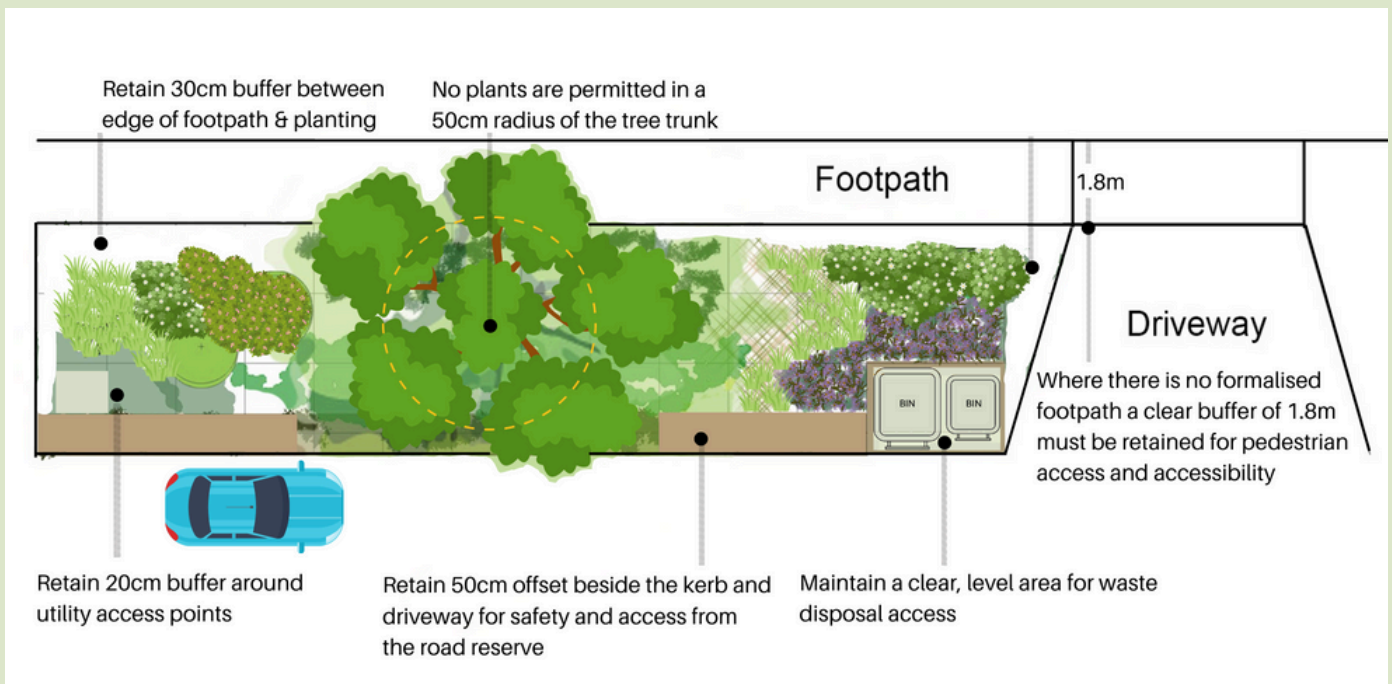
Source: Urban Design Guidelines for Victoria 2017





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- Plants must be kept under 10cm high within 5 metres from a corner, pedestrian crossing, or intersection.
- For nature strips with trees, you must keep a 50cm radius buffer zone around the base of the tree with no planting to ensure the root system of the tree is not disturbed.
- No plants may be planted in the following areas:
  - Within 50cm of the kerb and driveway
  - Within 30cm of the edge of the footpath
  - Within 20cm of any utility outlet.



Further important restrictions are:

- Plants cannot have spikes, thorns or prickles.
- Plants cannot be noxious or environmental weeds in Colac Otway Shire. Please see the following link for more information: <https://www.colacotway.vic.gov.au/Environment-Sustainability/Weed-management>
- An easily accessible area next to the kerb must be maintained for kerbside bin collections.

Residents must contact **'Before You Dig'** prior to undertaking landscaping works to ensure all underground services and access points are identified. This must inform the design of the nature strip planting. Before you dig can be contacted at: <https://www.byda.com.au/>



## WHAT IS NOT ALLOWED

### Edible Garden Planting

- The planting of edible plants for human consumption within the nature strip is not permitted. The nature strip zone can be impacted in several ways, which means that eating food grown directly within this space could pose a risk to human health.

Such impacts include:

- Soil in nature strips can be contaminated by vehicle traffic and other uses of the road reserve;
- Produce may be impacted by dust and pollution associated with vehicle traffic;
- Some edible plants can cause allergies;
- Edible plants can be soiled by domestic pets;
- Edibles can attract vermin, such as mice, rats and foxes;
- Edibles can create amenity and pedestrian safety issues if fallen fruit or vegetables are not harvested or cleaned up diligently;
- Some edibles can spread from cuttings and seed into the natural environment via vectors of spread such as roads and stormwater drain.

### Rocks and other infrastructure

Other infrastructure added to the nature strip can be unsafe and cause injuries. Also, changing the surface can cause harm to water and stormwater flows. Public safety is paramount when conducting any works in nature strips. Injury may occur if items:

- Become slippery or loose.
- Block sightlines.
- Cause injury if fallen on, for example if they have sharp or pointed edges.
- Become a trip hazard.
- Could be misused or create a risk.

Council wants to ensure that nature strip plantings avoid safety issues and contribute to the greening and cooling of our townships. Therefore Council has designated that nature strip plantings must not include:

- Anything other than plants and evenly spread fine surface treatments, such as mulch and gravel. Materials and structures that are not permitted include: raised edging, paving, irrigation, garden stakes, fencing, walls, furniture, play equipment, planter boxes, art, signs, rocks and letterboxes.

- Paving of nature strips is not permitted. However, removable stepping stones with a non-slip surface are permitted for access between the roadside and footpath or for kerbside bin placement. If stepping stones are used, they must be maintained at the same level as the mulch/soil to prevent trip hazards.
- Artificial lawn or other synthetic treatments that do not allow water to penetrate into the soil and can cause trip hazards.

### Parking on nature strips

Parking is not permitted on nature strips in Colac Otway Shire, regardless of the surface of the nature strip. The landscaping of a nature strip is not an opportunity to create more parking for residents.

### Other items not permitted to be added to the nature strip:

- Herbicide application to permanently retain a nature strip devoid of grass or vegetation.
- Altering the natural level of the nature strip through mounding of soil or other loose materials.
- Water features such as ponds or fountains.
- Works that create fire hazards.
- Plants that restrict access to utilities, essential services, and street or roadside.
- Plants with aggressive, deep root systems that may damage underground utilities and essential services.
- Fertilizers or garden sprays that may contaminate stormwater.



## MAINTENANCE

Colac Otway Shire Council is the responsible authority for local roads and nature strips. Alternative plantings and maintenance that adhere with these guidelines must be maintained by the resident.

It is important to note that if you do not wish to modify your nature strips, then it is your responsibility as landowner or resident to maintain it by appropriately mowing your lawn.

Nature strip modification requires a collaboration among Council, essential services and utility providers, and community members who live adjacent to the nature strip to ensure that safe, healthy and beautiful nature strips are maintained for everyone to enjoy.

It is in this spirit that Council strongly supports community nature strip planting, when this adheres to the requirements outlined in this document. Ongoing maintenance is an essential part of this.

### **You can ensure that you maintain a healthy, viable nature strip by:**

- Pruning plants regularly (excluding street trees) to ensure they do not protrude onto the footpath, driveways, kerbs or utility services.
- Keeping all plants pruned within the height guidelines specified in this document.
- Keeping the nature strip free of weeds, rubbish, and hazards.
- Maintaining appropriate access, including to the footpath, roadside and driveways.
- Maintaining utility and essential services nodes and access points in accordance with the guidelines.

## FAILURE TO COMPLY WITH THESE GUIDELINES OR MAINTAIN A NATURE STRIP

In incidences where public safety risks have been raised, Council will first work with the owner/resident to find an amicable solution to mitigate any safety or environmental issues. Where cooperation is not able to be quickly achieved, Council will require that the owner/resident rectifies these issues; in the case that this does not occur, Council will undertake appropriate remediation works. Colac Otway Shire Council will not take responsibility for any financial or other loss associated with the mitigation of safety issues on nature strips.

Further, if a resident fails to maintain their nature strip in accordance with these guidelines, Council may be left with no alternative other than to take enforcement action. The resident or landowner will be contacted and given a reasonable amount of time to remedy the issues identified, unless the level of risk necessitates immediate action.

In cases of non-compliance with any enforcement action taken by Colac Otway Shire Council (e.g. where a resident becomes uncooperative), Council will arrange for the reinstatement or maintenance of the nature strip. The cost of this management or reinstatement will be charged to the resident and/or landowner.

Some examples of failure to comply that may necessitate enforcement action are:

- Treatments in the nature strip pose a traffic or pedestrian hazard or safety concern.
- Appropriate access for pedestrians and other footpath users is not maintained.
- Treatments in the nature strip potentially pose a fire hazard.
- It interferes with the visibility and safety of road users.
- The nature strip contains noxious or environmental weeds.
- It otherwise does not comply with the requirements outlined in this document.





## CHANGE OF PROPERTY OWNERSHIP

In the event that the property adjoining the nature strips changes ownership, it is the responsibility of the previous property owner to share and communicate the requirements of the nature strip garden guidelines to the new owner. It then becomes the new landowner's responsibility to maintain the nature strip in line with the guidelines.

The new owner can continue to look after the nature strip planting or can remove the nature strip planting and reinstate lawn.

Regardless of the planting treatment of the nature strip, it has to be maintained by the property owner (new or existing) to ensure public safety and amenity.

## SAFETY & LIABILITY

During landscaping or maintenance works on the nature strip, the individual conducting the works is obligated to take all reasonable measures to prevent accidents and injuries to both those undertaking the works and the public using the roads and footpaths. Safety measures could include the use of high-visibility temporary fencing, traffic cones, or signage to alert pedestrians, cyclists, and motorists.

Before commencing any digging, the resident must contact **'Before You Dig'** to determine the presence of any underground utilities or essential services at: <https://www.byda.com.au/>. The Colac Otway Shire Council will not be held liable for any financial penalties or injury incurred by the resident due to damage to underground utilities or services.

The resident should confirm with their insurer that they have adequate public liability insurance to cover any claims that may arise. The Colac Otway Shire Council accepts no responsibility for occupational health and safety or public liability related to works being carried out on a nature strip.



# Nature Strip Planting

## Suggested Species List

Colac Otway Shire Council recommends using native species in your nature strip garden to maximise the benefits of planting your nature strip for the environmental and aesthetic wellbeing of our shire. The following is a list of species that can thrive in nature strips and adhere to the nature strip planting guidelines. The below fauna key indicates wildlife that may be attracted to different plant species recommended.



**Butterflies** such as Australian Painted Lady and Sword-grass Brown Butterflies.



**Large birds** such as owls, kookaburras, butcherbirds and magpies.



**Invertebrate pollinators** such as native bees, wasps, hover flies and ants.



**Reptiles** such as skinks, geckos and goannas.



**Small birds** such as wrens, robins and fantails.



**Frogs** such as Pobblebonk and Spotted Marsh Frog.



**Parrots** such as rosellas, lorikeets, grass-parrots and cockatoos.



**Bats** such as microbats and Grey-headed Flying-fox.



**Honeyeaters** such as spinebills, wattlebirds and honeyeaters.

**Please note:** All plant sizes listed in this publication are approximate. Environmental conditions will influence the final height and width of a plant.

### Creepers



**Bower Spinach**  
*Tetragonia implexicoma*



Excellent for stabilising sandy soil. Often scrambles over small shrubs providing shelter for small birds, invertebrates and small lizards.



**Purple Coral-pea**  
*Hardenbergia violacea*



A very showy scrambling creeper with many forms and cultivars.





**Running Postman**  
*Kennedia prostrata*



Trailing, hardy and adaptable plant.



**Kidney-weed**  
*Dichondra repens*



An excellent plant to grow in shady areas of the garden. Can be used as a lawn alternative where traffic is light.

## Groundcovers



**Black-anther Flax-lily**  
*Dianella revoluta*



An attractive, easily maintained clumping plant. Plants sucker and can cover a large area over time.



**Karkalla**  
*Carpobrotus rossii*



Very hardy and long flowering. An excellent soil binder on sandy, exposed locations.

## Grasses and tussocks



**Clustered Everlasting**  
*Chrysocephalum semipapposum*



A long-flowering plant with attractive contrasting foliage and flowers. A variable species with several forms.



**Common Tussock-grass**  
*Poa labillardierei*



An attractive tussock that copes with a wide range of conditions.





**Spiny-headed Mat-rush**  
*Lomandra longifolia*



A graceful tussock for difficult spots, embankments and gardens in general.



**Pink Bells**  
*Tetralochea ciliata*



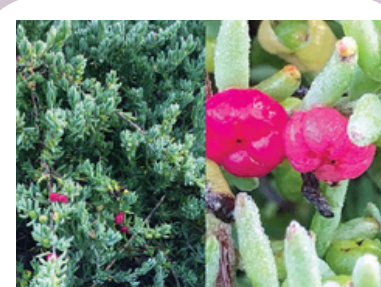
An attractive, delicate plant.



**Weeping Grass**  
*Microlaena stipoides* var. *stipoides*



An excellent native lawn for light traffic areas. Can be mown or left to produce attractive weeping flowerheads.



**Ruby Saltbush**  
*Enchylaena tomentosa*



An attractive and useful spreading plant, especially in dry conditions.

## Small shrubs



**Cushion Bush**  
*Leucophyta brownii*



The grey foliage is able to reflect light at night making this a useful plant for defining pathways.

## Ferns



**Common Maidenhair**  
*Adiantum aethiopicum*



An excellent garden plant for moist protected areas.



# Tips to Help with Your Nature Strip Planting Thrive

## Mulching

Spread a 25mm thick layer of mulch around your plants to retain moisture and suppress weeds. You can use materials such as pine bark, wood chips or 'bush mulch' that ranges between 6mm and 25mm in size. This type of mulch is preferred because it is heavy and won't be easily disturbed by wind and rain.

## Planting Technique

Use hand tools to dig a hole slightly larger than the root mass of the plant, loosen the soil at the bottom of the hole, then gently tickle and loosen the base of the plant. Press the plant firmly into the hole, cover the root ball with soil, and apply mulch. Finally, water the plant thoroughly to prevent air pockets in the soil.

## Weed Species

Ensure that the plant species you intend to use in the nature strip aren't environmental weeds. You can look this up in Colac Otway Shire Council's weeds booklets available at Council's customer service counters and online at: [www.colacotway.vic.gov.au/Environment-Sustainability/Weed-management](http://www.colacotway.vic.gov.au/Environment-Sustainability/Weed-management)

## Street Character

When planning your nature strip garden, consider the character of your street. It's always better if nature strips work together harmoniously. The following questions might help prompt thinking about this:

- How is the street used by people?
- What is its shape?
- Has anyone else already created a nature strip garden?
- Would your neighbours be interested in working together?
- Is the nature strip you are planning going to include native or exotic plants?

## Watering

Nature strip plantings should not require ongoing watering beyond establishment. Select drought tolerant species to reduce regular watering requirements and always water by hand to conserve water.



## Contact us

**PO Box 283, Colac 3250**

**Email:**

[inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

**Phone:**

03 5232 9400

**Colac Customer Service Centre**

2-6 Rae Street, Colac

**Open:**

Monday - Friday 8:30am - 5pm

**Apollo Bay Customer Service Centre**

100 Great Ocean Road, Apollo Bay

**Open:**

7-days a week, 9am - 5pm

For callers who have a hearing, speech or communication impairment, and for text telephone or modem callers, use our National Relay Service on 133677



**Colac Otway**  
SHIRE

**DRAFT NATURE STRIP PLANTING POLICY & GUIDELINES:****SUMMARY OF SUBMISSIONS WITH OFFICER COMMENTS AND RECOMMENDATIONS**

<b>TOPIC: SCOPE, STRUCTURE AND FORMAT</b>		
<b>Submission Comments</b>	<b>Submission Number/s</b>	<b>Officer comments and recommendations</b>
<ul style="list-style-type: none"> <li>Strong outlines for residents.</li> </ul>	1	Council appreciates this positive feedback.
<ul style="list-style-type: none"> <li>It is good to have clear nature strip planting guidelines.</li> </ul>	2	
<ul style="list-style-type: none"> <li>I totally support the planting of nature strips within the shire.</li> </ul>	3	
<ul style="list-style-type: none"> <li>Well and clearly presented – well done.</li> </ul>	6	
<ul style="list-style-type: none"> <li>It is good to have the guidelines for community planting of nature strips, and overall they are practical and sensible.</li> </ul>	7	
<ul style="list-style-type: none"> <li>It is good to see that residents don't require planning permits for nature strip plantings as long as they adhere to the guidelines.</li> </ul>	8	
<ul style="list-style-type: none"> <li>The outcomes outlined on page 3 are worthwhile objectives.</li> </ul>	8	
<ul style="list-style-type: none"> <li>It is good to see helpful tips about mulching, desirable plant varieties and suggested species.</li> </ul>	8	
<ul style="list-style-type: none"> <li>I support the planting of nature strips for environmental and decorative purposes.</li> </ul>	13	
<ul style="list-style-type: none"> <li>A single page summary of the guidelines could be incorporated.</li> </ul>	6	<p>After the policy and guidelines are endorsed, the documents will be available on Council's website, with a clear and concise introduction and summary of key 'Do's and Don't's'. There will also be a guidance checklist for those who wish to plant their nature strip, including site preparation, planting, and maintenance. These resources will also be available in hardcopy in all Council Customer Service facilities.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>A lot of work has gone into this document but it could be improved with: a simple checklist in different languages to assist our community; a summary of definitions like on the draft policy document; and a summary of references and resources.</li> </ul>	12	
<ul style="list-style-type: none"> <li>Some photos used are not relevant to the purpose of the guidelines. e.g. page 3 hand on a back; page 12 plant too big for nature strip; Page 17 couch grass. Also on Page 7 - photo with the green tick - I wish to recommend that biodiversity is encouraged and that a variety of plants are used rather than a monoculture</li> </ul>	12	<p>The image used on page 3 that acknowledges the Traditional Owners of land, water and country in the Colac Otway Shire is consistent with the image selected for the Acknowledgment in the Council Plan 2021-2025.</p> <p>In relation to the other photos referenced, Council officers endeavoured to use photos of existing local nature strip plantings, however currently there is a limited number. We hope that the new Nature Strip Planting Policy and Guidelines will see the fast establishment of many and varied plantings across the townships of our shire. We will use photos of these to provide ideas and inspiration for the whole community.</p> <p><b>NO CHANGE TO THE REFERENCED IMAGES RECOMMENDED.</b></p>

TOPIC: SCOPE, STRUCTURE AND FORMAT (continued)		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>Photo error - Pg1. The image shown doesn't appear to adhere to the 30cm buffer between plantings and the footpath, as noted multiple times in your own documents.</li> </ul>	9	<b>RECOMMEND THAT PHOTO BE AMENDED TO CORRECTLY ACCORD WITH GUIDELINES</b>
<ul style="list-style-type: none"> <li>Photo selection - The image of a naked back of a person, seems inappropriate, appears to be a young person. Another should be chosen.</li> </ul>	9	<p>The image used on page 3 that acknowledges the Traditional Owners of land, water and country in the Colac Otway Shire is consistent with the image selected for the Acknowledgment in the Council Plan 2021-2025.</p> <p><b>NO CHANGE TO THE REFERENCED IMAGE RECOMMENDED.</b></p>
<ul style="list-style-type: none"> <li>Photo error - Pg.6 the image shows a bin with a green lid that clearly has a black bin bag hanging out of it. Also shows the planting not adhering to the 30cm buffer.</li> </ul>	9	<p>Officers appreciate this oversight being brought to their attention. Council has a strong focus on best practice resource, recovery and waste management, and this clearly inappropriate use of this rubbish bin was an oversight in Council's image selection.</p> <p><b>RECOMMEND THAT PHOTO BE AMENDED TO CORRECTLY REFLECT MUNICIPAL WASTE MANAGEMENT REQUIREMENTS</b></p>
<ul style="list-style-type: none"> <li>Guidelines document is too big and busy and not practical or sustainable to print either on a home computer/printer or commercially. It could be made more relevant and easier to find information with less colour.</li> </ul>	12	<p>Council officers received multiple comments about the readability and visual appeal of the guidelines – making it simple to understand and follow. Council will encourage accessing the guidelines through digital platforms to minimise potential paper waste and printing costs, however there are community members who require access to hardcopy documents. These will be provided via Customer Service centres on request.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Errors in document:</li> <li>Page 5 'steet tree'</li> <li>Links to Council forms not added</li> <li>Page 6 'impove'</li> <li>Page 11 'guidelinies'</li> </ul>	12	<p>Officers appreciate these typographical mistakes being brought to their attention.</p> <p>Forms referenced within the guidelines are currently in development. Links will be made active when the Nature Strip Planting Policy and Guidelines are adopted by Council.</p> <p><b>TYPOGRAHICAL ERRORS WILL BE CORRECTED</b></p>



TOPIC: HEIGHT ZONES & BUFFER REQUIREMENTS		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>All specifications in relation to height, size, distance from edges etc are sensible.</li> </ul>	1	Council appreciates this positive feedback.  <b>NO CHANGE TO THE DRAFTS RECOMMENDED</b>
<ul style="list-style-type: none"> <li>General agreement with height and buffer zones</li> </ul>	2	
<ul style="list-style-type: none"> <li>Objection to height and buffer zones – buffers should only be restricted in the direction of travel from oncoming vehicles towards the driveway. I see no advantage in restricting the height of planting except for the direction of oncoming traffic, as taller bushes will encourage biodiversity and make the street more attractive.</li> </ul>	2	<p>Height and set-back distance requirements are set and detailed to ensure that residents who wish to create nature strip plantings have clear guidance to ensure that their plantings accord with the policy and guidelines. The guidelines intend to strike a balance between urban greening outcomes with other important functions of the road reserve (e.g. pedestrian and road safety, accessibility, essential services and asset protection).</p> <p>The guidelines will apply across the whole municipality and public safety considerations extend beyond vehicle sightlines from driveways, including pedestrian accessibility and safety, and general passive surveillance.</p> <p>Ongoing maintenance of nature strip plantings will be required to maintain the allowable height and setbacks/buffers, just like maintenance of grass nature strips is also required which is achieved by regular mowing.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Height and distance requirements are too complicated.</li> </ul>	8	
<ul style="list-style-type: none"> <li>The general rule that plants should not be above 60 cm in height above the roadway should not be an overriding requirement. There are situations in which sightlines will not be blocked by higher plants.</li> </ul>	8	
<ul style="list-style-type: none"> <li>The height of the planting - setting it at 50cm seems very low, especially as many of the plant species recommended in this same document grow usually to around 1m tall. Some tolerance could be made for species that are somewhat transparent/not dense in their habit.</li> </ul>	9	
<ul style="list-style-type: none"> <li>Measurements - I did not understand where the measurement from the kerb is taken from, to me it should be from the inner edge facing the nature strip. No consistency with scale of measurements: page 9 – 50 cm or 1.8 m; page 16 – 25mm</li> </ul>	12	
<ul style="list-style-type: none"> <li>Concerns relating to recommended plants – most will grow too high and require regular pruning</li> </ul>	9	
<ul style="list-style-type: none"> <li>Plant recommendations should not include spiny head as this plant can grow up to 1.2m in height.</li> </ul>	12	
<ul style="list-style-type: none"> <li>What happens with nature strips that do not have concrete kerbing? How does one delineate the nature strip?</li> </ul>	12	<p>Council expects that a common-sense approach is applied, and residents would consider the area of nature strip to be the area that they maintain always, with or without alternate nature strip plantings (e.g. from the back of the table drain or from the edge of the road surface).</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>

TOPIC: OWNER/OCCUPIER CONCERNS		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>Objection to grass as default – more environmentally friendly version should be the default and it should be the buyer's obligation to do the work of replacing it if not wanted.</li> </ul>	2, 3	<p>Comments noted and officers agree that the guidelines should be changed to state that it is the decision of the new buyer(s) of a property if they want to keep existing nature strip plantings - the key is that any treatment of the nature strip has to be maintained by the property owner (new or existing) to ensure public safety and amenity.</p> <p><b>RECOMMEND THAT WORDING IS CHANGED TO BETTER CLARIFY THIS SECTION</b></p>
<ul style="list-style-type: none"> <li>New owner of a property has to potentially require the vendor to remove any nature strip garden and reinstate grass, this seems contradictory to the intention to encourage and value such plantings and increase the revegetation and canopy cover. The maintenance of the nature strip could logically be seen as part of the property purchase.</li> </ul>	7	
<ul style="list-style-type: none"> <li>Change of property ownership section unworkable because the nature strip is not part of the property bought, sold or rented. Council should seek legal advice. The new owner should be responsible for maintaining the nature strip and it should be their decision to retain a pre-existing planting or alter it.</li> </ul>	8	
<ul style="list-style-type: none"> <li>My only objection is that I don't think it necessary to make a point about Change of Property ownership, requiring the previous owner to return the nature strip to lawn (grass more likely) if the new owners don't want to maintain it. Inclusion of this in the draft, just makes for confusion and may deter people from planting in case they sell in the future. I think it's an unnecessary obstacle.</li> </ul>	11	
<ul style="list-style-type: none"> <li>Change of property ownership - This should be included in the Vendor's Statement Section 32. So COS should be able to provide this information when requested. This is especially important when an estate is being sold.</li> </ul>	12	
<ul style="list-style-type: none"> <li>In regards to the policy, what is stopping anyone from planting in a nature strip that is not in front of their property? Maybe wording to stop such a thing needs to be in place.</li> </ul>	5	<p>The Guidelines clearly articulate that property owners only have responsibility to maintain the nature strip interfacing with their property boundary.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>

TOPIC: LEGAL CONSENT & LIABILITY		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>What happens if there are multiple addresses and only one decides to plant the nature strip? Is the body corporate responsible for its upkeep? If that person then sells their unit for example who is responsible to maintain the nature strip or replant back to grass?</li> </ul>	5	<p>Renters or multiple occupancy residents need to seek written consent from the owner or body corporate prior to planting their nature strip. It is between the owner/body corporate and the tenant to work out and agree on maintenance responsibilities.</p> <p>It is the decision of the new buyer(s) of a property if they want to keep existing nature strip plantings - the key is that any treatment of the nature strip has to be maintained by the property owner (new or existing) to ensure public safety and amenity.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Wouldn't the Council legally need section 73 agreements to be able to enforce new owners to reinstate the strip if the planting was not wanted?</li> </ul>	5	<p>Council already has an existing process to issue nature strip planting permits and no such agreement has been required. This is not anticipated to change. Council has appropriate local laws in place to ensure compliance with maintenance requirements within the nature strip zone protect safety and amenity.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Who is legally responsible if the plantings get overgrown and cause an accident or injury to someone when it is Council property?</li> </ul>	5	<p>Council is not currently legally responsible if the nature strips get overgrown and cause an accident or injury to someone. This will not change if nature strips are planted with alternatives to grass/lawn.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>

TOPIC: ESSENTIAL SERVICES		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>It should be written into the policy that authorities need to provide notice to the resident so that plants can be relocated during works and then replaced during essential service maintenance.</li> </ul>	8	<p>Council does not have powers over external authorities and cannot mandate their notification requirements or obligations in relation to works and maintenance within the road reserve.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>

TOPIC: SPECIES SELECTION		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>Council should develop an expanded plant list and ensure availability through local nurseries</li> </ul>	6	<p>Council has developed the 'Garden for Wildlife' booklet, with extensive native plant information and has ensured these are readily available at local nurseries.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>I particularly appreciate the focus on the planting of indigenous species; this aligns with Council's excellent guide to indigenous planting to encourage biodiversity including birds, bees and butterflies.</li> </ul>	7	<p>Council appreciates this positive feedback.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Most issues covered well: Indigenous planting promoting better survival rate &amp; fauna habitat &amp; corridors</li> </ul>	10	
<ul style="list-style-type: none"> <li>Surprised at the inclusion of the following plants:  <i>Hardenbergia violacea</i>, as a climber on a nature strip, it would need very regular pruning.  <i>Dichondra repens</i>, needs plenty of summer watering and shade, perhaps not ideal for a nature strip? Same with <i>Adiantum aethiopicum</i>.</li> </ul>	9	<p>While Council officers included a small selection of native plant suggestions, it would be too restrictive to provide a complete species list of allowable plants within the guidelines.</p> <p>In urban settings it is that both native and exotic species can be appropriate and resonant with the existing streetscape (e.g. street with exotic deciduous street trees).</p> <p>Residents may select from a large variety of indigenous, native or exotic species that are suitable for nature strip plantings as long as they are not noxious or environmental weeds and can be maintained to the required height.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Perhaps you might suggest indigenous plants such as <i>Themeda triandra</i>, <i>Bracyscome multifida</i>.</li> </ul>	9	
<ul style="list-style-type: none"> <li>Birds, bees, lizards also appreciate exotics who flower and can also survive on low watering needs. Bulbs such as daffodils and jonquils meet the height requirement and provide seasonal interest.</li> </ul>	9	
<ul style="list-style-type: none"> <li>Only indigenous plants should be used. They provide habitat creating a true "nature strip." What an opportunity for education and a sense of place.</li> </ul>	10	
<ul style="list-style-type: none"> <li>The streetscape is my main concern. Restrict plant selection for each street. Repetition is an important element of streetscape. Limit plant selection for each street to achieve repetition. Perhaps a master plan could be considered.</li> </ul>	10	<p>Applying a planting palette/theme or 'avenue' plantings to streets and neighbourhoods is commonly achieved by street tree plantings at scale requiring careful and strategic planning and street trees and their planting is excluded from the Nature Strip Planting Policy and Guidelines.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>



TOPIC: EDIBLE PLANTS		
Submission Comments	Submission number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>COS should include edible plants within the guidelines</li> </ul>	1, 8	<p>Officers do not recommend the planting of edible plants for human consumption in nature strips. The nature strip zone can be impacted in several ways, which means that eating food grown directly within this space could pose a risk to human health. Such impacts include:</p> <ul style="list-style-type: none"> <li>Soil in nature strips can be contaminated by vehicle traffic and other uses of the road reserve;</li> <li>Produce may be impacted by dust and pollution associated with vehicle traffic;</li> <li>Some edible plants can cause allergies;</li> <li>Edible plants can be soiled by domestic pets;</li> <li>Edibles can attract vermin, such as mice, rats and foxes;</li> <li>can create amenity and pedestrian safety issues if fallen fruit or vegetables are not harvested or cleaned up diligently;</li> <li>some edibles can spread from cuttings and seed into the natural environment via vectors of spread such as roads and stormwater drain.</li> </ul> <p><b>RECOMMEND THAT THIS SECTION OF THE GUIDELINES IS EXPANDED TO INCLUDE THE INFORMATION OUTLINED ABOVE TO PROVIDE CLEARER JUSTIFICATION FOR THE EXCLUSION OF EDIBLES AS A SUPPORTED NATURE STRIP PLANTING OPTION.</b></p>
<ul style="list-style-type: none"> <li>Herbs and small edible plants should be allowed to be planted – eg. spinach, carrots potatoes. The lead content in fuels used to make this a problem, but this is no longer the case.</li> </ul>	8	
<ul style="list-style-type: none"> <li>The comment about the edible garden planting not being allowed due to potential soil contamination seems odd. Perhaps it could be worded differently?</li> </ul>	9	

TOPIC: MAINTENANCE		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>Council could provide greater information about the impact of grass clippings etc in storm water and subsequently the lake. Grass clippings should be caught and not left to build up the nature strip.</li> </ul>	12	<p>The guidelines provide information about alternative nature strip planting treatments to grass/lawn, and therefore does not focus on or provide information about the maintenance of grassed nature strips.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Council could provide information on how to deal with couch grass and capeweed without harmful chemicals.</li> </ul>	12	
<ul style="list-style-type: none"> <li>Watering of nature strips should recommend the use of non-potable water and should be done by hand.</li> </ul>	12	<p>The guidelines recommend the use of drought tolerant plants to reduce the need for watering. Officers will include a tip in relation to watering plantings.</p> <p><b>RECOMMEND ADDING A TIP IN RELATION TO WATERING OF PLANTINGS ON PAGE 16 OF THE GUIDELINES: “NATURE STRIP PLANTINGS SHOULD NOT REQUIRE ONGOING WATERING BEYOND ESTABLISHMENT. SELECT DROUGHT TOLERANT SPECIES TO REDUCE REGULAR WATERING REQUIREMENTS AND ALWAYS WATER BY HAND TO CONSERVE WATER”.</b></p>

TOPIC: STREET TREES		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>Street tree planting should be accelerated, particularly in the context of the climate emergency. Landcare could assist with accelerating the street tree planting program.</li> </ul>	3	Street trees are excluded from the Nature Strip Planting Policy and Guidelines and are governed by Council's Street Tree Planting Policy.
<ul style="list-style-type: none"> <li>Planting nature strips and tree lined streets make properties more valuable. The shire will see a return via rates. Planting street trees makes property values increase.</li> </ul>	3	The selection, planting and maintenance of street trees requires careful consideration and planning. Street tree selection in terms of species, size and form takes into account existing streetscapes and aesthetics.
<ul style="list-style-type: none"> <li>With regard to planting of street trees being only possible by council, it would seem that if approved trees were selected, sightlines maintained and the maintenance of the tree/s agreed to by the property owner (perhaps a simple contract?) that this is an unnecessary barrier. Landcare groups could also assist with planting.</li> </ul>	7	Placement of street trees within the road reserve zone needs to meet further requirements in terms of public safety, and interaction with other infrastructure (e.g. powerlines, street lights, signage, underground services, and roads and footpaths).
<ul style="list-style-type: none"> <li>Council needs to promote the fact that residents can request a street tree and should help community become involved with this e.g. through urban Landcare group.</li> </ul>	8	Street trees are also planted as more advanced specimens, and they therefore require specialised planting methods to ensure their ongoing viability, and once mature their maintenance requires specialist arborist skills and equipment.
<ul style="list-style-type: none"> <li>There are a lot of streets in Colac devoid of appropriate street trees. I cringe at poorly selected street trees that are mutilated because they are planted under powerlines or totally impacted by sealed surfaces.</li> </ul>	12	The planting and maintenance of street trees in public open spaces is managed through Council's Street Tree Planting Program, which is delivered by the Services and Operations team.
<ul style="list-style-type: none"> <li>What happens when the trees are not native e.g. oaks and have different requirements?</li> </ul>	12	Residents are able to request a street tree in front of their properties as part of the Street Tree Planting Program. Comments in relation to street trees and the street tree program will be shared with the Services and Operations team for their consideration.
<ul style="list-style-type: none"> <li>would like Council to have on display overlays of significant trees, and what protection these trees are given.</li> </ul>	12	<b>NO CHANGE TO THE DRAFTS RECOMMENDED</b>
<ul style="list-style-type: none"> <li>The statement in the street tree section of the guidelines states 'planting and maintaining street trees is solely the responsibility of Council. Property owners or residents are not permitted to remove or prune existing trees or plant new trees.': this contradicts the outcomes outlined on page 3 (e.g. An empowered community actively contributing to urban greening). Council should welcome assistance from residents in donating, planting, protecting and maintaining street trees.</li> </ul>	8	There are opportunities for tree plantings involving community in public open spaces and parks by arrangement and with consent from Council's Services and Operations team.  <b>RECOMMEND THAT WORDING IS CHANGED ON PAGE 5 TO: 'PROPERTY OWNERS OR RESIDENTS ARE NOT PERMITTED TO REMOVE OR PRUNE EXISTING STREET TREES OR PLANT NEW TREES WITHOUT COUNCIL GUIDANCE AND APPROVAL.'</b>
<ul style="list-style-type: none"> <li>No advice in relation to new streets and the establishment of new nature strips and street trees. This document advises that Council plants street trees and not a developer, and therefore could be used by developers to avoid costs associated with the street tree plantings</li> </ul>	4	The planting of street trees and landscaping of public open spaces in new developments is part of the subdivision process and is the responsibility of developers.  <b>RECOMMEND TEXT BOX OR STATEMENT IS ADDED ON PAGE 5 TO CLARIFY.</b>

TOPIC: OTHER COMMENTS		
Submission Comments	Submission Number/s	Officer comments and recommendations
<ul style="list-style-type: none"> <li>Has Council allowed in the budget for enforcement of the new policy if it is adopted?</li> </ul>	5	<p>Council currently issues individual permits for nature strip plantings and understands the compliance requirements associated with them. Council also has appropriate local laws in place to ensure compliance with maintenance requirements within the nature strip zone protect safety and amenity. No additional budget will be required.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Council should encourage nature strip plantings by promoting ongoing local examples.</li> </ul>	6	<p>Council officers plan to promote the new guidelines to encourage the community to take positive climate action and plant their nature strips once the policy and guidelines are adopted by Council. It is hoped that future promotion and communications about the guidelines can include many and varied local examples of new nature strip plantings.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Weed removal before planting. Stronger guidelines required here. List and explain acceptable methods.</li> </ul>	10	<p>Urban nature strips are required to be kept neat and tidy, and this is usually achieved by a well-maintained grass verge or lawn without many weeds. Council has other resources to provide information about local weeds and their treatment. In the context of the guidelines the planting of noxious or environmental weeds is not allowed.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>I'm glad you made the point about no parking on the nature strip. Cars should stay on the road and not make life difficult for street trees, by compacting the soil on which they depend.</li> </ul>	11	<p>Council appreciates this positive feedback.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Council should monitor parking on nature strips, including education to residents.</li> </ul>	12	<p>Outside the scope of the draft Policy and Guidelines</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>I would like Council to consider the impact of nature strip plantings on the management of bike lanes.</li> </ul>	12	<p>Safety from the perspective of all modes of transport (e.g. driving, walking, cycling) was considered when developing and setting the specifications within the draft guidelines (height of plantings, setbacks/buffer zones).</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>Guidelines are long overdue and will they be retrospective?</li> </ul>	12	<p>The guidelines are intended to apply to nature strip plantings that are established after the policy and guidelines are adopted by Council and will not be retrospective.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>

<b>TOPIC: OTHER COMMENTS (continued)</b>		
<b>Submission Comments</b>	<b>Submission Number/s</b>	<b>Officer comments and recommendations</b>
<ul style="list-style-type: none"> <li>I think it should be a priority to revegetate roadsides reserves to prevent unnecessary weed eradication</li> </ul>	14	<p>Outside the scope of the draft Policy and Guidelines - they only apply to nature strips within 60km zones or less of urban towns and settlements. They do not apply in rural areas or to rural road reserves outside of townships.</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>
<ul style="list-style-type: none"> <li>I also think another priority should be on the provision of heat shelters for rural parts of the shire on high fire risk days.</li> </ul>	14	<p>Outside the scope of the draft Policy and Guidelines</p> <p><b>NO CHANGE TO THE DRAFTS RECOMMENDED</b></p>

Item: 9.4

## Adoption of Colac Botanic Gardens Master Plan

<b>OFFICER</b>	Cameron Duthie
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Colac Botanic Gardens Masterplan A1 POSTER - FINAL for Adoption [9.4.1 - 1 page]</li><li>2. Colac Botanic Gardens Masterplan - FINAL b - 20240821 [9.4.2 - 106 pages]</li><li>3. Colac Botanic Gardens Masterplan - Submissions CD AP DR - Final - 20240821 [9.4.3 - 3 pages]</li></ol>

### 1. PURPOSE

To consider the verbal and written submissions received following exhibition of the draft Colac Botanic Gardens Master Plan and seek endorsement of an amended plan which contains minor changes as a result of the submissions process.

### 2. EXECUTIVE SUMMARY

The Colac Botanic Gardens Master Plan will be Council's roadmap to guide its actions for the Gardens for the next twenty years. The Plan has been developed through extensive consultation and feedback from the community, businesses, stakeholders and public agencies, including public exhibition of the draft plan for six weeks over the course of July and early August.

This report presents the submissions received to the draft Master Plan and requests that Council adopt a revised plan that incorporates changes that respond to submissions. The exhibition process attracted 56 submissions, indicating strong interest from the community. Many were in support of the plan, particularly key elements such as the regional play space on the foreshore, with key concerns relating to potential removal of the CFA running track and the area available for events on the foreshore. Six submitters presented to Councillors at the 14 August 2024 Submissions Committee meeting.



### 3. RECOMMENDATION

***That Council:***

- 1. Receives and considers all submissions to the Draft Colac Botanic Gardens Master Plan, noting that several submitters also gave verbal presentations on their submissions at the 14 August 2024 Submissions Committee meeting.***
- 2. Expresses its appreciation to the community and stakeholders for their contribution to the development of the Master Plan.***
- 3. Notes that amendments have been made to the plan in response to submissions as outlined in the Submissions table attached to this report.***
- 4. Adopts the attached Colac Botanic Gardens Master Plan (Attachment 1).***
- 5. Determines that the Colac Botanic Gardens Master Plan as it applies to the Lake Colac Foreshore Master Plan supersedes that section of the Lake Colac Foreshore Master Plan adopted in 2016.***
- 6. Authorises the Chief Executive Officer to arrange for the relevant section of the Lake Colac Foreshore Master Plan to be updated in accordance with point 5, and publish the updated version on Council's website to achieve consistency between the master plans.***

### 4. KEY INFORMATION

Council in August 2023 commenced the development of the Colac Botanic Gardens Master Plan. The plan includes the Botanic Gardens, the embankment and Lake Colac foreshore and the surrounding streetscapes of Fyans Street, Gellibrand Street and Fyans Street to the east. Future management of the colony of Grey Headed Flying Fox (GHFF) which are in the gardens is also out of scope of this plan and is being addressed under a separate management plan.

#### **Key Elements of the Plan**

Major projects/initiatives contained in the document include:

- Regional Playground – located adjacent to the lake, west of the position shown in the Lake Colac Foreshore Plan
- Regional event space on the foreshore
- Otway Children's Garden – proposed as a redevelopment of the existing playground at the eastern end of the Gardens
- Community Venue – investigate future shared use of the Anglers Club building
- New Summer House at western end of the Gardens
- Main Entrance upgrade
- Rose Garden and Pond, and enhanced garden beds as per the original 1910 Guilfoyle design
- Lookout to the lake
- Castellated Folly
- Renovation of heritage gates or new decorative gates (plus landscaping)
- New toilet facility – possible locations shown close to the current cafe within the Gardens, outside of the Gardens at the western end, and reference to investigation of a toilet being located adjacent to the proposed regional playground.
- Infinity Jetty – in the location shown on the Foreshore Master Plan

- Review of traffic movements within the gardens – including recommendation of no parking within the Gardens, single direction access, entry limited to being from Queen Street end, and restrictions on hours of vehicle access.
- New car parking provided along the southern edge of the Gardens within the road reserve to provide additional parking.
- Consider removal of current fencing noting that this needs replacement due to asset condition and currently only partially fences the gardens

### **Issues Raised in Submissions**

Public exhibition of the draft Master Plan generated significant interest from the community with receipt of 56 submissions. Copies of the submissions are attached as a confidential attachment, and a summary of the issues raised, alongside officer feedback, is attached (attachment 2). Key issues/themes arising from the submissions include:

- CFA Running Track relocation (24 mentions) - Nineteen submitters opposed relocating the CFA running track, with four in support. The plan proposes its removal, consistent with the 2016 Lake Colac Foreshore Master Plan, to enable development of a new play space and foreshore improvements.
- Events Space (24 mentions) - Most responses in relation to the events space is that the area shown in the plan is too small for events such as “Christmas by the Lake”. The draft Plan proposed an event space that was intended to be similar in size to the current space available but members of the community expressed concern it would be reduced.
- PlaySpace (21 mentions) - Responses received in relation to the Play Space were generally supportive or were specifically referring to or related to detailed design, with this being the item more people highlighted as being a positive of the Master Plan design than any other. A few submitters objected to a Play Space on the foreshore due to the impact on one large yearly event.
- Traffic (8 mentions) - Of the seven submissions on traffic issues, three were supportive. One submission spoke to the parking on the foreshore and one against traffic restrictions within the gardens. Traffic management is a consideration in the draft master Plan, which recommends through traffic only. There were very few comments in relation to traffic management generally.
- Toilets (6 mentions) – There was support for providing improved toilet facilities along the Foreshore and within the gardens. The Master Plan proposes options for the provision of toilets not only in the current location but adjacent to the Lakeview Café and the Regional Play space.
- Garden Beds (5 mentions) - The Master Plan has the overarching goal of putting into place the vision as created by Guilfoyle and works on and to the garden beds are in keeping with this original plan. Feedback on garden bed design was primarily positive, other than where people felt it would impact on the event space or where people objected to any change at all.
- Fence (2 mentions) - These submissions were concerned at removal of the boundary fence along Fyans Street. The Master Plan recommends removal of the fence as this asset is at end of life and does not limit access to the gardens as they are open on two other sides.

## **Summary of changes**

As outlined in the attached Summary of Submissions, following consideration of issues raised in submissions, the following key changes have been incorporated into the final Master Plan for adoption by Council (attachment 1):

### **Events Space**

The revised plan shows an extended events space to ensure that the size of the recommend location is consistent with that which is currently being used for large foreshore events such as “Christmas by the Lake”. To accommodate this the proposed “new” eastern car park is removed as there is provision for carparking in the current boat ramp location. Specific infrastructure relating to this space such as power, water and other underground services is to be a consideration of detailed planning prior to project delivery. The picnic shelters have been relocated closer to the existing car park to maximise the space of the central open area.

### **Public Art – Anchor**

It is recognised that there is a desire by some submitters to install the anchor from the former “Dorothy” sailboat as a monument to this historic vessel. The revised plan recognises this and has recommended that consideration for the installation be on the foreshore near the boat ramp/ community hub or alternatively be included in the design of the regional play space. It is important to acknowledge that this is a community initiative, and costs associated with this would need to be community driven. The final Master Plan has also been amended to emphasise the potential for public art to be incorporated into future foreshore projects.

### **Grey Headed Flying Fox**

Whilst it is recognised that the management of the Grey Headed Flying Fox (GHFF) is in accordance with a Management Plan, consideration is to be given in future planning such as the regional Play Space to be cognisant of the current colony located within the gardens. The final Plan has been amended to include this. It is noted that under the GHFF Management Plan the preferred location for the nudging of the animals is vegetation in the foreshore at the play space and event locations, although the GHFF tend to locate mostly within the northern Gardens area, above the play space location.

### **Toilets**

On review it is agreed that the former casselated structure (formerly a toilet) is included in the regional Play Space as a play element and incorrectly referred to as a toilet. This is rectified in the final document.

### **CFA Running Track**

Whilst this item received a significant number of responses in the community engagement process, Council, in the adoption of the 2016 Lake Foreshore Master Plan, had resolved to relocate the CFA Running Track away from the foreshore. The Gardens Master Plan acknowledges this resolution and has included its relocation to increase the opportunity for State or Federal funding for relocation of the track and upgrade of the facilities and provide greater open space on the foreshore for community use (eg events). Heritage Victoria feedback is that *"The removal of the CFA Track and associated infrastructure is supported as it is a non-original feature that impacts on views associated with the botanic garden and Lake Colac."*

The Plan has been amended however to reflect that in the short-term removal of fencing from around the track could assist in maximising community use. It is noted that with movement of the play space westwards, that project could be advanced before resolution of the running track relocation. One would not rely on the other. Whilst shown on the plan for the track to be relocated, there is no implication from this for the timing of any decision for that to occur.

#### **Lake Colac Foreshore Master Plan (2016)**

It is acknowledged that elements of the Lake Colac Foreshore Master Plan 2016 are included in the Master Plan. In endorsing this plan acknowledgement is given that this plan supersedes the Lake Colac Foreshore Master Plan in relation to the foreshore area of the Colac Botanic Gardens. A recommendation on this is included in the officer recommendation.

## **5. CONSIDERATIONS**

#### **Overarching Governance Principles (s(9)(2) LGA 2020)**

The Master Plan has been developed and prepared in accordance with the governance principles outlined in the Local Government Act. Extensive community engagement was undertaken in the preparation of this document including community surveys, and public exhibition which provides a strong basis for future management and maintenance of the Botanic Gardens and surrounding land. It will help inform future investment.

#### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

A range of policies and legislation has been considered in development of the Master Plan, as detailed in the document.

It is a recommendation of the Master Plan that a Conservation Management Plan is undertaken. A Conservation Management Plan (CMP) is a technical heritage document required to identify and protect the heritage values of the place. By contrast, a Master Plan has the greater remit to address all aspects of the place's management and design from visitor and landscape use, to staffing, new projects, car parking and signage – including consideration of the desires of the community. A CMP is required to manage the heritage values of the place responsibly and will be used by Heritage Victoria to assess any permit applications. Works in the presented Master Plan have been developed, as much as is possible in the absence of a current CMP, to protect the heritage values of the site and have in principal support from Heritage Victoria.

#### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

The Master Plan provides a roadmap for development of the gardens in a sustainable and strategic way over the next 20 years.

#### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

As detailed earlier in this report the Master Plan has benefitted from significant community consultation and stakeholder input including a survey which received more than 270 responses, input from a Project Working Group. In accordance with the principles outlined in Council's Community Engagement Policy further engagement with the community occurred with 56 submissions received in response to exhibition of the draft Master Plan and 6 submitters speaking at the 14 August 2024 Submissions Committee meeting.

## **Public Transparency (s58 LGA 2020)**

There has been considerable public involvement in preparation of the plan, including the receipt of a significant number of submissions to the draft plan. This report transparently considered these submissions in a public meeting as part of the decision making process.

## **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

- Theme 2 - Valuing the Natural and Built Environment  
Objective 3: Protect and enhance the natural environment

There is an action under the theme 2.1.2 - '*Green our Streets and Public Places*' to develop a Colac Botanic Gardens Master Plan. The draft plan has considered where appropriate direction from a large range of Council strategies and plans - these are listed at P23 of the document. Importantly, the Master Plan has taken direction from, and is largely consistent with, the 2016 Lake Foreshore Master Plan.

As noted earlier, the plan does propose a position for the regional play space that is west of the location on the 2016 Foreshore Plan with consequential changes to the area to the east proposed for events. This would facilitate the development of the place space separately to resolution of the future of the CFA running track. It is proposed for clarity in future Council and stakeholder decision making that Council endorse this plan as replacing that section of the adopted Lake Colac Foreshore Plan for the purposes of future policy direction. This will avoid the need for review of the Foreshore Master Plan in the short-medium term.

## **Financial Management (s101 Local Government Act 2020)**

Future projects identified in the Master Plan are not presently funded. These would need to be considered in future budgetary processes and will rely on significant external funding being received. Some of the initiatives will be beyond the capacity of Council to finance alone (eg regional playground on the foreshore). The plan will support Council to prepare grant applications to external funding bodies.

## **Service Performance (s106 Local Government Act 2020)**

There will not be any immediate change to the service level of Council maintenance of the Gardens arising from the Master Plan. The plan when finalised will be used to inform a future Conservation Management Plan which will detail more specifically how various elements of the Gardens are to be managed in the future (to respect identified heritage values).

## **Risk Assessment**

The Master Plan has been developed in consultation with Heritage Victoria to minimise the risk of items within the plan not being supported at a future time.

## **Communication/Implementation**

The Master Plan once endorsed will be promoted on Council's website and through media channels including the community notice page in the Colac Herald and social media. Submitters and stakeholders are to be thanked in writing for their contribution to the process. Officers will consider key short term projects (eg Conservation Management Plan) for funding in the 2025/26 budget



process, and advocacy can occur for funding of the regional foreshore play space in accordance with the adopted Priorities Advocacy document.

### **Human Rights Charter**

It is considered that there are no impacts to human rights associated with this report.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

#### Option 1 – Adopt the amended Master Plan

This option is recommended by officers as significant work has occurred to develop a document that reflects the extensive community and stakeholder feedback received. The plan has been tested through submissions where 56 responses were received, many in support. Many of the submissions related to areas of the foreshore as opposed to the Gardens themselves, and it is noted that many of these elements were based on the adopted 2016 Foreshore Plan. Movement of the regional play space westwards provides flexibility to pursue that project without short term removal of the CFA running track, which was also proposed to be removed under the 2016 Foreshore Plan. Decisions on the CFA running track can be made in the future without compromising the Plan. Importantly, changes have been made to the final plan that enhance the area available for events – a key issue raised in submissions.

#### Option 2 – Adopt the Master Plan with amendments

This option is not recommended by officers as extensive work has occurred to develop the draft Master Plan and there is strong community and stakeholder interest in the plan. Changes have been recommended to the draft plan responding to issues raised in submissions. Further changes could be made by resolution of Council when adopting the plan however there is a risk that such changes may not have stakeholder or community support and could have unintended consequences. The Plan has been supported by many of the submitters, and it is considered that the key issues have been responded to appropriately (eg clarifying the area available for event space).

#### Option 3 – Do not adopt the Master Plan and determine not to proceed any further

This option is not recommended as Council has made a commitment to undertake the project and raised expectations in the community through the work undertaken to date. There is considerable community interest in the plan. It is noted that a contemporary plan for the Botanic Gardens is required to guide the actions of Council staff managing the Gardens and to support applications for approvals to make improvements within the site from Heritage Victoria. A contemporary plan that has support from the community will also increase the likelihood of Council receiving Government grants to undertake projects within the Gardens and along the lake foreshore.



This Master Plan for the Colac Botanic Gardens has been developed working with Colac Otway Shire Council and the community to set a vision for the Gardens for the next ten to twenty years. The vision focuses on protecting what is valued about the place, while responding to community needs through a series of sensitive new projects. Proposals are designed to respect the historical core of the site and focus more extensive developments in the places with limited to no heritage value - in particular along the periphery of the formal gardens and along the Lake Colac foreshore.

The 2012 Master Plan by Richard Barley has been used to successfully manage the Gardens for the past decade, with a number of yet to be actioned recommendations carried over into the current plan as a continuation of that vision.

The Master Plan for Colac Botanic Gardens is split into two main sections, reflecting the historic use and design of its two distinct spaces - the formal botanic gardens at the top of the hill, and the wider foreshore area. This includes implementing the endorsed recommendations of the Lake Colac Foreshore Master Plan for the foreshore area.

### Formal Botanic Gardens

The formal botanic gardens is largely the work of prominent designer William Guilfoyle and is seen by the public as the most botanically rich and peaceful part of the site. The Master Plan proposals for this space are subtle and look at strengthening what was implemented of Guilfoyle's design and sensitively rolling out parts of his proposal that were never constructed, while responding to 21st century desires for the space. This includes the addition of a new

summer house to provide all weather project and sensitive placement of new toilets, one of the most consistent needs to emerge from community consultation.

Plant collections, and the role they play in displaying, conserving and educating people are what separates botanic gardens from public gardens. The Colac Botanic Gardens already have well documented living (plant) collections and a botanically diverse landscape, with new recommendations focused on strengthening the collections and providing more emphasis on conservation and education work. This includes a new Childrens Garden, in line with the Lake Colac Foreshore Master Plan, at the eastern end of the site on the location of the current play space. This would sensitively incorporate existing equipment where appropriate, while providing a nature-based space for younger children which connects to the existing Otway Rainforest Collection.

## Lake Colac Foreshore

The second part of the Master Plan, and the one that attracted the greatest community interest during initial consultation, is the treatment of the Lake Colac foreshore. The design of this area was commenced in the Lake Colac Foreshore Master Plan, with a number of items identified for action by the Botanic Gardens Master Plan. Items for action included:

- Relocation of the CFA Running Track
- An infinity jetty at the point
- Increased tree planting for wind protection
- A Childrens Garden on the site of the current playground

- Formalising parking near the café
- Safer pedestrian connections
- Additional feasibility study of the use of the buildings (especially Rowing Club and Anglers Club Buildings)
- Additional feasibility study of the potential for a regional level playground

All of these endorsed proposals were supported by feedback received during initial community consultation, and the Master Plan responds by carrying out the additional feasibility work required and providing a greater level of design detail around high level proposals. New proposals have also been made in response to requests received from recent community feedback, which remain in line with the Lake Colac Foreshore Master Plan.

Larger proposals include the renewal of the Anglers Club Building and its activation as a broader community space, the relocation of the CFA track and activation of the area as a potential event space, and a new regional play space which will strengthen connection between the formal botanic gardens and the foreshore.

In addition to these new projects the Master Plan provides solutions to a range of management issues impacting the gardens, including car parking, event management, accessibility, education, plant collections, response to climate change, tree replacement, staffing, pathways, irrigation and drainage. In particular, it looks to strengthen the heritage management of the Garden's and their work as a botanic garden, including conservation work and the quality of its plant collections.

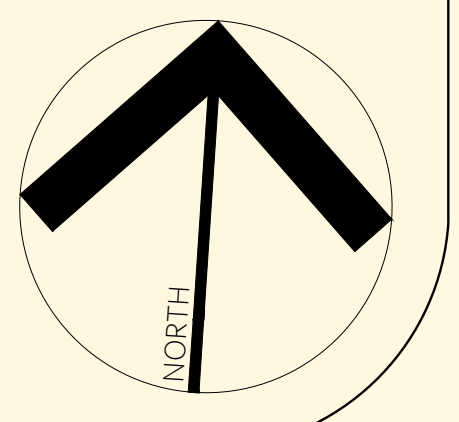
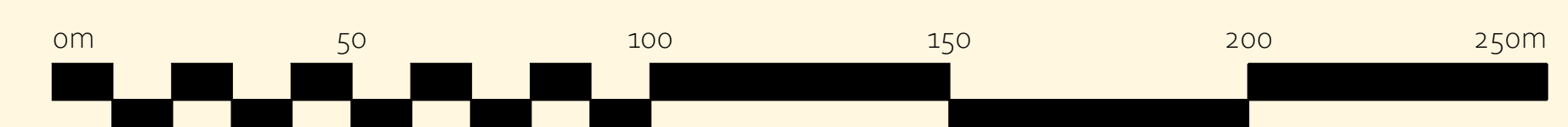
In making these recommendations, the Master Plan provides a long-term vision for the Colac Botanic Gardens, one which allows this beloved garden to continue to be a thriving botanic garden and a place for everyone to enjoy.



## COLAC BOTANIC GARDENS

MASTER PLAN 2024-2044

Scale 1:1000 @ A1 / 1:2000 @ A3





# COLAC BOTANIC GARDENS

## MASTER PLAN 2024 – 2044 DRAFT

andrea proctor landscapes for Colac Otway Shire Council





Title

Colac Botanic Gardens Master Plan 2024 – 2044

Date

August 2024

Cover Image

View through sub-tropical style planting towards pond and lawns

Citation

Andrea Proctor Landscapes, 2024, *Colac Botanic Gardens Master Plan 2024 – 2034*, Colac Otway Shire, Colac, Victoria

The Colac Otway Shire proudly acknowledges the Gulidjan and Gadubanud peoples as the traditional custodians of the Colac Otway Region.

## COLAC BOTANIC GARDENS

Colac Botanic Gardens are at the centre of local town life, a place for everyone to enjoy and a point of connection to Lake Colac.

A wonderful place of “away from it all”, the Gardens are loved by people across generations, from young families through to those visiting from care homes. The Gardens offer open space and recreational opportunities for walking, relaxing, eating, botanical interests, community events and play – all near Lake Colac. They are also a place of beauty. A stunning botanical landscape, with their history embedded in the network of botanic gardens established across regional Victoria in the 19<sup>th</sup> century.

The pride of Colac Otway residents in their Botanic Gardens is clear, with a request to share this “gem” with others, both local and visitors. The aim of this Master Plan is to honour this vision.



## Executive Summary

This Master Plan for the Colac Botanic Gardens has been developed working with Colac Otway Shire Council and the community to set a vision for the Gardens for the next ten to twenty years. The vision focuses on protecting what is valued about the place, while responding to community needs through a series of sensitive new projects. Proposals are designed to respect the historical core of the site and focus more extensive developments in the places with limited to no heritage value – in particular along the periphery of the formal gardens and along the Lake Colac foreshore.

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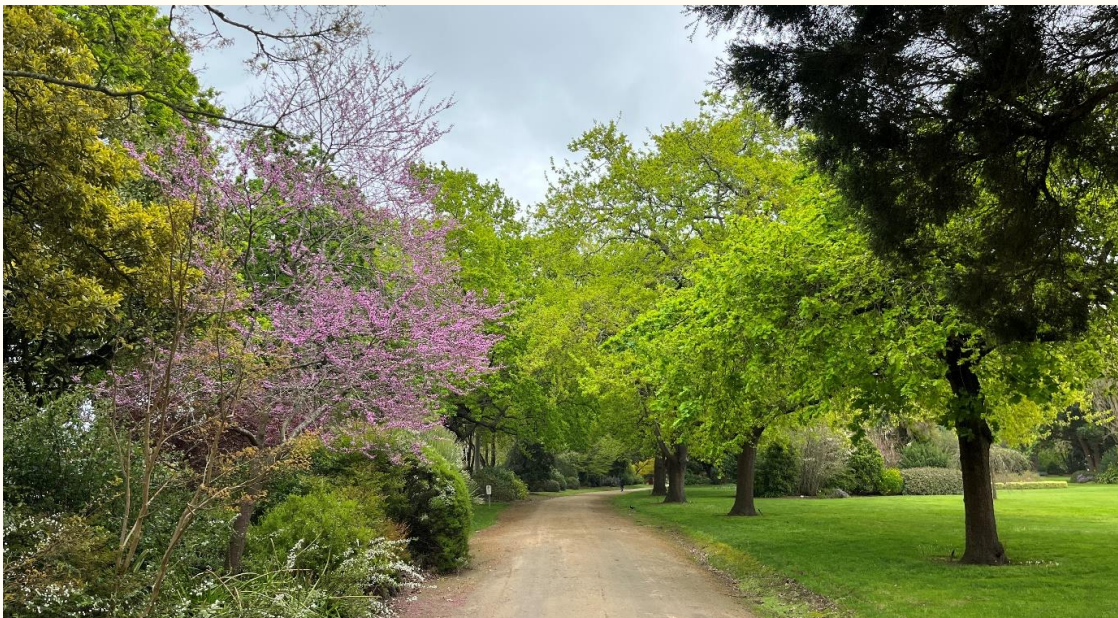


Figure 1: Colac Botanic Gardens

## Acknowledgements

The Colac Botanic Gardens Master Plan was produced with the support and assistance of the following people, with particular thanks due to Cameron Duthie of Colac Otway Shire for steering the project. This plan could not have been produced without the assistance of industry professionals, members of the public and stakeholder groups, each of whom took the time to provide feedback, ideas and comment throughout the project. To everyone involved, whether listed below or not, we would like to extend our grateful thanks. This document is indebted to all of you.

### Traditional Custodians

We acknowledge the Gulidjan and Gadubanud people as the Traditional Custodians of the Colac region and pay our respects to their elders past and present. We extend our special thanks to the Eastern Maar Aboriginal Corporation for their assistance with the project.

### Project Working Group

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Mark Robinson	<i>Parks &amp; Gardens Team Leader, Colac Otway Shire</i>
Daniel Roberts	<i>Acting Parks &amp; Gardens Team Leader, Colac Otway Shire</i>
Jan Greig	<i>President, Friends of Colac Botanic Gardens</i>
Peter Symes	<i>Peter Symes Botanical Horticulture / BGANZ</i>
Andrew Currie	<i>President, Colac Band Club</i>
Fiona Maw	<i>Manager Economy and Creative Industries, Colac Otway Shire</i>

### Others

Laurence Towers	<i>Curator Colac Botanic Gardens</i>
Jessica Hood	<i>Heritage Victoria</i>
Richard Barley MBE	<i>Director of Gardens, Royal Botanic Gardens Kew</i>

Special thanks are extended to the entire Colac Botanic Gardens Horticultural Team, for their assistance and outstanding work maintaining the Gardens people know and love.

### apl Project Team

Andrea Proctor	Project lead, design, policy development, heritage, consultation and report production
Sandra Schwarz	Research, report and plan production and assistance with project coordination
Tessa Kum	Report production and copy writing

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## 1. Background and Context

### 1.1. Introduction

Since its 1865 foundation the Colac Botanic Gardens have been directed and cared for by a succession of Curators, who were aided in design and layout by two historically prominent figures of Victorian gardening – Daniel Bunce (Curator of the Geelong Botanic Gardens) and William Guilfoyle (Director of the Melbourne (now Royal) Botanic Gardens). The talent of these individuals, the support of Council and the addition of the Friends Group in 1990, has seen the Gardens maintain its place at the heart of the Colac community.

Located on the shore of Lake Colac, a 2,778-hectare natural water way and the largest freshwater natural lake in Victoria,<sup>1</sup> Colac Botanic Gardens are a beautiful mix of a picturesque / gardenesque 19<sup>th</sup> century botanic garden and a regional waterside recreation facility. The formal botanic gardens, located on a flat portion of land uphill from the lake, are botanically rich, with a diverse mix of established and young trees, bedding plants, living collections and a strong sub-tropical planting theme. This last is the result of the work of pre-eminent designer William Guilfoyle, who in 1910 introduced a strong picturesque overlay to the design and layout of the gardens. This included carefully framed vistas, gently curving paths and island garden beds which provide a richness in design which cleverly belays the flat topography.

Meanwhile, the lakeside portion of the Gardens acts as a “domain” or arboretum – the wider portion of the botanic gardens that is more commonly used for active recreation and tree collections, with open lawns and picnic facilities rather than formally laid out gardens. This approach can be found across Victoria’s 19<sup>th</sup> century botanic gardens. These two distinct portions of the gardens are separated by a steep embankment, which in the 19<sup>th</sup> century was terraced as a viewing area for events and regattas and which today provides sweeping views over Lake Colac.

In 1993 a Conservation Study was produced for the Gardens by Patrick and Wallace, part of a changing approach to the management of public gardens which occurred in the 1990s. The conservation analysis and management policy aimed to “ensure retention of significant features and sympathetic development in line with the Gardens’ historic character and botanic role”. The study informed the 2012 Master Plan / Management Plan (Barley) and together these documents have guided the recent management of the Colac Botanic Gardens.

The recent global pandemic has seen a shift away from capital cities and towards regional centres such as Colac. Even prior to this, *Colac 2050* envisaged a doubling in the city’s population, with the likely impact of more people and from diverse backgrounds visiting the Gardens. Added to this are changing public expectations, the 2016 publication of the Lake Colac Foreshore Master Plan, climate change, ageing trees, changes to heritage legislation and an increased focus on the conservation work of botanic gardens. With these issues, and 12 years since the production of the last Master Plan, the time has now come to work with the Colac Otway community to produce a new Master Plan for the Colac Botanic Gardens.

From a public perspective, except for minor changes, there is desire to leave the formal botanic gardens “as they are”, but intense interest in the use of the open space available along the Lake Colac Foreshore (in line with the 2016 Lake Colac Foreshore Master Plan). The public also identified the importance of the Gardens as a place of respite and the need to make them more accessible for all. This Master Plan responds to these needs, providing a plan to guide Colac Botanic Gardens for the next 10-20 years by identifying and conserving what is important, while responding to contemporary needs for this beloved local garden.



## 1.2. Purpose of the Master Plan

As was required at the time, the last Master Plan for the Colac Botanic Gardens focused on management priorities rather than design solutions. These recommendations have helped put the Gardens in the strong position they are today in regard to collections management and tree succession planting – but the time has now come for a more holistic and design focused Master Plan.

This new Master Plan works with all stakeholders and users to provide an agreed upon vision for the long-term management and care of the Colac Botanic Gardens. This is done by considering the needs and desires of the Gardens and its users as a whole and addressing issues in an integrated way, which includes management and maintenance requirements, collections planning, visitor facilities, public engagement, events and new developments. This is both within and around the Gardens, and includes connections to the Colac CBD. Recommendations are made based on a full understanding of the background issues, long-term goals of the place, industry best practice, heritage significance, public expectations and the Gardens' place in the network of Australian botanic gardens and Greater Colac Otway region.

A Master Plan eases planning and grant applications, allowing funds to be spent in the most efficient way possible and for small projects to work together to build a larger vision for the place. This Master Plan has been developed in this manner, to act as an important planning tool, giving everyone involved the assurance that decisions being carried out are in the best long-term interests of the Gardens and their users.



*Figure 2: Subtropical style planting makes a striking entrance in the formal gardens*

### 1.3. Scope of the Master Plan

The Colac Botanic Gardens Master Plan is a strategic planning document, intended to provide for the long-term management and development of the Colac Botanic Gardens over the next 10-20 years (2024 - 2044). The original scope of the plan was to be 10 years, but on the conclusion of community consultation it became clear that desires and expectations for the Gardens were more than could be achieved in a 10 year period. For this reason the decision has been made to produce a 20 year document, broken into two 10 year periods with a review recommended in 2034 (see Section 7.3).



Figure 3: Scope of the Colac Botanic Gardens Master Plan

The area of interest is the formal Colac Botanic Gardens (marked in blue Figure 3), the embankment and Lake Colac foreshore (marked in purple) and the surrounding streetscapes of Fyans Street, Gellibrand Street and Fyans Street to the east (yellow). Although the Caravan / Holiday Park make up part of the Heritage overlay and registration, this area and the adjoining Barongarook Creek are not within the scope of this Master Plan. The areas marked in purple and yellow have some overlap with the Lake Colac Foreshore Master Plan (Colac Otway Shire, 2016), with the Colac Botanic Gardens Master Plan adopting recommendations from this document, actioning its recommendations for more detailed planning and providing low level clarification and botanic garden detailing where required.

Although not specifically in the scope of the Master Plan, there was great community desire to connect the Gardens and foreshore precinct with the wider streets and landscapes (e.g. Bird Sanctuary, Barongarook Creek, Lake Colac Trail). The streetscape within the immediate vicinity of the Gardens is to be considered as the edge to the Gardens, providing a means of drawing people in and connecting visually through to Murray Street and the Colac CBD. These connections are secondary considerations to the areas shown above, but provide the opportunity to expand the botanical character beyond the boundary. Such botanical connections also act as a wayfinding mechanism and means of encouraging pedestrian access and transport, in line with other Council strategies.

The Master Plan provides a comprehensive guide for the development of Colac Botanic Gardens and is intended to work alongside other Council strategies. The focus therefore is on integration rather than repetition. It should also be noted that the scope of the report is to focus on outcomes rather than providing



detailed background information. The Master Plan provides design resolutions at a schematic level only, and further consultation, detailed design and documentation will be required to implement each of the recommendations. Implementation of these projects provides opportunities for Colac Botanic Gardens to strengthen its partnerships with industry, businesses, cultural institutions and neighbouring land managers, and support the work of Colac Otway Shire as it implements related strategies such as the in-progress *Lake Colac Foreshore Master Plan*, the future *Colac City Reserves Planning Project* and the *Colac 2050 Strategy*.

While the Master Plan aims to be comprehensive, occasionally new opportunities or difficulties may arise that were not anticipated at the time of writing. In such cases, new proposals would need to be considered within the context of the Master Plan. It is entirely conceivable new projects may emerge that sit comfortably within the Gardens, or that some of the suggested developments evolve in new ways. Such projects should be developed in consultation with stakeholders and the community with the process outlined in Section 7.



Figure 4: Completing site analysis work for the Master Plan

#### 1.4. Process

The following outlines the process followed for the development of the *Colac Botanic Gardens Master Plan 2024 – 2044*:

- andrea proctor landscapes was appointed in June 2023 to produce the new Master Plan for Colac Botanic Gardens
- A Project Working Group was established to steer the project and provide input and direction throughout the development of the Master Plan. This group included Botanic Gardens staff, a member of the Colac Otway Shire Economy and Business Enterprises team, Colac Band Club (representing Lake tenants), the Friends of Colac Botanic Gardens and a representative from Botanic Gardens Australian New Zealand (BGANZ)
- Community consultation was undertaken in September 2023, with an online survey and interactive online forum hosted by Colac Otway Shire, using the 'Have Your Say' platform. A 'listening post' in the Gardens was also undertaken on September 17<sup>th</sup>, 2023 with apl and Botanic Gardens staff present to answer questions and discuss the project. The day was relatively well attended, with continued communication of the survey undertaken throughout the day and through QR code flyer distribution in several cafes and other venues
- apl travelled to Colac in September 2023 to participate in the 'listening post' and complete site analysis work, thoroughly reviewing the Gardens, surrounding streets and connections to Barongarook Creek / Bird Sanctuary, Colac CBD and the broader Lake Colac foreshore

- Stakeholder consultation was also undertaken during the September 2023 site visits, including the Project Working Group, Colac Otway Shire staff from the Communications, Assets, Events and Economy and Business Enterprises teams, Colac Botanic Gardens staff, Lake Colac tenant groups<sup>i</sup> and Friends of Colac Botanic Gardens. Sessions were held at Council's Gellibrand and Pound Rd facilities, Kanyana Senior Citizens Centre and the Colac Bowling Club over three days. In addition to these sessions, stakeholder input was received via the general community consultation. A separate discussion with the Traditional Custodians was undertaken by Colac Otway Shire and the consultant met privately with the owner of the café
- The community consultation period closed after six weeks, with 270 responses received through the community survey, equating to over 2% of Colac's population – an unprecedented level of public engagement
- A review of Colac Otway Shire plans and strategic documents was undertaken to identify items to which the Master Plan needed to respond. Previous design proposals for the surrounding areas, especially those within the Lake Colac Foreshore Master Plan, were reviewed and where appropriate incorporated into Master Plan recommendations
- Results of the initial findings were presented to Colac Otway Councillors in November 2023 with the Council also arranging a presentation to the local Changers Club the evening before
- The results of the consultation, site analysis and document review were developed into a Working Brief and detailed issues paper, identifying the scope of works and issues that the Master Plan needed to address. This was provided to the Project Working Group for comment in December 2023, with the paper being discussed in detail and appropriate changes made before being finalised
- Draft Master Plan concepts and policies were developed, responding to the items identified in the Working Brief. These were presented to the Project Working Group in March 2024 for consideration and feedback. Concepts met with broad approval, with changes focusing on minor details
- Draft Master Plan concepts and policies were presented to Heritage Victoria at their request for consideration and feedback. Concepts were met with "a degree of comfort" pending the need for detailed permit applications and a Conservation Management Plan. Detailed comments were made on a number of topics, including agreement on the visual intrusiveness of the CFA running track and Anglers Club Building.
- The full Master Plan Report was completed, together with drawings and sketches for review by relevant Colac Otway Shire Staff
- The Draft Master Plan was presented to Colac Otway Shire Councillors in June 2024 and released for public exhibition and comment
- Fifty-six comments were received with six presentations made to Council on August 14<sup>th</sup>. Many comments were supportive, especially of the play spaces, with some concern raised around the relocation of the CFA running track and the perceived size of the proposed event space (noting that the draft plan did not reduce the available space as some people thought).
- Comments were reviewed and modifications were made to the Master Plan clarifying the size of the event space, incorporating the 'Dorothy' anchor and making other minor corrections and emendations. As feedback was minimal and primarily supportive, or directed at the above two issues, it wasn't appropriate to make major changes, although further consultation will be needed for individual projects. The document was submitted for endorsement and adopted by Colac Otway Shire Council in August 2024

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<sup>i</sup> Invitations extended to the Colac Band, CFA, Yacht Club, Rowing Club, Lake View Café Tenant and Anglers Club



## 2. Guiding Principles

It is necessary that all recommendations made in this Master Plan support what is important about the Colac Botanic Gardens and what people value about the place. The following Guiding Principles were developed to inform the Master Plan process, identifying the underlying values most critical to shaping the long-term vision for the Gardens. All Master Plan proposals and actions were developed with the aim of enhancing and respecting these values. These values will also need to be reflected in the continued management of the Gardens as this Master Plan is implemented.

The Guiding Principles were developed based on the feedback received through the consultation process, reflecting what the users of the site value about this unique place.





## Peaceful

The Gardens are a place of respite, beauty, greenery and relaxation, a place to 'get away from it all', for all people of all abilities. The peaceful character of the Gardens provides a home for birds, insects and animals. The gardens are cool and shaded in summer, providing an inviting outdoor location for everyone to enjoy. The Gardens are beautiful. The heritage landscape has sweeping vistas, meandering paths and beautiful garden beds. Views and access to Lake Colac provide connection to the wider landscape and anchor the Gardens within the broader town life of Colac.



## Connected

The Colac Botanic Gardens are a place of gathering and socialising, appealing to people across a range of ages, abilities and interests. The Gardens provide a safe and inviting place for families, with events, picnic facilities, a café and spaces for children. The Gardens are an important point of connection to Lake Colac, with the foreshore area embraced for its recreational opportunities. This is not just for the people of Colac but for visitors. They are a source of local pride, and a regional stopping point with potential to be a major regional tourism destination.

## Botanic

The Colac Botanic Gardens collections of plants are beautiful, diverse and nurtured by a respected team of horticulturalists for the benefit of all who visit. Their role as a botanic garden – a place to learn about and admire plants – is embraced by the public, Friends and staff.







*Figure 5: Otway Collection*

### 3. History

The following provides a brief history of the development of the Colac Botanic Gardens and the wider context of the botanic gardens movement in Australia. It draws heavily on previous work by Patrick and Wallace Pty Ltd (1993) and Helen Paatsch (2015).

Aboriginal peoples' long history and connection with the site is recognised, although to the best of the authors' knowledge, no formal cultural heritage assessments have been undertaken for the botanic gardens precinct. The area within which Colac is located is part of the traditional lands of the Gulidjan and Gadubanud people, who have held and continue to hold a connection with the land and waters to this day. While the focus of this document is on the post-contact history of the site, Aboriginal peoples' history, knowledge and care for the land is acknowledged and respected, and guided by the Eastern Maar Aboriginal Corporation, this should be reflected in major projects.

#### 3.1. Botanic And Public Gardens

The European colonisation of Australia corresponded with a time of increased botanical and horticultural interest within the British Empire. Previously unknown species of plants were being collected from areas of the globe new to Europeans and botanic gardens were being established as adjuncts to educational institutions. With the abundance of new species being introduced, plant collection and display, especially of the new and unusual, became somewhat of a British national passion.

In the south of England this enthusiasm centred around Kew. By the time Australia was settled, Kew had become a scientific centre, spurred on by both economic and scientific pursuits. The influence of Kew became critical in the establishment of botanic gardens in Australia and by the 1850s, major botanic gardens had been developed in Sydney, Hobart, Melbourne and Brisbane. For the new colonies, botanic gardens were considered necessary scientific institutions, required for the successful establishment of the settlements.

In their original context, botanic gardens were scientific centres, where plants were displayed according to various botanical systems, rather than as objects of ornamentation. In the Australian context, however, botanic gardens developed an emphasis as both scientific centres and places of public use and enjoyment. This was exemplified by the development of the Royal Botanic Gardens in both Sydney and Melbourne, both institutions having long scientific legacies.

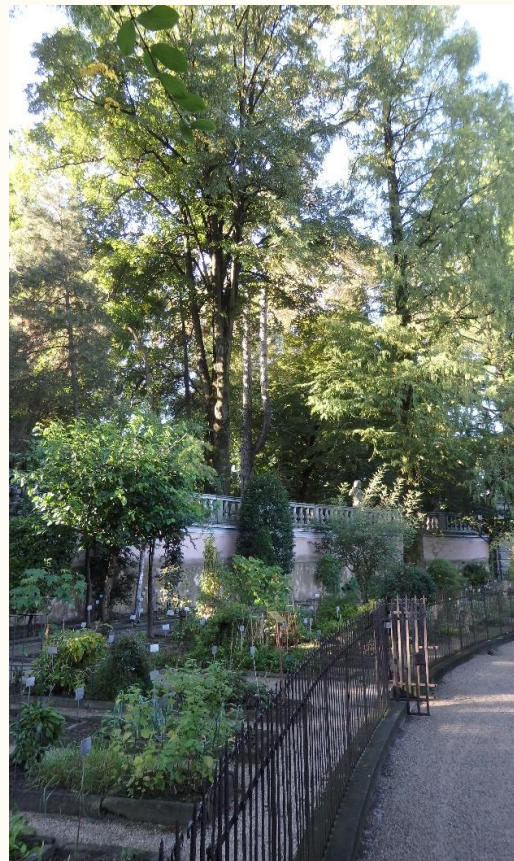


Figure 6: World's oldest extant botanic garden at Padua (established 1545)





Figure 7: The popularity of Melbourne's Botanic Gardens contributed to the creation of botanic gardens in many regional cities  
Source: State Library of Victoria, Botanical Gardens (1863) by Francois Cogné

The phenomenon of widespread regional botanic gardens sits quite firmly within the state of Victoria, with virtually every country town and city of consequence developing its own 'Botanic Garden'.<sup>2</sup> These regional gardens were generally established at the initiative of residents, rather than as a result of any formal government policy or funding. The usual practice for botanic gardens to be established was when local residents formed a committee and petitioned the government for a land grant. If suitable land was available, and the request was suitably justified, the government "*was inclined to consent*".<sup>3</sup>

A number of factors are likely to have contributed to the widespread establishment of regional botanic gardens. The Victorian era fervour for plants and open spaces as described above, the popularity of the Melbourne and Sydney Botanic Gardens (including the support of Mueller and Guilfoyle) and the copy-cat effect as other regional towns developed botanic gardens, are all possible contributors to the phenomenon. The discovery of gold in Victoria, and the subsequent wealth it generated would also have contributed to the state's ability to establish botanic gardens. The earliest of these were established around the goldfields and Portland region in the 1850s, and by the 1860s a cluster of botanic gardens had been established in the Western District region, Colac (1865) leading the charge to be followed a short time later by Koroit (1866) and then Camperdown (1869).

Regional botanic gardens were, for the most part, pleasure gardens, although in early times plants were carefully labelled and the gardens had a role to play in trialling new species. By the 1880s and 1890s many of the botanic gardens were almost indistinguishable from public pleasure gardens, although they contained fine tree collections, albeit with a strong bias to Victorian era tastes.

Today, local pride and interest in botanic gardens is experiencing somewhat of a renaissance. Inspired by the work of the Botanic Gardens of Australia and New Zealand (BGANZ) and by people's increasing appreciation for the natural environment, botanic gardens are again important places of public leisure and enjoyment, valued as beautiful gardens and sources of horticultural information.

### 3.2. Colac Botanic Gardens

Colac Botanic Gardens sits on the traditional lands of the Gulidjan and Gadubanud people who maintain a continuous connection to this day.

The Botanic Gardens site was first identified as "Botanic Garden...for purposes of Public recreation"<sup>4</sup> in 1865. This was the first of a series of such gardens in the Western District during the latter half of the 1850s.

While the reserving of land and appointment of a group trustees appears to have taken place with some urgency, momentum for further development of the site was lost due to lack of funds. Presumed by Patrick and Wallace Pty Ltd (1993) to be an act of "fostering interest and...momentum",<sup>5</sup> the trustees sought out Daniel Bunce, Curator of the Geelong Botanic Gardens, for "ideas towards the laying out and planting of the gardens."<sup>6</sup> In order to plan the gardens in a "proper and scientific manner", Bunce visited the Colac site in 1868, supplying "necessary trees" as part of his visit.<sup>7</sup> Beyond the inclusion of the carriageway, however, no further details of Bunce's plan have survived.

A Mr. Thoms was appointed as the first curator of the Gardens in 1870. Financial challenges continued to hinder progress, and Thoms was noted as balancing the needs and wants of both the public and the gardens committee as best he could. By 1874 the project was in debt and a further committee appointed to manage the gardens, with Thoms replaced by Charles Reeves that same year (it is not noted if this was by choice). Despite having come from Geelong Botanic Gardens and training under Bunce, Reeves "departed from Bunce's proposals, to introduce a "modern-type" layout", which disgruntled the trustees, who overruled him. Reeves was given one year to work on his plans of widening the carriageway and shifting the garden entrance to the central axis of Queens Street. This "bungling and mismanagement"<sup>8</sup> of the committees resulted in the handing over of the gardens to the Shire Council in 1877.

John McDonald of Daylesford was chosen to replace Reeves, being well-trained for the job in Scotland and Australia. It appears to be McDonald that finalised and completed the carriageway, "made to extend around the crest of the hill overlooking the lake"<sup>9</sup> and being some 28 feet wide.<sup>10</sup> Two years later, in 1879, the first Regatta was held on the lake, with the gardens being described as "well laid out" and "well kept, and do great credit to Mr. McDonald, the gardener in charge".<sup>11</sup> Expenditure on the Gardens increased, seen as an investment for events beyond the Regatta, such as musical performances. Visitors were brought on occasion to the Gardens by special trains, drawing people to the site. By the time of the second Regatta in 1880, the discourse between support for maintaining the Gardens as a free amenity or charging entrance fees resulted in fees being applied for adult visitors (Children under 14 at half price) and carriages, set at 1 shilling per vehicle drawn by one horse, and 2 shillings 6 pence charged for vehicles drawn by two or more horses.<sup>12</sup>

A further twenty acres along Barongarook Creek were added to the original thirty-eight acres in 1881. Between 1885-1905 the "bluff", which was around 30 grass terraces for spectators, had been established on the slope towards the lake, being also "furnished with seats".<sup>13</sup> This amphitheatre was where the first silent films were shown in Colac. This area later becoming the audience seating for the CFA track (1938), which was originally located closer to the lake's edge, only being moved to its current location in 1982.<sup>14</sup>

The next Curator, Mr. Oliphant, took on the position “some time in the 1890’s” and was responsible for adding various features such as the Pavilion / Rotunda (1902) on the foreshore. This original iteration of the Pavilion was protected from the north winds by “being partly enclosed”. It also featured a brick chimney to the east “with coppers for boiling water” and was present on the site until 1953.<sup>15</sup>

A further feature of the Gardens, though accredited by Patrick and Wallace to the earlier McDonald era, was a Conservatory in the upper south-eastern section of the Gardens.<sup>16</sup> An “elongated octagon” of timber framework base and glass central section and clerestory windows, the structure could be entered from both ends.<sup>17</sup> Recalled to have contained ferns and aspidistras, their popularity changed the buildings’ use to one of propagation before the final decline and replacement by a much simpler model in 1930. Stocked with begonias in 1938, the second model was demolished in 1969. By 1894 “piers, old baths and a boat shed already existed” on the foreshore and the lease of sheds to the Lake Rowing Club was official.

The engagement of William Guilfoyle is proposed by Patrick and Wallace to have been linked to work Guilfoyle completed around 1903 on the private gardens of Shire President, Mr. R. Ramsay. Guilfoyle was engaged in 1910 as “a matter of civic pride rather than any apparent discontent with the existing conditions of the gardens”.<sup>18</sup> For the fee of £50, William Guilfoyle produced “Report on the Remodelling and Development of the Colac Botanical Gardens” (1910) and an accompanying plan titled “Public Gardens and Park, Colac”,<sup>19</sup> which is today held in the State Botanical Collection at the National Herbarium (Royal Botanic Gardens Melbourne). Guilfoyle was confident in his proposed improvements, stating “In submitting my design for the remodelling and the ornamentation of the Colac Public Park, I have no hesitation in stating that in the event of the plan being carried out in its entirety the grounds will gradually become one of the most picturesque places of the kind in the State of Victoria”.<sup>20</sup>

Guilfoyle’s approach appears to have focused on the beauty and ornamentation of plantings, rather than the scientific rigour more typically associated with botanical gardens. Having worked with slopes in Melbourne, Guilfoyle applied his “artistic landscape treatment”<sup>21</sup> to a flatter site. Although he felt that the previous design was “stiff” and “formal”, he found little to improve with the carriageway.<sup>22</sup> Guilfoyle applied his signature “long views and short vistas between shrubberies of mixed green and coloured foliage” to compliment the scenery of the bank and provide glimpses through the pines, oaks and elms over the “glorious lake beyond”.<sup>23</sup>

Practical advice and the considerations of his design, shared by Guilfoyle in his report, are noted as likely to have been appreciated by Curator Oliphant, whom appears to have developed an “effective working relationship”<sup>24</sup> with the designer. Collaboration appears to underlie the Report and Design, with a focus mostly on the improvement of the existing garden, and only developing new and original areas towards Barongarook Creek. The sheltered position of the lower creek, now much occupied by the Holiday Park, was according to Guilfoyle suitable for a “semi-wild garden, in which plants may be allowed to grow as they like”.<sup>25</sup> Many of the Guilfoyle’s suggestions for the Creek are now known to be inappropriate, featuring exotic plantings and environmental weeds. Fortunately, these suggestions were not executed.

Despite the seemingly amenable relationship between Designer and Curator, Oliphant resigned one year later (1911) and sadly Guilfoyle passed away the following year (1912), impacting any further collaborations within the gardens.

Oliphant’s successor, Archie Campbell, became the longest serving Curator, holding the role from 1911-1940 (pipping McDonald’s tenure by 2 years). He was apparently given “free hand...as long as he keeps in mind Mr. Guilfoyle’s plans”<sup>26</sup> and is the likely plantsman to have established the oaks lining the carriageway

(1920s).<sup>27</sup> Campbell moved into a new Curator's Cottage (today the Lake View Café) with his wife and eight children around 1924-26, with the previous 1875 accommodation being closer to the Gellibrand Street entrance. A number of successors followed Campbell, many staying at least a decade in the position. Campbell was the last Garden employee to reside in the Gardens, the cottage being occupied by non-garden related tenants when Council did not refill the position of Curator. The building was renovated in 1997 and was used instead as tearooms.<sup>28</sup> One of a number of enhancements from Campbell's tenure was a ladies toilet in the form of a castellated pink brick structure on the western slope of the site (1930s), used until the 1950s. The gentleman's facilities were located around 50m to the east and have since been demolished.<sup>29</sup>

Tenants along the foreshore have long been part of the gardens' history, with the Rowing Club mentioned from at least 1913. Further long-time waterside tenants noted by Patrick and Wallace (1993) are the Angling Club, which appears to have had some form of presence since 1894, though the current building stems from the 1960s.<sup>30</sup> The Sheds of the Angling Club were apparently c.1936 occupied as a semi-residential agreement, with some exchange of services through the repair of boats and buildings. Recommendations were made to have the 'tenant' removed and the condition of the sheds rectified or demolished, with Patrick and Wallace assuming this to have been the case<sup>31</sup> based on condition of the Club by 1993.

In 1939, management of the gardens was transferred to the "Borough of Colac" (1938), with Colac becoming a city in 1960 and final amalgamation and transfer to the present managers, Colac-Otway Shire Council in 1994 (with the City and Shire of Colac, Shire of Otway and part of the Shire of Heytesbury uniting).<sup>32</sup> As noted from the early beginnings of the gardens, raising funds for the management of the site has been a consistent challenge.<sup>33</sup> Beyond the tenants mentioned above, some income was raised through grazing, predominantly along Barongarook Creek, though this was not always formalised. The Yacht Club appears to be the most recent addition to the current precinct, joining the lakeside frontage around 1957. This clubhouse has since moved further west, adjacent to the Bowls Club at the end of Queens Avenue.

As with numerous of its contemporary botanic gardens, for many years in the early 20<sup>th</sup> century the Colac Botanic Gardens housed animal enclosures, with the original enclosures constructed "between the driveway and the creek in 1911".<sup>34</sup> Containing wallabies, kangaroos, emus, and an early monkey house (1912 photo) the enclosures remained in the gardens until the 1970s (the last animal is noted as having been relocated to a wildlife reserve in Warrnambool in 1979).<sup>35</sup> It is unclear exactly where certain enclosures were located as the original area was replaced by playground equipment around 1960.

The year 1953 saw the unfortunate destruction of both the original Rowing Club (through fire – rebuilt in current form in 1957<sup>36</sup>) and the infrequently used Pavilion / Rotunda. The Pavilion fell victim to an explosive mystery – the chimney and structure was blown up, with bricks apparently landing in the lake and the explosion heard up to 50kms away.<sup>37</sup> The cause is unknown. Thankfully, no-one was injured and the remaining ruin was removed shortly after. The gardens remained without a Rotunda until 1999, when a replica was erected, slightly west of the original site, this time without the original chimney.

A new addition to the gardens in the early 1960s were the wrought iron gates on the corner of Fyans and Gellibrand Streets. Donated by the Bilson family (department store owners in Colac), the gates replaced the former wooden structure. The smaller pedestrian gate along Queen Street gained its timber gatehouse (constructed by Ian Simpkin) in 2001.<sup>38</sup>

The Colac Botanic Gardens were placed on the National Trust register at a state level in 1990, later also gaining Victorian Heritage Register status (2010). At invitation by Council, 1990 also saw the forming of the Friends of the Colac Botanic Gardens Advisory Committee, with meetings and discussions prompting a



Conservation Study to be undertaken the following year (resulting in Patrick and Wallace 1993). This enthusiastic group has since worked consistently to raise the profile of the Gardens, guiding regular walking tours, propagating plants and undertaking sales and supporting events encouraging the community to make use of this 'pleasure garden'.<sup>39</sup>

With Lake Colac water receding after the summer of 1996, a group of businesspeople started planning the lake foreshore revitalisation. It was decided to "reshape the foreshore to a slope that would protect against erosion and provide the lake the best opportunity to release its energy without creating too much damage. A groyne was also developed, both as a point of interest and as a tool to manage wind erosion on the foreshore."<sup>40</sup> Collaborative funding for the project from the State government, Shire and the Corangamite Catchment Management Authority was further supported by public donations in the form of the buy-a-brick campaign for the lake trail.<sup>41</sup> All of this action made 1999 a big year for the foreshore, with the artificial groyne becoming a Traditional Owner led public art project featuring a colourful community mosaic designed by Glenn Romanis.<sup>42</sup>

Goals for improved connection from the formal botanic gardens to the newly renovated foreshore were realised in 2011/12 with the construction of a lookout over the lake to the Warrion Hills. The drystone wall and platform were accompanied by exposed aggregate steps to the lower pathways, surrounded by predominantly succulent planting.

Further renovations of the eastern play space were proposed around 2006, with its funding ultimately seeing a full renovation of the space, including integrated additions of a mix of conventional and nature-based play features. A year later (2015) saw the gardens celebrating their 150<sup>th</sup> Anniversary, with the Friends gifting the restoration of a rose arbour as part of the celebrations.<sup>43</sup> A review Master Plan was undertaken by Richard Barley (past advisory curator and then of Open Gardens Australia) in 2012.

## 4. Colac Botanic Gardens Today

Today the Colac Botanic Gardens is a place of respite, recreation and social gathering, both for families and community wide events. With their picturesque views over Lake Colac towards the Warrion Hills, the Gardens are considered a current and potential “a jewel in the crown” of Colac attractions. The following provides a summary of the Gardens in 2023. This information provides the background and rationale behind the recommendations made by the Master Plan.

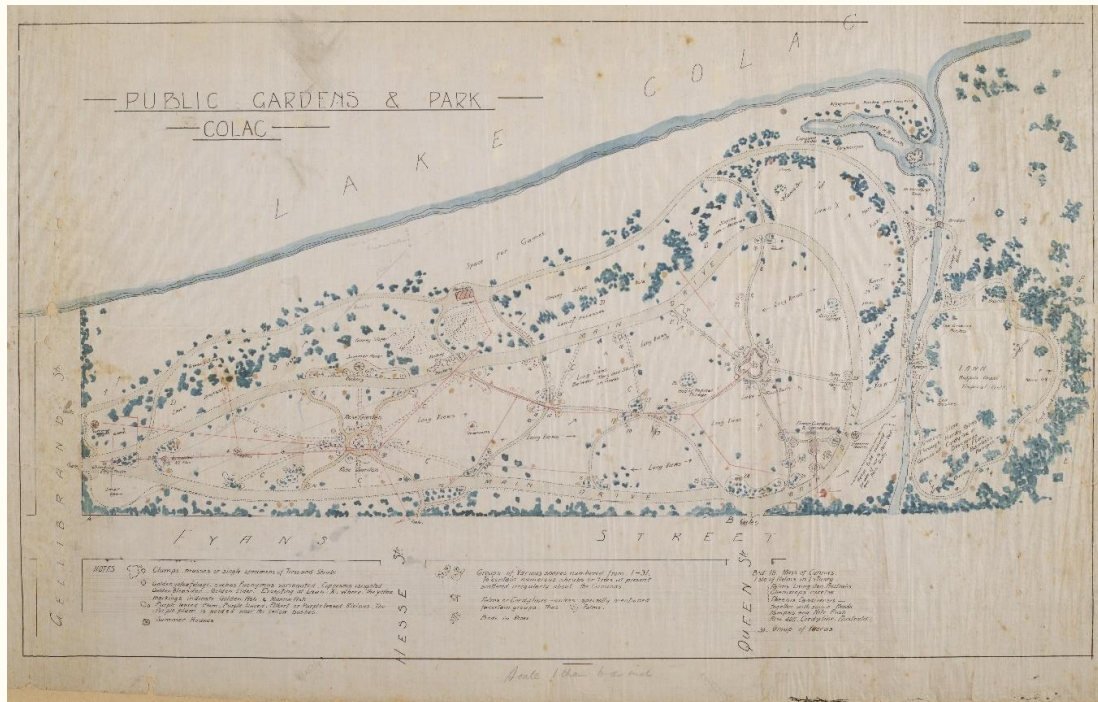


Figure 8: 1910 plan by William Guilfoyle for “Public Gardens & Park - Colac” scale 1 chain to an inch. The plan was accompanied by a written report, a copy both is held by the Friends of Colac Botanic Gardens.

Source: Friends of Colac Botanic Gardens

### 4.1. Existing Conditions and Design Considerations

#### Design

Located on the shore of Lake Colac, Colac Botanic Gardens are a beautiful mix of a picturesque / gardenesque 19<sup>th</sup> century botanic garden and a regional waterside recreation facility. This is separated into two distinct areas. The formal botanic gardens, located on a flat portion of land uphill from the lake, are botanically rich, with a diverse mix of trees, bedding plants, living collections and a strong sub-tropical planting theme; and the Lake Colac foreshore which acts as a “domain” or arboretum and is used for more active recreation.

As a heritage landscape, Colac Botanic Gardens has been developed by many hands over the length of its existence. Post contact, the carriageway of the formal botanic gardens is the oldest and most consistent element, potentially being the only part of Bunce’s lost design to have been implemented. Guilfoyle’s 1910 plan incorporated this carriageway while introducing his signature touch of picturesque voids and space, curving paths and opening vistas. While only the eastern portion of Guilfoyle’s design was implemented, it established the formal character, sub-tropical style garden beds, and standards of beauty that are now

expected of the landscape. The *Quercus robur* avenue lining the carriageway and diverse tree specimens provide a rich and varied canopy of diverse age, and the location of the Gardens mere blocks from the Colac town centre, and overlooking Lake Colac and the Warrion hills, offers framed views to residents and tourists not found elsewhere in the shire.



Figure 9: The Gardens owe much of their beauty to the tasteful balance between garden beds and lawns and diverse planting

Meanwhile, the lakeside portion of the Gardens acts as a “domain” or arboretum – the wider portion of the botanic gardens that is more commonly used for active recreation and tree collections, with open lawns and picnic facilities rather than formally laid out gardens. This approach can be found across Victoria’s 19<sup>th</sup> century botanic gardens. These two distinct portions of the gardens are separated by a steep embankment, which in the 19<sup>th</sup> century was terraced as a viewing area for events and regattas and which today provides sweeping views over Lake Colac.

### Description and Site Analysis

Having the Gardens split into two distinctly different areas, with different design, character, and function, is common in botanic gardens across southern Australia. However, in the case of Colac this distinction is particularly marked, to the point that the foreshore has lost the connection to the botanic gardens in the minds of many people.

The formal botanic gardens are beloved by the public, being a beautiful, botanically rich landscape with a healthy, diverse tree canopy, artistically placed garden beds, diverse planting and strong, integrated design. This combination of features make Colac arguably one of the most beautiful of Victoria’s regional botanic gardens. The meandering paths, garden beds that carefully frame views, open lawn areas and specimen trees all contribute to this beauty. This is supplemented by a pond and seasonally changing displays including some annual plantings and seasonal flushes of colour from roses, camellias and azaleas. The largely exotic and northern Australian palette of plants has been more recently augmented by a new Acacia collection, the Otway flora collection (with many wild collected plants) and a BGANZ supported Care for the



Rare collection. These all sit comfortably within the heritage landscape and support the place's work as a botanic garden.



*Figure 10: Rich, layered planting in the formal gardens*

In regard to collections management Colac has long been proactive. Collections are well documented – albeit in paper form – and have been directed by the work of Richard Barley since 2012. The tree collection is particularly well managed, with excellent age distribution and good successional planting in the formal garden. This means Colac is in the rare position of not needing to actively find places in this area for young tree planting in order to prevent large scale loss of ageing trees within a relatively short period. To the contrary, the extent of tree planting now needs to be limited, and instead focused towards the foreshore.

Items to be addressed in the formal botanic gardens are predominantly practical. Paths are too narrow to allow people to comfortably walk two abreast, and garden beds are unedged leading to garden bed and lawn creep and potentially diluting Guilfoyle's design. Small sections of poorly managed lawn separate gardens and paths, and their removal would both strengthen the design and make maintenance easier. Areas of lawn are also poorly drained and the roses are reaching end of life in their current location. It is also noted that many garden beds proposed by Guilfoyle were not installed, with gaps being noticeable to the trained eye.

All of these are easy to remedy, with the Master Plan providing long term direction which can be gradually implemented as funds permit and upgrade works are due.

More substantial problems in the formal garden relate to use of the carriageway, integration of the café, accessibility and a lack of toilets.





Figure 11: The carriageway

best practice for public open space would be not to allow car access, it is acknowledged that vehicle access is an important part of Colac's culture and historically important.

Integration of the café and installation of new toilets in the Gardens are relatively easy to address, and only require design detailing and more formal arrangements in regard to access and furniture. All abilities access around the gardens is strong, but there is little in the way of accessible parking and few solid pathways into the Gardens from the surrounding streets. Parking during peak times was also raised as an issue during consultation, and the opportunity exists to address both issues at the same time.



Figure 12: Concerns were raised by the community about the safety of the roadway past the Rowing Club building

The presence of Grey Headed Flying Foxes in the Gardens is acknowledged as a concern for visitors, but they are a listed threatened species in Victoria and their management is controlled at a State Government level, not by Colac Otway Shire, and therefore could not be addressed in the Master Plan.



Figure 13: Ageing pines on the foreshore slope

While the presence of these animals within a heritage landscape is not ideal, it is acknowledged that it is difficult to manage, and exacerbated by many of the heritage trees being particularly popular with the bats, especially Australian sub-tropical species such as *Ficus macrophylla*. The management of Grey Headed Flying Foxes in the Botanic Gardens requires careful management to find the balance between wildlife welfare, public amenity and heritage tree protection. As stated above however, it is not possible for the Master Plan to provide further direction as Grey-headed Flying Fox management is under State level direction and must comply with the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and Victorian *Flora and Fauna Guarantee Act 1988*, both of which list them as a threatened species. It is recommended that Colac Otway Shire Council continue to work with the relevant State government department (currently DEECA) to manage the population in a way that complies with the

necessary legislation and with least impact on the Gardens and its users.

Differing markedly from the formal botanic gardens is the Lake Colac foreshore. This area contains a number of ageing trees, especially coniferous species, with open lawn areas dominated by car parking and recreation facilities including the CFA running track. This area is largely lacking in botanical interest, with the exception of the Acacia collection, Care for the Rare at its edge and some recent tree planting. The original lawn terraces are largely lost but faint remains are still visible. The steep slope between the two parts of the gardens forms a physical barrier, accessible only at the eastern and western ends and via the steps and lookout in the centre.

A number of features within the foreshore have a negative impact on heritage views across Lake Colac. The CFA running track (Figure 15), recommended for relocation in the Lake Colac Foreshore Master Plan,<sup>ii</sup> is extremely large, with fences and practice infrastructure obstructing views and movement. The brightly coloured and physically barred Anglers Club Building has been recommended in various management documents for renovation, so it sits more comfortably in the landscape. The rotunda, while replacing a historic building, is poorly used and connected. Car parking and vehicle movement was raised as an issue during community consultation, especially the poor access at the western end and safety concerns between pedestrians and vehicles in sharing the steep road to the Rowing Club. At the other end of the spectrum the Rowing Club sits well visually in the landscape (Figure 18) and the foreshore has many fine, large trees.



Figure 14: The Anglers Club building is bright coloured and visually closed to the Gardens



Figure 15: The CFA running track and its infrastructure visually and physically dominates the foreshore

<sup>ii</sup> Location of Central Reserve has been identified in the Colac City Reserves Planning Project





Figure 16: The spit

The spit, constructed in 1999, provides a sheltered beach and includes a Traditional Owner led art project in the form of a colourful community mosaic designed by Glenn Romanis which is surrounded by indigenous plants. While access to the mosaic and surrounding garden is allowed, the layout of paths means access is obstructed and difficult to find. This area is proposed to have an infinity jetty in the Lake Colac Foreshore Master Plan with the mosaic and garden retained, but the opportunity also exists to renovate the garden and improve access in the area. The lookout, while

providing views, has had difficulty with plant establishment and the balustrade and landing blocks views from within the gardens. The balustrade and path / garden bed layout lacks the design integrity of other parts of the feature. For example, the stone wall at its base is beautiful but difficult to see (Figure 18). This feature needs to be subtly altered to sit more comfortably within a heritage site with a high level of design integrity.

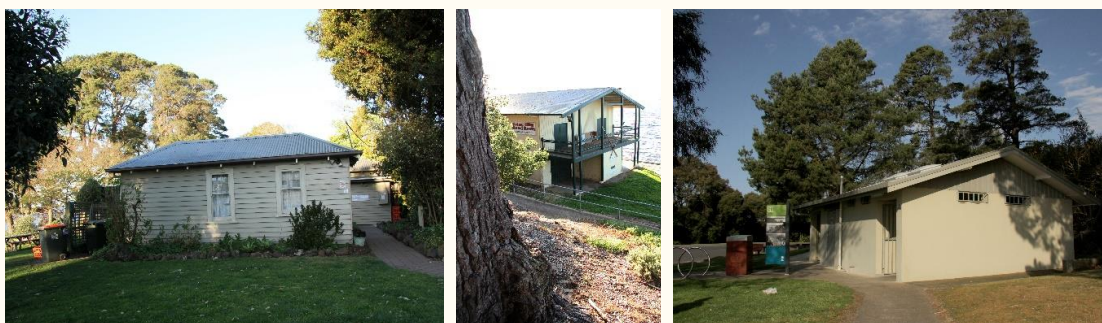


Figure 17: In contrast to Figure 14, the café, Rowing Club and lower toilets sit more comfortably in the landscape, although integration could be improved

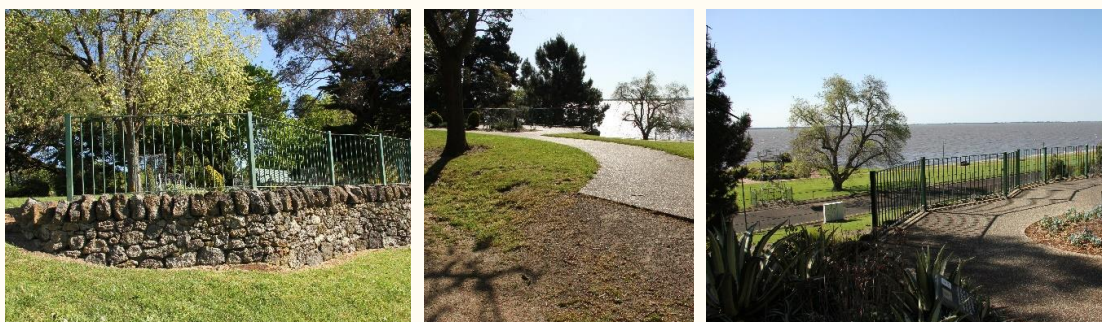


Figure 18: The lookout with a contrast between the fine stone wall details and poor connections and blocked views

Perhaps the biggest issues facing the foreshore are environmental. The size of Lake Colac means wind in this area can be excessive – at times making it difficult to even walk through the space. The Millennium Drought also led to an extreme receding of the shoreline, and it is reasonable to presume that this could occur again within the life of the Master Plan. The Lake Colac Foreshore Master Plan recommends a feasibility study be carried out into the development of a regional playground in the area, providing an alternative focus to water based activities.

#### 4.2. Findings of the Consultation Process

The following is a brief summary of the most common responses from the initial consultation process outlined in Section 1.4. For simplicity, comments from the public and stakeholder groups are combined unless there were clear differences between the two groups. Items are listed in their approximate order of popularity. Numbers in brackets indicate the number of respondents that mentioned a particular issue in the public survey.<sup>iii</sup>

##### What people like about Colac Botanic Gardens

- **Community connection to the site:** the people of Colac clearly love the site, calling it “fabulous”, “wonderful” and “brilliant” and wanting it to keep it as it is, particularly regarding the formal botanic gardens (96)
- **Maintenance:** praise for the care and maintenance of the gardens, with people appreciating being able to approach staff to discuss the Gardens (96)
- **Walking:** opportunities to exercise in both the formal botanic gardens and along the foreshore, with the use of paths and track networks particularly noted (48)
- **Carriageway:** accessibility achieved by the carriageway for the elderly and infirm in particular, with this appreciated as a point of difference for the Gardens (43)
- **Flowers:** plantings were overall appreciated, with particular note of the colourful annual displays (42)
- **Playground:** a safe space for children with family-friendly amenities nearby and fondly remembered by many in the community (39)
- **Trees:** love of the trees, be they heritage, exotic or native (33)
- **Diverse plants:** seasonal changes of the diverse planting (including plant collections) and path layout make for a “peaceful” space (28)
- **Open space:** green space that is away from traffic, a place to “clear your mind” that is free to use and a provision of lawns and shade, particularly in summer (22)
- **Café / Coffee:** the inclusion of a café (and Jack’s coffee van) was seen as a key amenity and good use of foreshore space (20)
- **Location:** connection to Lake Colac and Barongarook Creek
- **“Something for everyone”:** gardens cater for diverse interests, ages and mobilities, especially children and families
- **History:** long history of the site, Guilfoyle design and personal memories
- **Events:** whole community gathering, particularly along the foreshore and smaller group opportunities of picnics and BBQs near play space

##### What’s missing / could be improved

- **Play space:** while the existing play space was appreciated, the public’s strongest comment during consultation was that it requires an upgrade with regards to the quality, age, and age range catered to. There was clear preference for elements of water play, catering for age diversity and the integration of accessible play elements. Some notes of safety concerns were also raised by the public regarding proximity to the road (70)
- **Toilets:** the overwhelming request for toilets in the upper western section of the gardens dominated feedback at all levels of consultation. This included to a lesser degree critique of the quality of the existing facilities near the jetty (43)

<sup>iii</sup> Note that there was considerable nuance and complexity in individual answers, and as such numbers are not able to be provided for all comments



- **Seating:** increased provision of seats throughout the precinct (36)
- **Shelters / BBQs:** desire for more and larger shelters and an increase of BBQs, predominantly for the foreshore areas (34)
- **Performance space:** the performance aspect of events hosted at the foreshore is greatly appreciated and there was clear public desire for this to be a focus for improvement (31)
- **Paths:** improvement of paths and walking tracks across the precinct – this included the carriageway (29)
- **Signage:** clear desire for visitors to learn about plants and the history of the site through improved signage. This included requests for more plant labels. Need for wayfinding to guide and draw regional visitors down to the gardens (26)
- **Parking:** seen as insufficient with regard to events, accessible parks in the vicinity of the formal botanic gardens and café. Also concerns raised around parking along the carriageway (21)
- **Exercise Equipment:** public desire for exercise equipment, particularly along the Lake Colac Trail was noted (*Note: this was beyond the scope of the Master Plan, however, could be integrated into adjacent areas or as part of a potential full lake circuit. Exercise equipment is generally not desirable within a botanic garden.*) (21)
- **Plant Collections and Beds:** the collections were appreciated by both staff and public, with a desire to refine and build on existing collections. There was also public interest in reviewing and enhancing existing garden beds and consideration of the impacts of climate change and annual plantings (19)
- **Events:** appreciation and desire for regular and more community events at the gardens and foreshore, particularly in reference to a performance space (see below)
- **Native plantings:** the integration and highlighting of native plantings, as well as some increase in number (17)
- **Art:** most often raised in connection to sculpture, the desire by public to see art integrated into the precinct (*this included mention of renovation of the existing sculpture trail along Barongarook Creek which is outside the scope of the Master Plan*) (15)
- **Drainage:** the wet condition of certain sections of the precinct was noted by both staff and public, impacting active management of the site as well as year-round use, especially within the foreshore (15)
- **Lighting:** proposals and requests for solar lighting in the formal botanic gardens were noted by the public, predominantly to cater for cooler season activities / walking (14)
- **Conservatory:** interest in the historic conservatory was noted, with potential as an orchid house or all-weather public space (*following discussions with horticultural staff this was deemed impractical due to the time and cost involved in maintaining a conservatory*) (14)
- **Traditional Owner connection:** desire for the narratives and experiences of local Aboriginal people to be shared and integrated within the Gardens (11)
- **Use of existing buildings:** effective use of the existing buildings / structures along the foreshore was seen as a priority, with an awareness of the potential cost to renovate or construct new buildings
- **Carriageway:** the balance between vehicular and pedestrian use of the carriageway remains a concern for both viewpoints. Challenges around speed of cars and safety were a pedestrian concern that needs to be addressed alongside the above support for access it provides to persons of limited mobility
- **Connection beyond gardens:** planting and walking connections beyond the physical gardens (for example to Barongarook Creek, Colac Lake Bird Sanctuary, Colac CBD, the Lake Colac Trail) were seen as a future opportunity, including into feeder streets leading to the gardens
- **Home for the Friends:** the need of the Friends for a space to house their library / files and conduct monthly meetings, as well as providing an indoor space during challenging weather

- **Summer Turf:** replacement and management of several lawns in the formal botanic gardens was felt to be needed, particularly by staff
- **Boat Ramp:** the jetty was noted as not fit-for-purpose by stakeholders and public (*Note: this lies beyond the scope of works for the Master Plan, but should be considered as part of continued actions from the 2016 Lake Colac Foreshore Master Plan*)
- **Foreshore access:** some public concern was raised about access between the formal botanic gardens and the foreshore, both for pedestrians and safety concerns around the western road
- **Drinking Fountains:** public request for more drinking fountains throughout the precinct, including facilities for pets
- **Destination:** the location and space itself was seen to be a drawcard, worthy of being a regional destination (*in line with 2016 Lake Colac Foreshore Master Plan aims*) particularly by staff and stakeholders
- **Pop Ups:** appreciation of Jack's Coffee Van showed potential for the increase in offering of food vans along the foreshore, particularly seasonally or event related
- **Education:** desire for greater learning opportunities, both for children and adults

### Complex issues

In addition to the above comments, there were a number of issues where feedback from stakeholders and the public was mixed. Some of these were touched on above with more detail provided as follows.

#### CFA Track

- CFA and some community members love location (8)
- It was generally agreed that an upgrade is required
- Community, heritage, other stakeholders and previous reports in clear favour of relocation (24 comments against)
- Clear consensus of need for workable alternative location

#### Carriageway / Cars in the Gardens

- Community mostly in favour of maintaining access (43 pro cars), but concerns around safety and impact on trees and carriageway edges (23 anti cars)

#### Grey-headed Flying Foxes

- Community mostly unhappy with the presence of bats in the Gardens (37 against, 5 in favour) with particular concerns raised around damage to trees and potential to carry disease
- Colac Otway Shire is clear that this is out of scope for the Master Plan as it is a State Government managed issue with legal requirements

#### Fencing

- Gardens only partially fenced, varying opinions as to whether to replace or remove
- Acknowledged that fencing does not provide a full barrier and current fence is at end of life

### 4.3. Statutory Context

The Colac Botanic Gardens are heritage listed at a local and state level, and at a non-statutory level are classified as state level significant by the National Trust of Australia VIC branch. Permits will be required for many works, especially from Heritage Victoria and under the Building Code of Australia. All projects

recommended in this Master Plan will need to be implemented in accordance with all Local, State and National laws.

#### 4.4. Related Documents and Policies

The Master Plan has taken into consideration a number of strategic Colac Otway Shire documents. The aim of this work was to align the Master Plan with future planned works, as long as they are consistent with the consultation and research findings of the Master Plan process. The following documents informed the development of the Colac Botanic Gardens Master Plan, and should continue to inform individual projects as they are implemented:

- **Colac Botanic Gardens – A Conservation Study** (1993) by Patrick and Wallace Pty. Ltd. (*only until such time that it can be replaced with a revised Conservation Management Plan*).
- **Colac Botanic Gardens Masterplan Review** (2012) by Richard Barley of Open Gardens Australia
- **Lake Colac Foreshore Master Plan** (2016) by Colac Otway Shire
- **Colac City Reserves Planning Project** (2022) by Insight Leisure Planning / Fitzgerald Frisby Landscape Architecture
- **Council Plan** (2021-2025) by Colac Otway Shire
- **Public Toilet Strategy** (2020-2030) by Colac Otway Shire
- **Destination Action Plan** (2020-2022) by Colac Otway Shire / Great Ocean Road Regional Tourism Limited
- **Arts and Culture Strategy** (2018-2022) by Wheelhouse
- **Climate Change Adaptation Plan** (2017-2027) by Colac Otway Shire
- **Public Health and Well-being Plan** (2017-2021) by Colac Otway Shire
- **Colac 2050 Landscape Assessment** (2017) by Perry Mills & Associates / Colac Otway Shire
- **Draft Urban Forest Strategy** (2015) by Michael Smith Associates
- **Active Transport Strategy Part 1** (2013-2023) by GHD / Colac Otway Shire
- **Open Space Strategy** (2011) by Colac Otway Shire
- **Environment Strategy** (2010-2018) by Colac Otway Shire
- **Recreation Strategy** (2006-2010) by Colac Otway Shire



Figure 19: Oaks lining the carriageway

## 5. Master Plan

### 5.1. Master Plan Overview

The Master Plan for Colac Botanic Gardens is split into two main sections, reflecting the historic use and design of its two distinct spaces – the formal botanic gardens at the top of the hill, and the wider foreshore area. This includes implementing the endorsed recommendations of the Lake Colac Foreshore Master Plan for the foreshore area.

This document lays out a vision for the future of the Gardens and provides recommendations and guidance on how this may be achieved over the next 20 years. All design elements and actions have been developed in collaboration with key stakeholders. While there is no current Conservation Management Plan or Cultural Heritage Management Plan for the site, it is recognised that these are both required, and all Master Plan recommendations will be subject to the findings of these documents.

#### Formal Botanic Gardens

The formal botanic gardens is largely the 1910 work of prominent designer William Guilfoyle. The Master Plan proposals for this space look at strengthening what was implemented of his design, and sensitively rolling out the parts of his proposal that were never constructed while responding to contemporary uses and desires for the space.

What makes botanic gardens different to public gardens is their plant collections, and the role they play in displaying, conserving and educating people about plants. Just as an art gallery is more than a collection of pretty pictures, so a botanic garden is more than a series of beautiful garden beds. The Colac Botanic Gardens already have a formal plant collections plan and well documented collections, and the Master Plan works with these. Recommendations are focused on strengthening their collections and providing more focus to their conservation and education work. This includes a new Children's Garden, which is in line with the Lake Colac Foreshore Master Plan, to be located on the site of the current play space at the eastern end of the Gardens, which would be connected to the existing Otway Rainforest Collection.

Botanic gardens require a degree of specialist care and management, and the focus of the Master Plan is the sustainable continuation of this care, in terms of both environmental resourcing and staff support. The simple changes proposed are intended to improve site usage and simultaneously reduce the site's maintenance requirements, while adapting to climate change and upholding both the heritage and contemporary values of the Gardens.

Other proposals to the formal botanic gardens focus on strengthening heritage protocols and general improvements. This includes recommendations for a formalised Tree Strategy, Landscape Succession (climate change adaption) Strategy, a Conservation Management Plan and additional consultation with the Eastern Maar Traditional Owners.

#### Lake Colac Foreshore

The second part of the Master Plan, and the one that attracted the greatest community interest during initial consultation, is the Lake Colac foreshore, with a number of items identified for action by the Lake Colac Foreshore Master Plan. Items for action included:

- Relocation of the CFA Running Track
- An infinity jetty at the spit
- Increased tree planting for wind protection



- A Children's Garden on the site of the current playground
- Formalising parking near the café
- Safer pedestrian connections
- Additional feasibility study of the use of the buildings (especially Rowing Club and Anglers Club Buildings)
- Additional feasibility study of the potential for a regional level playground

All of these endorsed proposals were supported by feedback received during initial community consultation, and the Master Plan responds by carrying out the additional feasibility work required and providing a greater level of design detail around high level proposals. New proposals have also been made in response to requests received from recent community feedback. These proposals remain in line with the Lake Colac Foreshore Master Plan.

Larger proposals include the renewal of the Anglers Club Building and its activation as a broader community space, the relocation of the CFA track and activation of the area as a potential event space, and a new regional play space which will strengthen connection between the formal botanic gardens and the foreshore.

### Infrastructure and Services

The Master Plan seeks to improve accessibility and amenity within and around the Gardens, while remaining sensitive to the heritage values of the site and desires of the community. This includes providing guidance as to the location and type of shelters, tables, chairs and BBQs, as well as addressing the lack of toilets present in the formal botanic gardens.

The carriageway has traditionally been a point of differentiation between Colac and other regional botanic gardens, as it is unusual to be able to drive within a botanic garden. It is seen as special to Colac and important for people with access limitations, including the elderly and people living in care homes who do regular bus trips through the Gardens. However it is also a safety concern for families with small children. To balance these social uses, the Master Plan proposes controlling the times at which vehicles have access to the carriageway, restricting the flow of traffic to one-way only, and prohibiting vehicles from being parked within the gardens.

This comes in conjunction with the recommendation to close the gates at Fyans Street and Gellibrand Street to vehicular access, leaving the sole point of entry the gates at Queen Steet, which will improve both pedestrian and vehicle safety. It is proposed that accessibility to the Gardens be further enhanced by formalised carparking around the exterior, with dedicated disabled parking by the gates accompanied by formed paths. These developments will be softened by the planting of garden beds around the Gardens' edges, and new street tree plantings. Both garden beds and the selected trees will be beautiful, botanically interesting, and suited to the predicted future climate of Colac, and serve as a 'soft' announcement of arrival at the Gardens.

The proposed Colac Botanic Gardens Master Plan sets out an ambitious vision for the site, but one in line with community requests, Colac Otway Shire Reports, and consistent with the love and affection the residents of Colac and surrounding regions have for this space. The Master Plan aims to strengthen what is important about the Gardens, enrich and expand the existing features, and make it a welcoming, accessible space for all that use it.

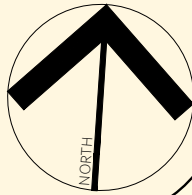


Figure 20: Colac Botanic Gardens Master Plan



COLAC BOTANIC GARDENS  
MASTER PLAN 2024 - 2044

Scale 1:1000 @ A1 / 1:2000 @ A3



Produced by andrea proctor landscapes for Colac Otway Shire  
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Figure 21: Colac Botanic Gardens Master Plan proposed vehicle movement





## 5.2. Lake Colac Foreshore

### Regional Playground



Figure 22: Plan detail of the regional playground

A new regional play space is proposed, and after conducting the feasibility work recommended in the Lake Colac Foreshore Master Plan the western end of the foreshore has been selected as the most appropriate location. It is tucked away from heritage view lines, the existing trees provide better climate and wind protection than other more exposed sites, and said trees and slope lend themselves to the construction of a space that will be unique to Colac. The play space will cater to a diverse age range – children-tweens-teens – and have flexible spaces in which to not only play, but socialise. The design is intended for all abilities, catering not only for degrees of physical access, but invisible disabilities as well. To service this the provision of a toilet in this area should be explored. Another community request that may be able to be accommodated in this area is the inclusion of a 'Dorothy' anchor, retrieved from Lake Colac around 2016. An alternative location would be near the existing boat ramp, but display would be dependent on the findings of the Conservation Management Plan.

This play space is envisioned as curling up the slope from the foreshore to the formal botanic gardens. The use of natural materials and a neutral colour palette will visually soften the play equipment, which will be large and exciting; nets, a flying fox, a tree walkway to connect to the historical castellated folly. There is considerable community desire for waterplay, and it should be noted that waterplay requires intensive monitoring and maintenance. Waterplay installations require active and consistent monitoring for performance and safety, particularly regarding water quality. Daily testing should be undertaken to monitor bacterial levels (*E. coli*, etc), and there may be issues should bacterial levels require the installation be closed during peak seasons.



This being said, waterplay is still recommended due to the level of public requests, the lack of public swimming pools in the area and the unpredictability of Lake Colac. It is recommended that this be provided as simple squirters, lacking bright colours or gaudy infrastructure, and again using natural or neutral-coloured materials to visually soften the installation. Various sources of water are available for this purpose, and depending on how the water is used in the play space, it is possible that the spent water could be used to irrigate the botanic gardens.

The play space and equipment will wrap up the hill and around existing trees, incorporating them into the design as much as physically possible. Ideally, the play space will also connect to the historic castellated folly, which could be activated as a lookout tower, planted folly, and potentially the start of a giant slide and tree top play with nets and platforms. Revised pathways will connect to the rotunda, and the whole space augmented with picnic shelters and screening garden beds. The Lake Colac Foreshore Masterplan recommends the commissioning of an architecture to design a consistent and comprehensive suite of furniture for the foreshore, which this Master Plan further endorses.

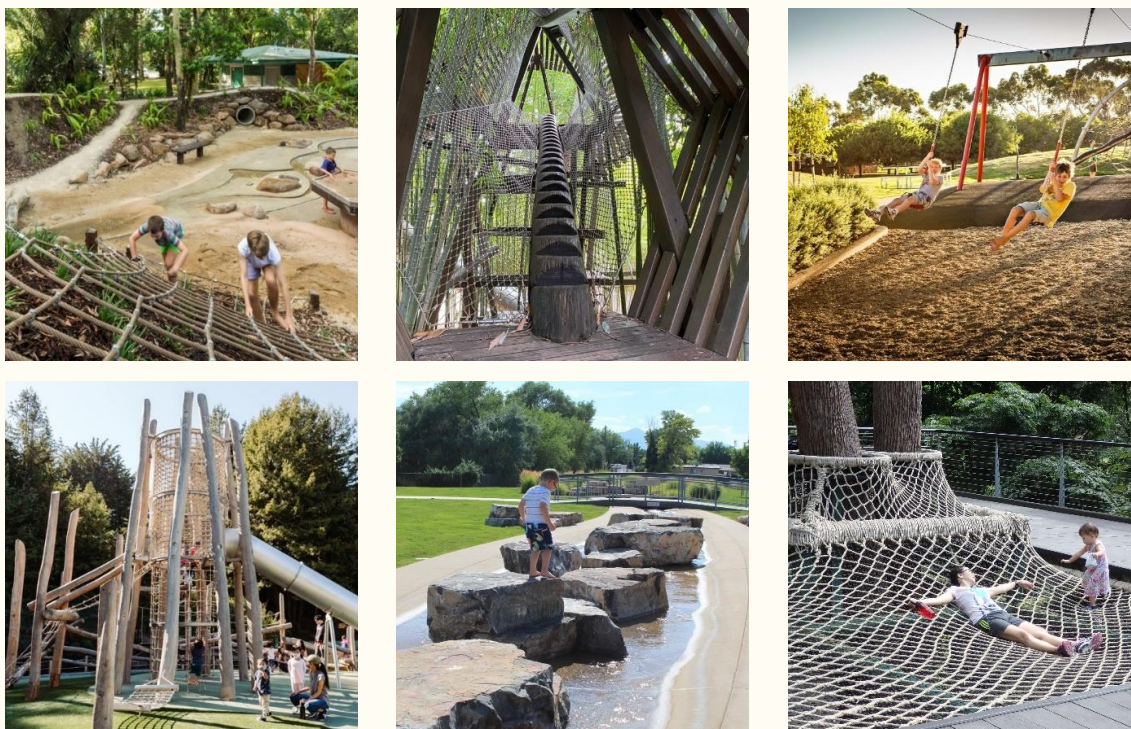


Figure 23: Design inspiration for the regional playground

Source: [landplanla.com.au](http://landplanla.com.au); [apl](http://apl); [kiddomag.com.au](http://kiddomag.com.au); [earthscapeplay.com](http://earthscapeplay.com); [saltproject.co/blog/fairbourne-station-promenade-splash-pad](http://saltproject.co/blog/fairbourne-station-promenade-splash-pad); [apl](http://apl)

### Actions

#### Action 1: Construct a new regional play space for a broad range of ages at the western end of the foreshore

- Engage a landscape architect to produce detailed drawings and cost estimates for the regional play space in line with the description provided above
- Guided by Eastern Maar, work to include Traditional Owners in planning for the project
- Design the space for a diverse age range, with a particular focus on children 8 years and older, including providing flexible spaces to play and 'hang out'

- Make the play space accessible for everyone, including those who are neurodiverse or with hidden or dynamic disabilities (*in line with best practice, this means providing a range of experiences, it does not mean all spaces are physically accessible*)
- Focus should be on larger equipment such as climbing nets, slides, flying fox and a tree walk connected to the historic castellated folly
- Include a sensitively designed waterplay splash pad in response to community requests. The installation should have a low visual impact and use natural materials where possible
- Make the play space accessible for everyone by providing a range of experiences (*in line with best practice this does not mean all areas need to be physically accessible. Having spaces that are quieter and harder to access physically can be better for children and young-adults that live with invisible and dynamic disabilities, including those who are neurodiverse*)
- Upgrade the existing western carparking to improve access and provide pedestrian links with the café, toilet and formal botanic gardens
- Review the need for a toilet in the lower area or whether existing facilities are sufficient
- Include picnic shelters, tables and BBQ facilities as part of the playground. Structures to be subtly coloured with a preference for an architecturally designed suite consistent with the Lake Colac Foreshore Master Plan
- All equipment to be of sensitive colours and materials as befits its place in a heritage botanic garden. Preference should be given to equipment that is neutral in colour, custom designed or has an artistic element. Bright and primary colours should be avoided
- Minimise the introduction of informal exercise infrastructure within the foreshore and broader precinct except within the boundaries of the new playground, or sensitively placed near the Infinity Jetty. Stand-alone equipment, especially fenced, should be avoided in the wider botanic gardens precinct
- Work with arborists to sensitively place the equipment amidst the existing trees, providing natural and instant shade, wind protection, and visually softening the impact of the playscape on the heritage vistas

**Action 2: Carry out a feasibility study into the preferred option for providing water play**

- Undertake a feasibility study into the sourcing and disposing of water used, such as treated reticulated water, or single-use potable water which is then captured and used for irrigation
- Include research into appropriate management plans, including the costs required to undertake the necessary monitoring and maintenance

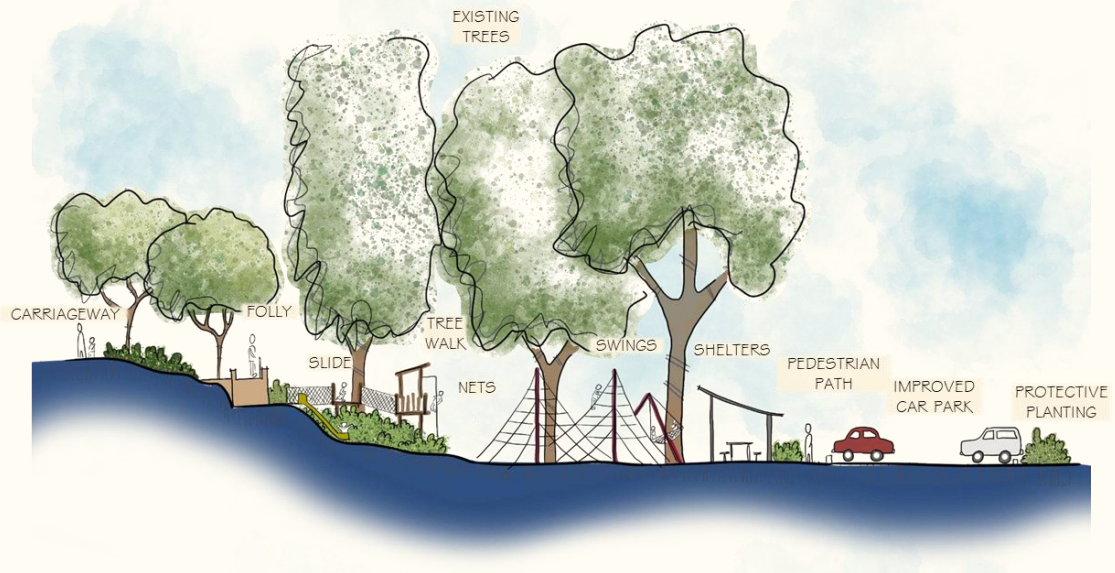


Figure 24: Section detail of the regional play ground



## Regional Event Space



Figure 25: Plan detail of the regional event space

Events have long been a part of the history and community use of the Colac Botanic Gardens, and there was considerable community interest in holding more events such as concerts and markets. However, in a heritage garden this requires careful planning, with the creation of dedicated, properly serviced event spaces providing the best options both for successful event staging and to minimise the impact on the Gardens.

The Master Plan proposes to reinstate the central foreshore's historic use as Colac's premier event space. With the relocation of the visually intrusive CFA running track the area can be activated for events. A new, 5m wide pedestrian pathway is proposed through the foreshore reserve, which is in line with Guilfoyle's vision. This pathway fulfills the dual purposes of providing welcoming, pedestrian friendly access to the area in all weather, allowing safe vehicle access for event set up and providing a hard surface for events such as community markets. As part of any upgrade works drainage should be improved and permanent infrastructure such as power and water provided to make set up of stages and other infrastructure easier. Above this area, running up the hill, the historic lawn terraces should be gently re-established, carefully working around existing trees to create new spaces for watching concerts and performances.





Figure 26: Design inspiration for the regional event space  
Source: kimwilkie.com; Colac & District Historical Society via Paatsch (2015); apl

### Action 3: Relocate the CFA Running Track

- Engage a landscape architect and other professionals to work with the CFA and produce detailed drawings and cost estimates for the relocation of the CFA running track to Central Reserve
- Develop a business case for funding the relocation of the CFA running track, potentially in conjunction with the business case for the event space (Action 4)
- Adjust forward planning for Central Reserve to raise the priority status for relocation of the Running Track
- In the interim, support the CFA in any works which reduce the visual and physical impact of the fence and tower

### Action 4: Develop the central foreshore area as a regional event space

- Work with local businesses and Colac Otway Shire Events to determine facilities and services required. The priority should be infrastructure which supports events while being visually and physically unobtrusive for passive users
- Engage a landscape architect to produce detailed drawings and cost estimates for the event space in line with the description provided above
- Engage an engineer to review drainage and service options
- Develop a detailed business case for funding and building the event space

## Community Venue

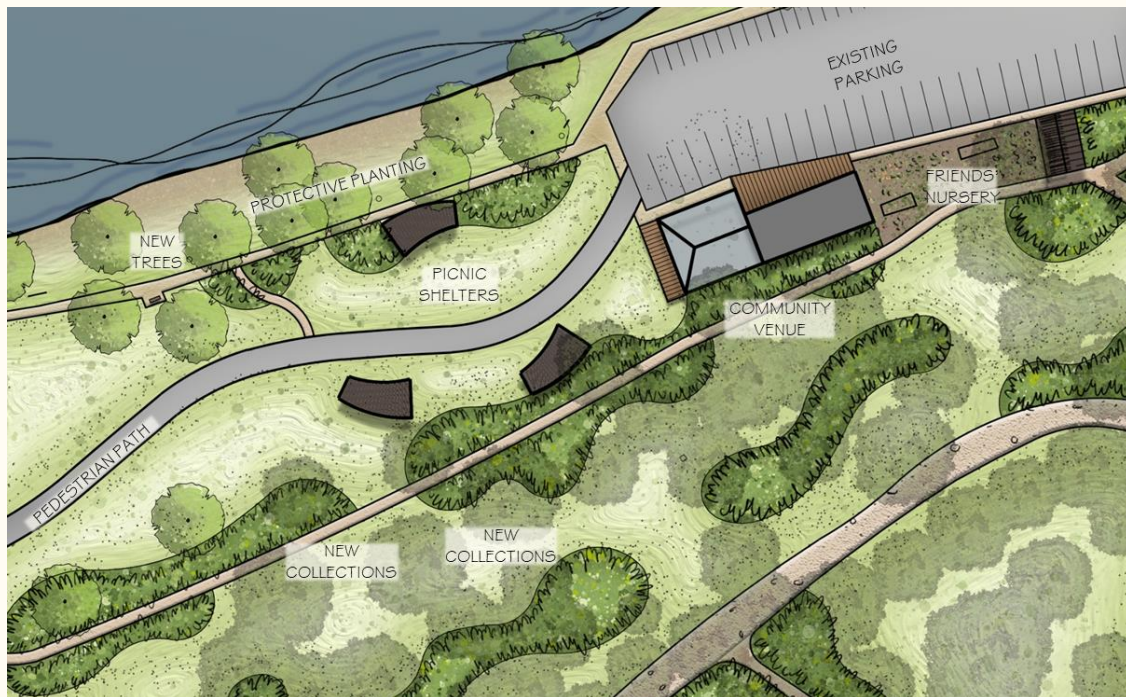


Figure 27: Plan detail of the community venue

The Anglers Club Building has been identified by the Assets team as being in need of renewal and by various heritage assessments as being visually intrusive. The building does not sit well in the landscape from an aesthetic and heritage perspective, and the area around the building is exposed and windy. The building has potential to be expanded and upgraded as a wider used community space shared by a number of groups such as the Anglers Club, the Friends of Colac Botanic Gardens and other community organisations. It is recommended that the building be renovated and rendered / clad to be more visually recessive in the landscape. New doors and windows, without bars, should be added to make the building more open and friendly and a green roof could be considered. Decks for outdoor dining and a possible glasshouse / light filled extension could also be considered. The area to the east is well suited to a relocated Friends nursery, freeing up much needed space in the botanic gardens depot and allowing the new nursery to be regularly opened to the public. The opportunity also exists for a small, commercial food and beverage venture in the building. Longer term parking could be sensitively expanded in this area, outside heritage view lines, and a new picnic area added. The whole area would also be augmented by a new botanic gardens collection including garden beds with large shrubs and screening trees to provide greater wind protection and a visually softer setting.





Figure 28: Design inspiration for the community venue

Source: [landezine.com](http://landezine.com); [rbgfriendscranbourne.org.au](http://rbgfriendscranbourne.org.au); [houseandgarden.co.uk](http://houseandgarden.co.uk); [hiddencitysecrets.com.au](http://hiddencitysecrets.com.au); [warrandytekindergarten.org.au/kitchen-garden](http://warrandytekindergarten.org.au/kitchen-garden); [oxigen.net.au/projects/kitchen-garden-little-sprouts](http://oxigen.net.au/projects/kitchen-garden-little-sprouts)

### Actions

#### Action 5: Redevelop the current Anglers Club Building as an all-purpose shared community space

- Work with local businesses, Colac Otway Shire and community groups to determine the facilities and services required
- Engage an architect and landscape architect design team to produce detailed drawings and cost estimates for the community venue in line with the description provided above
- Relocate the Friends of the Colac Botanic Gardens nursery to this area, where it has better solar access and can be used for public plant sales
- Create new garden beds in the area to link the building with the Gardens and new picnic area as guided by the updated Living Collections Plan
- Prioritise new wind protection planting ahead of wider works occurring
- Develop a business case to fund and construct the project

### Potential Infinity Jetty



Figure 29: Plan detail of the infinity jetty

Behind the event space, the Infinity Jetty proposed by the Lake Colac Foreshore Master Plan has been included as a potential long term project in the Botanic Gardens Master Plan, with proposals to look at a spiral jetty. The spiral shape will improve access to the water in dryer conditions. Pathways in and around the existing mosaic should be improved in consultation with the original artists to improve access. Planting should be strengthened, with gaps infilled and a focus on Lake Colac indigenous species.

The design for the jetty should use natural materials which complement the surrounding landscape, and the proposed spiral form. This particular shape will serve to create internal and external spaces for visitors to utilise, including as a bird hide when water levels are low. The length and curve will improve access to the water when the lake levels dip with raised areas for promenading and lower levels for fishing or water access. Consideration should be given to including shelters and lighting within the Infinity Jetty structure. The materials used to construct the Infinity Jetty and any surrounding amenity structures should be natural or of a neutral colour palette.

Since the completion of the Lake Colac Foreshore Master Plan in 2016 economic, social and environmental conditions have changed. It may be that a review of the Lake Foreshore Master Plan finds the infinity jetty is no longer a priority for Colac Otway Shire, but such a review was outside of scope the Botanic Gardens Master Plan. If the decision was made not to pursue the infinity jetty then it would not have a negative impact on the Botanic Gardens Master Plan proposals, as other projects were a higher priority during public consultation. In any case the Infinity Jetty has been listed as a low priority project with additional feasibility work required.



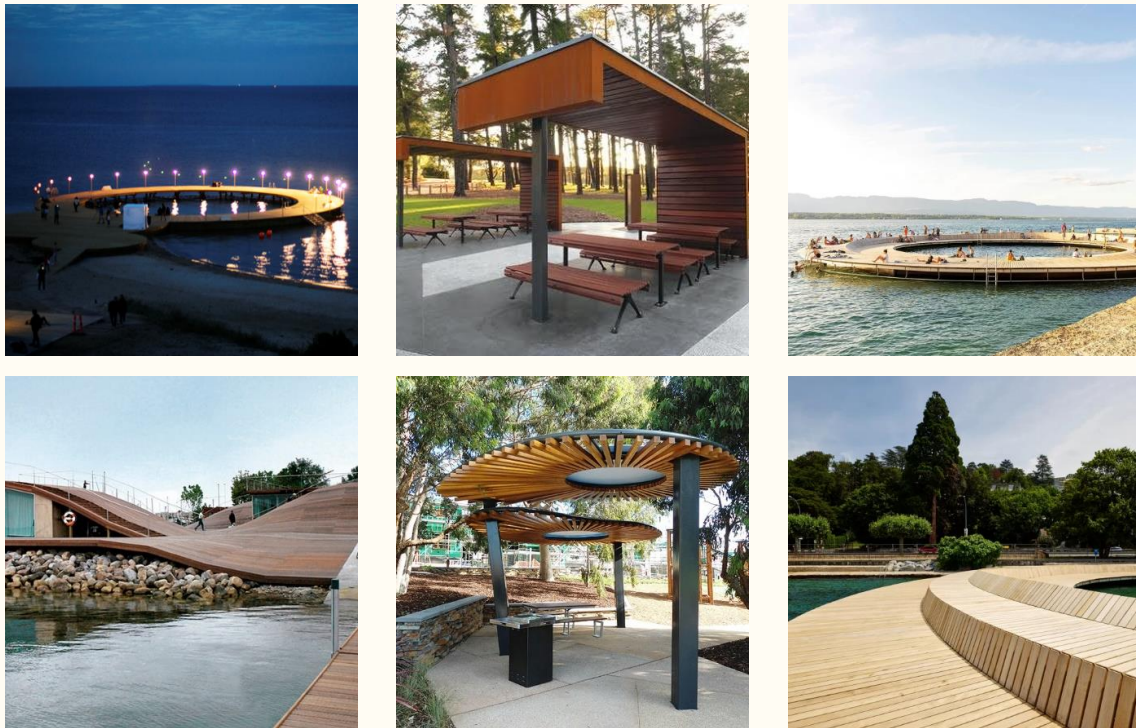


Figure 30: Design inspiration for the Infinity Jetty

Source: Detail - [kazoda.co/Circle-pier](https://kazoda.co/Circle-pier); [ds.com.au/products/shelters-bridges-restrooms](https://ds.com.au/products/shelters-bridges-restrooms); [globaldesignnews.com](https://globaldesignnews.com); Detail - [architavel.com/project/maritime-youth-house](https://architavel.com/project/maritime-youth-house); [grdesignandconstruct.com.au/shelters](https://grdesignandconstruct.com.au/shelters); Detail - [globaldesignnews.com](https://globaldesignnews.com)

### Actions

#### Action 6: If supported by subsequent reviews of the Lake Colac Foreshore Master Plan, develop the Infinity Jetty

- Pursue the infinity Jetty if endorsed by any review of the Lake Colac Foreshore Master Plan (intended for 2026)
- Work with local businesses, Colac Otway Shire and community groups (including the mosaic artists) to determine the facilities and services required
- Engage an architect / landscape architect design team to produce detailed drawings and cost estimates for the Infinity Jetty in line with the description provided above
- Develop a business case to fund and construct the project

### 5.3. Formal Botanic Gardens and Surrounds

#### Summer House and Main Entrance



Figure 31: Plan detail of the summer house and main entrance

Guilfoyle's 1910 vision for the site included many summer houses or rest houses. In Guilfoyle's work these acted as both shelters and picturesque landscape follies – features that sat as focal points in the landscape. Community consultation indicated a desire for more all-weather shelters in the Gardens. There is limited capacity to introduce built form into the formal botanic gardens, however the opportunity does exist to introduce a contemporary, architect designed and fully accessible version of one of Guilfoyle's picturesque shelters near the main entrance at Gellibrand Street. This location was always intended by Guilfoyle to have a shelter and the lawn area already acts as an informal event space, which the addition of a shelter will support. From a heritage perspective it is essential that the shelter is relatively small, of good quality design and contemporary in style. As no Guilfoyle designed shelters were constructed in the Gardens there is no historic precedent to draw on, so a contemporary interpretation will be essential.

Other works to this area include reshaping the lawns to follow Guilfoyle's original design intent and strengthen the sense of entrance. New garden bed plantings within the current carriageway path will prevent vehicle traffic using this entrance and the current gates will be restored. The option also exists, depending on the findings of the Conservation Management Plan, to upgrade the entrance gates with new, artist designed features, however the current gates have good design integrity and restoration rather than replacement is the preferred option.





Figure 32: Design inspiration for the summer house

Source: Detail - [housebeautiful.com](https://housebeautiful.com); apl; Marianne Majerus Garden Images via [flowermag.com](https://flowermag.com); [flowermag.com](https://flowermag.com); Detail - Greg Burgess via [gbarch.com.au](https://gbarch.com.au); Detail - [booking.com](https://booking.com)

### Actions

#### Action 7: Construct a new, fully accessible summer house at the main entrance

- Engage an architect to produce detailed drawings and cost estimates for the summer house in line with the description provided above
- Gradually change the garden bed shapes in line with Figure 53: Colac Botanic Gardens Garden Bed Plan
- Develop a business case to fund and construct the project

## Rose Garden and Pond



Figure 33: Plan detail of the rose garden and pond

Rose gardens are always problematic in the long term, as roses will decline and fail due to disease loading in the soil after any period of time. This means difficult decisions need to be made in regard to removing plantings and leaving beds fallow for extended periods, or the periodic relocation of rose gardens. In a botanic garden built on high quality horticulture and consistent garden bed renovation this second option is preferred. It is recommended that the central Rose Garden be removed and a new Rose Garden established around the central termination of Bunce's pathways at the western end of the formal botanic gardens. The central portion of this garden is recommended to house a second lilypond. This provides the opportunity to add original beds planned by Guilfoyle and provide greater focus and landscape presence in this somewhat visually awkward area.



Figure 34: Design precedents for the Rose Garden  
Source: apl, apl; Royal Botanic Gardens Victoria



### Actions

#### Action 8: Develop the new Rose Garden and Ponds

- Engage a landscape architect to produce detailed drawings and cost estimates for the project in line with the description provided above
- Add new garden beds in line with Figure 20: Colac Botanic Gardens Master Plan
- Once the Rose Garden is relocated, replant the existing Rose Garden with collections-based plant material in line with Figure 53: Colac Botanic Gardens Garden Bed Plan
- Fund and construct the project

### Historic Castellated Folly



Figure 35: Plan detail of the castellated folly

The historic castellated folly dates from the 1930s and has not been used since the 1950s. Depending on the findings of a Conservation Management Plan, it has great potential to be activated as a community space and connected to the proposed regional play space at the western foreshore. It is expected that any review by the Conservation Management Plan will find the structure to be of low-level significance with its main value laying in how it sits as a folly focal point in the landscape. While the structure could, theoretically, be returned to its original use as toilets and brought up to code this is not recommended as the location is no longer suitable for toilets and extensive works would be required to make the structure accessible. These would include extremely long boardwalks or extensive earthworks to bring in a DDA compliant pathway and even then, the structure would remain difficult to access.

Instead, it is recommended that the structure be renovated as an engaging landscape folly. Options include adding a viewing deck to the roof (through a short, level boardwalk from the formal botanic gardens), incorporating it into the playground with a ground level deck leading to slides on the lake side, and treating the folly itself as an engaging space with mosaics and plantings. All artists treatments should stay on the inside of the building, with the outside remaining visually similar to its original form, subject to any new decks or access structures around it. It is recommended that, subject to the recommendations of the Conservation Management Plan, the project be released for expressions of interest to local artists to bring a local perspective to restoration works.

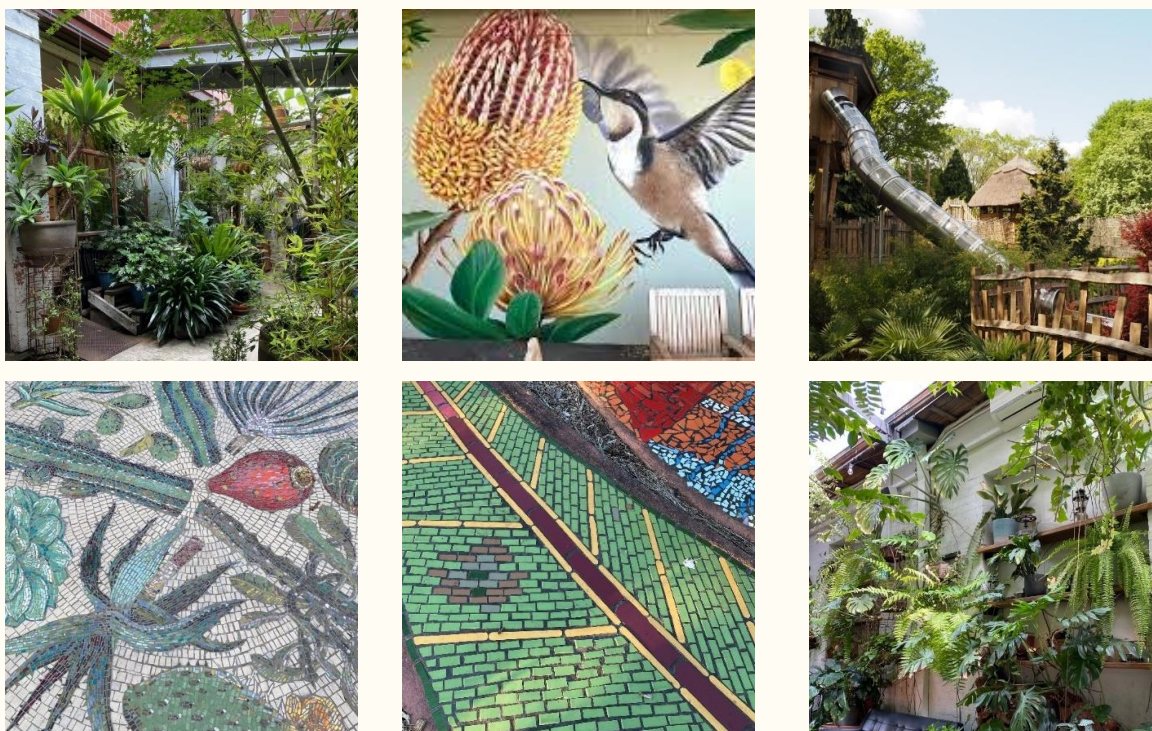


Figure 36: Design precedents for castellated folly upgrade

Source: apl; Amanda Newman via Austin Health Facebook; wearecapco.com/project/adventure-play-at-windsor-great-park; apl; apl; apl

### Actions

#### Action 9: Develop the Castellated Folly as a linking feature between the Regional Playground and formal botanic gardens

- Review the heritage impacts of these proposals as part of the updated Conservation Management Plan for the Gardens (see Action 12)
- Engage a landscape architect to produce detailed drawings and cost estimates for the project in line with the description provided above
- Develop the project as part of the Regional Playground project (section 5.2)



### Otway Children's Garden



Figure 37: Plan detail of the Otway Children's Garden

The Otway Children's Garden is a proposed children's garden built around and within a plant collection – in this case the flora of the Otways. This flora is particularly well suited to providing nature play opportunities for children, and will be a point of distinction between it and other children's gardens.

This Children's Garden will be developed in the existing playground, with the concept allowing for the selective retention of popular components of that playground. The space should be aimed at children under 8, but include elements to interest older children and adults. The concept requires a detailed design as well as community consultation to identify the existing components desired for retention, but it is envisioned to include features such as sand play, a trickle stream, a tree fern forest, log play, a tree top viewing tower and large basalt play boulders and stones. Natural materials, or materials with a neutral colour palette, are recommended for the construction of equipment as well as picnic shelters, tables and chairs, to better immerse the visitor in the 'nature' aspect of play and the Gardens themselves. The tree fern forest, along with selectively interwoven plantings, will flow down to connect this space with the expansion of the existing Otway Rainforest Collection.

This focus on local flora offers opportunities for education and learning for locals and visitors alike.



Figure 38: Design inspiration for Otway Children's Garden

Source: [tensile.com.au/project/ian-potter-wild-play-garden](https://tensile.com.au/project/ian-potter-wild-play-garden); apl; Pinterest; [botanicgardens.org.au/whats-on/seedlings-nature-school-sydney](https://botanicgardens.org.au/whats-on/seedlings-nature-school-sydney); [site-design.com/projects/natural-playground-design-chicago](https://site-design.com/projects/natural-playground-design-chicago); apl

### Actions

#### Action 10: Create a nature-play-based Children's Garden as a celebration of local Otway Flora and a point of difference as a regional botanic garden

- Undertake detailed community consultation to determine the facilities required and which portions of the current playground should be retained and integrated
- Guided by Eastern Maar, work to include Traditional Owners in planning for the project
- Engage a landscape architect design team to produce detailed drawings and cost estimates for the Children's Garden in line with the description provided above
- Focus the Otway Children's Garden as a more enclosed, planted environment for younger age groups that connects to local Bush Kinders and supports education programs
- Except for existing equipment, the focus of the space should be nature play, not formal equipment
- Consider the inclusion of an overstory of tree ferns
- If appropriate, provide a physical barrier between the Otway Children's Garden and Fyans Street
- Expand formalised parking along Fyans Street in proximity to the Otway Children's Garden
- Improve accessibility by providing sealed pathways from the carpark to the play space, picnic shelters and existing toilets
- Connect the Otway Children's Garden to the expanded Otway Rainforest Collection, possibly through a tree walk
- Collaborate with initiatives such as the "Let's Read Program" and continue to support Children's Week / Book Week within the Gardens / Otway Children's Garden line with Early Years Plan 2015-2017)
- Develop a business case to fund and construct the project



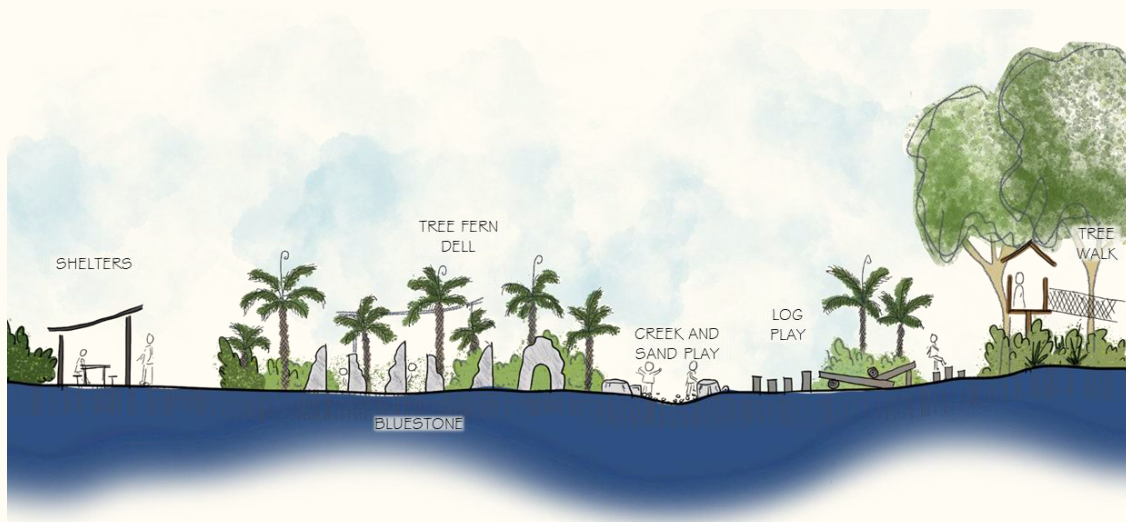


Figure 39: Section detail of the Otway Children's Garden



## Lookout



Figure 40: Plan detail of the lookout

The lookout within the Colac Botanic Gardens was constructed in 2011/2012 as part of wider works intended to connect the formal botanic gardens and foreshore. Original proposals for a wooden boardwalk were opposed by Heritage Victoria, and the final structure has a number of nice design details, but is difficult to access with steep entrance paths, and the balustrade interferes with heritage views from the carriageway.

It is proposed to make subtle modifications to the structure to improve flow and access, including providing a platform below the lookout to allow the balustrade to be removed and the rock wall to be better appreciated. New, botanically rich and looser planting should be added and pathways from the structure to the carriageway improved. The aim should be to make the area less formal and symmetrical so it allows clear views over Lake Colac and sits more sympathetically at the edge of the elegantly flowing formal botanic gardens.

### Action 11: Modify the Lookout to reduce its visual impact

- As part of the development of the Regional Event Space, modify the lookout to reduce the visible impact of the balustrade and soften the shape of the structure in the landscape

## 6. Management of Colac Botanic Gardens

The following chapter discusses issues which affect the Colac Botanic Gardens as a whole, rather than the individual design projects discussed above. This provides solutions for a range of concerns from all-of-site infrastructure, such as paths and irrigation, to management as a botanic garden, events, staffing and the role of the Friends.

### 6.1. Management as a Heritage Place

#### Discussion

The history and heritage of the Colac Botanic Gardens is one of the items most prized by the community about the site. There are also legal obligations to protect the heritage values at a State level. The site is an intact and very fine example of a 19<sup>th</sup> / early 20<sup>th</sup> century regional botanic garden and its preservation and care need to be of primary consideration during in any proposed changes. One of the most important things a Master Plan can do is identify what is of value and importance in a site, so that necessary changes can take place without causing harm. In the management of a heritage site this means being guided by a Conservation and Management Plan (CMP) and the Burra Charter.

The 1993 *Colac Botanic Gardens: A Conservation Study* (Patrick and Wallace Pty Ltd) is a prime example of standard practice during the 1990s and 2000s for Conservation Management Plans to include a component of Master Planning. This meant that CMPs from this era often stepped beyond being pure heritage documents and addressed a wider range of issues now more typical of Master Planning. Today, best practice involves producing CMPs as purely technical heritage documents, with the priority being the identification and protection of the heritage values of the place. By contrast, Master Plans, while guided by a CMP, have the greater remit to address all aspects of the place's management and design from visitor and landscape use to car parking, staffing, new projects and signage – including consideration of the desires of the community.

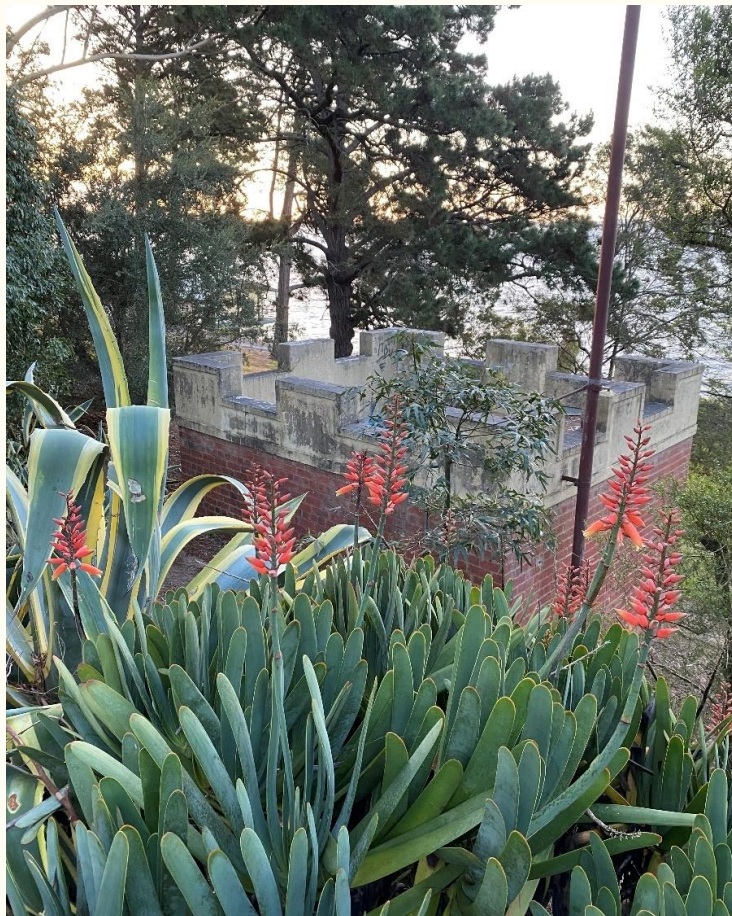


Figure 41: The former toilets ("castellated folly") are one of the few heritage structures in the landscape

This Master Plan is informed by the Conservation Study 1993 carried out by Patrick and Wallace Pty Ltd, as far as it relates to the identification and preservation of the heritage values of the place. However, the

Conservation Study is now in excess of 30 years old, and compromised by its age. Over the last 20 years approaches to heritage management have changed, there has been an explosion in access to archival records due to digitisation and the internet, and heritage legislation has been enacted. This means many Conservation Management Plans from the mid 1990s cannot provide the guidance needed to responsibly manage heritage places. This can lead to delays in processing heritage permits, increased compliance costs, and at worse, a dilution of the heritage values of the place. A new Conservation Management Plan is required for the site as a priority.

It is acknowledged that Conservation Management Plans are expensive and time consuming, and not all works need to wait for its production. Items that are straight forward from a heritage perspective (e.g. new garden beds) can proceed, with targeted heritage reports to support their permit application. More complex items such as fencing, entrances and naming should ideally wait until after the CMP is complete.

In addition to this post-contact heritage, there is a need to recognise the deep roots and ongoing connections to the place of the Gulidjan and Gadubanud Traditional Custodians. Consideration of Aboriginal Values is an important part of managing the heritage of the site and needs to be considered when making decisions in regard to the management of the place. The preservation of post-contact values (i.e. those identified on the Victorian Heritage Register) should not interfere with the recognition of Aboriginal Values and the connection of the Traditional Owners to the site.

Currently, these values are not well understood and there is a need to work with the Traditional Custodians to understand these better, working with them in the development of future projects and educational opportunities.

To fully establish the Aboriginal Values connected to the place it is recommended that a separate investigation be undertaken, working with the Registered Aboriginal Party of the Eastern Maar Aboriginal Corporation and any other appropriate Traditional Owner groups. This should be part of a broader assessment of Lake Colac and surrounding areas, with a scope defined in collaboration with Eastern Maar. This is because Aboriginal Values extend across a landscape, and are not defined by arbitrary post-contact boundaries such as botanic gardens.

### Actions

#### **Action 12: Produce a new Conservation Management Plan for Colac Botanic Gardens as a high priority**

- Develop a new Conservation Management Plan
- A new, full CMP is required, not a review. This is due to the length of time that has elapsed since the previous work, the changes in heritage legislation and approach, and increased access to digitised databases
- Consult with Heritage Victoria in the development of the new CMP
- Ensure the document is carried out by heritage landscape professionals
- Review the recommendations of this Master Plan as part of the new CMP work, identifying any heritage parameters to be considered as part of the implementation of Master Plan projects
- Manage the site in accordance with processes laid out in the Burra Charter

#### **Action 13: Adhere to the Heritage Act 2023**

- Manage the site in accordance with the latest Heritage Act 2023, which includes events and for parts of the registered site outside the formal botanic gardens (E.g. lake foreshore, caravan park)



**Action 14: Use the heritage values of the place to pursue funding and promotional opportunities**

- Proactively search out heritage related funding and promotional opportunities
- Proactively use the Gardens' history as a means of promoting the site for garden tourism (E.g. part of a Guilfoyle Trail of the western plains)

**Action 15: Reinstate and emphasise elements of the 1910 Guilfoyle design**

- As per the Master Plan drawing, reinstate, install or rejuvenate garden beds to better reflect William Guilfoyle's 1910 intentions for the site
- Consider future integration of Barongarook Creek Trail in relation to the Guilfoyle Plan for future interpretations and uses of the wider foreshore landscape, acknowledging that Guilfoyle's proposals for this area are inappropriate from an environment and management perspective and a contemporary interpretation will be required

**Action 16: Reinstate and renovate appropriate heritage structures within the Gardens**

- Repair and reinstate the historic pond and fountain, with works to improve its long-term function and reduce the need for annual emptying
- Reinstate gentle terracing along lake foreshore embankment of formal botanic gardens, taking care around existing trees (see also Action 4)
- Consider the introduction of a Summer House (Guilfoyle) at the western entrance to provide all weather protection within the formal botanic gardens

**Action 17: Guided by the new CMP, remove or modify intrusive structures and elements within the Gardens**

- Reconfigure the lookout to sit more appropriately within the landscape, removing the balustrade to reinstate views over Lake Colac from within the gardens
- Review 20<sup>th</sup> century tree plantings adjacent to the lake foreshore to ensure heritage views over Lake Colac are retained and enhanced – there is some scope to soften embankment slope with additional planting
- As per Action 3, the Lake Colac Foreshore Master Plan (2016) and Colac City Reserves Planning Project (2022), relocate the CFA training track (to Central Reserve) as a visually intrusive item within the botanic gardens
- As per Action 5 renovate the Anglers Club Building to reduce its visual impact on the landscape

**Action 18: Work with the local Eastern Maar Aboriginal Corporation to guide how Aboriginal people's knowledge and connections are reflected within the Gardens**

- Consider how the Gardens can collaborate with Traditional Owners to support their use and involvement in the precinct, including where opportunities exist to support Living Collections development
- Consult with Traditional Owners early in the development of all projects, especially those on the foreshore and the Otway Children's Garden. Be guided by Traditional Owners on how they are included and acknowledged
- Be guided by Traditional Owners in all works which speak about them, including their culture and language
- Include the Traditional Owners in the planning for the signage and interpretation strategy

**Action 19: Undertake an Aboriginal Heritage Values assessment**

- Guided by the new CMP, undertake an Aboriginal Heritage Values assessment to identify and manage the cultural importance of the site (scope to be determined in consultation with Traditional Owner Groups)

**Action 20: Adhere to the Aboriginal Heritage Act 2006**

- Adhere to the Aboriginal Heritage Act and the requirement for Cultural Heritage Management Plans and permits around Lake Colac
- Consider producing a desktop Cultural Heritage Management Plan for areas of the site with Cultural Heritage Sensitivity

**6.2. Landscape Character****Discussion**

The beauty and landscape character of the Colac Botanic Gardens, particularly the formal botanic gardens, is one of the most important contributors to its popularity. As for any garden, this is also vulnerable to change; from climate, changing fashions, inappropriate projects or simply the ravages of time. Colac is fortunate to have been cared for sympathetically by its curators from establishment to this day, which means the landscape has been protected and enhanced by each generation. The design and character of the Colac Botanic Gardens is discussed in more detail in Section 4.1. It is important that all future projects respect this character and sit sympathetically in the heritage landscape.

Bunce's carriageway and Guilfoyle's design are foundational in shaping the formal botanic gardens. Although the 1910 design was only partially implemented, the design is strong and coherent and should be adhered to in order to strengthen the consistency of spatial relations and the planting palette. The play between void and mass is a signature of Guilfoyle's designs, and he made good use of the site's natural topography to frame views within the formal botanic gardens, and out to the lake and distant hills. Care should be taken to maintain the size and shape of the proposed garden beds so that this balance and these vistas are not broken.

Guilfoyle was likewise partial to invoking a sub-tropical feel to his gardens, which can be seen in the planting choices on the western side of the Gardens, where his design was implemented. This intent was also clearly spelt out in his accompanying report for the Gardens which stated "*Many of the groups in various parts of the park, should be composed of various shades of green foliage, with a free use of Cordylines or Dracaenas, for the purpose of imparting a tropical effect; others should consist of plants chiefly with coloured foliage, intermingled with low-growing greenery...*" This intent can be gradually expanded in key locations within the formal botanic gardens with the use of textural foliage plants, and islands of tropical foliage.

The formal botanic gardens themselves are a space separate from the residential surroundings, with the plantings and trees along the borders enclosing them and creating a sense of distance between the interior and the township. Care needs to be taken to maintain this sense of enclosure.

The lawns within are vital to the creation of this enclosed space, and care must be taken to ensure that tree plantings are done with consideration to the overall design. It can be tempting to see lawns as space for trees, and this can result in dense, closed arboretum-like plantings if too many trees are introduced. Colac Botanic Gardens has excellent age diversity within the tree population, and staggered planting in response to aging trees will uphold this, but must be balanced against the design of the space. Great care needs to be taken in

introducing any further tree planting within the formal botanic gardens, except as replacement for trees that are lost.

Only the structures and artworks recommended in this Master Plan should be considered for introduction to the Gardens. The formal botanic gardens are a heritage site, and any structures and artworks being added to this area need to be done so with sensitivity and care so as to not disturb the heritage fabric. Generally speaking, art for the sake of art (e.g. sculpture) should be avoided in landscapes of this nature, as the focus should be on the planting and picturesque designs, which is easily eroded by the introduction of new focal points such as sculpture. The foreshore area has less significant heritage value, and therefore greater flexibility concerning the addition of structures and hardware. A better response to art within botanical landscapes is to have it embedded within already planned projects such as mosaics, furniture, gates or shelters.



Figure 42: Subtropical style planting in the formal gardens

### Actions

#### Action 21: Maintain the Gardenesque / Picturesque character of the Colac Botanic Gardens

- Use William Guilfoyle's 1910 plan to provide design direction in the formal botanic gardens while retaining earlier design features
- Maintain a sense of enclosure along gardens boundaries, except near the viewing platform where open views to Lake Colac should be maintained
- Maintain the overall character as a series of shapely lawn voids framed by botanically rich garden beds
- Maintain and gradually expand the sub-tropical character of the 1910 Guilfoyle design intent, including the use of textural and colourful foliage plants and the introduction of island beds of "tropical foliage"
- Undertake any new tree plantings judiciously, taking care not to create dense arboretum style plantings and maintain the effect of specimen trees in lawns
- Avoid new structures and artworks within the Gardens other than as specified in this Master Plan. Structures and art must be subtly, sensitively and appropriately placed within a heritage space and are more appropriate within the foreshore developments
- Take great care in the placement and shaping of new garden beds, with designs to be approved by Heritage Victoria and adhering to those shown on the Master Plan drawing. Provide steel edge all garden beds to avoid gradual dilution of their shapes over time



### 6.3. Circulation, Pathways and Entrances

#### Discussion

Vehicle and pedestrian access and pathways have been guided by the garden design of a previous century, and there are various points which require redesign and redevelopment.

For the safety of both vehicles and pedestrians, as well as to protect the heritage fabric of the formal botanic gardens, the gates at Fyans Street / Gellibrand Street should be closed to traffic. Vehicle access to the formal botanic gardens should be consolidated at the Queens Street entrance. The Fyans Street / Gellibrand Street gate is angled into an intersection with established carparking nearby, making it a complicated and potentially hazardous entry point. Traffic control can be further implemented by the installing of the furcated garden bed which was part of Guilfoyle's original design.



Figure 43: Child learning to ride bicycle on carriageway in the evening, after gates are shut to vehicles

Closing this gate to vehicle traffic will better enable the formalising of existing carparking, which is important for patrons of both the Gardens and the café, and ties into formalising the entrance from Gellibrand Street to the café. It is recommended that general accessibility be improved by prioritising accessible (disabled) parking near the café and garden entrances. This should be augmented with sealed and level pathways and nearby seating for visitors awaiting pickup. Such seating should have backs and arms for comfort and accessibility. The provision of safe, level, step-free footpaths from accessible bays into the Gardens needs to be prioritised as the Gardens themselves are highly accessible – the existing problem is that access from the parking into the formal (upper) gardens is poor.

The ability to drive into and through the formal botanic gardens is an unusual and valued part of the Colac Botanic Gardens experience, and there is considerable community ownership of this feature. This does however need to be balanced against the safety of visitors and the maintenance and heritage requirements of the Gardens themselves.

Much of the damage comes not from vehicle access, but from parking. It is recommended that all vehicle parking be prohibited within the formal botanic gardens. This will reduce damage to the lawns and garden beds adjacent to the carriageway, as well as increase the safety of the area by preserving lines of sight. Traffic flow should be restricted to one way only, with entry and exit being at the Queens Street gate. The carriageway should be narrowed to that which is necessary to accommodate a single lane of vehicular traffic and pedestrians simultaneously, in line with Guilfoyle's original vision. The removal of parking within the gardens (which is currently tolerated rather than allowed) will be offset by more parking and better access from surrounding streets. Additional and formalised carparking – addressed in section 6.5 – will be required to manage this alteration in traffic and usage.

It is not proposed to remove vehicle access from the gardens entirely, but rather to limit the hours at which it is permitted. This balances the needs of a variety of visitors; families or small bus tours will still have the capacity to take the elderly and mobility impaired through the formal botanic gardens, and visitors with small children will have times at which they can safely assume there is no risk of vehicle traffic.

In line with Colac 2050, the Open Space Strategy and Active Transport Strategy, it is recommended that street tree planting be introduced to all surrounding streets. Botanically interesting plants with appropriate climate suitability would serve to introduce the Gardens to those approaching from the CBD. They will provide a grander sense of arrival to visitors, enhance the overall presence of the Gardens and improve wayfinding. Such plantings could be extended into decorative garden beds as far as Murray Street / Princes Highway between Queens Street and Gellibrand Street to advertise the Gardens, and if this is undertaken, should be tough but striking perennial species requiring little maintenance.

The gates and sense of entrance to the formal botanic gardens are recommended to be upgraded in accordance with the finding of a CMP to reflect the grandeur of the gardens themselves and provide greater street presence.

Colac Botanic Gardens has an excellent path system and generally strong circulation and access. The system provides good access to most parts of the Gardens, but at times is unduly narrow. Pathway materials are also generally suitable, providing good accessibility and being historically appropriate, although there are some issues where drainage is poor (see Section 6.9). As for all gravel paths, periodic upgrade and re-edging is required. It is recommended that as this is needed, narrow paths are widened to at least 1400mm and edged with 5mm mild steel to allow two-way traffic / side-by-side walking and to provide a clean, easily maintained and long-lasting edge.



*Figure 44: Narrow gravel pathways within the formal gardens*





Figure 45: Boundary fencing in poor condition

Fencing around Colac Botanic Gardens is complicated, with a tall, powder coated steel fence surrounding the Gardens on the southern and western side, and no fencing to the north or east. The existing fence is at end of life and is noticeably in poor condition with rusted sections and broken rails. The fence has the advantage of protecting the Gardens from illegal car access

and provides a visual sense of arrival – the allure of the tall fence and what may lay behind. However, it also blocks pedestrian access and replacement costs of such a structure would be excessive. As long as it is permitted by the findings of the Conservation Management Plan it is recommended that the existing fence be removed to allow better pedestrian access with short sections remaining to define the key entrances. Traffic management can then be dealt with through kerbs and planted barriers as discussed elsewhere.

While access and pathways to the formal botanic gardens is generally strong, the same cannot be said for the foreshore, which is disjointed. Two separate carparks do not make good use of the existing space and there is no formal path through the centre of the foreshore – partially due to the existing CFA track. The Lake Colac Foreshore Master Plan also identifies the lake edge path as being too narrow past the rowing club. Access from the extension of Gellibrand Street to the foreshore past the rowing club was also identified as unsafe for pedestrians by many people during community consultation. Recommended changes to these areas focus on improving access and safety.

Finally, in Guilfoyle's 1910 plan for the site a carriageway extended through the foreshore, at the base of the embankment. The Master Plan proposes adding this, not as a carriageway, but as a broad, sealed pedestrian path that can, in response to community requests, be used to facilitate events in the foreshore by providing all weather vehicle access and being suitable for events such as markets.

## Actions

### Action 22: Maintain the Gardens as a free venue of recreation and respite for community<sup>44</sup>

#### Action 23: Upgrade the presentation of all entrances, projecting the Colac Botanic Gardens into the surrounding streets / areas

- Close the Fyans Street / Gellibrand Street entrance to traffic and consolidate vehicle movement into and out of the Gardens from Queen Street (see also Action 25)
- Provide high quality, ornamental perennial planting displays at all Gardens entrances
- Depending on the findings of the new CMP, provide new decorative gates as part of the fencing upgrade works. If the design of the current gates is historically important then these should be maintained and renovated<sup>iv</sup>
- Guided by the new CMP, determine if the site should be known as Colac Botanic Gardens or Colac Botanical Gardens (as per the original signage)

<sup>iv</sup> Note, renovation is also considerably more cost effective than replacement



- Provide decorative sections of botanically interesting planting to break up new carparking areas, including underplanting trees along the Gellibrand Street entrance and within the triangle of land between Gellibrand Street and Queens Avenue

#### **Action 24: Remove fencing along Fyans Street**

- Subject to the outcomes of the Conservation Management Plan, remove fencing along Fyans Street, maintaining only short sections near entrance gates and use kerbs and strategically placed garden beds to protect the gardens from vehicle damage and unauthorised vehicular entry or alternative sensitivity designed vehicle exclusion solutions.

#### **Action 25: Retain vehicle access to the historic carriageway, but modify to improve pedestrian amenity, safety and enjoyment**

- Close access at the western corner entrance (Fyans and Gellibrand Streets) to vehicle traffic. Install new planting and the Guilfoyle intended furcated garden bed as a traffic control device
- Review, and if necessary, widen, the entrance extending from Queen Street to provide for two-way traffic and separate pedestrian access
- Trial restricted vehicle access hours (e.g. 10am-4pm, not on weekends and not during summer holidays). If successful, implement permanently to provide certainty to users as to when vehicles may be present
- Prohibit and police all parking within the Formal Gardens (off the carriageway). Vehicles may only circulate slowly and not park. Actively reduce the path width to the minimum needed for vehicles and pedestrians to safely access it at the same time
- Improve access to carparks and the botanical amenity of the surrounding roads to reduce the impact of more managed vehicle access within the Gardens. Priority should be given to providing accessible, step free access from accessible parking spaces into the Gardens

## **6.4. Accessibility**

### **Discussion**

Making the Gardens more accessible and inviting is an important focus for the Master Plan. The two-level nature of the topography and the angle of the slope from the formal botanic gardens to the foreshore pose considerable challenges to movement between the two spaces, particularly for wheelchair users, older visitors, and those with reduced stamina and balance. Providing safe, accessible access between the two levels will always be challenging – although it can be improved – and it will be important to provide accessible parking and essential features (such as toilets) at both levels. Consideration should also be given to providing designated parking for older people and parents with prams in appropriate locations.

The current staircase near the cafe requires renovation, with a particular focus on appropriately sized and spaced landings and handrails to provide safe and easy access up and down the embankment. There are existing paths which are positioned and connected adequately, however they should be widened to account for users being both pedestrians and cyclists, and so provide safer and easier passage for both.



*Figure 46: Pathway between the upper and lower gardens*

It is essential that accessibility consider more than just physical movement and the narrow definition covered by the building code. The Disability Discrimination Act provides a much broader definition and covers any way a person can be excluded from accessing a space due to a disability. The aim should always be dignified, equitable access for all – meaning people should be able to access a space with dignity and in a similar way to others – regardless of their mobility or ability level. Importantly though – this does not mean that every area is accessible to all people. Indeed, the very qualities that make a space accessible and inviting for someone, for example, on the autism spectrum or with mental health challenges, can be the same qualities that make a space inaccessible to those with restricted mobility. Accessibility should aim to provide a range of spaces to cater to different needs including invisible and dynamic disabilities.

All key projects, especially the play spaces, should be designed with accessibility in mind, and should give consideration to the following:

- Providing a range of experiences from fully physically accessible (e.g. wheelchair accessible) through to enclosed, restricted spaces that provide quiet spaces to withdraw
- Not isolating specific uses. For example, wheelchair accessible play equipment must encourage and support children to play equitably alongside their siblings and friends
- Providing regular, layback entrances from paths to lawn areas. The carriageway provides access to lawns, but edged pathways should have laybacks added at regular intervals
- Providing alternative ways to access spaces. Any long ramps should be supplemented by direct stairway access
- Providing handrails to all stairs
- Providing seats with backs and arms in a mix of locations across the gardens including on lawns, against paths and under trees and in the sun
- Providing seats with backs and arms along the carriageway at maximum intervals of 80m.
- Ensuring all drinking fountains are accessible and include dog bowls (for service and support animals)
- Providing picnic tables around the outer edge of the gardens, including wheelchair accessible tables
- Providing toilets at the upper western end of the Gardens and ensuring all toilet and changing facilities include an accessible cubicle
- Planting additional trees and shrub beds to provide better weather and heat protection along the foreshore
- Moving most interpretation to an online / QR code format (e.g. Garden Explorer or similar) as this improves access for those with impaired vision. Consideration could also be given to providing descriptions of spaces and views
- Providing detailed accessibility information online such as accessibility maps and Social Scripts for events

## Actions

### Action 26: Improve accessible parking around the Gardens

- Working with a traffic engineer, explore options to increase the number of accessible parking bays at Gardens entrances, ensuring they allow accessible transfer from the bays into the Gardens (ie compliant continuous pathways)
- Consider providing seniors and parents with prams parking at key locations such as the café, playgrounds and main entrances

**Action 27: Improve access to lawn areas**

- Provide at least one layback kerb to each lawn area (supplementing access from the carriageway)

**Action 28: Increase the quantity and quality of accessible seating through the Gardens**

- Increase the number of accessible (back and arm rest) seats throughout the Gardens, including at maximum 80m intervals along the carriageway
- Continue to provide accessible seating in shaded areas
- Provide accessible seats at all entrances to provide safe, shaded and comfortable places for people to wait
- Provide accessible picnic tables suitable for use by a range of ages and abilities as part of foreshore developments
- Make the new Summer House fully accessible

**Action 29: Increase the quantity and quality of accessible drinking fountains through the Gardens**

- Upgrade all drinking fountains to be fully accessible including dog bowls and bottle refill (note: for heritage reasons do not use the large, coloured water authority type within the formal botanic gardens)
- Increase the number of drinking fountains throughout the site, especially around play spaces and along the foreshore

**Action 30: Improve all-abilities and general access through the Gardens**

- Widen pathways to a minimum of 1400mm to meet shared pathway standards. Pathways in the formal botanic garden should be gradually widened as part of routine upgrade works
- Provide better pedestrian access past the Rowing Club by widening the pathway on the water side
- Improve the condition of the Otway Rainforest Collection Track for greater accessibility, including adding sensitively coloured handrails where needed
- Ensure new pathways meet minimum standards for width and trafficability, with all abilities access provided where possible
- Renovate and fix stairs from near the café to the Lake Colac foreshore with an emphasis on providing safer, easier access up the embankment including appropriate landings and handrails

**Action 31: Include all-abilities access in interpretation, access and event planning**

- Move most interpretation to an online / QR code format (e.g. Garden Explorer or similar)
- Give consideration to providing descriptions of spaces and views for those with visual impairment
- Provide detailed accessibility information online to allow forward planning, especially when the changing places facility is installed
- Consider developing Social Scripts for events

## 6.5. Transport and Parking

### Discussion

Located between the CBD and Lake Colac, Colac Botanic Gardens already possesses connections to existing bike trails, is an easy flat walk from the main street, and carparking is present. However, for all these modes of transport and connection opportunities exist for improvement to enhance flow, improve accessibility and increase safety.



There are existing bike trails along the Lake Colac foreshore and the Barongarook Creek which can be better connected to the Colac Botanic Gardens. Consideration and traffic engineer advice is required as to how to implement these connections for the safety of all users, particularly concerning the bicycle crossings near the jetty and Anglers Club Building. As cyclists are encouraged to visit the formal botanic gardens, their needs should be pre-empted with the installation of bike racks, both located and designed to be unobtrusive in the landscape.

The formal botanic gardens have numerous points of access for pedestrians, many of which can be improved upon. The installation of pedestrian crossings on the streets lining the Garden, particularly Fyans Street, the intersection of Hesse Street / Fyans Street, would increase the safety of those accessing the Gardens along these thoroughfares. Installation of a pedestrian path on the road leading to the Rowing Club would address an area of known community concern.

Access to car parking around the Colac Botanic Gardens is restricted to the eastern and western ends of the site, being particularly limited on the western end along Gellibrand Street. In regional areas such as Colac people are reliant upon cars, and the current positioning, amount and layout of carparks can disincentivise people from visiting, as there may be none available forcing them to park in adjacent streets, if possible. This is particularly the case during peak periods. As noted in Section 6.4, accessible pathways from parking into the Gardens are largely absent.

Redeveloping Fyans Street to provide 90° angle parking on the garden side should address this considerably, as well as providing additional parking for events held on the foreshore.

It is noted that at present the Colac Botanic Gardens are difficult to locate from Murray Street and CBD. Consultation with VicRoads to review the location of the official brown tourism signage would address this, but even so, there are other ways of signposting the Gardens without literal signs. Careful and considered street plantings along the adjacent streets with botanically interesting species distinct from other standard street plantings will signify the presence of the Gardens as well as transitioning the surrounding space from residential to something softer and greener.



Figure 47: View from the main entrance down Gellibrand Street

## Actions

### Action 32: Improve pedestrian safety around the Gardens

- Work with traffic engineers to prioritise pedestrian movement around the Gardens. Consideration to be given to providing formal pedestrian crossings and connecting footpaths to the Gardens, especially at the three main Fyans Street entrances from Queen, Hesse and Gellibrand Streets in line with the Colac CBD and Entrances Project Plan for a "Botanic Gardens City"

- Work with traffic engineers to consider traffic calming devices along the end of the Fyans Street through addition of green / planted road islands – some of these may serve as crossing points, particularly when driving is adjacent to play spaces
- Work with traffic engineers to review pathways and bicycle path crossings near the Anglers Club Building and jetty to increase pedestrian safety
- Provide a new pedestrian pathway along the vehicle entrance to the Rowing Club to remove the potentially unsafe shared road space
- Connect pedestrian access paths across Fyans Street
- Working with traffic engineers, consider changing the pedestrian and vehicle right-of-way along Hesse Street, to make it safer and easier to access the Gardens along this major thoroughfare

**Action 33: Improve parking around the Colac Botanic Gardens, guided by traffic engineers**

- Formalise the entrance from Gellibrand Street parking to the Lake View Café
- Consider formalised car parking along Fyans Street and its extension to cater for peak periods and promote the Gardens regionally. Priority should be given to accessible / seniors bays and to areas near the Otway Children's Garden
- Formalise carparking near Lake View Café / Gellibrand Street, whilst maintaining significant lake views and protecting existing trees. Include parking for tour buses
- In line with the Master Plan drawing, improve the configuration of parking on the foreshore in sensitive locations outside of significant view lines
- Continue to provide larger carparking for boats and caravans near the current Anglers Club Building and designate these spaces as also being suitable for caravans and RVs
- Provide lockable, drop-down bollards to provide access the new, wide foreshore pathway to approved users. Consider providing drive through access to the Colac Band or provide safe reversing space for trailers
- As part of broader works, reseal and upgrade the road past the Rowing Club Building
- See also Action 26 for accessibility considerations for parking

**Action 34: Improve wayfinding and access around Colac Botanic Gardens**

- Provide botanically interesting and climate appropriate tree planting along Fyans Street and its extension to create a sense of arrival in the Gardens
- Provide botanically interesting and climate appropriate tree planting to streets connecting to the CBD (Gellibrand, Hesse and Queen Streets). This should include infill planting for Hesse, Fyans and Queen Street and new, botanically interesting and climate suited trees (not Elms<sup>v</sup>) on Gellibrand Street in line with the Colac CBD and Entrances Project Plan
- Connect the smaller pedestrian entrance point through the Otway Rainforest Collection from Barongarook Creek Trail (closest point to trail south of current playground) and other pathways in this area
- Improve connections from the Lake Colac Foreshore Bike Trail to the Gardens and along Fyans Street to the CBD
- Enhance planting along Murray Street / Princes Highway between Queens Street and Gellibrand Street to advertise the Gardens. Planting should be decorative, botanically interesting perennials
- Review and improve directional signage between CBD and Gardens

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<sup>v</sup> Note, this should not be Elm trees as suggested by the Lake Colac Foreshore Master Plan due to their lack of climate suitability

- Consider working with Vic Road to review the location of brown tourist attraction signs highlighting the Gardens and lake foreshore at the Princes Highway / Murray Street
- Provide similar signage at the Railway Station
- As part of foreshore works, provide a new, wide pedestrian pathway through the foreshore and improve pathway connections throughout the area

#### **Action 35: Encourage the use of Bicycles to access the Gardens**

- Provide bicycle racks at key Gardens entrances, especially where they connect to the wider bicycle network
- Connect the Colac Botanic Gardens to the Lake Colac foreshore and Barongarook Creek Trail Bike Tracks
- Together with Traffic engineers / broader city planners, review how proposed bike paths and connections to the Old Beechy Rail Trail can incorporate active transport routes to the Botanic Gardens in line with Active Transport Strategy 2013-23

#### **Action 36: Improve access to public transport**

- Should the local public bus company start running regular services on fixed routes, explore the options to provide a Bus Shelter to at least one of the two stops on Fyans Street
- Provide traffic management support and encourage walking to the Gardens during larger scale events (in line with Active Transport Strategy 2013-2023 - Part 1)

## **6.6. Infrastructure and Toilets**

### **Discussion**

The Colac Botanic Gardens are varied in terms of furniture. Park benches are present in the formal botanic garden, and there are tables and chairs in the foreshore, however the desire for more in terms of type and quantity was identified during community consultation. There is less capacity for new furniture within the formal botanic gardens due to the heritage nature of the place. Garden seats are low key, and are traditionally part of these garden settings, and drinking fountains and rubbish bins are functional requirements that are suitable and appropriate as long as discretely chosen and placed. Picnic tables however are not appropriate as they disrupt view lines and are visually incongruous with the heritage garden setting. The place for these is instead around the edges of the gardens or on the foreshore, where they should be positioned so as not to interfere with view lines.

With the exception of the Guilfoyle planned Summer House (see Section 5.2), shelters are not appropriate within the formal botanic gardens for the same reasons. However, there is considerable need for more on the foreshore and to accompany the Otway Children's Garden. Shelters should be diverse in range and function. They need to cater for varying seasonal and social uses, as well as groups of different sizes. Protection from the elements must include shade in summer and shelter from inclement weather in the colder months, including wind from the lake. This flexibility of purpose and use should still be captured in a cohesive aesthetic, consistent with other installations in the surroundings and in line with the Lake Colac Foreshore Master Plan.

The requirement for additional accessible seating around the entrances and throughout the Gardens has been previously discussed (in Section 6.4).



A need for additional toilet facilities was a major focus of community feedback. At present, the toilets in the café are limited to customers only, and the only other toilet available to the public is at the western end of the foreshore, more than 600m away. The topography of the site and this distance impacts the accessibility of the toilet for all visitors, regardless of age or health, but is particularly problematic for older visitors or those with small children. The need for public toilets – or at least a public toilet – on the upper level of the Garden is essential if the Master Plan is to respond meaningfully to public feedback and provide a truly welcoming, accessible site for everyone.

The formal botanic gardens are relatively small and have little capacity to absorb new buildings in the landscape. A single unisex toilet at the western end of the formal botanic gardens is one proposed location, and would provide toilet facilities without having to traverse the slope between the foreshore and formal botanic gardens. The chosen location (Figure 20: Colac Botanic Gardens Master Plan) is nestled within a garden bed and will incur the least disturbance to both the botanical gardens and the heritage fabric of the Colac Botanic Gardens. Alternatively, the toilet may be provided in the triangle of land outside the gate between Queens Avenue and Gellibrand Street, outside the heritage registration. There are advantages and disadvantages to both locations and it is recommended that a detailed feasibility study be commissioned with the intention of determining which site is most appropriate, and the configuration and number of pans required. However, a single, unisex toilet is considered by the Master Plan to be the minimum requirement, and two pans the maximum possible configuration within the heritage gardens.

If it is deemed necessary, additional port-a-loos may be brought in during peak periods and events.

The existing foreshore toilets are rated as 'poor' in the Public Toilet Strategy and are due for rejuvenation. There are at present no changing facilities in either the formal botanic gardens or foreshore. The addition of a "changing places" facility should be considered during the redevelopment of the existing foreshore toilet facilities, especially with the focus on developing the site as a regional tourism destination and stopping point.

### Actions

#### **Action 37: Provide a fully accessible toilet at the upper western end of the Gardens**

- Commission a feasibility study to determine which of the two locations is most appropriate and the configuration required
- Develop a business case to construct and fund the new toilet

#### **Action 38: Provide a Changing Place facility at the foreshore**

- In line with the Public Toilet Strategy (2022) consider installing a "Changing Place" at the foreshore as part of building / structural developments of existing Toilets and 'major play space'

#### **Action 39: Upgrade the existing toilets**

- In line with the Public Toilet Strategy (2022) consider installing a "Changing Place" at the foreshore as part of building / structural developments of existing Toilets and 'major play space'
- Renovate existing (eastern) Toilets as they have been rated in "poor" condition in Public Toilet Strategy (2022)

#### **Action 40: Expand the provision of gathering spaces and shelters along the foreshore**

- Provide shelters as per the Master Plan drawing (Figure 20), catering for small to larger groups throughout the year

- Provide a mixture of shelter types that are flexible and appropriate for both summer shade and protection against colder season winds
- Ensure that structures and furniture along foreshore are flexible and multi-use to cater for greatest diversity of user groups and seasonal functions
- Ensure that shelters throughout the precinct maintain a cohesive aesthetic, in line with the Lake Colac Foreshore Master Plan (2016)
- Ensure all park furnishings (tables, chairs, drinking fountains etc.) maintain a cohesive aesthetic in line with the Lake Colac Foreshore Master Plan (2016) and new Conservation Management Plan (Action 12)
- Do not add shelters and picnic tables to the Formal Gardens, except for the proposed Summer House near the western entrance
- See Action 28 for recommendations on seating

6.7. Role as a Botanic Garden: Plant Collections, Landscape Succession and Tree Replacement

Discussion

Colac Botanic Gardens contains a solid collection of plants with strong botanical interest and greater emphasis on formal, documented collections than many comparable regional botanic gardens. The Gardens are well loved and respected both locally and within the wider botanic gardens’ community. Often botanic gardens struggle to differentiate themselves from pleasure gardens and public parks, and Colac does suffer from this to some degree, however, Colac Otway Shire management and the Friends clearly recognise and encourage their role as a botanic garden.

Table 1: List of criteria that may be met in part or whole by any institution considered to be a botanic garden.

"Defining characteristics" for Botanic Gardens
A reasonable degree of permanence
An underlying scientific basis for the collections
Proper documentation of the collections, including wild origin
Monitoring of the plants in the collections
Adequate labelling of the plants
Open to the public
Communication of information to other gardens, institutions and the public
Exchange of seed or other materials with other botanic gardens, arboreta or research institutions
Undertaking of scientific or technical research on plants in the collections
Maintenance of research programs in plant taxonomy in associated herbaria

While botanic gardens are places for enjoyment and recreation, their point of differences is their plant collections, which play an important role in plant conservation, education and display. In the same way as a gallery is more than simply a collection of pretty paintings, so a botanic garden is more than simply a collection of beautiful plants. This is reflected in Colac’s work with ‘Care for the Rare’ and the Otway Collection – much of which is wild sourced material of local provenance, displayed in an engaging manner.

The history of botanic gardens in Victoria and Australia is a fascinating one, and in many cases a regional town like Colac’s preeminent public park is its botanic garden, with other examples including Hamilton, Kyneton, Ballarat and Warrnambool. Commonly agreed “defining characteristics” for botanic gardens are based on those provided in the *Botanic Gardens Conservation Strategy 1989* (see Table 1) and while useful in defining a botanic garden, are somewhat problematic in the Australian context. Australian botanic gardens have their own unique history and culture, somewhat independent of the more formal scientific purpose of the world’s great botanic gardens. This is being actively addressed through a new body of work by Botanic Gardens Australian New Zealand (BGANZ), which provides greater definition of the work of regional botanic gardens.

What comes through in all definitions of botanic gardens though, is the importance of plant collections and the gardens' role in providing a place of public enjoyment and respite, while fostering a knowledge of and interest in plants. Increasingly Victoria's regional botanic gardens have moved away from the 20<sup>th</sup> century notion of botanic gardens as merely high-end public parks and are recognising their capacity to be more, with greater emphasis on formally documented, carefully curated plant collections.

Colac Botanic Gardens is ideally placed to capitalise on their existing collections and quality of the landscape, and continue to develop their scientific role as a botanic garden. This would involve taking the current scientific approach to the development and curation of the collections, and formalising the processes to adhere to current best practice, including digitising the plant records. While the tree canopy and shrub layer in Colac Botanic Gardens is botanically rich, some beds are in need of revitalisation (see Figure 53: Colac Botanic Gardens Garden Bed Plan), and there is a need to focus collections development to align with Colac's strengths, values and place within the network of Victoria's botanic gardens. This can be done through the new Living Collections Toolkit currently under development by BGANZ, and through the purchase and implementation of a collections database system such as 'Hortus'. Involvement by the Colac Botanic Gardens in conservation efforts such as the 'Care for the Rare' Project show the active role the Garden can play in plant conservation and the wider network of botanic gardens.



*Figure 48: Tasteful mix of indigenous plants and heritage trees in the Otway Collection*

There was some public interest during community consultation in displaying more Australian and locally indigenous plants. While Colac has many Australian plants in its collections, they are not all iconically Australian (e.g. Doryanthes rather than Grevillea). Colac does have a number of dedicated native and indigenous collections, including 'Care for the Rare', the Otway Collection and Acacias. As such, the Gardens presently have a good balance between native and non-native plants, but it is desirable that the Gardens



work to increase the number of native species in their collections, especially along the foreshore, and better interpret the indigenous and native species currently on display, potentially in collaboration with the Gulidjan and Gadubanud Traditional Owners.

Arguably the largest challenge facing botanic gardens in 2024 is how they manage their ageing landscapes and the risks associated with increased public use, an over-mature tree canopy and climate change in general. A botanic garden's character inevitably hinges on its plant collections – especially its tree canopy – and as living elements these have a finite life and are highly susceptible to change. The current tree replacement methods, under the direction of Curator Laurence Towers, have been highly successful, with a good age distribution of species, including many semi-mature specimens. This provides a strong basis on which to build collections strategies and plans for future conservation, however, great care needs to be taken not to over-plant the site, especially the lawn areas, and thereby dilute Guilfoyle's design for the place.

From now on, tree planting should focus on the foreshore reserve, where shelter-belt planting is a high priority and there is greater scope for collections development. Unless something changes significantly, for the formal botanic gardens a one-in-one-out policy is desirable for tree planting, at least for the 20 year duration of the Master Plan. This will give the more recent plantings time to mature.

A common misconception that arises when planting heritage botanic gardens is the need for "like-for-like" replanting, especially for trees. Contrary to this, for botanic gardens like-for-like tree replacement is often inappropriate, especially in light of changing management practices, climate change and responsible collections development. The exception are trees of high botanical merit or outstanding individual specimens of taxa that are also climate appropriate. Instead, replacement specimens should reflect the identified heritage values of the tree they are replacing, based on the above heritage assessment and new Conservation Management Plan (see Section 6.1).

The term Landscape Succession denotes how the above pressures are managed. The term refers to how the landscape character can be preserved, while the living landscape (the plant collections) are slowly transitioned to include species that are better suited to the changing climate and long-term use of the place. The work by Peter Symes for the Royal Botanic Gardens Victoria, and in particular the ground-breaking *Landscape Succession Strategy*, has increased the industry profile of landscape succession work and provides a world-leading template for what can be done to protect heritage gardens. Additionally, the recently launched Climate Assessment Tool (CAT) by the Climate Change Alliance of Botanic Gardens (CCABG) and Botanic Gardens Conservation International (BGCI) provides a tool for botanic gardens to assess their collection tree species for long-term suitability.

The main impetus of Landscape Succession planning is responding to the impacts of climate change on the landscape, with the aim to assess the long-term climate suitability of a garden's current plantings and slowly replace those that are not suitable with species of better potential long-term climate suitability. This starts with an analysis of the current and potential future climate and a comparison



Figure 49: *Pinus canariensis* succession planting on the Foreshore

against the existing plantings. This analysis also considers the aesthetic characteristics of the plantings and heritage character of the site. The aim is to replace plant species with the same look and feel as the current garden, but with improved heat and dry tolerance. For example, Elms (*Ulmus sp.*) are already suffering in the current climate (especially drought), whereas warm climate Oaks (e.g. *Quercus castaneifolia*) are also large, winter deciduous exotic trees, but are more tolerant of hot, dry weather.

The implementation of a Landscape Succession Plan does not require that existing, climate vulnerable plantings necessarily be removed – but instead looks to ensure that future plantings and replacements are more climate appropriate, while maintaining the heritage character of the place. For example, areas requiring dense, evergreen screening plants may be planted with sub-tropical NSW rainforest species, rather than exotic Viburnums and Azaleas. This means that new plant lists should be assessed for their capacity to cope with Colac's projected future climate and plants that suffer from heat or drought stress are avoided.

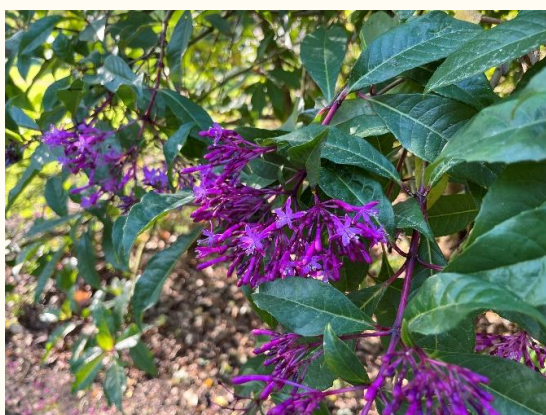


Figure 50: *Fuschia arborescens* in the formal gardens

As noted, an added pressure on botanic gardens, particularly heritage gardens, is the ageing tree population and the increased risk of tree failure. With Colac having been established during one of the earliest rounds of Victorian botanical gardens foundations, the gardens are already beginning to face this challenge. The tree species popular at this time, including Oaks, Elms and long-lived Pines, are being found to have a life expectancy of around 120 years in this climate, leading to the potential failure of the bulk of the Gardens' iconic trees within the life of the Master Plan. The risk these trees pose to the public and property can be managed through a

combination of regular arboricultural inspections, maintenance work, and in some cases the creation of exclusions zones (e.g. replacing lawn beneath trees with garden beds).

As discussed above, Colac has been actively addressing this for many years through the planting of the next generation of botanic specimens. However, it is still desirable to develop a proactive Tree Strategy, including carrying out a review of the tree canopy from a design and heritage perspective and developing long-term policies for its management in regard to climate change and the replacement of climate and gardens unsuited species (e.g. *Pinus radiata*). Most importantly, a Tree Strategy will develop a policy for the management and eventual succession of the avenue planting around the carriageway drive. Due to the good work of the Curator over the previous decades, this piece of work is likely to be considerably easier than for many comparable gardens and should focus on the foreshore. This plan can then be submitted to Heritage Victoria for approval, easing the compliance burden on Gardens' management.



Figure 51: Beautiful subtropical style planting near the pond

The common approach recommended in municipal tree planting schemes - of having an ideal tree age mix of 20% semi-mature, 60% mature and 20% over-mature - is not appropriate for a botanic garden. Much of the character of Colac Botanic Gardens comes from its mature tree canopy, and the Gardens are well positioned to maintain a higher percentage of over-mature trees and dedicate the additional resources required to their care. This being said, at times difficult decisions will need to be made, especially for trees like the Oaks lining the carriageway, which are climate vulnerable and in areas with increased human activity.

Production of a Landscape Succession Plan inevitably requires a good understanding of the garden's plant collections and is therefore closely linked with the Living Collections Plan and the Tree Strategy. It also relies on a Conservation Management Plan (CMP) and Master Plan to identify the character of the site that is being preserved. The above-mentioned Living Collections Tool (BGANZ) should greatly assist in providing directions on gardens collections, and has been designed to support smaller gardens in particular with such task, allowing the documents to grow over time. However, as the trees and living collections at Colac are relatively well managed, and only in need of refinement, the highest priority is a new Conservation Management Plan (see Section 6.1 / Action 12), particularly since the last one was produced prior to the digitisation of historical archives and the introduction of the current heritage legislation.





Figure 52: Jacaranda mimosifolia near the Queens Street entrance

### Actions

#### Action 41: Develop and implement a *Landscape Succession Plan* for the Colac Botanic Gardens

- Undertake an analysis of the current and projected future climate of Colac under a range of potential scenarios. This should include Mean Annual Precipitation, Mean Annual Temperature and Köppen-Geiger climate classification<sup>vi</sup>
- Identify areas of the world with a climate similar to that projected for Colac, the aim being to target the collection of plants from these areas
- Undertake an analysis of the climate vulnerability of the existing plantings in the Colac Botanic Gardens, the aim being to identify areas of planting that are particularly vulnerable to climate change (or which are already showing signs of suffering)
- Development of a prioritised list of climate vulnerable garden beds in the Colac Botanic Gardens to be gradually replanted with more climate appropriate plantings
- Be guided by the Master Plan and new Conservation Management Plan in determining the aesthetic characteristics required for new and replacement plantings

#### Action 42: Review and update the *Living Collections Plan* for the Colac Botanic Gardens

- Be guided by the Master Plan, new Conservation Management Plan and 1910 Guilfoyle work for appropriate locations for new and expanded garden beds

<sup>vi</sup> Note: These metrics are recommended as they are being used by botanic gardens across the world to assess the climate suitability of their plantings, making them compatible with existing data bases

- Use the BGANZ Living Collections Toolkit to review and update the existing Living Collections Plan in the 2012 Master Plan and Management Plan. It may be possible to retain collections actions plans, and then use the toolkit to bring a strategic focus to the collections and align management with industry best practice
- Review the Otway Flora Collection in particular due to public desire for native / indigenous plantings. There is strong potential to expand this collection, including into the Otway Children's Garden, and improve interpretation and public awareness around the collection
- Collaborate with Traditional Owners regarding endemic and indigenous collections and management, potentially integrating local language names and developing cultural collections
- As part of the Living Collections review, explore options to digitise record keeping in the interests of being able to readily access and share the collections, whilst also safeguarding physical records against loss (e.g. fire, water damage)

**Action 43: Develop a *Tree Replacement and Planting Plan* for the Colac Botanic Gardens**

- Undertake a full condition, risk and climate suitability assessment of all trees in the Colac Botanic Gardens, including identifying the ULE (Useful Life Expectancy) and providing a climate suitability rating
- As part of the new Conservation Management Plan, undertake a heritage assessment of the trees in the Gardens, including identifying the heritage value of each specimen (*botanic, historic, aesthetic, social*)
- In particular, review the conifer plantings along the foreshore for both wind protection and heritage views, planning for tree planting in this challenging area
- Based on the above assessments, develop a staged plan for the removal and replacement of critical specimens, with removal dates broken up into 0-5, 5-10 and 10-20-year increments
- Develop specific policies for the management of the Oak and Elm Avenue around the carriageway, noting that replacement of avenue specimens is particularly complex for aesthetic, heritage and competition reasons
- Utilising the Climate Assessment Tool (CAT by CCABG / BGCI) and Living Collections Toolkit (BGANZ), identify suitable replacements for significant trees, including identifying where like-for-like is desirable, or alternatively if a more climate compatible taxa is better suited
- Focus tree planting on the Lake Colac foreshore, including identifying any existing locations where new tree planting can occur, based on the above assessments and reviews. Ideally new tree planting should be part of a new tree collection, including botanically interesting specimens and indigenous specimens
- Document a process for proactive management of aging trees based on arboricultural best practice, including timing for inspections, works and management of hardware (e.g. cables and bracing)
- Take great care needs to be taken in the placement of new trees so as not to dilute the aesthetic qualities of the place. It is recommended that the tree planting plans be developed with landscape architecture and arboricultural expertise, with new tree planting minimised in the formal botanic gardens
- Submit tree planting and garden bed plans to Heritage Victoria with the intention of obtaining a long-term heritage permit that allows staged works

**Action 44: Implement all projects and works with due regard to sustainable best practice and Colac Otway Shire policies and strategies<sup>vii</sup>**

- Give priority to any design factors that can make projects more sustainable, especially all-of-life-cycle carbon footprint
- Give preference to the use of local materials in designs
- Undertake planting design to reduce reliance on potable water
- Incorporate environmentally sustainable design standards into all projects

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<sup>vii</sup> including Colac 2050, Climate Change Adaptation Plan 2017-2027 and the Environment Strategy 2010-2018



Figure 53: Colac Botanic Gardens Garden Bed Plan

GARDEN BEDS

- # - New garden bed from Guilfoyle plan
- #TF - New tropical foliage bed from Guilfoyle plan
- % - New garden bed for management purposes
- A - Renovate / refresh
- B - Reshape to match Guilfoyle
- C - Reshape
- D - Renovate / refresh
- E - No change
- F - No Change
- G - Reshape, remove edges, define entrance
- H - Reshape, remove edges
- I, J, K - Reshape, remove edges and merge
- L - No change
- M - Reshape, remove edges and renovate / refresh
- N - Renovate / Refresh
- O - Reshape
- P - Reshape
- Q - No change Annuals
- R - No Change
- S/# - Reinstate removed Guilfoyle bed and expand as per original plan
- T - No change
- U - Change to pond

- V - No change Annuals
- W - Renovate / refresh
- X - Simplify as per Guilfoyle Plan
- Y - Reshape, remove edges
- Z - Reshape, remove edges
- AA - Reshape, remove edges and refresh / renovate
- BB - No change Annuals
- CC - No change
- DD - Reshape, remove edges
- EE - No change
- FF - Reshape, remove edges
- GG - Delete
- HH - Delete
- II - No change
- JJ - Reshape, remove edges
- KK - Reshape, remove edges
- MM - Reshape, remove edges
- OO - No change
- PP - No change

- QQ/#TF - Reinstate removed Guilfoyle bed as Tropical Foliage. Location may shift for practicality around trees
- SS - Dependent on findings of CMP
- UU - No change
- VV - No change
- WW - No change
- XX - Reshape
- YY - No change
- ZZ - Expand as per Guilfoyle
- AB - No change
- AC - Reshape as per Guilfoyle

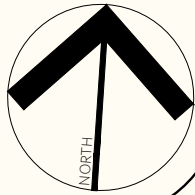
- HL - No change
- NB - Reshape and renovate / refresh
- OT - Reshape and refresh
- Added
- AD - Reshape, remove edges
- AE - No change, Annuals (Discuss)
- AF - Reshape

Numbering system reflects that in the 2012 Master Plan



COLAC BOTANIC GARDENS  
MASTER PLAN 2024 - 2044

Scale 1:1000 @ A1 / 1:2000 @ A3



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## 6.8. Garden Bed Layout and Planting Design

It is important that the planting design within the Colac Botanic Gardens reflects both the botanical character established by Guilfoyle and high maintenance standards of the place, and is carried out with consideration for horticultural suitability and botanical richness. Planting within the Botanic Gardens should be aesthetically pleasing, with consideration being given to texture, form and colour, used in balance to create a visually interesting and pleasing effect. This planting should have *gardenesque* sub-tropical references to the 19<sup>th</sup> / early 20<sup>th</sup> century origins of the Gardens, in particular the sub-tropical planting style introduced by Guilfoyle and evident within the Botanic Gardens to this day. This can easily be achieved by reintroducing the 'tropical foliage' island beds that were initially planned by Guilfoyle, and the subtle augmentation of plants within current garden beds. That being said, it is important that planting designs still have a contemporary freshness that reference the past without being dictated by it. In particular, it is inappropriate to restrict planting palettes to plants available in 1910.

Annual displays have long held an important place in the Colac Botanic Gardens. In the late 1990s and early 2000s there was a move away from annual displays (also known as 'bedding displays') due to the high level of maintenance, irrigation and chemical inputs they require and the considerable "down period" with empty beds between displays. As a result, many public gardens removed or greatly reduced their annual displays, however, they have remained popular at Colac. A balance has now been struck between the high maintenance requirements of annual displays and their popularity with the community, and to a large degree those that remain within the Garden are appropriate. However, the short display period of annuals and high labour requirements can cause problems and a number of beds currently used for annuals are not in historically appropriate locations.



Figure 54: Examples of good planting design in various styles

Items to be addressed in the formal botanic gardens are predominantly practical. Paths are too narrow to allow people to comfortably walk two abreast, garden beds are unedged leading to garden bed and lawn



creep and potentially diluting Guilfoyle's design. Small sections of poorly managed lawn separate gardens and paths, and their removal would strengthen the design and make maintenance easier. Areas of lawn are also poorly drained and the roses are reaching end of life in their current location.

A major focus of the Master Plan is the further installation of Guilfoyle's vision for the place. Many garden beds proposed by Guilfoyle were not installed, with gaps being noticeable to the trained eye, particularly near the carriageway and at the western end of the Gardens. Other beds have been added over time in places that were not originally intended. The Master Plan has reviewed the current design and Guilfoyle's vision for the place, and where appropriate suggests new garden beds to better frame and define vistas, provide enclosure and increase space for collections. A limited number of island beds un-planned by Guilfoyle are recommended for removal, but only if they do not contribute to the beauty of the place nor hold important collections. This work is completed by the reshaping of beds which have been diluted by lawn / garden bed creep and the renovating of beds where botanical integrity is low. This is all detailed in Figure 53: Colac Botanic Gardens Garden Bed Plan.

Good planting design (see Figure 54) requires a solid level of horticultural and design expertise and it is strongly recommended that a professional designer is engaged to produce planting plans, especially for key garden beds. In specific areas, namely for the new entrances, the Otway Children's Garden (where special skill is required), the reworked western entrance, and any collections-based planting, the engagement of a professional designer will be critical for the success of these projects. For other projects, the horticultural staff of the Colac Botanic Gardens can be supported to develop the planting design themselves.

Good planting design means laying out beds not only in accordance with the horticultural requirements of the plants and the collections intention, but with an eye to colour, form, texture, repetition and the sense of enclosure or vista that the planting provides. When combined with collections management, this becomes particularly complex. It may be that these skills exist within the Colac Botanic Gardens team, in which case they should be fostered and encouraged. However, at times the Gardens may also benefit from the input of a professional designer with strong planting design skills.

### Actions

#### **Action 45: Add, remove and modify garden beds to better reflect Guilfoyle's vision and maintain the quality of the landscape**

- Maintain the Colac Botanic Gardens as a green oasis by Lake Colac, providing both botanical interest and peaceful respite within the landscape
- Gradually add new garden beds in line with Figure 53: Colac Botanic Gardens Garden Bed Plan
- Increase botanical richness and design integrity in the shrub layer, refreshing beds where required in line with Figure 53: Colac Botanic Gardens Garden Bed Plan
- Reintroduce the "Tropical Foliage" island beds planned by Guilfoyle in line with Figure 53: Colac Botanic Gardens Garden Bed Plan
- Remove the one-off shrubs located around the carriageway (e.g. Viburnums)
- Rationalise garden beds in line with the above policies and Guilfoyle's 1910 plan, considering sight and view lines within and through the Gardens

#### **Action 46: Ensure that the Colac Botanic Gardens display good planting design throughout the Gardens and engage the services of a professional designer for planting in key locations**

- Use the botanic gardens to display high quality planting displays
- Engage professional designers for major planting design projects

- Continue the practice of planting out the bases of the giant figs and other established trees
- Where removed beds currently contain annuals they should not be replaced. Where colour is required the focus should be on high impact perennial displays that have longer display periods and less maintenance requirements, and display a high level of horticultural skill as part of the role of a botanic garden

## 6.9. Irrigation and Water Management

### Discussion

Colac Botanic Gardens has an irrigation system installed and currently relies upon potable water. Current water management practices have sustained the formal botanic gardens thus far, but with aging infrastructure and changing climate, an assessment and upgrade of these practices is due.

Those with the greatest insight as to the water management requirements and nuances of the site are the Gardens team. They will be able to advise on any particular challenges – areas with known drainage issues, for example – and aspects of the current layout of the system which are lacking and can be improved. Consultation with the Gardens team will identify what the best possible iteration of water management for the Colac Botanic Gardens should be, and this will underpin the work of a commissioned irrigation designer.

In particular, alternative sources of water should be investigated. Options include purple pipe water from Barwon Water, stormwater harvesting from nearby streets, and of course the water of Lake Colac. All such possibilities require new infrastructure, and so their consideration and investigations of their feasibility should be concurrent, if not prior to, assessing the irrigation system.

Water management is not restricted to irrigation alone. Colac's annual precipitation is projected to decline in the coming decades, and that deficit will lead to an increase in irrigation in order to maintain a high standard of plant displays. By gradually shifting the planting palette to plants which are better suited to drier climates, that pressure to apply irrigation is reduced. This can be done by subtly changing some of the plants in the existing garden beds, or by creating garden beds specifically designed to have no irrigation at all. This change in palette is in line with Colac Otway's *Climate Change Adaptation Plan 2017-2027* and *Environment Strategy 2010-2018*.

Any new projects undertaken must consider the current irrigation infrastructure, as well as the installation of any necessary drainage. This is particularly important on the foreshore, where drainage is impeded by proximity to and the level of the lake. Indeed, drainage in this area can be so poor that the site becomes unusable in wet weather. Installation of the new, sealed pathway will assist, but any upgrade of the area must holistically address drainage problems with consideration given to minimising water ingress, formal drainage and sensitive changes to the soil profile.

Care should be taken to focus on the reduction of wastage and the improvement of water application efficiency, rather than the overall reduction of water consumption. Reducing irrigation for the sake of simply reducing the amount of water used overlooks the importance of a healthy green landscape on both human wellbeing and the environment.

In recent years the important role irrigation plays in urban cooling has been recognised, especially considering rising urban temperatures. As a result, large public gardens are now trying to strike a balance between reducing water consumption and maintaining a cool landscape for the benefit of plants, animals

and people. In some cases, this means continuing to use irrigation to provide temperature reduction and other environmental benefits.

While these problems are complex, they are not insurmountable and a great deal can be done to improve the efficiency of the Gardens' water usage by taking a more scientific approach to plant selection and water use.

### Actions

#### Action 47: Update the Colac Botanic Gardens irrigation system

- Consult with the Gardens team on the irrigation requirements for the site, now and into the future. This should consider climate change, water security, site event locations and frequency, collections requirements, and any other relevant considerations
- Commission an irrigation designer to review the entire irrigation system (including 2023 updates) within the Colac Botanic Gardens. Special note should be taken of reducing water wasted, updating aging infrastructure, connecting all areas of the Gardens to the system and allowing irrigation zoning. If a new ring main is required, then care should be taken to prevent conflicts with existing infrastructure and tree roots
- Review the feasibility of accessing non-potable water sources for irrigation purposes (e.g. Lake Colac, Barwon Water second class water)
- Seek funding for implementing the redesigned system

#### Action 48: Reduce the reliance of the Colac Botanic Gardens on Potable Water

- Manage the living collections to reduce water requirements across the Gardens by choosing more drought and heat tolerant taxa for future plantings
- Update the irrigation system as per Action 47
- Where practical, determine the water requirements of each bed / zone, grouping plantings with similar irrigation requirements to reduce water use
- Consider the establishment of "no irrigation" beds in some areas of the Gardens, especially the lake foreshore
- Manage water in an integrated way that recognises the positive environmental impact that some irrigation water can provide for people, plants and wildlife, especially during extreme heat events

#### Action 49: Consider drainage issues in the management of the Colac Botanic Gardens

- Make sure adequate drainage is included as part of all new projects, especially in areas of the site that have previously had drainage problems
- Where needed, install new agricultural drains in lawn areas and/or modify the soil profile to improve drainage – care will need to be taken to prevent damage to tree roots
- Monitor the irrigation system to quickly identify and repair leaks that lead to water inundation
- As part of the foreshore redevelopment improve drainage in the central lawn area (see Sections 5.2 and 6.11)

## 6.10. Education, Interpretation and Signage

### Discussion

Botanic Gardens are scientific institutions, as well as much loved public recreation spaces. Historically they have been places to trial new plants and for the public to seek information on plants and what grows in their



area. Interpretation and education are an essential part of this work. While seeing any plants growing well is inspiring to the public, the ability to learn what they are and how they grow adds immeasurable value.

A difficulty with interpreting public gardens is the wealth of different interests people have. This came out during community consultation with requests for more information on Traditional Custodian culture and plant use, indigenous and native plants, the Gardens' history, gardening skills and sustainable practices, conservation work and plant identification (including plant labels) to name a few. This limits the use of conventional signage, as it is impossible to cover all topics. Signs can also overwhelm a landscape if overused, require maintenance and are difficult to update. Existing map boards / signs at the Gardens entrances have been good but need updating, and plant labels are an essential part of botanic gardens, but additional signage is often best avoided, or limited to a simple interpretive sign for each collection. The history pamphlets available at the entrances are a good replacement for interpretative signage.



Figure 55: Map board at one of the entrances to the formal gardens

Technology has now reached the point where it can replace these problematic traditional options. QR codes are now commonly used, and some gardens (such as Ballarat Botanical Gardens) have utilised apps such as Gardens Explorer to provide more holistic interpretation. This allows land managers and Friends groups to provide information on a range of topics to suit different interests, as well as in more accessible formats such as audio tours. These systems are more accessible for people requiring screen readers, altered contrast or who speak languages other than English. Importantly, they can also be more easily updated.

Signage, websites and written information is just one part of interpretation, with tours, workshops, education and community outreach activities all providing opportunities for people to engage with the Gardens and learn about plants. There is considerable appetite within the community, Council and Friends to increase the educational role of the Colac Botanic Gardens, and this can only add to the scientific value and standing of the place.

### Actions

#### Action 50: Increase access to a range of educational offerings in the Gardens

- Increase the breadth and range of Garden tours. These could be developed working with Educational Partners and potentially conducted by volunteer guides (such as the existing Friends seasonal Tours)

#### Action 51: Develop a branding and interpretation strategy for the Gardens

- Develop a precinct-wide branding and interpretation strategy, possibly as part of wider work for the Lake Colac foreshore
- Carry out branding work before producing any more collateral (signage, website etc.)

- Develop a combined *Interpretation and Signage Plan* to increase the educational and scientific role of the Colac Botanic Gardens
- Limit and centrally manage the introduction of interpretive signage within the Colac Botanic Gardens. Ideally limit signage to map boards at entrances and plant labels with the main focus being on emerging technologies
- Explore options for using non-traditional media to cover gaps in Gardens interpretation (e.g. social media, QR code linked content, e-newsletters, "plant of the week")
- Continue to install plant labels within the Gardens, especially for new collections, noting that plant labelling is already strong. Where appropriate include Traditional Owner names for indigenous plants and environmental information on plant labels
- Develop interpretation options to appeal to non-traditional demographics. This could include Traditional Owner tours, horticultural therapy sessions, children's programs and refugee or migrant plant tours
- Continue to use brochures, both online and print, for specific projects and occasions. Brochures to follow agreed branding
- Include the Traditional Owners in the planning for the signage and interpretation strategy
- Be guided by Traditional Owners on all interpretation relevant to themselves. This includes the type and scale of interpretation, not just the content

#### **Action 52: Improve signage around the Gardens**

- Update map boards at entrances using updated maps and branding
- Review directional signage to and around the Gardens and install signage as required to improve wayfinding along the foreshore and to key points of interest (especially toilets and CBD)
- Provide a unified suite of sympathetic way-finding signage and interpretation throughout the precinct (this may be continued along the Lake Colac Loop if this eventuates in future)

**See also Action 31 for recommendations on accessibility in interpretation and education**

### **6.11. Events**

#### **Discussion**

In Australia, the hosting of events has been an important part of botanic gardens' functions from their earliest days and often is part of the social significance of the place. Events can conflict with a botanic gardens' general use when they occupy a large area of land for a considerable period – preventing passive recreation – or where the infrastructure or people cause physical damage. Lawns are particular susceptible to physical damage, with soil compaction reducing lawn cover and causing damage to heritage trees. Conflicts can also occur when irrigation regimes are disrupted by nighttime events.

The Colac Botanic Gardens – both the formal botanic garden and the foreshore area – has a history of events which has gone so far as to sculpt the topography of the site. The first silent movies to be screened in Colac were shown on the foreshore, and the terraces of the slope providing amphitheatre seating for the audience. The rotunda was declining in usage before its bizarre and explosive end, but the replacement still has potential to be activated.

The Master Plan recommends prioritising the relocation of the CFA track so that the entire foreshore area may be revitalised as a community event space, with the flexibility to host events ranging in size from small weekend markets to large regional festivals. This will require wide paths, so they serve the dual purposes of being carriageways and offering stable surfaces for event infrastructure and setup. Likewise, services such

as power and water will need to be installed to support events and prevent unsightly temporary infrastructure. Drainage of the foreshore must be also addressed. Proximity to the lake poses natural challenges to drainage, with the ground known to become muddy enough to “bog a duck” on a not infrequent basis, and the increased visitation and foot traffic from greater usage of the area will only contribute to this. While the landscape has matured since the screening of silent films, the lawn terraces of the slope still have marvellous capacity as audience seating for a stage, or casual picnicking. Provided care is taken to retain the trees on site, reinstating this natural amphitheatre automatically increases the foreshore capacity to host events.

Casual usage of the foreshore can be better catered for with picnic tables, shelters and chairs included in the new regional play space, and dedicated picnic spaces around the Community Hub of the Anglers Club Building and the Otway Children’s Garden.

The exposed and windy nature of the foreshore can be mitigated by the addition of trees, sensitively planted so as not to infringe upon view lines. These should form part of the botanical collection, to strengthen the connection between the foreshore and the formal botanic gardens as well as providing a rich setting for events. Deliberate and strategically positioned shrub plantings will add to this and offer another opportunity to expand Colac Botanic Gardens’ botanical collections.

As stated, events always have an impact on the hosting site, especially so when that site is a living system. Protocols should be developed to inform the set up and break down of events, with the majority of events being encouraged to take place on the foreshore rather than the formal botanic gardens. “Conditions of Use” should be standard for any event to ensure minimal damage is done to the site, and that the site is left in an acceptable condition on conclusion. Vegetation can be treated as something of a backdrop at times, but the plants of a botanic garden are anything but, and care needs to be taken to ensure contractors and workers involved in an event understand this.

As the bulk of the heritage significance of Colac Botanic Gardens is located within the formal botanic gardens, the number of events taking place in the formal botanic gardens per year should be limited, and the nature and size of these events restricted. Events should particularly be avoided in the wetter months. Wet soil, especially lawn soil, is easily compacted by foot traffic, and compaction is difficult to remedy and can negatively impact tree roots. For example, the grounds at the Burnley Horticultural College in Melbourne were still exhibiting signs of soil damage 10 years after Garden Week was relocated to the Carlton Gardens. It is recommended that two areas within the formal botanic gardens be identified as event spaces, one around the new Summer House and one in the eastern gardens, with infrastructure such as power and water added. These locations should allow for easy access and egress from the site, both for patrons and during set up and pack down.

Being heritage-listed, all events will require the appropriate permits or permit exemptions from Heritage Victoria.

Processes need to be put in place to manage the potential wear and tear on the Gardens, with this now being a legal requirement from Heritage Victoria. Events at the Colac Botanic Gardens are desirable – supporting public engagement with the Gardens and cementing their place as a cornerstone of Colac life. The aim of event management should be to ensure that ‘wear and tear’ is kept in check and the Gardens are able to sustainably offer events while protecting the heritage and general use of the site.



## Actions

### **Action 53: Develop an *Events Management Plan* to guide the size, frequency, type and location of events in the Colac Botanic Gardens and foreshore**

- Focus events, especially large-scale ones, in the new event space being created on the foreshore
- Limits should be placed on the number and / or size of events that can take place each year in the formal botanic gardens – including weddings. The decision on the appropriate number of events should be made in consultation with Gardens' horticultural staff
- Events should aim to minimise the impact on general use and the length of time for which they occupy the Gardens
- Preference should be given to events that are relevant to the Gardens in either a botanical, historical or social context if held within the formal botanic gardens
- Avoid large scale events in the winter months, as wet soil is more susceptible to compaction. This is especially important around trees
- Develop and implement protocols to manage the bump-in and bump-out of events (e.g. exclusion zones, track matting, vehicle size limitations and access routes)
- Standard "Conditions of Use" should apply to all events, with the aim of preventing physical damage to the Gardens
- Work with Heritage Victoria to ensure all events have appropriate permits. For regular events, work with Heritage Victoria to gain 5-year permits, supported by the Event Management Plan, to ease the regulatory burden

### **Action 54: Provide temporary infrastructure to support events**

- Provide set locations for temporary port-a-loos for large events at the Lake Colac foreshore, ensuring locations have good vehicle access for delivery and access to power and water as required
- For large scale events, work with event organisers to make use of existing parking opportunities at the cricket ground / football oval and CBD with pedestrian traffic management provided to encourage and manage foot traffic to and from the Gardens
- At the foreshore, consider providing set points for stage set up, including permanent tie downs (e.g. concrete concealed with artificial turf), 3 phase power and water
- Limit all vehicle movement for setup and pack down to existing paths. Where access to lawn is unavoidable use of Supa-trac Matting or similar protection will be required
- Provide water to all pergolas and picnic shelters and consider providing power to some of them, especially at the eastern end of the foreshore, away from the new Playground
- Use the large pathway through the foreshore as a hard stand for events such as markets, possibly supplemented through the use of Supa-trac Matting or similar to the sides

### **Action 55: Develop the central foreshore area as a regional event space**

- Reinststate the historic gentle lawn terraces in the central part of the foreshore, taking care around existing trees
- Add a wide (5-6m) pathway similar to the formal garden carriageway through the foreshore that reflects Guilfoyle's vision. Pathway to be used for pedestrian access, with drop down bollards to allow vehicle access during event setup
- Provide the necessary infrastructure to allow small-scale performances as one of the seasonal uses for the Rotunda
- See also Section 5.2

**Action 56: Identify and activate small scale event spaces within the formal botanic gardens**

- Work with Colac Otway Shire Events to determine appropriate locations and the facilities and services required for small scale event spaces. The priority should be infrastructure which supports events while being visually and physically unobtrusive for passive users
- Locations should include the Summer House and be sensitively located away from Tree Protection Zones, and with good access to the carriageway

**Action 57: Provide opportunity and infrastructure for local Pop-Up initiatives**

- Consider the use of existing structures and hardscape / parking spaces as seasonal locations for Food Trucks or Pop-up ventures (as per the present example of Jack's Coffee Van)
- Consider Pop-up initiatives that connect to the local wildlife and environments, using the foreshore as a base to the broader lake precinct (e.g. existing Boot Camps, Bird Watching, Traditional Owner walks, Workshops etc.)

**6.12. Management and Staffing****Discussion**

Botanic gardens are arguably the most complex assets owned and maintained by many regional Councils. These spaces are complex, require specialist maintenance, are beloved of the local community and are legally protected under State heritage legislation. All this comes with increased cost requirements, often for Council's managing a large area with a low rate payer base.

Colac Botanic Gardens are maintained to a high standard, however there are routine tasks that occupy a disproportionate amount of staff time, including dealing with garden bed / lawn creep, unsealed edges and managing turf quality, especially in summer. Some of these tasks are an unfortunate side effect of managing a heritage landscape, but others can be reduced through simple changes in design.

A reduction in the number of planting beds has been previously recommended in Section 6.8, but these will be offset by the new beds proposed. Currently the garden beds are edged by spade, which is time costly and can lead to garden bed creep and the dilution of the Gardens design. The gradual installation of steel edging around all garden beds and paths will ease this maintenance requirement and also mitigate the slow morphing of boundaries as plants grow and creep. The removal of narrow lawn edges between garden beds will likewise contribute to this, and make lawn mowing easier.



*Figure 56: Recently repaired pond*

A review and update of the irrigation system and practices has been previously recommended in the Master Plan, but is reiterated here as contributing to raising the effectiveness of staff tasks.

Botanic gardens require specialised horticultural knowledge for their upkeep and staff should be able to demonstrate this. Professional development opportunities should be actively pursued and engaged with. Maintaining appropriate staff levels is vital to the continued maintenance of the botanic gardens, and as new projects are undertaken consideration should be given to increasing staff numbers.

The presence of Grey Headed Flying Foxes is acknowledged as a concern for some visitors. However, they are a threatened species and their management is controlled at a State Government level, and therefore, other than allowing for additional tree planting to encourage them to roost outside the formal botanic gardens, could not be addressed in the Master Plan. It is recommended that Colac Otway Shire Council continue to work with the relevant State government department (currently DEECA) to manage the population in a way that complies with the necessary legislation and with least impact on the Gardens and its users (see Section 4.1). The location of the colony should be considered in the final layout of the play spaces and other developments to avoid conflict between wildlife and increased use.

### Actions

#### **Action 58: Continue to manage the Colac Botanic Gardens to the highest maintenance standards**

- Maintain appropriate staffing levels at the Colac Botanic Gardens and increase capacity to service new projects such as the Regional Playground and Community Hub
- Follow industry best practice in regard to the care of the collections and the place

#### **Action 59: Implement design changes which reduce unnecessary maintenance**

- Remove poorly performing and non-Guilfoyle garden beds from lawn areas in line with Figure 53: Colac Botanic Gardens Garden Bed Plan, particularly when reinstating or emphasising Guilfoyle's long-views
- Consider purchasing an additional mower to allow for peak season work on lawns and better maintenance of the lawn embankment / terraces
- Gradually replace spade edging garden beds with steel edging to ease maintenance and reduce garden bed creep
- Remove the narrow, overshadowed and underperforming lawn edges between garden beds and paths as per drawing Figure 53: Colac Botanic Gardens Garden Bed Plan

#### **Action 60: Improve maintenance burden of high intensity / input tasks for Garden Staff**

- In collaboration with ecologists, review maintenance practices around the Flying Fox population to prevent disturbance that may trigger them moving back into the centre of the Gardens. Note that design changes must respect the heritage design of the place and use of an electric mower is preferable to replacing turf with mulch
- Continue to work with the relevant State government department (currently DEECA) to manage the population in a way that complies with the necessary legislation and with least impact on the Gardens and its users
- Reduce path maintenance and material drift through installation of steel edging (see also Action 21)
- Improve the management of turf quality on the formal garden lawns with oversewing of warm season grass
- Provide the Gardens Depot with a new Nursery Greenhouse
- Explore options to relocate the Friends Nursery (see also Action 67), freeing space in the Depot for storage of materials and equipment, including potential additional mower for embankment slope



**Action 61: Provide Professional Development opportunities for Gardens' Staff**

- Continue to actively seek out professional development opportunities for Gardens Staff
- Take advantage of BGANZ networking opportunities to engage with larger Gardens, possibly through staff exchanges or visits
- Consider using the term "botanical horticulturalist" in Gardens job titles
- Ensure all staff are suitably skilled in high profile horticulture, or are adequately supervised by those who are

**Action 62: Investigate the feasibility of seeking BGCI accreditation for the Gardens**

- Once the Gardens have implemented the appropriate education, collections and other policies consider applying for Botanic Gardens Conservation International accreditation

**Action 63: Manage the biosecurity risk to the Gardens and their collections**

- Develop a simple Weed Risk Assessment Protocol (WRAP) to assess all new plant acquisitions for potential weediness
- Implement a scientific approach to disease and soil management. This will include regular testing to inform pest and disease control, fertilising practices, water use and soil management
- Implement good plant hygiene practices during all works. Ensure all imported mulch and topsoil is weed free, clean and free of pathogens such as phytophthora. If materials are not from a reputable and proven supplier then it should be laboratory tested prior to delivery
- Avoid the planting of taxa with known disease or biosecurity risks unless these can be adequately managed

**6.13. Friends and Tenants****Discussion**

The Friends of the Colac Botanic Gardens, established in 1990, are a valuable asset who support the Gardens through fundraising, plant propagation and sales, guided tours, and other works. At this point, the Friends only have access to a portion of nursery space at the depot, and no dedicated facilities for storage or indoor meetings on site – including for a collection of books and historic documents. The nursery is used to produce plants for public sale, with funds channelled back into the Gardens. The ability for the public to purchase plants grown in the Gardens is important for community engagement and the work the Friends do in this area is very important. As proposed in Section 5.2, the proposed Community Hub development would be an appropriate place to provide indoor meeting space for the Friends and a new site for the Friends' nursery.

This would meet the Friends' requirements of having an all-weather space from which to run talks and tours, and store their collection while having the advantage of being within the Botanic Gardens. It would also allow the Friends to open the nursery to the public, removing the risk of pests and pathogens brought by visitors to the depot and freeing up much needed depot space for Gardens staff.

The relationship with the Friends is a valuable one for the Colac Botanic Gardens and should be supported into the future. A long-term home is required for meetings and storage, and developing this should be a collaborative process involving the Friends.



Figure 57: Friends' nursery, currently in the works depot

The outbuilding is used as storage, and this may better serve as a take away kiosk, with the possibility of additional storage space being sensitively introduced between the café and outbuilding. Exploration of this option and other relevant works should be undertaken with the tenant, and will require necessary permits from Heritage Victoria.

The Lake View Café provides considerable amenity to the Colac Botanic Gardens, however the Curator's Cottage – from which the café operates – needs to be better integrated into the formal botanic gardens. It is recommended that a defined boundary be established to prevent the creep of infrastructure into the garden grounds and maintenance areas, and better protocols developed to prevent the need for staff to move furniture off lawns for mowing (an OH&S risk). This definition can provide better connection with the eastern end of the formal botanic gardens and contribute to an overall cohesive presentation. The current

The Rowing Club was one of the first tenants of the foreshore. The original building burned down in the 1953, and the current building has years of service in it yet. This relationship is to be managed as per the Lake Colac Foreshore Master Plan with the Assets Team identifying the building as having a life span greater than the Master Plan. In the event that significant works are required this should be managed in accordance with Colac Otway Shire Council protocols and in consultation with Heritage Victoria. Proposals in the Master Plan focus on improving safety and accessibility around the building and improving the surrounding landscape. Planting in this area is currently poor, and it is highly desirable that the area be managed through weed control and indigenous planting to provide a neater, more botanical focused setting for the building.

Proposals for the redevelopment of the Anglers Club Building into a broader Community Hub catering for multiple tenant groups (e.g. Anglers, Friends, education) have been previously discussed (see Section 5.2). The Lake Colac Foreshore Master Plan recommends that the use of this building be reviewed once end of life is reached. Differing from the Rowing Club Building – the Assets Team have identified this building as being in need of significant refurbishment. The building is also likely to be found intrusive from a heritage perspective due to its bright colour and poor connection to the landscape, with Heritage Victoria's preliminary advice being that they would prefer the Master Plan to address all intrusive elements. Full recommendations for treatment and rejuvenation of this building are discussed above, with the Anglers Club being included in discussions where possible.

The last tenant to consider is the CFA, who have had a running track on site since 1938. As with the Anglers Club, this structure is visually unsightly and greatly reduces the usability of the foreshore for other events and general use. Its relocation has been long planned in numerous Colac Otway Shire strategic documents, and it is recommended that this be prioritised in the long-term interest of developing the site into a regional tourism destination. It will be important to work closely with the CFA in the development of the new facility and transition away from the current site.

Tenants should be included and collaborated with concerning all works which affect them, and care taken to ensure, as much as possible, that they continue to enjoy a good relationship with the botanic gardens and Colac Otway Shire.

### Action

#### **Action 64: Improve the integration of the Rowing Club into the Gardens**

- Manage the Rowing Club in accordance with the Lake Colac Foreshore Master Plan (2016)
- Widen the footpath past the Rowing Club to provide better access
- Improve the planting around the Rowing Club
- When upgrading carparking for the Regional Playground, consider providing drive through access for the Colac Band or provide safe reversing space for trailers

#### **Action 65: Improve the integration and of the café into the Gardens**

- In line with the Master Plan drawing, better integrate the Curator's Cottage (now Lake View Café) into the formal botanic gardens.
- Provide a defined boundary to prevent the creep of infrastructure with better presentation and connection on the eastern interface with the Gardens
- Develop protocols to better manage the conflict between café furniture and lawn mowing
- Consider options to sensitively include more storage for the café between the café and outbuilding, possibly allowing the outbuilding (now used for storage) to be developed as a takeaway counter

#### **Action 66: Manage the Anglers Club Building and CFA running track in accordance with the recommendations of the Lake Colac Foreshore Master Plan**

- Relocate the CFA running track to a purpose-built facility off-site (e.g. Central Reserve) and remove all related infrastructure from the Botanic Gardens
- Develop the Anglers Club Building into a wider Community Hub with muted colour palette and an opening, welcoming front to the Gardens
- Work with the tenants to make these changes as seamless as possible

#### **Action 67: Continue to support the Friends of Colac Botanic Gardens**

- Work with the Friends to provide a suitable, long-term home for meetings and storage
- Explore options to include a meeting place for group tours and talks, either indoors or outdoors with weather protection
- Explore options to relocate the Friends Nursery to a dedicated space at the Community Hub
- Continue to support the Friends in carrying out garden tours, fund raising activities and other roles which support Gardens staff



## 7. Review & Implementation

### 7.1. Implementation

This Master Plan provides schematic design and high-level policy advice only. For all new developments this is just the first step, with the Master Plan providing guidance as to the priority, location, use and form of the proposal, but not the detailed implementation. For projects to be realised further detailed design and documentation is required.

For each new development further consultation and research will be needed, as well as the detailed advice of other professionals such as engineers, horticulturalists, landscape architects and architects. In particular, all decisions in relation to vehicle movement, bike trail connections, parking, pedestrian crossings and road safety outside the Gardens need to be designed by a Traffic Engineer and are subject to detailed feasibility and safety studies. For large scale projects such as the Otway Children's Garden, Regional Playground, Infinity Jetty and Community Hub further community consultation will also be required.

### 7.2. Considering New Proposals

As the Colac Botanic Gardens Master Plan spans a 20-year period, it is possible that new proposals will be made which were not foreseen as part of this original Master Plan. These proposals may not necessarily be inappropriate, but should be approached with caution given the heritage character of the place. Due to the rigor of the Master Plan process, when determining the appropriateness of any unplanned proposal or need it should first be considered as to whether it can be accommodated within an already planned Master Plan project (e.g. within the Regional Playground or Event Space developments). For any new proposal, the following questions need to be asked:

- Is it consistent with the Guiding Principles (Chapter 2)?
- Is the project consistent with Colac Otway Shire's long-term strategic aims?
- Is it compatible with the recommendations of this Master Plan and industry best practice?

For any new projects detailed design will still be required and for extensive deviations from the Master Plan further community and stakeholder consultation should occur.

### 7.3. Review

The Master Plan outlines an ambitious vision for Colac Botanic Gardens over a 20-year period. While the direction of the Master Plan should be ongoing, it is recommended that the Master Plan be reviewed in ten-years-time (2032) to allow for any changes in circumstances and to incorporate new developments which have occurred. It is anticipated that some of the recommended projects will not have been completed by this the time and if appropriate these should be rolled over into a new Master Plan.

**Action 68: Review the Colac Botanic Gardens Master Plan in 10 years (approximately 2034)**

### 7.4. Lake Colac Foreshore Master Plan Review

The Lake Colac Foreshore Master Plan is a 10 year document and due for renewal in 2026. It is recommended that all endorsed recommendations in the Colac Botanic Gardens Master Plan be reflected in any revisions to the Lake Colac Foreshore Master Plan. Given the heritage nature of the site, consideration should also be given to excluding the Colac Botanic Gardens and foreshore area from the new Lake Colac Foreshore Master Plan.

**Action 69: Incorporate recommendations from the Colac Botanic Gardens Master Plan into any revisions of the Lake Colac Foreshore Master Plan**

## 7.5. Priorities

The following is a prioritised list of works recommended in the Master Plan. The Master Plan expresses a long-term vision for the Gardens, and works will need to be staged. Works are generally prioritised based on the following considerations:

- Critical infrastructure and works necessary for the operation of the Gardens (e.g. irrigation system upgrades)
- Planning works required to allow other projects to proceed (e.g. Conservation Management Plan)
- Works which are relatively simple to implement from a cost or infrastructure perspective
- Projects that provide the greatest community benefit

This list of priorities will be subject to change, especially if unexpected opportunities arise, allowing the fast tracking of particular projects. Projects are listed in general order of priority. Actions which are statements of ongoing management intent, rather than specific projects, have been excluded from this priorities list.

Item	Planning Document	Short Term (2024-29)	Medium Term (2029-34)	Long Term (2034 onwards)
<b>PLANNING PROJECTS</b>				
<b>Management as a Heritage Place</b>				
Action 12: Produce a new Conservation Management Plan for Colac Botanic Gardens as a high priority	✓	✓ Highest Priority		
Action 19: Undertake an Aboriginal Heritage Values assessment	✓	✓		
Action 2: Carry out a feasibility study into the preferred option for providing water play	✓		✓	
<b>Role as a Botanic Garden: Plant Collections, Landscape Succession and Tree Replacement</b>				
Action 41: Develop and implement a <i>Landscape Succession Plan</i> for the Colac Botanic Gardens	✓	✓		
Action 42: Review and update the <i>Living Collections Plan</i> for the Colac Botanic Gardens	✓	✓		
Action 43: Develop a <i>Tree Replacement and Planting Plan</i> for the Colac Botanic Gardens	✓	✓		
<b>Education, Interpretation and Signage</b>				
Action 51: Develop a branding and interpretation strategy for the Gardens	✓	✓		

Item	Planning Document	Short Term (2024-29)	Medium Term (2029-34)	Long Term (2034 onwards)
<b>Events</b>				
Action 53: Develop an <i>Events Management Plan</i> to guide the size, frequency, type and location of events in the Colac Botanic Gardens and foreshore	✓	✓		
<b>MASTER PLAN PROJECTS</b>				
Action 7: Construct a new, fully accessible summer house at the main entrance		✓		
Action 3: Relocate the CFA Running Track		✓	✓	
Action 4: Develop the central foreshore area as a regional event space		✓	✓	
Action 5: Redevelop the current Anglers Club Building as an all-purpose shared community space		✓	✓	
Action 1: Construct a new regional play space for a broad range of ages at the western end of the foreshore			✓	
Action 8: Develop the new Rose Garden and Ponds			✓	
Action 9: Develop the Castellated Folly as a linking feature between the Regional Playground and formal botanic gardens			✓	
Action 10: Create a nature-play-based Children's Garden as a celebration of local Otway Flora and a point of difference as a regional botanic garden			✓	
Action 11: Modify the Lookout to reduce its visual impact			✓	
Action 6: If supported by subsequent reviews of the Lake Colac Foreshore Master Plan, develop the Infinity Jetty				✓
<b>MANAGEMENT OF COLAC BOTANIC GARDENS</b>				
<b>Management as a Heritage Place</b>				
Action 15: Reinstate and emphasise elements of the 1910 Guilfoyle design		ongoing		
Action 16: Reinstate and renovate appropriate heritage structures within the Gardens		ongoing		
Action 17: Guided by the new CMP, remove or modify intrusive structures and elements within the Gardens		ongoing		



Item	Planning Document	Short Term (2024-29)	Medium Term (2029-34)	Long Term (2034 onwards)
Circulation, Pathways and Entrances				
Action 24: Remove fencing along Fyans Street		✓		
Action 25: Retain vehicle access to the historic carriageway, but modify to improve pedestrian amenity, safety and enjoyment		✓		
Action 23: Upgrade the presentation of all entrances, projecting the Colac Botanic Gardens into the surrounding streets / areas		ongoing		
Accessibility				
Action 26: Improve accessible parking around the Gardens		✓	continue ongoing	
Action 27: Improve access to lawn areas		✓	continue ongoing	
Action 28: Increase the quantity and quality of accessible seating through the Gardens		✓	continue ongoing	
Action 29: Increase the quantity and quality of accessible drinking fountains through the Gardens		✓		
Action 30: Improve all-abilities and general access through the Gardens		ongoing		
Note: Short term improvements in accessibility should be prioritised, especially in relation to access from parking into the Gardens. From there additional improvements can be ongoing				
Transport and Parking				
Action 32: Improve pedestrian safety around the Gardens		ongoing		
Action 33: Improve parking around the Colac Botanic Gardens, guided by traffic engineers		ongoing		
Action 34: Improve wayfinding and access around Colac Botanic Gardens		ongoing		
Action 35: Encourage the use of Bicycles to access the Gardens		ongoing		
Action 36: Improve access to public transport		ongoing		
Infrastructure and Toilets				
Action 37: Provide a fully accessible toilet at the upper western end of the Gardens		✓		
Action 38: Provide a Changing Place facility at the foreshore		✓		
Action 39: Upgrade the existing toilets		as per toilet strategy		

Item	Planning Document	Short Term (2024-29)	Medium Term (2029-34)	Long Term (2034 onwards)
Garden Bed Layout and Planting Design				
Action 45: Add, remove and modify garden beds to better reflect Guilfoyle’s vision and maintain the quality of the landscape		ongoing		
Irrigation and Water Management				
Action 47: Update the Colac Botanic Gardens irrigation system		✓		
Action 48: Reduce the reliance of the Colac Botanic Gardens on Potable Water		ongoing		
Action 49: Consider drainage issues in the management of the Colac Botanic Gardens		ongoing		
Education, Interpretation and Signage				
Action 50: Increase access to a range of educational offerings in the Gardens		ongoing		
Action 52: Improve signage around the Gardens		as determined by the interpretation strategy		
Events				
Action 56: Identify and activate small scale event spaces within the formal botanic gardens			✓	
Action 54: Provide temporary infrastructure to support events		ongoing		
Action 57: Provide opportunity and infrastructure for local Pop-Up initiatives		ongoing		
Management and Staffing				
Action 62: Investigate the feasibility of seeking BGCI accreditation for the Gardens				✓
Action 59: Implement design changes which reduce unnecessary maintenance		ongoing		
Action 60: Improve maintenance burden of high intensity / input tasks for Garden Staff		ongoing		
Action 61: Provide Professional Development opportunities for Gardens’ Staff		ongoing		
Action 63: Manage the biosecurity risk to the Gardens and their collections		ongoing		
Friends and Tenants				
Action 64: Improve the integration of the Rowing Club into the Gardens			✓	
Action 65: Improve the integration and of the café into the Gardens			✓	

Item	Planning Document	Short Term (2024-29)	Medium Term (2029-34)	Long Term (2034 onwards)
<b>Review &amp; Implementation</b>				
Action 68: Review the Colac Botanic Gardens Master Plan in 10 years (approximately 2034)	✓			✓
Action 69: Incorporate recommendations from the Colac Botanic Gardens Master Plan into any revisions of the Lake Colac Foreshore Master Plan	✓	✓		



## 8. Bibliography

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Note: The lead author of this report has worked on Master Plans for many botanic gardens. From time-to-time sections of text may be repeated from other documents by the same author.

### 8.2. End Notes

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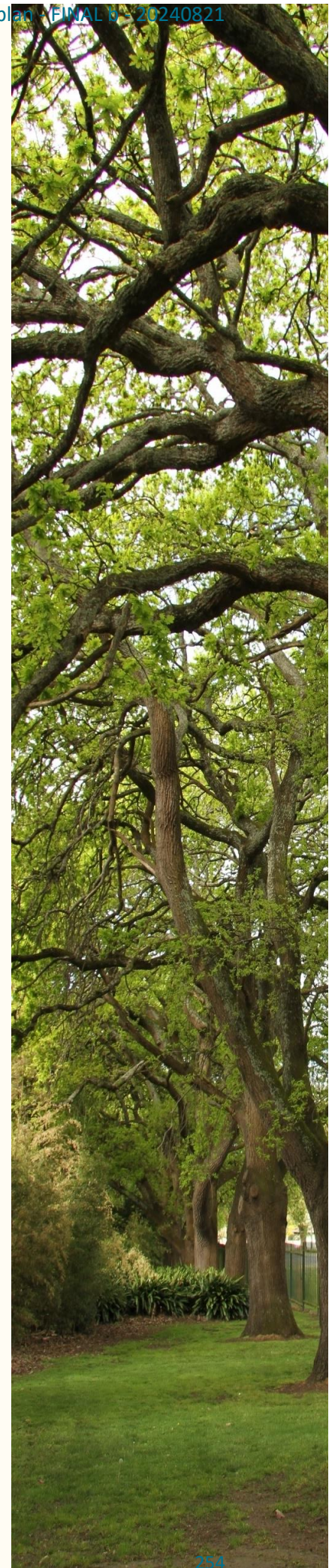


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Colac Botanic Gardens Masterplan Submission Summary				
Submitter	Theme of submission	Like about the plan	Considerations	Colac Otway Shire Comment
CFA Track				
7	CFA Track	The gardens and foreshore should be a space for everyone.	Leave the Fire Brigade running track and use money on other things.	<p>Colac Otway Shire in the adoption of the 2016 Lake Foreshore Masterplan have resolved to relocate the CFA Running Track. The Masterplan acknowledges this resolution and have included it in this new plan, as it has other proposals from the Lake Foreshore Masterplan. Including the relocation in this new Masterplan increases the opportunity for State or Federal funding for relocation of the track and upgrade of the facilities. Heritage Victoria feedback is that "The removal of the CFA Track and associated infrastructure is supported as it is a non-original feature that impacts on views associated with the botanic garden and Lake Colac."</p> <p>An intermin measure is recomeded in that Council support the CFA in any works which reduce the visual and physical impact of the fence and tower.</p>
18	CFA Track	Not a fan of any of the design	Running track relocation will be expensive & the central reserve space isn't adequate. Event space is too small.	
27	CFA Track	Nothing	Don't move the running track	
28	CFA Track	No	Leave the fire brigades running track, relocating it will be a waste of money. The gardens are great the way they are. Just need to keep the bats away.	
37	CFA Track	A review of the area was welcome	Proposal to remove Fire Track is ill informed. More effective consultation with current tenants would have been useful.	
40	CFA Track	N/A	Moving the fire track would be a waste of resources. There is no consideration for the 'Dorothy' anchor to be placed on display in the area. Consider opening up the existing fire track for extra parking during the summer months but close at night.	
41	CFA Track	N/A	Do not remove or rehome the CFA Running Track. Its not a financially viable option.	
51	CFA Track	Widening of paths, car parking, more toilets & Infinity Jetty	Solar lampposts or similar around the carriageway. CFA track should stay and be incorporated into the event space and performance area.	
10	CFA Track, Events Space	Don't like the plan	Decreasing the events space means we can no longer hold community events. CFA track could be used for other purposes like volleyball or basketball hoop at one end. It also provides great space for vendors to park during events. Has there been consideration for more toilets?	
14	CFA Track, Events Space	Its Stupid	Taking away the fire track is a waste of money. No more Xmas by the lake as there will be no room. Listen to the people, we don't need so much garden.	
24	CFA Track, Events Space	I don't	The event space provided in the plan has been designed by people with little to no event management experience. Its too small. It doesn't include power, water and hardstand. No room for market stalls if removing CFA track. This space could be developed to be an inclusive space. The current MP intentionally excludes community members.	
35	CFA Track, Event Space, Toilet	The gardens is such a wonderful place to enjoy, exercise, play and appreciate nature.	More mature trees on the foreshore. Use the grass section next to the Angling club for tables & BBQ area. Supportive of moving the CFA track. Enlarge the parking area near rowing club. Top up beach with sand. More activates on the lake like paddle boats. Love to see the rowing club hall used as a cafe or restaurant or function space. Current toilet block needs renovated. Fix the lake path where erosion has occurred. More directional signage for the gardens. very disappointed in the bats destroying the gardens trees.	
38	CFA Track, Events Space	Fantastic your actually looking at the area for once.	The lack of area to hold a public event is a massive problem. Not considering keeping the CFA track is a massive mistake. The cost to relocate will be high. Do your homework before you waste money.	
31	CFA Track, Events Space, Play space	I like the extended beach space, nature play space, proposed kiosk space that will provide business opportunities.	The space for events is too small. New play space is closer to the water, considerations should be given to the increased risk of drownings. The CFA track should be left where it is.	
46	CFA Track, Events Space		Opposed to the relocation of the CFA Track. Whilst not entirely against the relocation of the track, the problem lies with finding a suitable site, and the complexities and cost of constructing a new track to the current specifications. Would not necessarily be opposition to a move to a suitable site, but again, not at Brigade expense. The preferred option, however, would be to remain at the current site.	
47	CFA Track, Events Space, Play space, Traffic, Garden Beds,	In principle support the Masterplan	Support the integrity of the Guilfoyle Plan Support the repurposing of the Anglers Club into a community venue Support the importance of enhancing event space and look forward to the reinstatement of the terraces as appropriate. We question the need for two fountains & ponds & have concerns regarding the ensuing removal of the medlar tree. Support the closure to cars of the gate on the corner of Fyans and Gellibrand Streets, and the use of the Queens Street entrance for that purpose. Support an immediate ban on all parking in the Colac Botanic Gardens and the creation of additional parking space. We support the previous decisions made by Colac Otway Council to relocate the CFA running track, fences and tower from the prime viewing area of the gardens.	
45	CFA Track, Traffic	The gardens are a beautiful peaceful area.	Fire track needs to stay here. Restricting vehicles to the gardens - Disagree. Should be able to drive around it.	
3	CFA Track, Toilets	Nothing	Large grass area and CFA track should remain. Infinity jetty is an expensive money pit. Install a couple of BBQs with shelters alongside the CFA track and toilets at the western end.	
26	CFA Track, Playspace	Not much	Keep the CFA track. Put a basketball ring at one end. Playground needs an update. More picnic tables. Listen to the people and draw up more plans. Don't do what's in the masterplan	
33	CFA Track, Playspace	Extra playground and improving toilets.	Keep the Fire track where it is. Make playground larger with big slides and older equipment. Don't remove the old play equipment. Its been there a long time.	
52	CFA Track, Playspace	Plan for more toilets	The CFA track relocation is a carry over from the last two masterplans. Changing the main entrance to Queen ST is against the proposal to link the CBG to the gardens through Gellibrand St. Is there an identified need for a children's garden? The road leading to the proposed regional playground is fraught with safety concerns.	

Colac Botanic Gardens Masterplan Submission Summary				
Submitter	Theme of submission	Like about the plan	Considerations	Colac Otway Shire Comment
Events Space				
1	Events Space	Increased toilets and play spaces.	Event space is far too small and in the wrong place. Also, STILL no sound shell or stage. Moving rowing club carpark a waste of money. We need a new swimming beach from the groyne to the rowing club. Swimming and fishing only. NO GO zone for power boats.	<p>The event space is to be further designed in consultation with all users in the project delivery phase. The intention of the space is to be consistent in size to the current offering with the inclusion of associated infrastructure and services to support events. It is difficult to clearly see the space and configuration in the current plan form as the steep slope and impact of current CFA infrastructure is not apparent. However the current event space is around 6,500sqm plus the CFA running track (which has fences blocking access). The Master Plan area for the event space is around 8,500sqm due to the reinstatement of the historic viewing terraces adding space to watch performance.</p> <p>The detailed design will be developed in consultation with all users to ensure there is suitable facilities and sufficient space while also supporting year round use of the Gardens and foreshore. The proposal includes hard stand for truck access during bump-in and bump-out and for market use, as well as allowances for better water, power and telecommunications services, reducing set up costs. Improving drainage will improve year round access. The installation of a sound shell would not be supported from a heritage perspective and is a high cost item that would primarily be used once a year.</p> <p>Current best practice is to provide supportive infrastructure for temporary staging. While there was considerable concern from some people around this item, we believe that detailed design will accommodate all uses, creating a more functional space that better supports current and future events.</p> <p>Following consultation the revised plan shows an extended events space to ensure that the size of the recommend location is consistent with that which is currently being used for large foreshore events such as “Christmas by the Lake”. To accommodate this the proposed “new” eastern car park is removed as there is provision for carparking in the current boat ramp location.</p> <p>It is recognised that there is a desire by some submitters to install the anchor from the former “Dorothy” sailboat as a monument to this historic vessel. The revised plan recognises this and has recommended that consideration for the installation be on the foreshore near the boat ramp/ community hub or alternatively be included in the design of the regional play space.</p>
2	Events Space	N/A	Proposed Event space isn't big enough. Needs to be at least doubled in size. Large tree in the centre of this event area. A permanent sound shell or stage for future events would enhance the space	
9	Events Space	N/A	Event Space needs to be larger.	
11	Events Space, Playspace	I like the additional playground and event space.	Lots of bins and water fountains. Ensure playspaces are accommodating for kids ranging from 1yr up.	
12	Events Space, Playspace	New play area, event space & picnic areas to showcase the lake and gardens.	Ensure playground is focused on all ages from 1 year plus.	
13	Events Space	The pontoon is the only good idea.	Event space needs to be more than already allocated. Unnecessary to create a new playground. Just upgrade the existing.	
15	Events Space	That something is being done about the area.	Make the area more friendly to larger events.	
17	Events Space	Infinity pier & play area.	This plan halves the event space. Don't take that away. Increase promotion of our most admired assets. Botanic Garden and Lake Colac.	
21	Events Space		Event space needs to be large enough for hosting Christmas on the lake & Australia Day.	
22	Events Space, Playspace	Waterplay, increased seating, paths and better toilets.	Event spaces need to accommodate larger events.	
23	Events Space	Not much once again.	Removal of open spaces which is vital to host events down at the lake is disgusting.	
25	Events Space		Losing space where the CFA train is absurd. Taking away event space is nonsensical. More events held down there is what's needed not taking away the space.	
29	Events Space		Make the event space better.	
34	Events Space, Playspace	Extra Picnic areas & new Playground	Taking away the new playground makes no sense. Upgrade if need be but don't replace with a garden space. Too much road space on the foreshore. Events space is far too small. Don't create a whole new gardens, upgrade what you've got .	
44	Event Space, Playspace, Pond		Takes away too much open space and too many plantings on the foreshore would block the lake views. Fencing and pathways should be done under asset renewal. Regional playground should be built on the current playground site. No plantings on the foreshore. Terraces don't need to be put back. No need for the extra pond. Upgrade the paths, Fyans street parking and guttering. Upgrade aquatic building for lease potential cafe. Ensure power is installed at foreshore. A plan to display the anchor linked to the Dorothy would be a cheap and achievable project.	
48	Events Space, CFA Track, Toilet	Its wonderful to see or beautiful gardens getting positive attention.	If retained, the CFA track with an extra gate to allow crossing would be a great idea for holding markets. Fire Track could have more uses. Adult playground/gym equipment would be a benefit. More Concerts and markets such as the pre Xmas event would be great for people across the shire. Retaining the gardens fence is a plus. Keep the medlar tree.	
Playspace				
4	Playspace	Foreshore development to be part of the CBG. Proposed regional play space, children's garden and designated parking areas.	N/A	<p>Most comments in regard to the play space were supportive or related to detailed design, with this being the item more people highlighted as being a positive of the Master Plan design than any other. A couple of comments objected to a play space on the foreshore due to the impact on one large yearly event. The proposed playground upgrades were in direct response to community requests during initial consultation (70 responses) and positively received by the community.</p>
5	Playspace	That the foreshore is being developed.	Good traffic management for cars-speed humps and crossings. Coming down the hill near the café is unsafe. New plantings are hopefully deciduous trees. Disappointing to think you will need 20 years to finish the plan. Upgrading bike-waking tracks in Colac is needed. Joseph Paastch should link back to the lake via eastern res and behind Coles.	
6	Playspace	That council is going to undertake works to make it better.	Playground is a must. Don't need additional parking.	
16	Playspace	Children's garden and Playspace looks amazing.	Event space needs to be bigger.	
30	Playspace	Jetty looks like a cool idea. New toilet block near lake and gardens is even better idea.	Cancel both playgrounds and upgrade the current playground. Event space needs to stay larger. Don't fix what isn't broken, just improve.	
Traffic				
39	Playspace, Traffic	That a Conservation Management Plan is Priority. Playground development & Eternity Jetty.	Do anything to discourage Hoons. Cars in the gardens can be unsafe. I would object to car movement through the gardens. I'm concerned the eternity jetty will be over the top. Flying foxes are also a concern.	<p>Traffic management is considered in the masterplan and recommends through traffic only. There were very few comments in relation to traffic management and initial community consultation indicated people were divided on the issue of whether to allow cars into the Gardens. The little feedback that was received on the masterplan continued to show this divide, but given the strong community interest the general lack of feedback to the proposals is considered positive.</p>
50	Playspace, Traffic	More seating, water play, integrating old play equipment in the children's garden & retaining car access.	Speed limit for vehicles. Seal the roads and paths and more walkways through the gardens. Would love to see parking remain in the gardens. Carriageway widened to allow vehicles and pedestrians. Vehicles go clockwise and pedestrians anticlockwise. Ideally there should be a separate pathway for pedestrians.	
55	Playspace, Traffic CFA Track , Art, Flying Fox	No likes just concerns	Propose that the childrensplaygound has ite s for older children, Oconsideration for traffic to remain, supportt the CFA track staying, please do not put art in the gardens, remove the GHFF	
53	Playspace, Events Space, Traffic	Widening paths, fresh edging, reshaping gardens beds, keeping the vehicles in the gardens, Queen St entrance, another toilet, updating the lookout railing, path below the café hill, renovation of angling club, terraces, jetty and relocating the CFA track.	Loosing play equipment at the children's garden. Concerned the regional play space could take up a lot of open space if not designed properly. Event space doesn't seem adequate and could be designed better. Consider displaying the anchor that was retrieved from the lake in 2016 next to the rowing club. I don't like the design of both car parks designs on the foreshore.	
Toilets				
8	Toilets	Extra parking, toilets and widened walking paths.	What we don't have is an attractive updated space to host events, markets and fundraisers. Make this space more accessible to more people. Don't waste money fixing the gardens. They don't need it.	<p>In the creation of the masterplan there is provision for toilets not only in the current location but adjacent to the Lakeview Café and the Regional Play space.</p> <p>On review it is agreed that the former casselated structure (formerly a toilet) is included in the regional Play Space as a play element and incorrectly referred to as a toilet. This is rectified in the final document.</p>
56	Toilets / Footpaths	Community Hub incorporating Coffee Van	Include new toilets on the plan and that tehse need to be 24 hours accessable. Suggest a footpath down to Gellibrand street, new set of stairs between Armstrong and Gellibrand Street, Footpath to be fixed between Gellibrand and Armstrong Street.	
19	Toilets Playspace	Additional Toilets, picnic shelters and Playspace.	Think of all children when designing the play areas. An all abilities playground is something this town needs. A drinking water station would be a great addition but would need to be undercover and clean regularly.	



Colac Botanic Gardens Masterplan Submission Summary				
Submitter	Theme of submission	Like about the plan	Considerations	Colac Otway Shire Comment
Garden Beds				
36	Garden Beds	Design coherence for the whole site. Garden beds and planting changes. The step towards removing vehicle access. Like the intention to define beds and borders.	The reference list refers to the 2012 Masterplan Reviewed by Richard Barley of Open Gardens Victoria. It should say Open Gardens Australia.	The masterplan has the overarching goal of putting into place the vision as created by Guilfoyle and works on and to the garden beds are in keeping with this original plan. Feedback on garden bed design was primarily positive, other than where people felt it would impact on the event space or where people objected to any change at all.
42	Garden Beds	N/A	Removal of Roses, Azaleas, Iris and annuals will leave very little colour.	
54	Garden Beds, Traffic	Well researched, inclusive and forward thinking document. Extensive collection of plants.	The road is an odd one but understand how the community gets attached to certain elements.	
Fence				
32	Fence, Garden Beds	Increasing the Otway flora collection and adding extra toilets to the western end.	I would have loved to have a conservatory returned to the gardens. Removing the fence is a bad idea. Not happy to lose gardens beds. Don't make past mistakes with the playground. Keep aggregate path on Foreshore.	The masterplan recommends removal of the fence as this asset is at end of life and does not limit access to the gardens as they are open on two other sides.
43	CFA Track, Events Space, Play space, Traffic, Fence	Long term conservation and management of the area.	Event space is not large enough. Garden beds and additional plantings shouldn't impinge on the grassed open space along the foreshore. Likewise for permanent structures. Focus should be on the events space rather than extending the gardens. New carpark at the western end is inappropriate. Carpark at eastern end impedes into the event and foreshore space. Removing the CFA track and installing a carpark is nonsense. Removal of the fence is rejected, fencing defines the gardens. Repair the fence. Consider the safety consequences if the balustrade is removed at the lookout. one way traffic is supported however the no stopping is ill advised. Hard to enforce.	
20	None	Leave as it is	Don't change it leave the gardens as they are now.	No response
49	None	I like the whole plan	Plan looks well considered adding further value.	

Item: 9.5

## Grey Headed Flying Fox Management Plan Update

<b>OFFICER</b>	Cameron Duthie
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. GHFF Nudging Map - 2024 [9.5.1 - 1 page]</li><li>2. 28 Aug 2024 Council Meeting Attachment - D 24 11288 Draft - Working Version - Colac Otway Shire Grey [9.5.2 - 86 pages]</li><li>3. Grey Headed Flying Fox Data - Camp Numbers - Colac Botanic Gardens 2019 - 2024 [9.5.3 - 1 page]</li></ol>

### 1. PURPOSE

The purpose of this report is to provide Council with an update on the planned management activities for the colony of Grey Headed Flying Fox within the Colac Botanic Gardens which is required to protect the heritage tree assets within the Gardens.

### 2. EXECUTIVE SUMMARY

Council implemented a management plan in 2019 to proactively manage the colony of Grey Headed Flying Foxes (GHFF) camped in the Botanic Gardens to preserve the health of heritage tree assets within the Gardens. The activities have been undertaken through an Authority to Control Wildlife (ATCW) permit which is a necessary requirement of the Department of Energy, Environment and Climate (DEECA) to manage any wildlife. Initially this management included attempts to relocate the GHFF elsewhere, however based on advice and consultation with stakeholders, the activity has been adjusted to 'nudging' the GHFF to locate elsewhere in the Gardens, away from the more significant trees. This permit requires renewal.

The management plan has been reviewed in consultation with an independent expert who has supervised the GHFF management for Council, based on the more recent 'nudging' approach which has been accepted as an appropriate response from DEECA. It is intended to lodge a new ATCW permit application with DEECA, subject to endorsement by Council of this approach.

### 3. RECOMMENDATION

**That Council:**

- 1. Notes the following:**
  - a. The management of Grey Headed Flying Foxes (GHFF) within the Colac Botanic Gardens, undertaken in recent years, have been based on the 'nudging' of these animals to different areas within the gardens to preserve the health of significant heritage trees.**
  - b. The management of GHFF within the Gardens has been undertaken in accordance with strict conditions of permits issued by State Government agencies, and under the supervision of a subject matter industry expert consulting to Council.**
  - c. A revised Management Plan for GHFF in the Botanic Gardens (Attachment 3).**
- 2. Determines to continue the management approach and endorses the draft Management Plan for the purpose of seeking approvals to continue this program.**
- 3. Approves the submission of an application for a new Authority to Control Wildlife (ATCW) permit from the Department of Energy, Environment and Climate (DEECA) which is required for continued management of the GHFF colony, based on the management plan recommendations.**

### 4. KEY INFORMATION

#### **Background**

The Colac Botanic Gardens (CBG) has been home to a camp of Grey Headed Flying Fox (GHFF) seasonally since 2016. The numbers of GHFF at the gardens is frequently changing due to factors including weather, food, the change of seasons and the nomadic nature of the species. The GHFF numbers are usually higher during the warmer months and lower during the cooler months.

Since the establishment of the camp in the current location damage to heritage trees in the Gardens has been observed and reported. With the goal of protecting the tree assets a five-year GHFF Management Plan was prepared in July 2019 with assistance from specialised ecologist consultant Ecosure. To enable GHFF management activities an 'Authority to Control Wildlife' was prepared and submitted to DEECA with the management plan and approval was granted for the period 2019-2023. This Plan required review in early 2024.

After receiving advice from an independent ecologist and after DEECA received negative feedback (including ministerial notification) post the 2020 dispersal program, Council opted in 2021 to change its management approach of the GHFF from that of 'dispersal' from the gardens to 'nudging' them within the gardens to a more suitable location with more robust trees.

Council has used the expert services of ecologist and GHFF expert Dr Rod Van der Ree from WSP to independently oversee management activities in accordance with the Management Plan. The use of a GHFF expert to assist Council and provide advice is a requirement listed in the Plan.

Since the GHFF first arrived at the gardens in 2016 community feedback on the animals and Council's management approach has been both positive and negative.

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* GHFF are listed as a vulnerable species and are listed as threatened under the *Victorian Flora and Fauna Guarantee Act 1988*. The management of flying-foxes and their habitat is directly guided by these legislative requirements. Council in consideration of any management activities requires approval from DEECA as the Conservation Regulator.

## **Issues**

### DEECA Permits Required

DEECA is the responsible authority for administering ATCW permits and all GHFF management activities are to occur with permission from DEECA. Council has built up a solid working relationship with wildlife officers and the approvals team at DEECA over the past few years. DEECA officers have been present during dawn dispersal and nudging activities and an annual debrief meeting held in October each year of the permit. It is important the management plan meets the requirements of DEECA to facilitate a successful approval process.

Given the previous permit has expired, a new consent from DEECA is required. A draft Management Plan has been prepared which outlines the proposed activities in the protection of the heritage trees which is designed to allow Council to nudge the animals from the current to a more suitable location in the gardens. A copy is attached to this report. It is proposed to make an application based on the amended management plan. Support will be sought through Council resolution for this approach.

### Restrictions on Past Nudging Activities

As noted above, the previous ATCW Permit was issued with strict conditions. The most difficult conditions were that nudging activities were restricted to between 4pm and 9am and limited to a maximum of 2.5hrs within any 12-hr period. There was also a restriction of these activities to between 1 April and 31 August annually. No management activities were able to be undertaken after 31 August.

Each year when the nudging program commences, the GHFF are shifted to the desired location quite easily with minimal effort. Over the past few years this has only taken a few weeks. The rest of the program for that year is simply monitoring and nudging GHFF that might return to the non-preferred location. One of the key issues identified is that after the 31 August nudging cut off deadline the GHFF slowly return to the non-preferred location. Outside of the permit timeframe officers are unable to nudge the GHFF back to the preferred location. Activities are not able to recommence until April 1 the following year.

This cycle has been occurring for several years now and consistent GHFF behaviour has been observed. This downtime of nudging has impacted the success of the program. It means that each year in April the colony are redirected again to the preferred location, invariably to return to the non-preferred location post August. One of the key changes to the Draft Management Plan 2024 is to enable nudging to occur for most of the year subject to approval from an independent GHFF expert who will deem it safe to proceed providing the health and wellbeing of the GHFF isn't impacted.

### Key changes in the 2024 Grey Headed Flying Fox Management Plan

As noted above, the key activity for GHFF management has changed from 'dispersal' to 'nudging'. This means adopting a cohabitating approach with the GHFF within the gardens whilst nudging the GHFF



to a more suitable location within the gardens. Refer to the attached map. The new plan seeks permission for nudging throughout the year with no or very little downtime during the year, without the restriction of particular months of the year. Maintenance nudging is planned during the day if the GHFF move back to the non-preferred location with heritage tree assets, and the Management Plan has been condensed and made more concise based on feedback from DEECA.

Initially as per the Management Plan a GHFF expert was required to always be onsite when nudging activities were occurring. DEECA showed great confidence in the nudging team recently by allowing the expert to only attend the site as required but to maintain daily contact via phone or email.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

The management of the GHFF at the Botanic Gardens has been undertaken in accordance with a thoroughly developed management plan and permit from State Government, balancing amenity and health of the trees in the Gardens with the environmental values of the flying foxes. An independent industry expert has overseen the program, ensuring that this activity is undertaken in the best way possible.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

There is a range of legislation that is relevant to management of the GHFF, as listed below:

- Victorian Local Government Act (2020)
- Victorian Planning and Environment Act (1987)
- Victorian Catchment and Land Protection Act (1994)
- Victorian Flora and Fauna Guarantee Act (1988)
- Victorian Environment Protection Act (2017)
- Australian Environmental Protection and Biodiversity Conservation Act (1999)

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

Nudging activities are to be undertaken as per permit conditions to ensure the sustainability of the colony which is located within the Botanic Gardens

### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

The program as detailed within this report requires community notification by way of letter drop. This activity is detailed in the project plan. In addition, communications by way of social media and media release are a component of the plan.

### **Public Transparency (s58 LGA 2020)**

Public transparency is achieved by reporting the proposed management activities in a public Council meeting and notifying the community through timely media releases and direct notice where relevant.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 2 - Valuing the Natural and Built Environment

Objective 3: Protect and enhance the natural environment

Objective 5: Provide and maintain an attractive and safe built environment

#### Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 3: We provide exceptional customer service

#### **Financial Management** (s101 *Local Government Act 2020*)

Management for the GHFF is undertaken within the Services and Operation team's operational budget, including approximately \$35,000 for the independent expert consultant annually. The cost of staff time devoted to this task varies depending on the degree of nudging required and is accommodated within current parks and gardens recurrent operations budgets.

#### **Service Performance** (s106 *Local Government Act 2020*)

It is intended that future management of the GHFF be relatively consistent with past management activities. There should therefore be minimal change to the level of service provided within the Services and Operations team. The operational benefit of nudging is that this activity can occur with a modified staff roster and in the most part is performed as business as usual from the team.

#### **Risk Assessment**

The activity of nudging is proposed to be in accordance with the Management Plan and the associated Operational Plan covers all aspects of risk including PPE and on-site risks. Closing the gardens during nudging activities is also a risk management strategy which is to be incorporated into the plan.

#### **Communication/Implementation**

The supplied Management Plan recommends and requires notification to stakeholders, residents and interested parties of the planned GHFF nudging activities prior to commencement. Once approved it is the intention to advise stakeholders via direct communication, letter drop, mail out, social media and through media release to inform of the commencement of GHFF management practices.

#### **Human Rights Charter**

Human Rights are considered and not applicable in this instance.

#### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

#### **Options**

##### Option 1 – Endorse the ongoing management approach of nudging.

To protect the heritage trees in the Botanic Gardens this option is recommended and subject to Council support, officers will apply for an Authority to Control Wildlife permit (ACTW) to DEECA with the Colac Otway Shire GHFF Management plan as an attachment. Subject to ATCW approval, an independent GHFF expert will be engaged, and nudging activities will commence as per the management plan and issued permit conditions.

##### Option 2 – Return to the management approach of Dispersal

This option is not recommended by officers as advice was received from an independent ecologist after DEECA received negative feedback (including ministerial notification) post the 2020 dispersal program. Council opted in 2021 to change its management approach of the GHFF from that of 'dispersal' from the gardens to 'nudging' them within the gardens to a more suitable location with more robust trees. Advice received is that a permit application for dispersal is unlikely to be approved.

Should this approach be the preferred, the supplied Management Plan will need to be changed prior to the submission of an ACTW and an independent ecologist engaged.

Option 3 – Discontinue attempts to manage the GHFF presence at the gardens







This option is not recommended as the current colony of Grey Headed Flying Fox within the Botanic Gardens is impacting the heritage listed trees located adjacent to the pond. A “Do Nothing” approach will see the decline of these heritage trees potentially to the extent that they diminish in condition leading to removal.



# Colac Botanic Gardens

## Grey Headed Flying Foxes

### LEGEND

-  COS Nudging GHFF towards this location. COS preferred location for the GHFF to roost.
-  GHFF Preferred Roosting Location
-  GHFF roosting location after 2023 nudging
-  GHFF roosting location after 2022 nudging
-  GHFF roosting location after 2021 nudging
-  Property Boundaries



1:3,000 in A4 Print



COS090-01-DRAFT

Agenda - Council Meeting - 28 August 2024





## **DRAFT - Colac Grey-Headed Flying-Fox Management Plan v3**

**2024 - 2029**

Prepared by Colac Otway Shire Council in conjunction with:

- The Victorian Department of Energy, Environment and Climate Action,
- The Commonwealth Department of Environment and Energy; and
- NSW Office of Environment and Heritage 'Flying-fox Management Plan standard template'.

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## CONTEXT OF THIS DOCUMENT

The basis of this document has been developed from the NSW Office of Environment and Heritage 'Flying-fox Camp Management Plan Template 2016<sup>1</sup>. The Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) cites their document "Referral guideline for management actions in Grey-headed and Spectacled flying-fox camps 2015" which the above NSW template supposedly informed.

This review is therefore based on the format and content of the superseded management plan.

DCCEEW asserts the right to be attributed as author of the original material in the following manner:  
© State of New South Wales and Office of Environment and Heritage 2016.

Title	Colac Botanic Gardens Flying-Fox Management Plan
Project Managers	Mark Robinson
Organisation	Colac Otway Shire Council
Prepared by	Colac Otway Shire Council
Reviewed by	Cameron Duthie Mark Robinson Daniel Roberts
Approved by	Cameron Duthie
Date	24 June 2024 24 June 2024

### Revision history

Revision date	Version No.	Document No.	Author	Description of changes
25 May 2020	1.0	CM – D19/118743	S.Antczak	Responses from DELWP and initial IPE meeting comments
13 July 2020	2.0	CM – D20/211725	S.Antczak	IPE review recommendations included
24 June 2024	3.0	CM - D24/11288	M.Robinson D.Roberts	Previous 5 year Management Plan had expired. Change of approach from dispersal to nudging. Condense and simplify based on feedback from DEECA.

<sup>1</sup> <https://www.environment.nsw.gov.au/topics/animals-and-plants/wildlife-management/management-flying-foxes/camp-management>

## Acknowledgements

Colac Otway Shire Council would like to thank everyone who was involved in the preparation of this Management Plan and gratefully acknowledge input to the original 2019 Management Plan by land managers and regulators experienced in flying-fox management.

Colac Otway Shire Council acknowledges the template provided by the NSW Office of Environment and Heritage, and consultants Ecosure, in developing the original 2019 Management Plan template on which this Flying-fox Management Plan was based. Dr Peggy Eby also provided advice which was included in the original 2019 template.

This current 2024-2029 Management Plan supersedes any previous versions.



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## Acronyms, Abbreviations and Glossary

Acronym	Definition
<b>ABLV</b>	Australian bat lyssavirus
<b>ATCW</b>	Authority to Control Wildlife
<b>CBG</b>	Colac Botanic Gardens
<b>Camp</b>	Used to describe the location where a group of flying-foxes are roosting. See also 'roost' (note these terms may be used interchangeably).
<b>COSC</b>	Colac Otway Shire Council
<b>DCCEEW</b>	Commonwealth Department of Climate Change, Energy, the Environment and Water
<b>DEECA</b>	Department of Energy, Environment and Climate Action)
<b>EEC</b>	Endangered Ecological Communities
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
<b>FFG Act</b>	<i>Flora and Fauna Guarantee Act 1988</i> (Vic)
<b>FFMP</b>	Flying-fox Management Plan
<b>Flying-fox expert</b>	The flying-fox expert referenced throughout this plan must have the following minimum expertise: <ul style="list-style-type: none"> <li>• Knowledge of flying-fox habitat requirements</li> <li>• Knowledge and experience in flying-fox camp nudging</li> <li>• Knowledge of flying-fox behaviour, including ability to identify signs of flying-fox stress</li> <li>• Ability to differentiate between breeding and non-breeding females</li> <li>• Ability to identify females in final trimester</li> <li>• Ability to estimate age of juveniles</li> <li>• Experienced in flying-fox population monitoring including static and fly-out counts, demographics and visual health assessments.</li> <li>• ABLV-vaccinated and trained in flying-fox rescue.</li> </ul>
<b>GHFF</b>	Grey-headed flying-fox ( <i>Pteropus poliocephalus</i> )
<b>the Guideline</b>	Referral guideline for management actions in grey-headed and spectacled flying-fox camps 2015 (Commonwealth)
<b>HeV</b>	Hendra virus
<b>LGA</b>	Local Government Area
<b>MAV</b>	Municipal Association of Victoria
<b>MNES</b>	Matters of National Environmental Significance
<b>OEH</b>	Office of Environment and Heritage (NSW)
<b>PEPs</b>	Protection of the Environment Policies
<b>POCT Act</b>	<i>Prevention of Cruelty to Animals Act 1986</i> (NSW)
<b>Roost</b>	Used to describe the act of roosting (verb). See also 'camp'.
<b>TEC</b>	Threatened ecological community
<b>Wildlife A</b>	<i>Wildlife Act 1975</i> (Vic)

## Executive Summary

The Colac Botanic Gardens flying-fox camp is located on the southern aspect of Lake Colac in the Shire of Colac Otway, Victoria. The Colac Botanic Gardens are managed by Colac Otway Shire Council. The gardens are popular for locals and a primary destination for visitors coming to Colac. Land uses surrounding the gardens include a caravan park immediately to the east and established residential areas to the south and west.

The camp was first formally recorded in December 2016. It has been intermittently occupied since that time. Whilst the number of flying-foxes has varied since initial occupation, numbers have reached up to 9000 in early 2024.

The Colac Botanic Gardens are listed on the Victorian Heritage Register. Trees of individual significance are listed in the Statement of Significance and some of these trees have become preferred roosting habitats. In general, the flying-fox camp has had a significant impact on the amenity of the botanic gardens in terms of tree health, defecation and noise.

Grey Headed Flying-Foxes (GHFF) are considered 'keystone' species in Australia given their contribution to the health, longevity and diversity among and between vegetation communities. They often roost in large numbers and are increasingly moving into urban areas across eastern and southern Australia.

Grey-headed flying-foxes are listed as a vulnerable species under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and are listed as threatened under the *Victorian Flora and Fauna Guarantee Act 1988*. The management of flying-foxes and their habitat is directly guided by these legislative requirements. Images of the GHFF are shown in Figure 1.



Figure 1 - Flying-Foxes at the CBG

Supporting the EPBC Act is the Commonwealth Department of the Environment and Energy Referral guidelines. The number of grey-headed flying-foxes at the Colac Botanic Gardens does not meet the 'nationally-important' criteria. As a result, no referral is required for management actions including nudging (as confirmed by the Department). Council is proceeding with this Management Plan to ensure that best practice requirements and mitigation standards are met, to respond to community concerns and support the application for an Authority to Control Wildlife from the Department of Energy, Environment and Climate Action.



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The objectives of the Plan are to:

- enable long-term conservation of flying-foxes within Colac Botanic Gardens
- minimise adverse impacts to the community from the annual visitation of flying-fox colonies
- provide a reasonable level of amenity for the surrounding community
- manage public health and safety risks
- improve community understanding and appreciation of flying-foxes, including their critical ecological role
- ensure flying-fox welfare is a priority during all actions.

The Plan applies the accepted standard template for flying-fox management developed by the Office of Heritage and Environment (New South Wales) which is the recommended template to be used as noted in the DCCEEW referral guideline.

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# 1 Overview

## 1.1 Introduction

Protection of the environment, and Council taking a leadership role to demonstrate best practice and what can be achieved to help preserve our natural resources, has been highlighted as of great importance to our community.

The Shire is committed to conserving its unique biodiversity and achieving improved environmental management particularly on Council-owned and managed land.

The historically significant Colac Botanic Gardens (CBG) is managed by Council and is on the Victorian Heritage Register. Since December 2016 a colony of grey-headed flying-foxes (*Pteropus poliocephalus*) (GHFF) have used the CBG intermittently as a camp. This has negatively impacted on the health of the historic (and other) trees and amenity value of the CBG, refer to **Figures 5 and 6**. Some visitors are also concerned about potential human health risks.

Whilst Council has a duty of care for the historic gardens and to apply best practice arboriculture to ensure the ongoing health of the trees, the GHFF welfare is central to Council's response to biodiversity management.

The GHFF are listed as a vulnerable species under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and are listed as threatened under the *Victorian Flora and Fauna Guarantee Act 1988*. The management of flying-foxes and their habitat is directly guided by these legislative requirements.

### 1.1.1 Key stakeholders

In response to the issues associated with the CBG flying-fox camp, Council has proactively led the development of the previous & current management plans and has worked collaboratively with the following key stakeholders and consultants:

- Department of Energy, Environment and Climate Action (DEECA)
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Specialist flying-fox consultants, Ecosure & WSP Ecologists
- Specialist arborists, Enspec
- Council's Colac Botanical Gardens (CBG) maintenance team
- Community interest groups

### 1.1.2 Key technical documents applied in this Plan

Central to this Plan is the **Flying-fox Management Plan Template 2016<sup>2</sup>** and its technical data developed by the Office of Heritage and Environment (NSW).

Despite the fact that Colac Otway Shire does not fall within the NSW jurisdiction, the template is accepted as best practice by the Commonwealth DCCEEW. Accordingly this has been used in the development of this Plan, with the addition of local detail and the most-up-to-date information available.

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<sup>2</sup> <https://www.environment.nsw.gov.au/research-and-publications/publications-search/flying-fox-camp-management-plan-template-2016>  
Accessed 30 July 2019

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A summary of authors of this & previous versions of the Colac Flying-fox Management Plan is provided in Table 1.

Table 1 – Summary of Plan Authors

Section of this report	Author
Acknowledgements Executive Summary, Sections 1, 2, 3, 4.2, 4.3, 4.4 Appendix A, B, C	<b>Colac Otway Shire Council</b> The Flying-fox Management Plan standard template was used with local up to date data inserted.
Appendix D, G	<b>NSW Office of Environment and Heritage</b> Key sections of the NSW Flying-fox Management Plan standard template are reproduced in whole or part in this document
Sections 4.1, 5, 6, 7, 8 Appendix F	<b>Flying-fox consultants, Ecosure</b> The Flying-fox Management Plan template was updated with technical data by Ecosure Consultants
Appendix E	<b>Specialist arborist consultants, Enspeg</b> Specialist arborist advice provided by Enspeg

In 2021, the Commonwealth Government published the **National Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus***<sup>3</sup> (refer also Section 4.1.2). The Plan addresses management and research actions necessary to stop the decline of, and support the recovery of, the GHFF.

The plan notes the following social and economic impacts:

*The Grey-headed Flying-fox is capable of causing significant damage to commercial fruit crops, public gardens and native vegetation.*

*In recent years Grey-headed Flying-foxes have been reported in areas where they were previously only rarely seen.*

*Camps in urban areas can have localised negative impacts on amenity when they are located near centres of human activity such as schools, or in areas of special cultural significance, such as botanic gardens. Some people living adjacent to camps complain about the noise and smell associated with flying-fox camps as well as the perceived disease risk despite it being rare and preventable.*

<sup>3</sup><https://www.dcceew.gov.au/sites/default/files/documents/recovery-plan-grey-headed-flying-fox.pdf>.  
Accessed 20 February 2024

## 1.2 Purpose of this Management Plan

This Management Plan provides a framework for Council in the management of flying-foxes within Colac Shire Council local government area. Council is cognisant of the ecological importance of flying-foxes and its obligation to develop sustainable alternative locations within the Colac Botanic Gardens footprint.

This Plan aims to:

- protect and manage the flying-fox population in the Shire
- minimise risks associated with flying-foxes in the Shire
- provide best practice short, medium and long-term management actions for the management of the flying-fox population in Colac
- contains information to support license applications for flying-fox camp management actions where required
- seeks to preserve the CBG, amenity of the CBG for visitors, adjacent residents and the wider Colac Otway community.

The Plan seeks to establish a balance in managing the flying-fox population, preserving the CBG and ensuring the health of the heritage-listed trees, as well as the well-being of residents and visitors.

## 1.3 Objectives

Objectives of this Plan are to:

- enable long-term conservation of flying-foxes within Colac Botanic Gardens
- minimise adverse impacts to the community from the annual visitation of flying-fox colonies
- develop alternative roosting location within Colac Botanic Gardens
- provide details around councils non preferred GHFF roosting locations within the CBG
- provide detail of councils approach to gently nudge the GHFF to a more suitable roosting location within the CBG
- provide a reasonable level of amenity for the surrounding community
- manage public health and safety risks
- effectively communicate with stakeholders during planning and implementation of management activities to ensure management is sympathetic to flying-fox behaviors and requirements
- improve community understanding and appreciation of flying-foxes, including their critical ecological role
- ensure flying-fox welfare is a priority during all actions.
- Preserve and protect the heritage values of the entire botanic gardens and trees. Including individually heritage listed trees.



## 2 Context

### 2.1 Site and surrounds

The CBG flying-fox camp is located on the southern aspect of Lake Colac in the Shire of Colac Otway, Victoria (refer Figure 2).

Colac is approximately 80 km south-west of Geelong and approximately 150 km south-west of Melbourne (refer Figure 3).



Figure 2 - Local Context – Source Google Maps



Figure 3 - Regional Context Source - Google Maps

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The CBG are managed by Colac Otway Shire Council. The gardens are popular for locals and are a primary destination for visitors coming to Colac. Land uses surrounding the gardens include a caravan park immediately to the east and established residential areas to the south and west (refer Figure 4).

Key features of the CBG include a café, barbecue area and picnic shelter, an historic cannon, a feature pond, a children's playground and car park that services the Gardens and visitors to the lake (refer Figures 7 and Visitor Map Appendix A).

The camp was first formally recorded in December 2016 and intermittently used since this time, with numbers reaching close to 10,000 in early 2024 (Section 2.4.1).

The two closest known flying-fox camps to CBG are more than 50 km away, Lismore to the North and Geelong to the south-east.



Figure 4 - Colac Botanic Gardens



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Figure 5 - Flying-Foxes at CBG showing tree damage



Figure 6 - Flying-Foxes at CBG showing tree defoliation



Figure 7 - Walking paths at CBG

## 2.2 Heritage Significance of the Colac Botanic Gardens

The CBG is on the State's heritage register.

The following Statement of Significance from the Victorian Heritage Register<sup>4</sup> provides a detailed description of the site.

### **What is significant?**

*The Colac Botanic Gardens occupy an elevated site of approximately 16 hectares north-east of the town centre bounded by the southern shores of Lake Colac, Gellibrand Street, Fyans Street and Barongarook Creek.*

*The main entrance to the Colac Botanic Garden is through the south-west entrance Bilson gates (1962) on the corner of Fyans Street and Gellibrand Street where a carriage drive, lined with predominantly *Quercus robur* (English Oak) and few *Quercus cerris* (Turkey Oak), forms a row around the perimeter of the Gardens and is open to vehicle access. The area enclosed by the drive has a network of winding paths and is mainly open lawn with specimen trees, shrubberies, some bedding plants together with a palm bed, rose garden, rose arbour, pond and fountain, and cannon (acquired 1904) near the south eastern gate. The curator's cottage (c.1924, now a café) is located at the western end of the gardens with playground equipment, picnic facilities and car parking at the eastern end. A caravan park occupies the north-east corner along Barongarook Creek adjacent to the lake shore.*

*A steep escarpment planted with *Pinus radiata* (Monterey Pines) and specimen trees runs between the botanic gardens and the flat area around the shore of Lake Colac which contains remnant terracing, an old brick toilet block with castellated roof (c1930s), a walking track, a fire brigade asphalt training track and shed, rotunda (1999), car parks, a rowing club, angling club, public toilets, boat ramp (1968) and jetty (1971). The escarpment provides separation between the two areas and provides extensive views from the Botanic Gardens over Lake Colac.*

*The site was temporarily reserved in 1865 for botanical and recreational purposes after a request from local residents. Little progress was made until 1868 when Daniel Bunce, Director of the Geelong Botanic Gardens, was approached to lay out a plan for the garden. Implementation of the plan was slow with the construction of a carriageway and planting of trees the only known details.*

*Between c1875 -80, curators Reeves and McDonald made changes to the carriageway and introduced garden beds, curved paths, lawns and shady arbours. In the 1890s structures added to the gardens included a pavilion overlooking the lake a conservatory in the south-eastern corner and a permanent rowing clubhouse on the edge of the lake joining the existing structures of piers, baths and a boat shed. Most of these structures have been removed.*

*In 1910 William Guilfoyle, Director of the Melbourne Botanic Gardens, prepared a plan and a 'Report on the remodelling and development of the Colac Botanic Gardens', which are extant, suggesting some improvements and remodelling to take advantage of the slope and vistas across over the lake which he considered had been ignored. This included simplifying the existing path system within the circular drive, and removal of borders and crowded areas in favour of larger trees and clumps of shrubs and a palm and cordyline bed all of which were implemented. Curators Archibald Campbell (1911-40) and Dugald Leitch (1940-55) were responsible for implementation of part of the Guilfoyle plan and maintaining the maturing Gardens but, with Guilfoyle's death in 1912, any further influence ended. The last resident curator Donald Greenwood (1955-65) was responsible for the addition of*

<sup>4</sup> [http://vhd.heritage.vic.gov.au/places/result\\_detail/147162](http://vhd.heritage.vic.gov.au/places/result_detail/147162)



*many native plants and in more recent times the gardens have more simplified planting and a park-like character.*

*The Colac Botanic Gardens contains many rare plant species only found in historic gardens and several significant and uncommon trees including four *Cupressus forbesii* (Tecate Cypress), a very large *Sophora japonica* (Pagoda Tree), a *Pittosporum tenuifolium* 'Eila Keightley' (Kohuhu), a large *Araucaria bidwillii* (Bunya Pine) and an outstanding *Ulmus x hollandica* 'Vegeta' (Huntington Elm). In March 1996, James Guilfoyle, grandson of William Guilfoyle, planted an *Arbutus canariensis* (Canary Island Strawberry Tree). In 2004 the Australian Plant Society planted an Otway Flora Bed on the eastern side of the Gardens.*

This site is on the land of the Gulidjan people. The Colac Otway Shire proudly acknowledges the Gulidjan people past, present and emerging, as the traditional custodians of this site.

### **How is it significant?**

*Colac Botanic Gardens are of historical, aesthetic, and scientific (botanical) significance to the State of Victoria.*

### **Why is it significant?**

*Colac Botanic Gardens are of historical significance as an important example of a regional botanical garden, established in the nineteenth century in response to the increased wealth of Victoria with the discovery of gold and the desire to provide a place for recreation and education in keeping with European trends.*

*The Colac Botanic Gardens are of historical importance through the association with Daniel Bunce and William Guilfoyle, two pioneers of botanic gardens and garden design in Victoria.*

*The Colac Botanic Gardens are of aesthetic significance due to their park – like character and elevated location immediately above the southern shore of Lake Colac, providing vistas across the lake. The gardens are of aesthetic significance for the sub-tropical plant groups supported by Guilfoyle together with his gardenesque style. They are of aesthetic significance for the contrasting form and variety of trees and plants which includes conifers, evergreen and deciduous plantings, together with the leaf shapes, colours and flowers, also contribute to the Garden's aesthetic quality and appeal.*

*The Colac Botanic Gardens are of scientific (botanical) significance for a number of rare plants and trees including four *Cupressus forbesii* (Tecate Cypress), the only known examples in Victoria, a large *Sophora japonica* (Pagoda Tree), *Pittosporum tenuifolium* 'Eila Keightley' (Kohuhu), and large *Araucaria bidwillii* (Bunya Bunya Pine) and an outstanding *Ulmus x hollandica* 'Vegeta' (Huntingdon Elm).*

Table 2 shows trees that are listed on both the Heritage Victoria Statement of Significance and the National Trust of Australia Tree Register.

Correspondence from both Heritage Victoria and the National Trust have raised their concerns regarding damage to the trees within the CBG and support Council's plans to preserve the health of these trees by finding a more suitable roosting location.

Table 2 - Trees on the Significant Tree Register

	Common name	Individual listing on the Victoria Heritage Register	Individual listing on the National Trust Tree register (1984)
<i>Cupressus forbesii</i>	Tecate cypress	✓	✓
<i>Sophora japonica</i>	Pagoda Tree	✓	✓
<i>Pittosporum tenuifolium</i>	Eila Keightley (Kohuhu)	✓	✓
<i>Ulmus x hollandica</i> 'Vegeta'	Huntington elm	✓	✓
<i>Arbutus canariensis</i>	Canary Island Strawberry Tree	✓	Not listed
<i>Araucaria bidwillii</i>	Bunya pine	✓	✓
<i>Quercus robur</i>	English oak	✓	Not listed
<i>Quercus cerris</i>	Turkey oak	✓	Not listed
<i>Pinus radiata</i>	Monterey pines	✓	Not listed

## 2.3 Land Tenure

The 16ha site is a Crown Reserve and managed by the Shire of Colac Otway Council on behalf of DEECA.

The land is identified as:

- Crown allotment 25B and 25C, Township of Colac and
- Part of Crown allotment 62A, Parish of Colac.

## 2.4 Flying-Fox Population and Impacts on the Local Environment.

### 2.4.1 Population

The GHFF was first recorded by Council in December 2016. Since then numbers have fluctuated substantially (refer Table 3 and Figures 7 and 8). We estimate in January 2024 that there was close to 10,000 GHFF in the CBG for the first time. The late months of December 2023 and early months of 2024 held the largest number of GHFF the CBG has seen.

The GHFF numbers generally increase in the warmer months and drop off in the cooler months. It's common for the GHFF to fully vacate the CBG during winter and then return in the warmer months.

During the winter of 2023 the GHFF remained roosting in the CBG and stayed for the entire year. This was the first year this occurred since GHFF first arrived back in 2016.

See Figures 7 and 8 for the trend over the seasons.

**Note: GHFF numbers are monitored daily and recorded on Colac Otway Shire Council records system.**

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Table 3 - Changes recorded in the CBG Flying-Fox camp since 2016-2019

Date	Change recorded in the colony
December 2016	Numbers initially 100 increasing to 3,000
June 2017	Colony left the Gardens. None recorded
November 2017 – February 2018	Colony did not return
March 2018	300 returned and resided in Pagoda Tree
January 2019	Numbers increased to 6,500
March 2019	Numbers reduced to 3,000
May 2019	Numbers reduced to 2,500
July 2019	Numbers reduced to 384

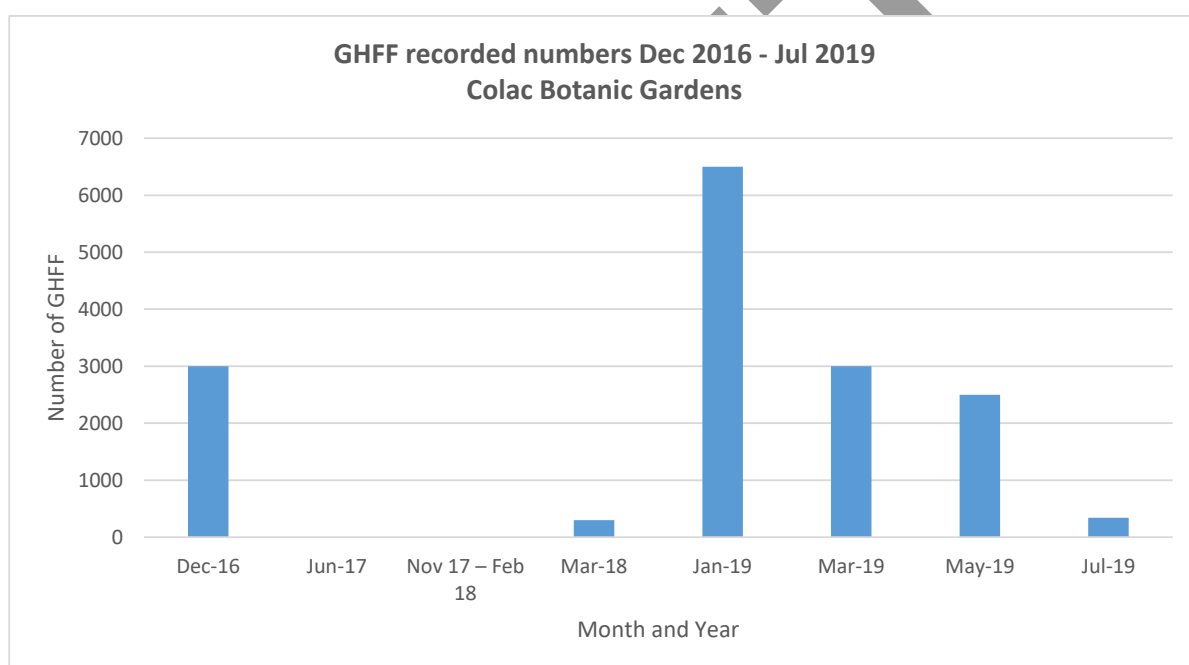


Figure 7 - CBG Count Data since 2016. Source: Colac Otway Shire Council 2019

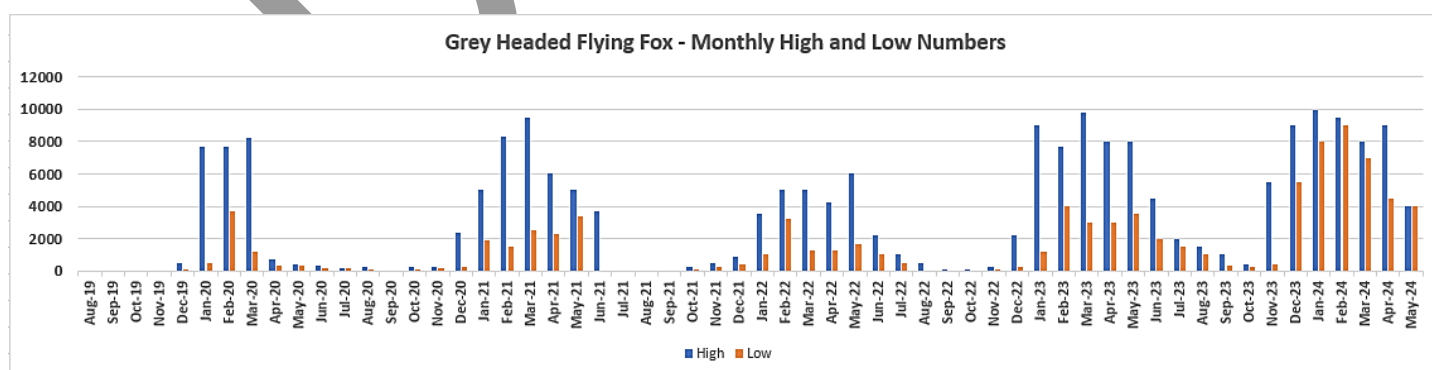


Figure 8 - CBG Count Data from 2019 to 2024. Source: Colac Otway Shire Council

## 2.4.2 Impacts on Trees

A second detailed assessment of the trees at CBG was undertaken in April 2024<sup>5</sup>. Refer to Table 4 for a list of trees impacted by the GHFF.

**Note:** A previous detailed tree assessment was completed in 2019 and was appendix G in the 2019-2024 Management Plan.

2024 assessment - Key findings & recommendations include:

- *To date, none of the trees have died as a result of the occupation by the camp, although sections of the upper canopy of some trees have died, negatively affecting the aesthetic value of those trees.*
- *Remedial work on the trees is not currently recommended. While reducing the aesthetic value of the trees, the current dead branches provide roosting space for the flying foxes that will have no further detrimental impact on tree health. Removing the existing dead branches will force the camp onto living branches on the remaining trees or spread the impact onto new trees, leading to new damage.*
- *Compared to the 2019 assessment, the camp has spread, and substantially more trees were actively being used as roost sites. The camp has shifted slightly east and spread into trees north of the previous roosts, although most of the previous roost area is still being used.*
- *38 trees were observed as having flying foxes present. Of these, 23 were observed to be suffering health impacts from minor to moderate extent.*

Table 4 - Individual Trees Listed in the Statement of Significance Impacted by Flying-Foxes

Tree	Common name	Flying-fox impact
<i>Cupressus forbesii</i>	Tecate cypress	-
<i>Sophora japonica</i>	Pagoda Tree	Significant impact
<i>Pittosporum tenuifolium</i>	Eila Keightley (Kohuhu)	-
<i>Ulmus x hollandica 'Vegeta'</i>	Huntington elm	Significant impact
<i>Arbutus canariensis</i>	Canary Island Strawberry Tree	-
<i>Araucaria bidwillii</i>	Bunya pine	-
<i>Qhercus robur</i>	English oak	Impacted
<i>Quercus cerris</i>	Turkey oak	-
<i>Pinus radiata</i>	Monterey pines	-

## 2.5 Management Response to Date

Council has taken a conservative approach in managing the flying-fox population due to the need to monitor conditions and the fluctuating population of the camp. For example, in March 2018, 300 GHFF returned but by January 2019 the population had increased to 6,500. In the winter months the population generally significantly reduces.

<sup>5</sup> Refer Appendix C: Arborist Report undertaken by Enspeg Consultant Arborists, 2024



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In response, Council has:

- monitored the flying-fox numbers and condition of the CBG by staff
- undertaken a stakeholder meeting on 6 March 2019 to discuss options available to Council and the community. Community engagement was initiated when flying-foxes first arrived at CBG and was escalated in order to gain community feedback on this Camp Management Plan.
- undertaken a community awareness program through Council's website
- In 2019, Council and Ecosure undertook a non-event dispersal program. (Council was prepared and programmed to commence a dispersal but the GHFF left the CBG beforehand, so a practice dispersal event took place with no GHFF present)
- In 2020, Council and independent Ecologist WSP Dr Rod Van der Ree undertook a dispersal program to remove the GHFF from the CBG
- Significant amount of negative correspondence was received by Council and DELWP (DEECA) concerning 2020 dispersal program. GHFF returned to Pond area of CBG in Sept 2020
- Council briefing took place March/April 2021, with independent ecologist Dr Rod Van der Ree providing advice for Council to consider nudging the GHFF to a preferred location within the CBG rather than the dispersal approach. Guidance provided by Management, Council and DEECA that nudging to a more suitable location within the CBG was the preferred option going forward.
- Nudging program commenced May 2022 and GHFF returned to the non-preferred location within CBG in October 2022.
- Nudging program commenced May 2023 and GHFF moved easily with minimal inputs (hand clapping). It is estimated that close to 1000 GHFF stayed in preferred location within CBG for first time over winter.
- Council has restricted vehicle movement within CBG over winter and altered mowing times to minimize disturbance to roosting GHFF. This has proven very successful.
- Larger GHFF numbers returned to Councils non-preferred location from Mid-November 2023 and remain this this location in May 2024.
- We estimated in January 2024 that there was close to 10,000 GHFF in the CBG for the first time. These were the highest numbers recorded to date.
- The start of the annual nudging program each year shows the GHFF are easily moved from councils non-preferred to councils preferred roosting location with minimal noise. Hand clapping has proven to be very effective. 1-2 weeks of this type of low impact nudging has been enough to see some consistent behavior with the GHFF staying in the preferred location.
- Previous Authority to Control Wildlife (ATCW) conditions state *Disturbance activities may only occur between 1 April – 31 August*. Based on our experience to date council can now show some consistent behavior of the GHFF roosting locations altering outside these timeframes. Once nudging stops, they return to the pond area quickly.
- In response to the changing conditions, Council has progressed with a more detailed approach that includes:
  - preparation of this Management Plan to provide a framework for managing the flying-fox visitations.
  - external advice from flying-fox experts, both in government and in the private sector.
  - arboriculture advice on the damage to the heritage listed trees; and

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- leading ongoing discussions with DEECA and DCCEEW regarding licence application requirements and the relevance of the NSW Flying-fox Management Plan standard template.
- Liaise with other Councils on the management of their GHFF populations.

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## 3 Community Engagement

Community engagement was initiated shortly after the arrival of flying-foxes at the CBG in 2016.

In 2019, engagement was then escalated in order to further inform this Camp Management Plan.

### 3.1 Initial Community Observations pre-2019

The following list is a collation of the issues related to the camp that have been reported by the community from 2016 to early 2023. The list has been compiled from information collected by staff and from residents contacting Councillors.

Reported issues include:

- noise as flying-foxes depart or return to the camp
- noise from the camp during the day particularly to users of the Gardens
- faecal drop on outdoor areas, cars and private property
- smell particularly to users of the Gardens
- fear of disease
- reduced general amenity
- damage to vegetation, particularly to a number of heritage listed trees in the Gardens
- impacts on other fauna species
- possible impact on adjacent businesses.

### 3.2 Stakeholders in the Development of this Plan

The community engagement process drew on the following stakeholders who were directly or indirectly affected by the flying-fox visitations or who were interested in Council's management approach.

#### **Key stakeholders**

- Residents close to the CBG
- Friends of the Colac Botanic Gardens
- Shire wide residents and businesses
- Business owners
- Colac Turf Club
- Colac Pony Club
- Shire-wide vets
- Friends of Bats & Bushcare

#### **Government stakeholders**

- Departments within Council
- Other councils
- Heritage Victoria
- DEECA Wildlife Victoria
- DCCEEW

## 4 Legislation and Policy

### 4.1 Commonwealth

#### 4.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides protection for the environment, specifically matters of national environmental significance (MNES). A referral to the Commonwealth DCCEEW is required under the EPBC Act for any action that is likely to significantly impact on NES.

Matters of environmental significance in the CBG are summarised in Table 5.

MNES under the EPBC Act that relate to flying-foxes include:

- world heritage sites (where those sites contain flying-fox camps or foraging habitat)
- wetlands of international importance (where those wetlands contain flying-fox camps or foraging habitat)
- nationally threatened species and ecological communities.

The GHFF is listed as a vulnerable species under the EPBC Act, meaning it is a MNES. It is also considered to have a single national population. DCCEEW has developed the Referral guideline for management actions in GHFF and SFF<sup>6</sup> camps<sup>7</sup> (the Guideline) to guide whether referral is required for actions pertaining to the GHFF.

The Guideline defines a nationally important GHFF camp as one that has either:

- contained ≥10,000 GHFF in more than one year in the last 10 years, or
- been occupied by more than 2500 GHFF permanently or seasonally every year for the last 10 years.

The CBG does not meet either of these criteria (see Section 2.4.1 for historic camp data) and is therefore not considered a nationally important camp. As such, management of this camp (including nudging) are unlikely to significantly impact on the GHFF and do not need to be referred under the EPBC Act. This was confirmed by DCCEEW.

Council is committed to best practice, and therefore has incorporated mitigation standards for nationally important camps into those that will be used to avoid impacts during management actions at CBG (see Section 5).

Referral will be required if a significant impact to any other MNES is considered likely as a result of management actions outlined in this Plan. Self-assessable criteria are available in the Significant Impact Guidelines 1.1<sup>8</sup> to assist in determining whether a significant impact is likely; otherwise consultation with DCCEEW will be required. Table 5 outlines other MNES.

<sup>6</sup> spectacled flying-fox (*P. conspicillatus*)

<sup>7</sup><http://www.environment.gov.au/system/files/resources/6d4f8ebc-f6a0-49e6-a6b6-82e9c8d55768/files/referral-guideline-flying-fox-camps.pdf> Accessed 31 July 2019

<sup>8</sup><http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance> Accessed 31 July 2019



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Table 5 - Matters of National Environmental Significance – Colac Botanic Gardens Summary

Matter of National Environmental Significance where the EPBC Act applies	CBG site specific response	Standard has or will be met in this Plan
World heritage sites	The Colac Botanic Gardens is not a world heritage site, it does not contain a nationally significant flying-fox camp or nationally significant foraging habitat	Not required
Wetlands of international importance	Lake Colac is not a wetland of international importance, it does not contain a nationally significant flying-fox camp or nationally significant foraging habitat	Not required
Nationally threatened species and ecological communities	The grey-headed flying-fox is listed as a vulnerable species under the EPBC Act list of threatened fauna.	✓

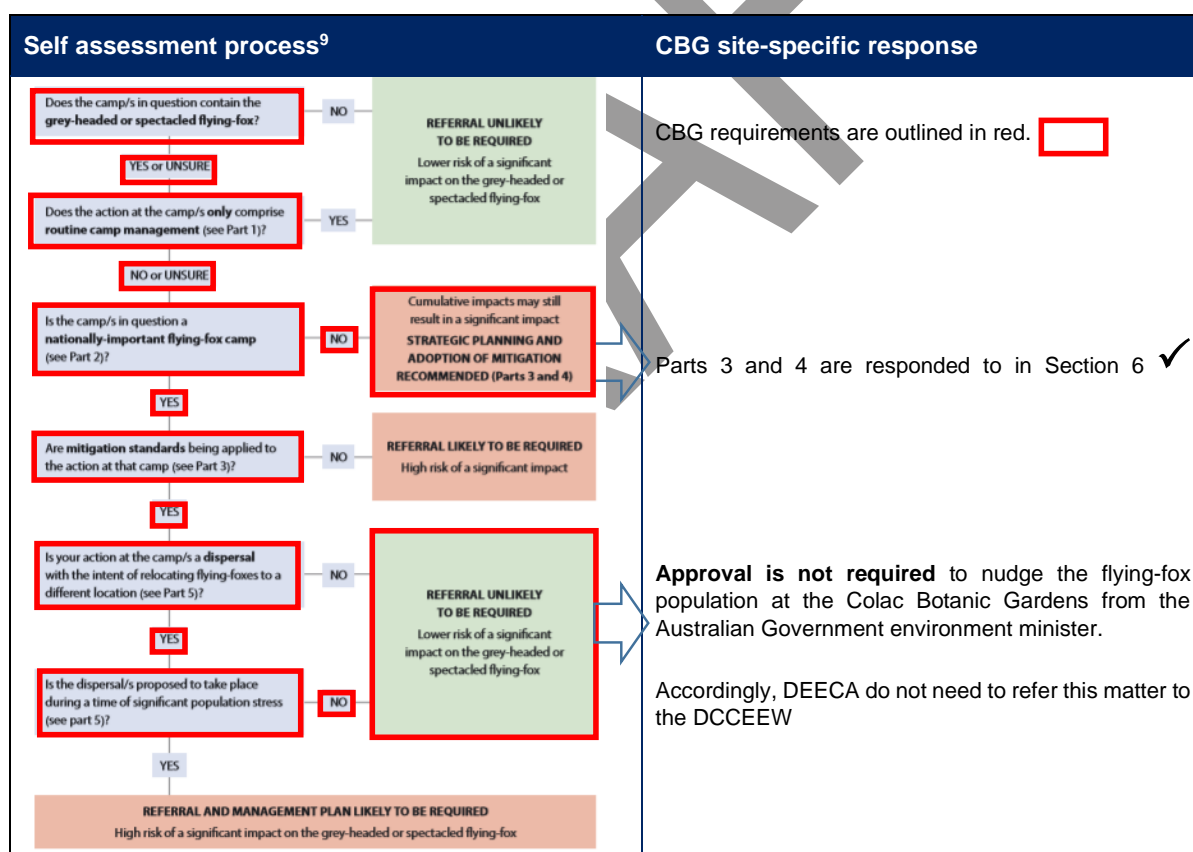


Figure 9 - Summary of the Referral Decision-Making Process for Proponents

<sup>9</sup> [http://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/neg-guidelines\\_1.pdf](http://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/neg-guidelines_1.pdf)

The GHFF is listed as a vulnerable species under the EPBC Act and is therefore a MNES. However, the CBG is not a nationally important camp and therefore referral under the EPBC Act is not required. An ATCW from DEECA is required for camp nudging or other non-routine camp management.

#### 4.1.2 Application of the DCCEEW Draft Recovery Plan for the Grey-Headed Flying-Fox.

The DCCEEW Draft Recovery Plan provides a suite of objectives, performance criteria and actions to be used in management plans for the national flying-fox population. Despite the fact that the CBG is not a nationally important camp, Council has responded to the objectives and actions in Table 6.

Table 6 - Draft Recovery Plan for the Grey Headed Flying-Fox. Summary of Objectives and Actions

	Objective	Action	Standard has or will be met in this Plan
1	Identify, protect and enhance native foraging habitat critical to the survival of the GHFF.	Actions associated with this objective seek to increase foraging habitat in Australia by 100km <sup>2</sup> .	✓
2	Identify, protect and enhance roosting habitat of GHFF camps.	Actions associated with this objective seek to protect ten nationally significant camps and provide legislation for this.	✓
3	Determine population trends in GHFF so as to monitor the species' national distribution and conservation status.	Actions associated with this objective include improved monitoring and a more detailed understanding of the population.	✓
4	Build community capacity to coexist with GHFF and minimise the impacts on urban settlements from existing camps without resorting to dispersal.	Actions associated with this objective include improving community engagement and information centred on living with flying-foxes to avoid dispersal numbers.	✓
5	Increase public awareness and understanding of GHFF and the recovery program and involve the community in the recovery program where appropriate.	Actions associated with this objective include improved community education resulting in reduced numbers of camp dispersals.	✓
6	Improve the management of GHFF camps in areas where interaction with humans is likely.	Actions associated with this objective include the need to increase public awareness on the referral guideline.	✓
7	Significantly reduce levels of deliberate GHFF destruction associated with commercial horticulture.	Actions associated with this objective seek to limit the impact on crops through non-destructive methods.	✓

Objective		Action	Standard has or will be met in this Plan
8	Support research activities that will improve the conservation status and management of GHFF	Actions associated with this objective seek to increase awareness of the GHFF	✓
9	Assess and reduce the impact on GHFF of electrocution on power lines, and entanglement in netting and on barbed-wire.	Actions associated with this objective include reducing the extent of man-made obstacles that may impact on the health of the GHFF	✓

This flying-fox management plan will respond to the objectives, performance criteria and actions outlined above.

## 4.2 State

### 4.2.1 Flora and Fauna Guarantee Act 1988

The *Flora and Fauna Guarantee Act 1988* (FFG Act) is the key piece of Victorian legislation for the conservation of threatened species and ecological communities and for the management of potentially threatening processes that are threatening to Victoria's native flora and fauna. The Act is designed to protect species, genetic material and habitats, to prevent extinction and allow maximum genetic diversity. The Act's objectives aim to conserve all of Victoria's native plants and animals.

As at 2013, the GHFF was listed as a threatened species under the Victorian *Flora and Fauna Guarantee Act 1988*.

Penalties apply if a dispersal is not handled correctly.

### 4.2.2 Protecting Victoria's Environment – Biodiversity 2037

Victoria's biodiversity strategy, *Protecting Victoria's Environment 2037* was released in April 2016. Required under the FFG Act the Plan states that:

- *Native plants and animals have an intrinsic right to exist, thrive and flourish. Multiple life forms contribute to biodiversity and have significant intrinsic value. Victorians have a duty to protect biodiversity, regardless of whether it provides tangible benefits to humans.*<sup>10</sup>
- *There will be continuing changes to species numbers and distribution, and to the extent and quality of their habitats.*<sup>11</sup>

*Human-induced changes to the environment have, in some situations, led to native species ...becoming locally overabundant, often to the detriment of other native species. Coordinated planning and implementation may be needed to address over-abundance where there are significant*

<sup>10</sup>[https://www.environment.vic.gov.au/\\_data/assets/pdf\\_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf](https://www.environment.vic.gov.au/_data/assets/pdf_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf)  
Accessed 6 June 2019. Page 6

<sup>11</sup>[https://www.environment.vic.gov.au/\\_data/assets/pdf\\_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf](https://www.environment.vic.gov.au/_data/assets/pdf_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf)  
Accessed 6 June 2019. Page 8

impacts on biodiversity assets. In some circumstances, however, targeted action at a local level may be sufficient to mitigate the impact.<sup>12</sup>

There is a need to respond to the impact of the flying-fox in the local area and at the same time, support the ongoing sustainability of the species.

#### 4.2.3 Wildlife Act 1975

The Wildlife Act 1975 and associated regulations provide a framework for members of the community wishing to control, possess, display, breed, trade or interact with wildlife. It also provides the framework for the rescue and rehabilitation of wildlife by authorised volunteers, wildlife shelters and foster carers.

It is an offence to kill, take, control or harm wildlife under the Wildlife Act. Severe penalties (including imprisonment and fines) apply to those found guilty of an offence under the Wildlife Act.

Anyone wishing to control wildlife in Victoria must have an authorisation from DEECA. The most common authorisation is an Authority to Control Wildlife (ATCW).

Under the Act, causing the death of a flying-fox can result in a fine of up to \$37,310 and/or 24 months' imprisonment. Further penalties under the *Prevention of Cruelty to Animals Act 1986* may also apply.

#### ATCW for the GHFF in Victoria

DEECA is transparent with the community about issuing ATCW licenses. DEECA typically issue ATCW approvals for matters such as Corellas and Grey Kangaroos, both of which are abundant species and not listed as threatened on the State or Commonwealth lists. ATCWs can be issued for the non-lethal control of threatened species, for example, to scare GHFF to avoid the destruction of property.

The number of GHFF ATCW permits issued over recent years has gradually increased as has the number of animals it serves to protect. This is mainly due to increased awareness in government and community circles.

Council requires approval from DEECA for an ATCW license.

To support Council's ATCW application, DEECA require additional information on the flying-fox in Colac Otway Shire, its habitats, threats and proposed management actions.

Table 7 outlines the ACTW permit requirements.

Table 7 - ATCW Permit Requirements

Requirements of the ATCW Application Process	Standard has or will be met in this Plan
Property details	✓
Species and number of wildlife recorded	✓
Type and extent of damage	✓
The actions taken that do not require an ATCW	✓
Proposed control method	✓

<sup>12</sup>[https://www.environment.vic.gov.au/data/assets/pdf\\_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf](https://www.environment.vic.gov.au/data/assets/pdf_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf)  
Accessed 6 June 2019. Page 47



#### **4.2.4 Prevention of Cruelty to Animals Act 1986**

The purpose of this Act is to:

- prevent cruelty to animals; and
- to encourage the considerate treatment of animals; and
- to improve the level of community awareness about the prevention of cruelty to animals.

The Act does not permit cruelty to animals to occur.

Penalties apply under the *Protection of Cruelty to Animals Act 1986* if a dispersal is not handled correctly.

#### **4.2.5 Heritage Act 2017**

The *Heritage Act 2017* is administered by Heritage Victoria. It is the central piece of legislation to manage Victoria's cultural heritage. The Act (and its register) identifies and protects heritage places including trees and gardens that are of state level significance.

The Minister for Planning is responsible for the Heritage Act and the associated Victorian Heritage Register. The Colac Botanic Gardens are listed on this register as VHR H2259<sup>13</sup>. As the land manager for the gardens, Council has a formal obligation and duty of care to ensure that:

- the cultural heritage significance of the gardens is upheld;
- the plantings are managed to ensure that they are in a healthy state and free of pests and disease; and
- that all physical elements such as pathways, buildings fences and other features are conserved.

The entire site is subject to the Heritage Act. Individual trees are listed on the Statement of Significance.

Council, as land manager, has an obligation under the Heritage Act to conserve and maintain the CBG. In light of the impacts of the flying-fox population on the CBG, the management plan should respond to the ongoing health of the trees.

No permit is required under the Heritage Act for regular maintenance.

Heritage Victoria will consider exemptions for the removal of dead, diseased or dangerous trees.

<sup>13</sup> Colac Botanic Gardens Statement of Significance. Heritage Council of Victoria

#### 4.2.6 The Planning and Environment Act 1987

The *Planning and Environment Act 1987* sets out the objectives for land use planning in Victoria and the legislative framework for achieving these objectives.

The Act:

- sets out to 'provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity'
- requires municipalities to prepare and administer local planning schemes and protection of the natural environment.
- sets out processes for enforcing planning schemes.

Table 8 shows the State Planning controls that apply o GHFF management.

Table 8 - Colac Otway Planning Scheme - State Planning Controls Impacting on Flying-Fox Management

Clause	Name of control	Impact of Planning Control
12.01-1S	Protection of biodiversity	Consideration of loss of habitat, particularly rare or threatened species.

The key State clause is:

There is a state government requirement to consider habitat loss of threatened species.

### 4.3 Approvals Pathway Summary (Federal and State)

#### 4.3.1 Approvals from the Australian Government Environment Minister.

Approval is not required to nudge the flying-fox population at the Colac Botanic Gardens from the Australian Government environment minister.

Accordingly, DEECA do not need to refer this matter to DCCEEW.

#### 4.3.2 Approvals from the Victorian Government: DEECA

Council require approval from the DEECA for an ATCW permit.

To support Council's ATCW application, DEECA require additional information on the flying-fox activity in Colac Otway Shire, its habitats, threats and proposed management actions.

This includes:

- property details;
- species and number of wildlife recorded;
- type and extent of damage;
- the actions taken that do not require an ATCW; and
- proposed control method.

This information will be provided in the GHFF Management Plan for the Colac Botanic Gardens that will support the ATCW application.

This process is summarised in Figure 10.

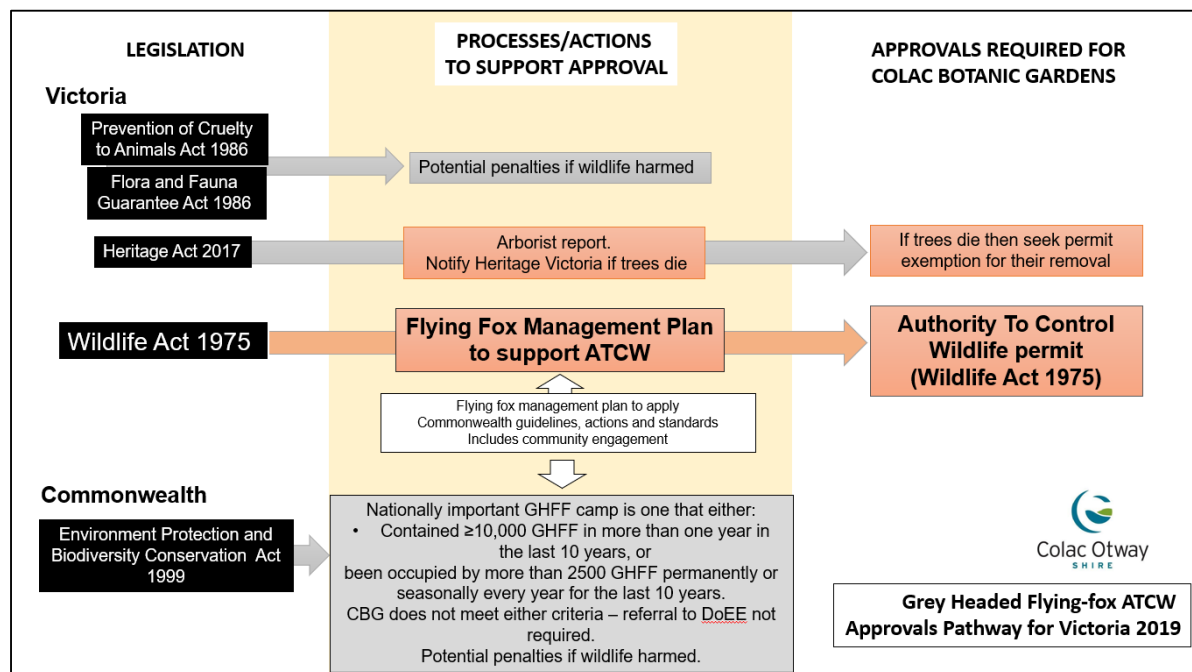


Figure 10 – Approvals Pathway for CBG

## 4.4 Local Government Provisions

Meeting local provisions is not a formal requirement of the Wildlife Act or the EPBC Act processes. A summary is provided below to demonstrate that the proposal meets the requirements of the local policy platform of the Colac Otway Shire.

### 4.4.1 The Colac Otway Planning Scheme

The Colac Otway Planning Scheme provides the following provisions for the CBG. They are listed in Table 9 with their relevance provided:

Table 9 - Colac Otway Planning Scheme - Local Planning controls. Colac Botanic Gardens site

Clause	Name of Control	Impact of Planning Control	Standard has or will be met in this Plan
21.04-9	Municipal Strategic statement Cultural Heritage	The MSS notes the importance of the historic places and landscapes (the CBG) as being key to the identity of Colac.	✓
36.02	PPRZ Public park and recreation zone	No permit is required for planting, landscaping or maintenance works.	✓

Clause	Name of Control	Impact of Planning Control	Standard has or will be met in this Plan
42.01	ESO2 Environment significance overlay 2	No permit is required for maintenance works of non-native vegetation.	✓
43.01	HO Heritage Overlay (ref 113)	Exempt due to the site being on the Heritage Register	Not required

No permits are required under the Colac Otway Planning Scheme for flying-fox management.

#### 4.4.2 Council Plan 2021 – 2025

Relevant to the management of the flying-foxes at the CBG is the following goal and corresponding action<sup>14</sup>

*Theme 2: Valuing The Natural Environment*

enabled through:

*We will protect our natural environment and communities, by maintaining and providing resilient infrastructure, and being leaders in sustainable living, modelling innovation and best practice.*

Council will meet its commitment to its community by ensuring that best practice standards and management of the flying-fox colonies are applied.

#### 4.4.3 Lake Colac Foreshore Masterplan 2016-2026

The adopted masterplan notes the environmental sensitivity of the shallow lake and its ecosystem and seeks to reinstate native vegetation.

#### 4.4.4 Draft - Colac Botanic Gardens Masterplan Review 2024

A new CBG Masterplan is currently being developed. This project is currently underway. The masterplan will provide short, medium and long-term actions for the gardens that take into account its heritage status, microclimate, capacity for additional canopy trees and environmental risks. The latter addresses weed management and climate change impacts on plantings. Suggestions for improved signage and a stronger online presence are noted.

Education and awareness on flying-foxes can be included in any signage updates at the gardens.

<sup>14</sup> Council Plan 2021-2025 Page 1



#### **4.4.5 Colac Otway Shire Environmental Sustainability Strategy updated 2023- 2033**

Protected and thriving natural landscapes, ecosystems and habitats.

The protection of healthy natural landscapes and ecosystems, and the minimisation of negative impacts on native flora was identified as the highest environmental priority for our communities, as expressed through the Council plan and this updated Environmental Sustainability Strategy.

Education and awareness will be central to Council's approach to community engagement in developing the flying-fox strategy.

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## 5 Management Approach

### 5.1 Management Options and Planned Actions

- Level 1: Routine camp management actions (approval for actions not required)
- Level 2: Creation of buffers (DEECA approval required)
- Level 3: Camp disturbance or nudging (DEECA approval required).

The use of the word “dispersal” has been removed from the current management plan in favour of “nudging” due to a change in management approach. Refer to section 2.5.

Table 10 provides an overview of options and planned management actions for flying-foxes in Colac. A nudging strategy is detailed in Section 5.2.

Table 10 - Analysis of Management Options

Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
<b>Level 1 actions</b>					
Education and awareness programs	Fear of disease Noise Smell Faecal drop	\$	Low cost, increasing awareness will help the community understand the ecology of flying-foxes, providing options for landholders to reduce impacts. This is an effective long-term solution, can be undertaken on an ongoing basis and based on community concerns.	Education and advice itself will not mitigate all issues, and on its own would not be acceptable to the community.	Council has engaged with the community in the development of this Plan (see Section 3) and will continue to provide information via Council's website and the provision of fact sheets. Council's flying-fox (FF) awareness program will focus on alleviating community concern, including how to effectively mitigate the low health risk associated with flying-foxes, the ecological importance of flying-foxes, options available to reduce impacts from roosting and foraging flying-foxes, information about flying-fox behaviour and numbers at Colac, and management actions being undertaken.

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Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
Property modification	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$--\$	Property modification is one of the most effective ways to reduce amenity impacts of a camp, promotes conservation of flying-foxes, is a long-term option, can be undertaken quickly, will not impact on the site and may add value to the property.	May be cost-prohibitive for private landholders, however subsidies would assist.	At this stage the impact on property has been minimised and property modifications have not been required. If roosting flying-foxes impact properties in the future, Council will liaise with affected landholders regarding available management options and will investigate a subsidies program for property modification or services (e.g. cleaning) if the community is being significantly impacted.
Routine management	Health/wellbeing	\$	Will allow property maintenance, likely to improve habitat, could improve public perception of the site, will ensure safety risks of a public site can be managed. Weed removal has the potential to reduce camp availability and reduce numbers of roosting FFs. To avoid this, weed removal should be staged and alternative camp habitat planted, otherwise activities may constitute a Level 3 action.	Will not generally mitigate amenity impacts for nearby landholders.  Impact on the heritage listed trees is a high priority for Council and removal of trees within the CBG is not a preferred strategy.	Council's Park maintenance regime will continue, including: <ul style="list-style-type: none"> <li>removal of tree limbs or whole trees that pose a genuine health and safety risk, as determined by a qualified arborist</li> <li>weed removal</li> <li>trimming of understorey vegetation or the planting of vegetation at COSC preferred roosting location</li> <li>application of mulch or removal of leaf litter or other material on the ground</li> <li>mowing grass and similar groundskeeping actions that will not create a major disturbance to roosting flying-foxes. Consider mowing near roosting areas after dusk.</li> </ul> Private landholders are also permitted to undertake routine property maintenance activities provided flying foxes are not disturbed and actions are in line with measures in Section 5.  Council has prepared a Standard Operating Procedure for working around flying-foxes based on information in this Plan to ensure human health and safety and flying-fox welfare during management activities.

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Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
Alternative habitat creation	All	\$\$– \$\$\$	If successful in attracting FFs away from high conflict areas (pond & playground areas), dedicated habitat in low conflict areas will mitigate all impacts, promotes FF conservation. Rehabilitation of degraded habitat that is likely to be suitable for FF use could be a more practical and faster approach than habitat creation.	Generally costly, long-term approach so cannot be undertaken quickly, previous attempts to attract FFs to a new site have not been known to succeed.	Council has identified potential alternative flying-fox camp sites within the CBG and is commencing a program of restoration and planting with a view of creating alternative flying-fox roosting habitat.
Protocols to manage incidents	Health/wellbeing	\$	Low cost, will reduce actual risk of negative human/pet-FF interactions, promotes conservation of FFs, can be undertaken quickly, will not impact the site.	Will not generally mitigate amenity impacts.	A Flying-fox Rescue Protocol is provided in Appendix B. Council is also developing a Standard Operating Procedure for working around flying-foxes to ensure human health and safety and flying-fox welfare.
Research	All	\$	Supporting research to improve understanding may contribute to more effectively mitigating all impacts, promotes FF conservation.	Generally cannot be undertaken quickly, management trials may require further cost input.	Council has commenced discussions with other Victorian authorities to improve internal understanding of flying-fox behaviour and results of nudging programs. Council will provide in-kind support and stay up-to-date on contemporary research, particularly projects that inform effective management of flying-fox impacts. Relevant findings will be incorporated in this Plan during annual reviews. Also attend annual GHFF conference.
Do nothing	Nil	Nil	No resource expenditure.	Will not mitigate impacts and unlikely to be considered acceptable by the community.	As detailed in the arborist report (Appendix C), if the flying-foxes continue to camp in the CBG some trees will be permanently damaged, including National Trust classified heritage trees, and tree losses are likely. Council has a responsibility to protect these trees and the option of doing nothing is not appropriate.



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Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
<b>Level 2 Actions</b>					
Noise attenuation fencing	Noise Smell Health/wellbeing Property devaluation Lost rental return	\$\$	Will eliminate/significantly reduce noise impacts, will reduce other impacts, limited maintenance costs.	Costly, likely to impact visual amenity of the site, will not eliminate all impacts, may impact other wildlife at the site.	Noise attenuation fencing is suited where noise from a camp is impacting nearby sensitive receivers. This option is not applicable to the CBG camp and impacts to heritage trees, however may be evaluated in consultation with DEECA should flying-foxes establish at a new site near sensitive receivers.
<b>Level 3 Actions</b>					
Nudging, including maintenance nudging	All	\$\$- \$\$\$	If nudging is successful, this may mitigate all impacts.	Costly, FFs will continue attempting to recolonise the area unless combined with habitat modification/ deterrents. The option for all year maintenance nudging away from non-preferred locations to be permitted is COSC desired outcome.	Council has a preferred roosting location within the Colac Botanic Gardens. The nominated roosting site is away from the children's playground and pond area.
Passive nudging through vegetation management	All at that site but not generally appropriate for amenity impacts only	\$\$- \$\$\$	If successful can mitigate all impacts at that site, compared with active nudging less stress on FFs, less ongoing cost, less restrictive in timing with ability for evening vegetation removal.	Costly, will impact site, risk of removing habitat before outcome known, potential to splinter the camp creating problems at other locations (although less than active nudging, potential welfare impacts, disturbance to community, negative public perception, unknown conservation impacts, unpredictability makes budgeting and risk assessment difficult, may increase disease risk (see Section 5.2.5), potential to impact on aircraft safety.	Not appropriate at the CBG, however this option may be evaluated in consultation with DEECA should flying-foxes establish at a new undesirable site.
Passive nudging through water management	All at that site but not generally appropriate for amenity impacts only	\$\$- \$\$\$	Potential advantages as per with passive nudging through vegetation removal, however likelihood of success unknown.	Potential disadvantages as per passive nudging through vegetation removal, however likelihood of success unknown.	This option may be suited to an undesirable site with a small waterbody but is not applicable to the CBG which is located immediately adjacent to Lake Colac.

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Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
Early nudging before a camp is established at a new location. (can also be referred to maintenance nudging)	All at that site	\$\$– \$\$\$	Potential advantages as per other nudging methods, but more likely to be successful than nudging of a historic camp.	Potential disadvantages as per other nudging methods, but possibly less costly and slightly lower risk than nudging a historic camp. Potential to increase pressure on FFs that may have relocated from another nudged camp, which may exacerbate impacts on these individuals.	Any new camp in Colac will be assessed as per Section 5.2.11, and flying-foxes roosting in undesirable locations will be nudged in accordance with the nudging strategy in Section 5.2 before a camp establishes.

## 5.2 Nudging Strategy

### 5.2.1 Alternative Camp Habitat Relocate to more Resilient Trees Within Gardens.

Council has identified a preferred camp habitat approximately 200 metres west of the children's playground and pond area. This area has been selected as it is away from the 8 trees listed on the National Trust Tree Register and Victorian's Heritage Register. The area contains more robust species that will have greater ability to cope with the GHFF camp. For the last three years Council has nudged the GHFF's towards this preferred location. Last year (2023) saw the GHFF remain over winter in the preferred location for the first time. Refer to Figure 4.

### 5.2.2 Nudging Methods – General

A range of tools can be used to actively nudge flying-foxes as they attempt to return to the camp pre-dawn after nightly foraging.

Nudging tools should vary and be used at unexpected locations to discourage flying-foxes from habituating, which may render that tool ineffective for the mid to long term. Each nudging team member should have multiple tools (visual and aural) that can be used intermittently and changed as required in response to flying-fox behaviour. If flying-foxes are not responding to a nudging tool, it should be immediately replaced to avoid habituation.

During the recent nudging programs the GHFF have been nudged quite easily using low impact methods such as hand clapping.

1-2 weeks of this type of low impact nudging has been enough to see some consistent behaviour with the GHFF staying in the preferred location.

Based on our experience to date council can now show evidence of some consistent GHFF behaviour during nudging activities & also when the nudging stops.

Post nudging program, the GHFF return to the pond area quickly. Experience shows the downtime of no nudging (outside of previous ATCW permit) the GHFF return to the non-preferred location. Refer to Figure 4.

### 5.2.3 Roles and Responsibilities

Table 11 provides a description of roles and responsibilities.

The following is an indicative nudging resource allocation. Note that the number of personnel may be downscaled if appropriate, or conversely, additional resources may be required:

- Program Coordinator/Manager – Overall responsible for the program. Stakeholder engagement, Community Consultation and COSC & DEECA reporting.
- Nudging Supervisor– flying-fox expert<sup>15</sup>. Required to be onsite at the start the nudging program but not required be to onsite each day after commencement. Expert to then advise of frequency onsite. Recommended to be onsite once a fortnight depending on GHFF behavior. Provide advice & training to the Team Leader as required. Available to be on call to attend site at short notice. Expert must be onsite if nudging is occurring during late pregnancy or pups present.

<sup>15</sup> see glossary definition

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- Team Leader – The role of Nudging Supervisor and Team Leader is very similar working closely together. Team leader is responsible for the daily nudging activities and daily reporting.
- Team Members – depending on GHFF numbers and location, 1-3 nudging personnel could be required on nudging days (in addition to the Team Leader).

All team members should be in regular communication, providing information on flying-fox behaviour and movements to the Team Leader who will coordinate and direct activities. It is critical that the nudging approach is continually adapted in a strategic way in response to flying-fox behaviour, changes to risk based on location etc. and other variables (e.g. weather, community concerns).

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Table 11 - Roles, Responsibilities, Authority and Communication Lines Between the Management Team

Role	Who	Required Competencies	Responsibilities/Authority	Communication Lines
Program Coordinator/Manager	Council  (Manager Services & Operations)	As required by Council.	<ul style="list-style-type: none"> <li>Stakeholder consultation</li> <li>Landholder liaison and access</li> <li>Report to DEECA</li> <li>Inform and consult with the community and interested parties</li> <li>Determine management actions in consultation with PWG</li> <li>Evaluate program</li> </ul>	<p>Reports to: Council and stakeholders</p> <p>Direct reports: Nudging Supervisor &amp; Team Leader</p>
Nudging Supervisor*	Council/ Contractor  (GHFF Expert)	Flying-fox expert (see glossary definition); able to take general fauna spotter catcher role responsible for rescuing other fauna if required.	<ul style="list-style-type: none"> <li>Train all team members and endorse as competent</li> <li>Train and provide advice &amp; direction to Team Leader</li> <li>Assist team leader to Induct all personnel to the program</li> <li>Liaise with DEECA</li> <li>Liaise with wildlife carers/veterinarians (for orphaned/injured wildlife only)</li> <li>Report to Manager Services and Operations</li> </ul>	<p>Reports to: Program Manager</p> <p>Direct reports: Team Members</p>
Team Leader**	Council  (Parks & Gardens Team Leader or nominated Team Member)	<p>To be endorsed as competent by Nudging Supervisor.</p> <p>Team Leader (in addition to the Nudging Supervisor) can also be a flying-fox expert (see glossary definition). Potentially able to take general fauna spotter catcher role responsible for rescuing other fauna if required or use Wildlife Carer/Veterinarian for this catcher role.</p>	<ul style="list-style-type: none"> <li>Coordinate field teams</li> <li>Pre- and post-nudging monitoring</li> <li>Coordinate daily site briefings</li> <li>Monitor flying-fox behaviour</li> <li>Rescue flying-foxes if required (and no carer/vet on site)</li> <li>Determine daily nudging end point</li> <li>Participate &amp; lead daily nudging activities</li> <li>Monitor and managing daily maintenance nudging</li> <li>Collect and collate data</li> <li>Frequent reporting to nudging supervisor, program manager &amp; DEECA.</li> <li>Liaise with DEECA</li> </ul>	<p>Reports to: Nudging Supervisor</p> <p>Direct reports: Team Members</p>
Team Members	Council  (Parks & Gardens Staff)	All to be endorsed as competent by Nudging Supervisor & Team Leader.	<ul style="list-style-type: none"> <li>Participate in Nudging Supervisor training</li> <li>Attend daily site briefings</li> <li>Participate in nudging as directed by Nudging Supervisor and/or Team Leader</li> </ul>	<p>Reports to: Team Leader</p> <p>Direct reports: Nil</p>

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Role	Who	Required Competencies	Responsibilities/Authority	Communication Lines
Observer/support	Wildlife Carer/Veterinarian	Relevant qualifications and licences.	Provide rescue & care of injured/orphaned wildlife if required	Reports to: Nudging Supervisor / Team Leader Direct reports: Nil

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## 5.2.4 Timing

### 5.2.4.1 Seasonal Timing

Initial nudging will avoid periods when females are in the late stages of pregnancy, or when dependent young are present. Nudging advice and direction will be sought from the Flying Fox expert during these times including peak mating periods. However, as the breeding season is influenced by a range of variables and out-of-season breeding is not uncommon, nudging timing should be based on assessment by a flying-fox expert<sup>16</sup> rather than through confinement to pre-determined times of the year.

Note that maintenance nudging<sup>17</sup> to prevent camp re-establishment or early intervention nudging to prevent a new camp establishing in an undesirable location may occur during the GHFF breeding season (September – May) provided a flying-fox expert determines that breeding and animal welfare will not be impacted. Maintenance nudging during this time will be restricted to low intensity methods such as hand clapping to minimise the risk of stressing and impacting more susceptible individuals that may join the camp at any time (e.g. pregnant females, females carrying pups). Nudging, including maintenance nudging, will only occur when crèched young are present if the flying-fox expert determines that animal welfare is not impacted. Nudging monitoring must be rigorous at all times, but especially at times when breeding animals may join the camp.

### 5.2.4.2 Daily Timing

Nudging staff should be in position prior to flying-foxes returning to the camp, which is generally approximately half an hour before first light. While the CBG camp does not meet the criteria for a nationally important camp, Council acknowledges best practice in accordance with mitigation standards in the EPBC Referral Guideline for Management of GHFF Camps (Part 3).

Nudging, including maintenance nudging will be limited to a maximum of 2hrs over a 24hr period with a maximum of (nudging) 3 times a day. This could include the initial dawn nudge each day if required and allow for 2 other maintenance nudges during the day. Based on our experience this would only be required if the GHFF return to the non-preferred location from outside sources. For example, barking dogs, vehicles, nearby lawn mowers & chainsaws from nearby residents.

The use of dancing men (wind dancers) have been effectively used in the past to deter the GHFF from returning to the non-preferred location (pond area) post the early morning nudging. These dancing men can also be used at other non-preferred locations as a deterrent. The use of these dancing men will be restricted to 2hrs over a 24hr period separate to the nudging and maintenance nudging 2hr limit.

Maintenance nudging during the day will reduce the amount of dawn nudging required and overall reduce the duration of the program.

Some other standards aligned with Part 3 and Part 5 of the Referral Guideline are detailed in Section 5.2.8 and 5.2.10).

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<sup>16</sup> see glossary definition

<sup>17</sup> Maintenance nudging refers to nudging activities to prevent the camp from re-establishing in any non-preferred locations. It differs from initial nudging by aiming to discourage occasional over-flying individuals from returning, rather than attempting to actively nudge the animals that have been recently roosting at the site.

### 5.2.5 Human Health and Safety

Flying-foxes may carry pathogens with the potential to cause disease in humans. Australian Bat Lyssavirus (ABLV) is a rabies-like virus that may be transmitted to humans through exposure to saliva of an infected flying-fox (or other bat). All known cases have been through a bite or scratch, however exposure to mucous membranes (eyes, mouth) could potentially also lead to infection. While ABLV can be fatal if it develops, effective pre- and post-exposure vaccinations and other simple measures to prevent the disease in humans are available.

Council and contractors will need to complete their own risk assessments to determine whether pre-exposure vaccinations are required. The following precautions should be adopted:

- only appropriately trained personnel with ABLV pre-exposure vaccinations, wearing puncture resistant gloves and forearm protection, are to attempt to handle or capture an animal
- all personnel to wear appropriate PPE: long sleeves and pants, eye protection and hat
- all personnel working underneath the active camp to wash clothes daily
- all personnel working underneath the camp during machine operations that aerosol (e.g. cause dust) the substrate or camp vegetation to also wear protective breathing equipment (P3 breathing mask)
- appropriate hygiene practices must be adopted such as hand washing with soap and water before eating and smoking
- local public health authorities be made aware that the nudging/vegetation management is occurring and that ABLV exposure may be possible
- if a person is bitten or scratched by a bat, the wound should immediately be washed with soap and water for at least five minutes, followed by application of an antiseptic with anti-viral action (i.e. Betadine) and immediate medical attention (post-exposure vaccinations may be required). Medical attention should also be immediately sought if a person is exposed to an animal's saliva or excreta through the eyes, nose or mouth.

Flying-foxes are also a natural host for Hendra virus (HeV), which can be transmitted to horse, likely through contaminated feed or water. Infected horses have been known to amplify the virus and humans can be infected through close contact with an infected horse. There has been no recorded case of direct transmission of HeV from flying-foxes to humans.

This disease is preventable with an effective vaccination available for horses.

Council will consult with horse owners in Colac to ensure HeV risk is appropriately managed.

### 5.2.6 Consultation Prior to and During Nudging Program

#### 5.2.6.1 DEECA

Council will consult with DEECA regularly in the lead-up to nudging and will provide DEECA with a nudging schedule prior to commencing.

During nudging, Council will provide DEECA regular updates at least weekly or as conditioned in the ATCW.

Council will notify DEECA at least the day before any planned early intervention nudging.



In the unlikely event a flying-fox is injured during nudging, or there is an increase in the number of flying-fox rescues that may be associated with the nudging, all nudging activities will be temporarily ceased and DEECA will be immediately consulted to discuss a way forward.

#### **5.2.6.2 Community**

The Colac community will be informed of planned nudging activities, including:

- methods and timeframes
- desired/acceptable outcomes
- contingency planning
- procedures to follow in the event an injured, orphaned or dead flying-fox is located
- additional HeV precautionary measures for horse owners
- contact information for the Program Coordinator.

Council will encourage the community to report unusual flying-fox behaviour or activity. Council staff fielding phone calls need to clearly identify whether flying-foxes were likely to have been roosting or foraging (i.e. by time of day/night), so that reports of foraging activity are not mistakenly investigated as possible new camps.

It is critical the community is aware not to interfere with management in any way, both from a statutory perspective but also to allow the program to be properly assessed and strategically managed without impacts from other activities (e.g. unauthorised nudging.)

Council will ensure all landholders have consented where access to non-Council managed land is required.

This Management Plan is also made public on Council's website.

#### **5.2.6.3 Other Stakeholders**

In addition to the above, the following stakeholders will also be informed prior to the nudging:

- local police
- airports and airfields within 20 km of the CBG
- Colac Racecourse - to increase HeV precautionary measures and immediately report daytime flying-fox sightings given the highly attractive habitat on site
- Colac Golf Club - to immediately report daytime flying-fox sightings given the highly attractive habitat on site.
- Wildlife carers and veterinary staff - to be on stand-by during nudging
- The Victorian Department of Health and Human Services
- Australian Lamb Company
- Lake View Café
- Corangamite Catchment Authority
- Local vet clinics
- Wildlife carers & Wildlife Victoria
- Friends of the Colac Botanic Gardens

- Lake Colac Caravan Park
- Local primary and secondary schools.

### 5.2.7 Managing Community Impacts

Some level of impact is likely for residents within 150 metres of nudging locations (CBG and surrounding suitable habitat), and possibly up to 300 metres depending on the nudging methods used. Impacts may include:

- sleep disruption on nudging days (potentially from 5:30am)
- stress to noise-phobic pets
- increased flying-fox vocalising during the day
- flying-foxes roosting in new and potentially undesirable locations (Residents will have contact details for the Nudging Team Leader or council customer service should any significant issues be experienced and Council will work affected residents to minimise these issues as much as possible.

### 5.2.8 Monitoring and Stop Work Triggers

A robust monitoring program around the nudging is required to evaluate its success, ensure flying-fox welfare, and manage other risks such as the formation of splinter colonies, in a timely and appropriate manner.

Static counts at the camp during the day are the simplest and most resource effective method of monitoring. These also allow an assessment of species composition, breeding status and body condition, which are not possible during a fly-out count.

Monitoring personnel will be experienced in flying-fox identification and biology, and they should be limited in number to minimise the effects of observer bias. Council and contractors will need to complete their own risk assessment to determine requirements for pre-exposure vaccinations against ABLV for personnel (see also Section 5.2.5).

Pre-nudging and daily monitoring should include:

- a visual flying-fox health and body condition assessment
- breeding status i.e. whether pregnant flying-foxes are in final trimester, dependent young are present or mating behavior is observed
- age estimates of any sub-adults present
- signs of morbidity or mortality
- camp extent
- a total count. Where parts of the camp are not visible and cannot be accessed, each roost tree that can be seen should be counted and then extrapolated to the estimated total number of roost trees/area of the camp to obtain a total count.

Table 12 shows the recommended mitigation measures that should be implemented when certain undesirable aspects of the nudging exercise become evident.

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Table 12 - Planned Actions for Potential Impacts During Management.

Welfare Trigger	Signs	Action
Unacceptable levels of stress	If any individual is observed: <ul style="list-style-type: none"> <li>panting</li> <li>saliva spreading</li> <li>located on or within 2m of the ground</li> <li>unusual vocalisations</li> </ul>	Works to cease for the day.
Fatigue	In-situ management (relates to daily maintenance activities in the CBG): <ul style="list-style-type: none"> <li>more than 30% of the camp takes flight</li> <li>individuals are in flight for more than 5 minutes</li> <li>flying-foxes appear to be leaving the camp</li> </ul> Nudging causes: <ul style="list-style-type: none"> <li>low flying</li> <li>laboured flight</li> <li>settling despite nudging efforts</li> </ul>	Works to cease and recommence only when flying-foxes have settled* / move to alternative locations at least 50 m from roosting animals.  Works to cease for the day.
Risk of injury/death	<ul style="list-style-type: none"> <li>crècheing young present</li> <li>loss of condition evident</li> <li>any flying-fox mortality is reported within 1 km of the dispersal site that appears to be related to the nudging</li> <li>loss of condition evident; flying-fox appears to have been injured/killed on site (including aborted foetuses)</li> </ul>	<p>Works to cease immediately, DEECA &amp; expert notified.</p> <p>AND</p> <p>rescheduled</p> <p>OR</p> <p>adapted sufficiently so that significant impacts (e.g. death/injury) are highly unlikely to occur, as confirmed by flying-fox expert (see glossary definition)</p> <p>OR</p> <p>stopped indefinitely and alternative management options investigated.</p>

\*maximum of two unsuccessful attempts to recommence work before ceasing for the day.

### 5.2.9 Maintenance Program

Council will monitor the CBG daily following the nudging program, (reducing as appropriate over time). Maintenance nudging will be undertaken as needed, in accordance with the above nudging strategy.

Nudging, including maintenance nudging will be limited to a maximum of 2hrs over a 24hr period with a maximum of (nudging) 3 times a day. This could include the initial dawn nudge each day if required and allow for 2 other maintenance nudges during the day. Based on our

experience this would only be required if the GHFF return to the non-preferred location from outside sources. For example, barking dogs, vehicles, nearby lawn mowers & chainsaws from nearby residents.

The use of dancing men (wind dancers) have been effectively used in the past to deter the GHFF from returning to the non-preferred location (pond area) post the early morning nudging. These dancing men can also be used at other non-preferred locations as a deterrent. The use of these dancing men will be restricted to 2hrs over a 24hr period separate to the nudging and maintenance nudging 2hr limit.

Maintenance nudging during the day will reduce the amount of dawn nudging required and overall reduce the duration of the program.

Closing or preventing public vehicles from driving around the CBG carriageway near COSC preferred location has proven to be effective in holding the GHFF in this location. This method can be used again depending on the roosting locations. Attempts will be made to minimise noise during the day if GHFF are in the desired location. For example, mowing under the roosting location after dusk when the GHFF have flown out.

#### 5.2.10 Additional Flying-Fox Impact Mitigation Measures

In addition to those detailed above, the following mitigation measures will be complied with at all times during Plan implementation:

- All personnel will be appropriately experienced, trained and inducted. Induction will include each person's responsibilities under this Plan.
- All personnel will be briefed prior to the action commencing each day and debriefed at the end of the day.
- Works will cease and DEECA consulted in accordance with 'stop work triggers' in **Section 5.2.8**.
- Non-critical maintenance activities will ideally be scheduled when the camp is naturally empty. Where this is not possible, they will be scheduled for the best period for that camp (e.g. when the camp is seasonally lower in numbers and breeding will not be interrupted, or during the non-breeding season, generally May to August).
- Works will not take place in periods of adverse weather including strong winds, sustained heavy rains, in very cold temperatures or during periods of likely population stress (e.g. food bottlenecks). Expert will be consulted to determine whether the population appears to be under stress.
- Works will be postponed on days predicted to exceed 35°C, and for one day following a day that reached ≥35°C. If an actual heat stress event has been recorded at the camp or at nearby camps, a rest period of several weeks will be scheduled to allow affected flying-foxes to fully recover. See the OEH fact sheet on [Responding to heat stress in flying-fox camps](#).
- If impacts at other sites are considered by DEECA to be a result of management actions under this Plan, Council will assist the relevant land manager to amend impacts. Details of this assistance are to be developed in consultation with DEECA.
- Any proposed variations to works detailed in the Plan will be approved by DEECA in writing.
- Any additional requirements conditioned in the ATCW will be complied with at all times.
- DEECA may require changes to methods or cessation of management activities at any time.



- Monitoring will be in accordance with **Section 5.2.8** and recorded to inform future planning.
- At least one flying-fox rest day with no nudging will be scheduled every 10 days.

#### **5.2.10.1 Additional Measures for Vegetation Trimming/Removal**

- Trimming will be in accordance with relevant Australian Standards (e.g. AS4373 - 2007 Pruning of Amenity Trees), and best practice techniques used to remove vegetation in a way that avoids impacting other fauna and remaining habitat.
- No tree in which a flying-fox is roosting will be trimmed or removed. Works may continue in trees adjacent to roost trees only where a flying-fox expert assesses that no flying-foxes are at risk of being harmed. A flying-fox expert is to remain on site to monitor when canopy trimming/removal is required within 25 m of roosting flying-foxes or when this person considers disturbance of roosting flying-foxes is likely.
- While most females are likely to be carrying young (generally October – January) vegetation removal within 25 metres of the camp will only be done in the evening after fly-out, unless otherwise advised by a flying-fox expert.

#### **5.2.10.2 Additional Measures for Level 3 Actions**

- Nudging methods will be limited to non-harmful methods only, as marked as suitable for use in Colac in **Appendix D**.
- Nudging may continue for up to a total of 2 hours in a 24-hour period, early morning, during the day and/or in the evening. Evening nudging (if incorporated) will not begin before sunset. If flying-foxes are showing signs of distress or are tiring, nudging will cease for the day as per 'stop work triggers' in the Plan.
- A section of the camp will be designated as a rest area for flying-foxes during nudging to be progressively reduced in size over time, unless the nominated flying-fox expert<sup>20</sup> justifies a reason not to do so.
- Council will liaise with wildlife carers to monitor whether there is an increase in the number of flying-foxes being taken into care or showing signs of stress. If increases are apparent and coincide with nudging, DEECA will be consulted before continuing nudging.
- Maintenance nudging activities (i.e. deterring flying-foxes from recolonizing) may be undertaken during the breeding season. Nudging will only occur when crèched young are present if the flying-fox expert<sup>16</sup> determines that animal welfare is not impacted.
- Nudging monitoring must be rigorous at all times, but especially at times when breeding animals may join the camp.
- While females are likely to be in final trimester or carrying young (generally September to January), maintenance nudging will be implemented at a reduced intensity determined by the flying-fox expert.

### 5.2.11 Contingency Planning

Any new location where flying-foxes are observed roosting during the day will be assessed. Flying-fox expert to provide advice and direction on any new location as some locations might be deemed suitable roosting locations.

Early intervention nudging to be allowed to prevent camp establishment if flying-foxes attempt to roost in one of the following locations:

- in close proximity (e.g. 50 m) to residents
- where flying-fox movements are likely to increase the risk of flying-fox/aircraft strike
- adjacent to schools or daycare
- in close proximity to aged care facilities
- in close proximity to equine centers or horse paddocks where HeV risk cannot be sufficiently managed
- Colac Memorial Square
- In non-preferred locations within the Colac Botanic Gardens such as the pond and children's playground zone.
- where it is likely to cause any other significant conflict.

## 6 Assessment of Impacts

### 6.1 Grey-Headed Flying-Fox

The GHFF is highly nomadic and travels long distances in response to flowering and fruiting, moving between camps across its range. Given this nomadic lifestyle, all GHFF individuals are considered to form part of a single population<sup>18</sup>.

The CBG has been irregularly used by roosting GHFF since it was first recorded in December 2016. GHFF numbers fluctuate annually but the population peaked to close to 10,000 in January 2024. As detailed in **Section 4.1**, it does not meet the criteria for a nationally important GHFF camp and is not currently counted in the National Flying-fox Monitoring program (NFFMP)

The aim of the management program is to discourage flying-foxes from roosting in the pond area and eastern end of the CBG.

Measures outlined in this plan will ensure impacts to individual flying-foxes are also avoided.

In summary, actions outlined in this plan will not have a significant impact on flying-foxes in Colac or the GHFF national population.

### 6.2 Other Ecological Values

Actions in this plan are aimed at protecting mature trees from significant damage and preventing tree losses predicted by arborists if flying-foxes continue to camp in the pond area of the CBG. Recommended actions in this plan with the potential to impact ecological values are:

- temporary nudging using non-harmful flying-fox nudging methods (e.g. noise & lights) to deter flying-foxes from roosting in the CBG (and other unsuitable locations) for up to 2 hours per 24 hour period
- Tree planting at councils preferred roosting location. Planting on the Lake Foreshore will also offer further wind protection for the GHFF.

There will be no removal of vegetation (other than routine maintenance/trimming).

Other fauna may be temporarily disturbed by nudging activities, however these impacts are expected to be minimal due to the limited time and focussed area(s) of nudging, and it is not anticipated that any species would be displaced from their entire home range. A GHFF expert will oversee nudging activities (see **Section 5.2.3**) and will monitor for impacts to native wildlife, and the program will be adapted as required. If any MNES or MSES is recorded using the nudging site(s), DEECA will be contacted to discuss appropriate impact mitigation measures.

Only if required, a suitably qualified wildlife expert will also assess each tree in the CBG to identify any hollows, nests or dreys prior to installation of deterrents to ensure other fauna is not impacted.

<sup>18</sup> DoEE 2017 Draft Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus*, Department of Environment and Energy, Canberra.

## 7 Evaluation and Review

The Plan will have a scheduled review annually, which will include evaluation of management actions against objectives in Section 1.3. Annual review will include flying-fox expert assessment of the potential for cumulative impacts, to ensure alignment with Part 4 of the Referral Guideline. If at any point criteria for consideration as a nationally important camp are met by a camp being managed in Colac, all nudging activities at that location will cease and Council will consult with DEECA and DCCEEW to reconsider the need for referral and update this Plan as required.

A reactive review will be triggered by any significant incident associated with Plan implementation (e.g. human health/safety, flying-fox welfare).

Results of each review will be made available to DEECA as required.

Guidelines for when the nudging can be considered a success include when:

- after a 12-month period without additional management there is an acceptably low or zero number of flying-foxes around the significant trees in the Eastern end of CBG
- newly established camp(s) are:
  - in an acceptable location overwintered in Councils preferred location
  - of sufficient area, nature and quality to support at least 9,000 GHFF
  - with sufficient vegetation cover to ensure that mortality from extreme weather conditions (e.g. heat stress events) are minimised
- Council determines that impacts have been sufficiently mitigated
- negative impacts are not created or exacerbated at other locations (including neighbouring LGAs).



## 8 Plan Administration

This Flying-fox Management Plan has been prepared by Colac Otway Shire Council as the land manager of the Colac Botanic Gardens and public space within the Shire. This plan will be solely managed by Council and will involve stakeholders as required.

A Standard Operating Procedure is being developed in conjunction with this Plan to ensure that staff are aware of their obligations and procedures relating to the welfare of the animals.

### 8.1 Monitoring of the Camp

Council will monitor the CBG and will contact CSIRO to request that camp(s) in Colac are added to the quarterly NFFMP census program.

### 8.2 Reporting

Council will prepare annual reports that will detail the management activities being undertaken, progress of approved/licenced actions and flying-fox monitoring data.

### 8.3 Funding Commitment

Council is responsible for providing appropriate funding to undertake the actions included in this Plan. The Plan will be in operation from 2024 – 2029 and will require resourcing for each 5 year review and implementation of agreed actions.

The funding of actions identified in this Plan will form part of Council's annual budget process.

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## Appendix A - Colac Botanic Gardens Map



## Appendix B - Flying-Fox Rescue Protocol

### Reference documents:

OEH 2012, [NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes](#), Office of Environment and Heritage, Sydney.

OEH 2011, [NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna](#), Office of Environment and Heritage, Sydney.

Agriculture Victoria 2000, [Code of Practice for the Welfare of Wildlife During Rehabilitation](#), Victorian Government Gazette, Victoria.

This protocol is based on the NSW plan template with minor additions from the Victorian COP. Discussion to occur with DELWP Victoria in ascertaining their requirements.

### Purpose

These work instructions are intended for Australian bat lyssavirus (ABLV)-vaccinated fauna spotter catchers (FSCs) or wildlife rescue personnel on site during dispersal activities to monitor, capture or provide first aid treatment for sick or injured flying-foxes that may require human intervention for their survival. Flying-fox rescue must only be attempted by personnel trained and experienced in flying-fox rescue and handling.

This work instruction provides rescuers with information regarding capture and first aid until a flying-fox is in the specialist care of a veterinarian or person qualified in wildlife rehabilitation.

### Requirements

FSC and wildlife rescue personnel involved in flying-fox rescue must:

- be trained and experienced in rescue and handling
- be vaccinated against ABLV (titre levels checked at least once every two years)
- be aware of the hazards and risks of coming into contact with all bats
- utilise appropriate PPE and equipment for capture, transport and treatment of flying-foxes
- undertake a risk assessment before carrying out a rescue – do not endanger yourself or others during a rescue
- have the contact details for a local veterinarian or bat carer who will accept the sick or injured flying-fox.

### Human first aid

All bats in Australia should be viewed as potentially infected with ABLV. If bitten or scratched by a bat, immediately wash the wound with soap and water (do not scrub) and continue for at least five minutes, followed by application of an antiseptic with anti-viral action (e.g. Betadine), and immediate medical attention (post-exposure vaccinations may be required). Similarly medical attention should be immediately sought if exposed to an animal's saliva or excreta through the eyes, nose or mouth.

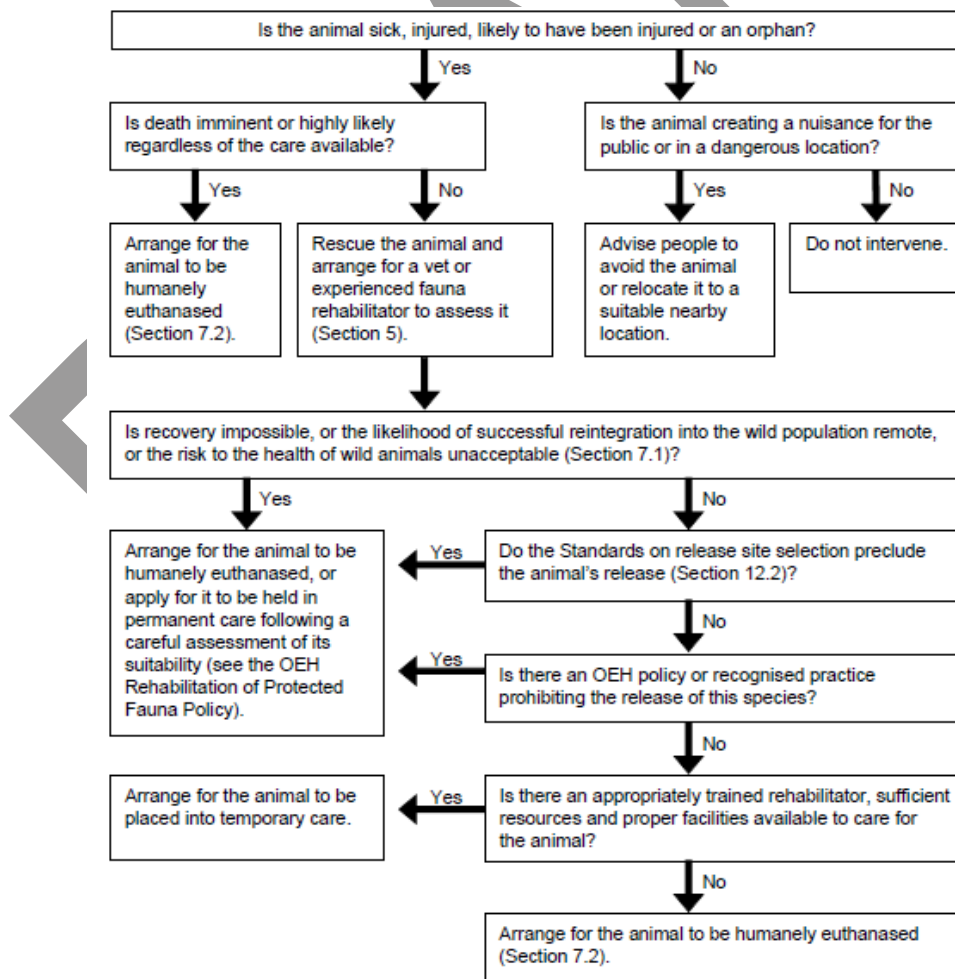
## Equipment

- lidded plastic carry basket or 'pet-pack' with bedding (juveniles) / transport container with hanging perch, tall enough for bat to hang without hitting its head (in accordance with Section 5.1 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012) and 'Housing and enclosure design' in the Victoria Code of Practice for the Welfare of Wildlife During Rehabilitation (Agriculture Victoria 2000)
- warm water bottle / cold brick
- wraps / towels
- teats for small bottle
- extension pole or broom
- bat first aid kit – juice drink/glucose powder, syringes, cloths for wounds, Betadine/saline, dummy for baby bats. FFs only to be offered liquids under advice from a licensed wildlife carer.

## Work instructions

### Initial case assessment

Observe, assess and then determine if/what intervention is required using the decision tree in the NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna (OEH 2011), included below.



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Personnel should approach stressed flying-foxes cautiously. If flying-foxes panic or fly this will waste energy; retreat and continue to monitor behaviour.

1. Dehydration: Eyes dull or depressed in skull, change to skin elasticity, skin stays pinched, animal cold, wing membranes dry, mouth dry.
2. Heat stress: wing fanning, shade seeking, clustering/clumping, salivating, panting, roosting at the base of trees, on the ground, falling from tree.
3. Obvious injury: bleeding, broken bones.

### **Rescue instructions**

As per Section 4 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012):

- i. The objective is to rescue a flying-fox while minimising further stress and injury to the animal.
- ii. Before a rescue attempt, rescuers must assess the risks to the flying-fox from environmental hazards and from capture.
- iii. Rescuers must employ the correct rescue equipment for the condition and location of the flying-fox, and be trained in its use.

### *Example scenarios*

1. Bat low in tree:
  - quickly place towel around bat before it can move away
  - grab hold of feet, toes may curl over rescuers fingers
  - place in carry basket / transport container.
2. Bat high in tree:
  - place pole wrapped in towel in front of bat
  - coax bat onto towel
  - once on towel, quickly move away from branches and lower to ground
  - once on ground, cover with towel and place into carry basket / transport container.
3. A bat caught on barbed wire fence:
  - two people only – one to restrain with towel, while the other untangles
  - put towels on the wire strands under or around to avoid further entanglement
  - if the membrane has dried onto wire, syringe or spray water onto wing
  - use pliers or wire cutter if necessary.

### **Animal first aid**

Physical assessment: Keep animal wrapped and head covered, only expose one part at a time. Examine head. Unwrap one wing and extend. Wrap and extend other wing. Check legs. Examine front and back of body.

Dehydration: Offer water/juice (low acid juice only, e.g. apple/mango) orally with syringe (under supervision/advice from licensed wildlife carer ONLY).

Heat stress: Reduce temperature in heat exhausted bats by spraying wings with tepid water.



Hypothermia: May be seen in pups separated from mother – keep head covered and warm core body temperature slowly by placing near (not on) warm water bottle covered by towel.

Bleeding: Clean wounds with room temperature saline or diluted Betadine.

### **Transport to veterinarian / wildlife carer**

See Section 5 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012) summarised below.

#### **Objective**

To transport a flying-fox so as to minimise further stress and injury to the animal.

#### **Standards**

- a. The transport container must be tall enough for the flying-fox to hang by its feet without hitting its head on the floor.
- b. The container must be designed, set up and secured to prevent injuries to the flying-fox. The sides of the container must prevent the flying-fox from poking its head or wings out.
- c. The container must be designed to prevent the flying-fox from escaping.
- d. The flying-fox must be allowed to hang by its feet from the top of the container or if it is unable to hang, wrapped in material (e.g. sheet or flannel) and placed in a sling so its feet are higher than its head.
- e. The container must be kept at a temperature which is appropriate for the age and condition of the flying-fox. A range of 25–27°C is appropriate for an adult. A temperature of 28°C is appropriate for an orphan. A cool or warm water bottle may be required.
- f. The container must be ventilated so air can circulate around the flying-fox.
- g. The container must minimise light, noise and vibrations and prevent contact with young children and pets.
- h. During transport, a container holding a flying-fox must have a clearly visible warning label that says 'Warning – live bat'.
- i. A flying-fox must not be transported in the back of an uncovered utility vehicle or a car boot that is separate from the main cabin.

#### **Guidelines**

- Flying-fox transport should be the sole purpose of the trip and undertaken in the shortest possible time.
- The fauna rehabilitation group's contact details should be written on the transport container in case of an emergency.

### **Rehabilitation case assessment**

As detailed in the Victorian [Code of Practice for the Welfare of Wildlife During Rehabilitation](#):

- Upon collection, animals must be assessed accurately and without delay by a person who is knowledgeable in the particular requirements of the species (a veterinarian if possible, or an experienced wildlife rehabilitator). At all stages of the rehabilitation process, animal welfare should be the primary objective.

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- Where the animal is found to be suffering from significant pain, distress, trauma or disease that cannot be relieved, it must be promptly euthanased.
- Where the animal would not survive without extended treatment or surgery, and is unlikely to recover sufficiently to return to the wild, it should be promptly euthanased.
- Where there is uncertainty regarding the suitability of a release site (see below for details) the animal should be humanely euthanased.
- If there is a reasonable expectation that the animal can be successfully rehabilitated and released to its own environment, the wildlife rehabilitator should ensure that he/she has the capacity to provide for the captive needs of the animal. For example, experience with the particular species, suitable housing, and access to species specific social groups where relevant.
- Conditions which could preclude successful rehabilitation and release include:
  - Loss of limbs or function of limbs, including tails
  - Permanent vital sensory loss (hearing, sight, smell, feeding)
  - Untreatable infectious disease
  - Permanent damage to the nervous system
  - Inability to adjust to temporary captivity
  - Chronic ill health
  - Imprinted behaviour patterns.
- The following considerations are important when assessing a release site:
  - The release site should be suitable habitat in the general vicinity from which the animal was originally collected. For instance, if an animal were found injured on a highway, an area of bushland adjacent to the highway would be a suitable release site. Exceptions may be ocean going seabirds or migratory species.
  - There should be an available home range for the animal upon release. The sooner an animal can be rehabilitated and released back to its own environment, the more likely its place within the home range will not have been reoccupied.
  - If there are limited resources available at the release site (for example, due to large numbers of conspecifics or vegetation removal), the cost of release to the existing population must be justified in terms of competition for food and shelter.
  - The factors that lead to the original injury or condition must not pose an unacceptable risk to the animal again upon release (for example, if there are unusually high numbers of introduced predators at the site).
- Continual reassessment during the process of rehabilitation is required, to ensure it remains in the best interests of the animal and that eventual release to the wild remains likely. If it becomes evident during the rehabilitation process that successful return to the wild is unlikely, the animal should be promptly euthanased.
- Exceptional circumstances where a threatened species is involved should be discussed with an officer from DELWP.

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## Appendix C - Arborist Technical Report

Tree Impact Assessment

Grey-headed Flying Fox Colony

Colac Botanic Gardens

Completed for: Colac Otway Shire

Report date: 16 April 2024

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Related documents –

- ENSPEC - Flying Fox Tree Damage Colac Botanic Gardens 20190619.pdf
- ENSPEC - Colac Botanic Gardens Tree Assessment 20221118.pdf



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## 1. EXECUTIVE SUMMARY

ENSPEC was requested by Colac Otway Shire to assess damage to trees at Colac Botanic Gardens from roosting Grey-headed Flying Foxes (*Pteropus poliocephalus*) to assist with the review of the Flying Fox Management Plan.

A Grey-headed Flying Fox camp has been established at the Gardens since late 2016. The population using the camp fluctuates but can at times number in the thousands. Their use of feature trees, some of heritage value, has had some detrimental impact on the aesthetics of this section of the garden.

To date, none of the trees have died as a result of the occupation by the camp, although sections of the upper canopy of some trees have died, negatively affecting the aesthetic value of those trees. As the animals prefer to use the upper canopy of the trees and seem to not move into the lower canopy when the dead branches in the upper canopy become unsuitable to them, it is considered unlikely that the camp will directly cause the death of any particular tree.

Attempts to move the camp have been unsuccessful and short-term goals to encourage the use of pines trees nearer the lake shore are considered unlikely to be successful as they do not provide enough suitable roosting branches.

In the short-term, the most effective strategy to protect tree health appears to be to disburse the camp over a broader area, reducing the impact on individual trees. This appears to have occurred to some extent already, whether naturally or as a result of the recent active attempts to "nudge" the camp.

Disbursing the camp does have the adverse impact of spreading other potentially undesirable aspects such as noise, faeces and smell into new areas of the gardens. If the presence of the flying foxes becomes problematic for visitor activity it may be more practical to consider options to encourage visitors to temporarily not use the areas where the camp is active, such as closing paths, temporary fencing, signage and preventing parking along that section of the driveway.

Long-term plans set out in the current Management Plan to establish or enhance alternative appropriate habitat for camps in less used areas around Lake Colac are encouraged.

While the Botanic Gardens is a feature site, the typical visitor use of the areas around the affected trees is quite sporadic and overall is considered low. As a result, the potential risk from larger dead branches that develop and may be shed on infrequent occasions is very low.

Remedial work on the trees is not currently recommended. While reducing the aesthetic value of the trees, the current dead branches provide roosting space for the flying foxes that will have no further detrimental impact on tree health. Removing the existing dead branches will force the camp onto living branches on the remaining trees or spread the impact onto new trees, leading to new damage.

### *ENSPEC's key recommendations –*

- Continue to monitor tree health within the Grey-headed Flying Fox camp,
- Attempt to disburse the camp from areas of high concentration to spread the load across more trees,
- If concerns develop, consider opportunities to temporarily move visitor activity away from roosting trees when in use,
- Develop appropriate alternative habitat for camps at lower use sites around Lake Colac away from the Botanic Gardens.

## 2. BRIEF & INSPECTION METHODOLOGY

ENSPEC was requested by Colac Otway Shire to assess damage to trees at Colac Botanic Gardens from roosting Grey-headed Flying Foxes (*Pteropus poliocephalus*) to assist with the review of the Management Plan for the flying foxes.

Site methodology involved a visual inspection of the use of trees by the flying foxes and an assessment of the impact on each tree's health.

## 3. DATE OF INSPECTION

The assessment was conducted on 15 April 2024. The weather conditions while conducting the assessment were partly overcast with little wind.

## 4. ARBORIST CONDUCTING ASSESSMENT

<b>Name of Arborist</b>	<b>Craig Hinton</b>
<b>Qualifications</b>	B. App. Sci. (Hort. [Env. Hort.]) Diploma of Arboriculture Diploma of Ecology Dip. App. Sci. (Hort.) Licenced Professional Registered Consulting Arborist #AL1100 Tree Risk Assessment Qualification (TRAQ) Quantified Tree Risk Assessment (QTRA) #3968 VALID Tree Risk-Benefit Validator
<b>Industry experience</b>	Cert. IV Assessment and Workplace Training 1994-current, 29 years in consultancy, local government, utility, industry development & research
<b>Phone number</b>	+61 428 193 626
<b>E-mail Address</b>	craig.hinton@enspec.com

## 5. TOPOGRAPHY/BACKGROUND

The Colac Botanic Gardens (CBG) are listed on the Victorian Heritage Register. Since December 2016 a colony of Grey-headed Flying Foxes (*Pteropus poliocephalus*) (GHFF) have used the CBG intermittently as a camp. Certain trees of significance have become preferred roosting habitats within the established flying-fox camp. The camp has had a significant impact on the amenity of the botanic gardens in terms of tree health, defecation and noise. Some visitors are concerned about potential human health risks.

Grey-headed Flying Fox (*Pteropus poliocephalus*) is a protected native mammal of the east coast of Australia. They are nocturnal animals that roost during the day in camps near a permanent water source with the camps typically comprised of thousands of animals. The flying foxes hang head down from the branches of trees. Once established, flying fox camps are typically re-visited by the colony year after year, with peak occupancy during breeding season and rearing young, which occurs in spring and summer.

The increased presence of Grey-headed Flying Foxes in urban areas is attributed to native tree clearing and habitat loss, resulting in reduced natural roosting areas. This is exacerbated by the diversity of vegetation in urban areas as this creates a varied and reliable food source, particularly when natural food sources are in limited supply.

While now more common in urban areas, habitat loss has led to a decline in the total population and the species is now listed as Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and listed as threatened under the Victorian Flora and Fauna Guarantee Act 1988.

Whilst Council has a duty of care for the historic gardens and to apply best practice arboriculture to ensure the ongoing health of the trees, the GHFF welfare is central to Council's response to biodiversity management.

## 6. RISK ASSESSMENT

Trees are living, dynamic organisms that pose some risk of harm to people and property. There are many factors that affect the level of risk associated with trees including the time of the year, extreme weather, and previous maintenance works.

Overall risk from trees is extremely low. Norris (2010) compiled statistics from a 53-month period and calculated the fatality rate from accidental tree failure in an urban area at 1:17.7 million annually during that period.

Management of unreasonable risk is an appropriate response; however, the elimination of all risk from trees in our community is not practical or environmentally sound, as this would require the removal of many trees in the community. This is not desirable as the exceedingly small risk that the population of trees represent is outweighed by the benefits that the trees provide.

### *Risk versus Hazard*

There is often confusion between risks and hazards when assessing risk. Risk and hazard are not the same. A hazard is the presence of, or ability of, something to cause harm. With all mature trees, there may be a hazard present, just as there may be with any man-made structure. For example, the ceiling of a building could fall into a room. This is a hazard. It is a hazard that, if it falls on a person, will most likely cause some level of injury. This injury is classified as a consequence. The likelihood of the ceiling failing is extremely remote. The likelihood of the ceiling failing when it could cause an injury is even more remote, as the room will not be occupied at all times over a 24-hour period.

The combination of the consequence and the likelihood is the risk. In the example above the risk is so small that a reasonable person would take no particular action to avoid the risk. A risk assessment aims to categorise risks to identify risks that are unacceptably high. A decision then can be made on the most appropriate way to manage the risk down to an acceptable level.

### *Risk assessment*

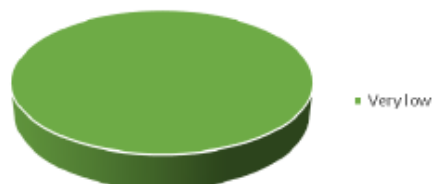
A tree risk assessment is undertaken to identify trees that pose a risk of harm to people or property that is greater than the risk threshold that is acceptable based on normal community standards of risk and any specific factors for the tree or location.

The risk assessment considers the hazard from the tree, and any factors that increase the hazard of that tree from the general population of trees. These factors will include tree health, tree structure and the presence of observable dead or broken branches, cavities, or structural issues. The risk assessment also takes into account the magnitude of harm that may occur from the most likely hazard posed by the tree and the likelihood of that harm occurring based on the type of target (e.g. person, building) and how often that target is likely to occupy the target area.

Mitigation measures are recommended for trees that have been identified as an unacceptable risk to reduce the risk to an acceptable level.

A summary of the risk assessments is provided in the following table. Individual tree risk assessments and inspection periods are provided in the accompanying data tables.

Risk rating	Trees	% of total
Very low	40	100.0%
<b>Grand Total</b>	<b>40</b>	<b>100.0%</b>



Despite the development of dead branches in a few trees, none of the trees are rated as an unacceptable risk.



## 7. DISCUSSION

The initial tree assessment in 2019 found that heritage trees within the gardens were being affected, including 2 National Trust Classified Trees – Tree 1382 *Sophora japonica* (Japanese Pagoda Tree) – National Trust Tree NT 11492 and Tree 1370 *Ulmus X hollandica* 'Vegeta' (Huntingdon Elm) – National Trust Tree NT11495. At the time, other affected trees included –

- *Quercus coccinea* (Pin Oak) Tree 1464
- *Quercus cerris* (English Oak) Tree 1294
- *Ulmus X hollandica* (Dutch Elm) Tree 3749
- *Liquidambar styraciflua* (Liquidambar) Tree 206
- *Populus nigra* 'Italica' (Lombardy Poplar) Tree 3744
- *Syzygium floribundum* (Weeping Lilly Pilly) Tree 388
- *Stenocarpus sinuatus* (Firewheel Tree) Tree 1279
- *Phoenix canariensis* (Canary Island Date Palm) Tree 3734

Figure 1 - GHFF Affected trees, current and previous



A new assessment of affected trees was undertaken in the late morning on 15 April 2024. An accurate population count of Grey-headed Flying Foxes present at the time was not undertaken but it was estimated to be  $\pm 2000$ .

Compared to the 2019 assessment, the camp has spread, and substantially more trees were actively being used as roost sites. The camp has shifted slightly east and spread into trees north of the previous roosts, although most of the previous roost area is still being used.

38 trees were observed as having flying foxes present. Of these, 23 were observed to be suffering health impacts from minor to moderate extent. The following table, which includes two previously affected trees, provides an overview of the health and aesthetic impact on the occupied trees on the day of assessment.



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It is possible, even likely, that some other trees are occupied intermittently but were not on the day of assessment.

Table 1 - Affected trees

Tree ID	Species	Common name	Roosting	Impact
183	<i>Ulmus X hollandica</i>	Dutch Elm	Few	Limited
201	<i>Syzygium smithii</i>	Lilly Pilly	Some	Moderate
204	<i>Quercus robur</i>	English Oak	Some	Minimal
206	<i>Liquidambar styraciflua</i>	Liquidambar	Many	Limited
223	<i>Ficus macrophylla</i>	Moreton Bay Fig	Some	Limited
242	<i>Quercus robur</i>	English Oak	Few	Minimal
246	<i>Quercus robur</i>	English Oak	Some	Minimal
254	<i>Quercus robur</i>	English Oak	Many	Limited
259	<i>Fraxinus Raywood</i>	Claret Ash	Few	Minimal
266	<i>Ulmus X hollandica</i>	Dutch Elm	Some	Minimal
267	<i>Quercus robur</i>	English Oak	Some	Limited
293	<i>Fraxinus oxycarpa</i>	Desert Ash	Few	Limited
300	<i>Cedrus atlantica f. glauca</i>	Blue Atlas Cedar	Few	Minimal
302	<i>Cedrus atlantica f. glauca</i>	Blue Atlas Cedar	Few	Limited
314	<i>Quercus robur</i>	English Oak	Some	Minimal
324	<i>Catalpa bignonioides</i>	Indian Bean Tree	Some	Limited
326	<i>Flindersia australis</i>	Crow's Ash	Few	Minimal
336	<i>Syzygium smithii</i>	Lilly Pilly	Some	Limited
337	<i>Quercus robur</i>	English Oak	Some	Minimal
351	<i>Ficus macrophylla</i>	Moreton Bay Fig	Some	Limited
369	<i>Quercus robur</i>	English Oak	Some	Limited
388	<i>Syzygium floribundum</i>	Weeping Lilly Pilly	Some	Moderate
395	<i>Quercus palustris</i>	Pin Oak	Few	Minimal
399	<i>Pinus patula</i>	Mexican Weeping Pine	Few	Limited
1262	<i>Callistemon salignus</i>	Willow-leaved Bottlebrush	Some	Minimal
1276	<i>Pittosporum tenuifolium</i> 'Ella Keightley'	Kohuhu	Few	Minimal
1279	<i>Stenocarpus sinuatus</i>	Firewheel Tree	Few	Moderate
1294	<i>Quercus cerris</i>	Turkey Oak	Many	Moderate
1305	<i>Quercus cerris</i>	Turkey Oak	Some	Limited
1312	<i>Quercus canariensis</i>	Algerian Oak	Some	Minimal
1326	<i>Quercus canariensis</i>	Algerian Oak	Some	Limited
1344	<i>Alectryon excelsus</i>	Titoki	Few	Minimal
1370	<i>Ulmus X hollandica</i> 'Vegeta'	Huntington Elm	None	Limited
1382	<i>Sophora japonica</i>	Japanese Pagoda Tree	Few	Moderate
1464	<i>Quercus coccinea</i>	Red Oak	Few	Limited
1546	<i>Fraxinus excelsior</i> 'Aurea'	Golden Ash	Some	Limited
1586	<i>Syzygium floribundum</i>	Weeping Lilly Pilly	Few	Limited
3744	<i>Populus nigra</i> 'Italica'	Lombardy Poplar	None	Limited
3749	<i>Ulmus X hollandica</i>	Dutch Elm	Some	Limited
5302	<i>Quercus palustris</i>	Pin Oak	Few	Minimal

Figure 2 - Trees on significant tree registers (from Council's Flying-Fox Management Plan)

	Common name	Individual listing on the Victoria Heritage Register	Individual listing on the National Trust Tree register (1984)
<i>Cupressus forbesii</i>	Tecate cypress	✓	✓
<i>Sophora japonica</i>	Pagoda Tree	✓	✓
<i>Pittosporum tenuifolium</i>	Ella Keightley (Kohuhu)	✓	✓
<i>Ulmus x hollandica</i> 'Vegeta'	Huntington elm	✓	✓
<i>Arbutus canariensis</i>	Canary Island Strawberry Tree	✓	Not listed
<i>Areucaria bidwillii</i>	Bunya pine	✓	✓
<i>Quercus robur</i>	English oak	✓	Not listed
<i>Quercus cerris</i>	Turkey oak	✓	Not listed
<i>Pinus radiata</i>	Monterey pines	✓	Not listed

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The *Ulmus X hollandica* 'Vegeta' (Huntington Elm) previously affected had no flying foxes observed to be roosting on the day of assessment and the population seems to have abandoned a few trees at this eastern edge of the camp compared to the situation in 2019.

**Photo 1 – Tree 1382 *Sophora japonica* (NT 11492) 2019**



**Photo 2 – Tree 1382 *Sophora japonica* (NT 11492) 2024**



**Photo 3 – Tree 1294 *Quercus cerris* in 2024**



The extent of health impacts on the trees is related to the preference of the animals to use the trees as roosts. There appears to be a clear preference for taller and more spreading canopies that provide more horizontal branches of appropriate branch diameter for the bats to hang from and roost.

**Photo 4 – Tree 206 *Liquidambar styraciflua* 2019**



**Photo 5 – Tree 206 *Liquidambar styraciflua* 2024**



**Photo 6 – Tree 206 *Liquidambar styraciflua* in 2024**





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Some smaller trees and trees that seem less suited for roosting are being used, but the number of animals present in these trees was commensurately less, as was the damage observed. These included the two *Cedrus atlantica* f *glauca* (Blue Atlas Cedar) the small *Pinus patula* (Mexican Weeping Pine) and somewhat surprisingly, the large *Fraxinus* 'Raywood' (Claret Ash), that would seem to be a fairly suitable tree based on its form.

Despite the continued use of some trees that were part of the camp in 2019, significant further deterioration in tree health was not apparent. Examples of 2019 compared to 2024 for two trees are shown in Photos 1-6.

While the camp has continued to use particular trees, it appears that the preference to use the upper canopy of the tree has meant that the damage has been contained and that dead branches continue to be used while suitable smaller branches remain attached. Once these have deteriorated and broken off, the larger dead branches are unsuitable and use of that tree, or part of the tree, declines. Rather than use lower parts of the affected tree, other trees seem to be preferred. While there is permanent aesthetic damage to some trees, it does seem that the death of tree whole tree from use as part of the camp is unlikely.

**Photo 7 - Roosting**



**Photo 8 - Roosting**



Observation of the preferred roosts shows that the flying foxes prefer the taller trees, presumably to be further from the ground away from predators and disturbance. They appear to settle on small branches that are typically 2-4cm in diameter and while they will use near vertical branches (Photo 7), horizontal ones seem to be preferred (Photo 8). Even on the more vertical branches most of the animals seems to be using short horizontal stubs.

Movement of the flying foxes associated with landing, take-off, moving to more suitable or comfortable positions, and at times, squabbling over positions, appears to result in the breaking of small twigs resulting in loss of foliage on the roosting branches. Over time, this causes the death of the roosting branches and, if enough smaller branches are killed, the larger supporting branches also die.

Substantial dead branches of 8cm diameter or more are only present in a few trees such as Tree 206, the large *Liquidambar styraciflua*. This tree has been a preferred roost since the earliest days of the camp and is probably the best example so far of the longer-term impact of the camp. While looking somewhat untidy and unsightly, the tree is not currently considered at risk of dying; however, the aesthetics of the tree have been permanently reduced as a result of death of parts of the upper canopy.

The Council website notes that there have been at least two attempts to "nudge" the camp, in 2022 and 2023, where the "intention is to encourage the Flying Foxes from where they're currently roosting, to more robust pine trees nearby in the gardens which are able to house the colony in a more sustainable way. The trees are located toward the foreshore away from the fountain, playground and BBQ area."

Based on this assessment, the "nudging" program has been unsuccessful as most of the previously inhabited trees remain part of the camp and the camp has spread into other high amenity value trees along the driveway and near the playground.

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The goal to shift the camp into the mature pine trees is considered unlikely to succeed. Large, mature pine trees tend to lack the type of finer branches that seem to be the preferred roost for the flying foxes. The thick bark and dense outer canopy of the pines does not lend itself to the development of these type of fine branches in substantial numbers and where they do form, they are typically on the outer part of the canopy and densely foliated with pine needles that could be expected to discourage landing and roosting. At the time of assessment there was no evidence of the nearby pines being used as roosts and any use is likely to be transient.

Based on the current situation, it seems the camp is likely to remain in the Botanic Gardens for the foreseeable future. The most successful strategy appears to be spreading out the camp to reduce the load and impact on any individual tree. Some trees are likely to remain preferred, but long-term impacts have already emerged on these, and as dead branches are eventually shed from their upper canopies, the use of these trees is also likely to be reduced.

If the presence of the flying foxes becomes problematic for visitor activity it may be more practical to consider options to encourage visitors to temporarily not use the areas where the camp is active, such as closing paths, temporary fencing, signage and preventing parking along that section of the driveway.

The 2019-2024 Management Plan has identified potential alternative camp locations around the lake. Work to enhance these through tree planting, weed control and habitat improvement is likely to be the best long-term strategy to provide potential alternative camp sites to move, or at least disburse, the impact away from the Botanic Gardens.

Despite the development of dead branches in a few trees, none of the trees are rated as an unacceptable risk. The dead branches are considered an aesthetic concern given the generally high amenity value, heritage, and quality of the general maintenance.

## 8. RECOMMENDATIONS & WORKS

While the Botanic Gardens is a feature site, the typical visitor use of the areas around the affected trees is quite sporadic and overall is considered low. As a result, the potential risk from larger dead branches that develop and may be shed on infrequent occasions is very low.

Remedial work on the trees is not currently recommended. While reducing the aesthetic value of the trees, the current dead branches provide roosting space for the flying foxes that will have no further detrimental impact. Removing the existing dead branches will force the camp onto living branches on the remaining trees or spread the impact onto new trees.

*ENSPEC's key recommendations –*

- Continue to monitor tree health within the Grey-headed Flying Fox camp,
- Attempt to disburse the camp from areas of high concentration to spread the load across more trees,
- If concerns develop, consider opportunities to move visitor activity away from roosting trees when in use,
- Develop appropriate alternative camp sites away from the Botanic Gardens.

### 8.a. Pruning

Any pruning work must be carried out by appropriately qualified arborists working to AS4373-2007 *Pruning of amenity trees* and Minimum Industry Standard *MIS308 Tree pruning*.



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## 9. CONCLUSION

A Grey-headed Flying Fox camp has been established at the Colac Botanic Gardens since 2016. The population using the camp fluctuates but can at times number in the thousands. Their use of feature trees, some of heritage value, has had some detrimental impact on the aesthetics of this section of the garden.

To date, none of the trees have died, and it is considered unlikely that the camp will directly cause the death of any particular tree.

Attempts to move the camp have been unsuccessful and short-term goals to encourage use of pines trees nearer the lake shore are considered unlikely to be successful.

In the short-term, the most effective strategy to protect tree health appears to be to disperse the camp over a broader area, reducing the impact on individual trees. This does have the adverse impact of spreading other potentially undesirable aspects of the camp such as noise, faeces and smell into new areas of the gardens.

Long-term plans to establish alternative appropriate camps in less used areas around Lake Colac are encouraged.

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## 11. DISCLOSURE STATEMENT

ENSPEC Pty Ltd and their employees are specialists who use their knowledge, training and education (qualifications), infield learning experiences, personal experiences research, diagnostic tools, scientific equipment to examine trees, recommend measures to enhance the beauty, health and preservation of trees, to reduce the risk of living near trees.

Trees are living organisms that can be affected by pests, diseases and natural events outside of ENSPEC control. ENSPEC and their employees cannot detect every condition that affects a trees health, condition and structural integrity. Conditions are often hidden within trees and below ground where humans cannot naturally see. Unless otherwise stated, ENSPEC's employee's observations have been visually made from ground level.

In the event that ENSPEC recommends retesting or inspection of trees at stated intervals, or ENSPEC recommends the installation engineering solutions, ENSPEC must inspect the engineering solution at intervals of not greater than 12 months, unless otherwise specified in writing. It is the client's responsibility to make arrangements with ENSPEC to conduct re-inspections.

Intervention treatments of trees may involve considerations beyond the scope of ENSPEC's service, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters and other related incidents. ENSPEC cannot take such issues into account unless complete and accurate information is given prior or at the time of the site inspection. Likewise ENSPEC Pty Ltd cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

ENSPEC Pty Ltd cannot guarantee that a tree will be healthy or safe under all circumstances or for a specified period of time after our initial inspection and recommendations.

If this written report is to be used in a court of law, or any other legal situation, or by other parties ENSPEC must be advised in writing prior to the written report being presented in any form to any other party. All written reports must be read in their entirety. At no time shall part of the written assessment be referred to unless taken in full context with the whole written report.

Clients may choose to accept or disregard the recommendations of the assessment and written report.

Notwithstanding anything in the report, express or implied, the client is not entitled to recover from ENSPEC Pty Ltd, its employees, agents and/or subcontractors any damages for business interruption or loss of actual or anticipated revenue, income or profits or any consequential, special, contingent or penal damage, whatsoever, and the client releases ENSPEC Pty Ltd from any such liability. Without limitation of the foregoing, a party shall at all times be limited (to the extent permitted by law) damages in the amount paid by the Client to ENSPEC Pty Ltd for ENSPEC Pty Ltd services. The limitation applies whether the claim is based on warranty, contract, statute, tort (including negligence) or otherwise.

## 12. APPENDIX 1 - TREE RISK ASSESSMENT PROCESS

The following table shows the ratings for the Likelihood of Failure, Likelihood of Impact, and the Consequences. We have developed a simple formula to categorise the risk posed by the tree. The formula is:

$$\frac{\text{Likelihood of Failure} \times \text{Likelihood of Impact} \times \text{Consequences}}{2}$$

At the completion of this assessment a more detailed analysis may be required to document the risk. The maximum total score that can be allocated to a tree or area using this matrix is **500 points**.

At the completion of the assessment, and to help categorise the final quantified risk of the tree, we have applied the following points table; these categories are not set and may be amended to meet specific local requirements for special needs. It is important that the assessor uses common sense when providing recommendations. Mitigation of risk should not always involve only the tree; simple options such as the relocation or realignment of the target can be a workable, cost effective outcome (e.g. shifting a footpath). Alternative options can be clearly documented in a management plan.

**1 -125 points = Very Low Risk Tree.** For example, the tree will have no failures prior to the next inspection period and in most cases no remedial arboriculture works will be required.

**125 – 250 points = Low Risk Tree.** For example, remedial arboricultural work or tree removal may be required to mitigate the risk of this tree. A management plan defining the outcomes of the assessment may be required. Engineering solutions may also be considered to mitigate the risk.

**250 – 375 points = Medium Risk Tree.** For example, remedial arboricultural work or a management plan will be required to manage the tree. Engineering solutions may need to be implemented to mitigate the risk. Total removal may be the only option.

**375 – 500 points = High Risk Tree.** For example, extensive remedial arboricultural work and an extensive management plan are required to manage the tree (if retained). Engineering solutions may need to be implemented to mitigate the risk. Total removal of the tree may be the only option.

### Likelihood of Failure

The Likelihood of Failure (e.g. the branch or tree failing) is assessed up to the next designated inspection date. If the tree is on an annual inspection regime the assessor must only assess that part of the tree he believes could, or will, fail within the inspection period. If there are other defects in the tree that could fail outside of the inspection period their Likelihood of Failure should not be considered, as they have not been identified as the 'immediate risk'. Such defects should be documented in some form, such as in a comment section or a more detailed written report - the client should define these requirements.

### Likelihood of Impact

The Likelihood of Impact is assessed by estimating the period the target is occupied by a human. A tree could have several different Likelihood of Impact ratings under the tree's own canopy; for example, the tree may overhang a footpath, as well as an area that cannot be accessed by humans or vehicles. If the defect is located above a footpath that is used for 4-8 hours per day the assessor would categorise the Likelihood of Impact as 'Frequent Use', whereas, if the defect is located above an area that is not used (e.g. grass or garden bed) the Likelihood of Impact would be assessed as 'Low Use'.

### Consequences

When assessing the Consequences, the section of tree that must be assessed (e.g. branch, trunk) is that which the arborist believes could fail within the defined inspection time frame and hit the designated Likelihood of Impact (target). The specific section being assessed for Likelihood of Failure could be any part of the tree, from a small piece of dead wood of <25 mm through to the whole tree. The rating for Consequences is calculated by estimating the extent, severity and value of damage caused by a tree failure resulting in an impact.

The re-inspection date plays a critical role in determining the Likelihood of Failure and it is critical that the future inspection regime is determined prior to or at the completion of the tree inspection. Full inspection cycles are generally categorised as 1, 3 or 5 years.

### Additional Assessment

At all times, the assessor should complete a second risk assessment while on site if remedial works or engineering solutions are to be recommended in the final report; this allows the client to understand the risk the tree poses **after the recommendations have been implemented**.

## Likelihood of Failure

10	<b>Almost certain</b>	Obvious fault that indicates a failure is almost certain under normal conditions within the re-inspection period (better than 1:2 - 50% chance)
8	<b>Likely</b>	Obvious fault that indicates a failure is highly likely under normal conditions within re-inspection period (better than 1:4 - 25% chance)
6	<b>Moderate</b>	Obvious fault that indicates failure is possible under normal conditions within re-inspection period (better than 1:10 - 10% chance)
4	<b>Unlikely</b>	Obvious fault that indicates failure is unlikely to occur under normal conditions within re-inspection period (better than 1:50 - 2% chance)
2	<b>Rare</b>	Obvious fault that indicates failure is very unlikely to occur under normal conditions within re-inspection period (better than 1:100 - < 2% chance)
1	<b>Not expected</b>	No observable fault that would suggest failure is likely to occur within re-inspection period

## Likelihood of Impact

10	<b>Constant Use 1:3</b>	An area that is used or occupied more than 8 hours per day by human beings or other transient situations, such as parked cars
8	<b>Frequent Use 1:6.25</b>	An area that is used or occupied between 4 & 8 hours per day by human beings or other transient situations, such as parked cars
6	<b>Occasional Use 1:12.5</b>	An area that is used or occupied between 2 & 4 hours per day by human beings or other transient situations, such as parked cars
4	<b>Minimal Use 1:25</b>	An area used or occupied between 1 & 2 hours per day by human beings or other transient situations, such as parked cars
1	<b>Low Use &lt;1:25</b>	An area used or occupied for less than 1 hour per day by human beings or other transient situations, such as parked cars

## Consequences

10	<b>Catastrophic</b>	1. HUMAN impacts - paraplegia, quadriplegia, brain damage or death 2. Extensive property damage - will require the building to be rebuilt; potential for a consequence catastrophic Property damage likely to be more than \$100,000
8	<b>Major</b>	1. HUMAN impacts - serious and / or extensive injuries requiring medical treatment with hospital admission 2. Significant property damage / partial loss - will require substantial works to repair the building; consequence major Damage likely to be greater than \$20,000 and less than \$100,000
6	<b>Moderate</b>	1. HUMAN impacts - moderate injuries requiring medical treatment but without hospital admission 2. Moderate property damage requiring repair work; damage to building medium; consequences moderate Damage likely to be more than \$5000 and less than \$20,000
4	<b>Minor</b>	1. HUMAN impacts - minor injuries immediately treated on-site with First Aid treatment 2. Minor property damage - damage to building light; minor effect on persons inside; consequences minor Damage likely to be more than \$1000 and less than \$5000
1	<b>Insignificant</b>	1. HUMAN impacts - unlikely to cause injuries 2. Insignificant damage likely to the building or property; consequences insignificant Damage will be less than \$1000 e.g. broken tiles or windows



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## Appendix D - Nudging Tools

Assessment of management methods. Only those marked as suitable for use in Colac will be used in the Nudging program without further consultation with DEECA.

Type	Examples	Level of Historic Success	Advantages	Disadvantages	Suitable for use in Colac
Aural	Stock whips, starter pistols, distress callers, heavy music, air horns, vehicle horns, banging metal objects, hand clapping, gas cannons, megaphones.	High (but requires ongoing effort)	Cost effective tools that are easily varied.	High operational costs (human resources). Flying-foxes may habituate quickly to some visual deterrents.	✓
	Bird scare cartridges (e.g. Bird Frite)	Effective at moving flying-foxes but high stress tool which prevents a strategic approach		High stress to flying-foxes Potential to damage flying-fox hearing Prevents strategic dispersal approach	✗
Visual	Lighting - hand-held spotlights, light towers, strobe lights	Moderate (but requires ongoing effort).	Cost effective tools that are easily varied. Most effective in combination with audio tools.	Costly operational costs (human resources). Flying-foxes quickly habituate.	✓
	General - dancing men (wind dancers), kites, balloons, plastic bags/reflective objects hung from branches	Moderate – localised only (i.e. single tree or less). Dancing men have proven effective to prevent flying-foxes from returning to any non-preferred locations.	Can remain in place for periods of time without human operation so no operational costs. Can be used as a flying-fox deterrent tool to discourage flying foxes returning to any non-preferred locations.	Installing to cover large enough areas can be logistically difficult and resource intensive. Flying-foxes may habituate quickly to some visual deterrents.	✓*
Physical	Water - hoses <sup>19</sup> , sprinklers (including canopy-mounted)	Unknown (but likely to be moderate-high).	Can be automated so minimal operational costs (water only).	Initial installation costly. Potential welfare implications associated with use of hoses.	✓*

<sup>19</sup> Hoses should not be directed at flying-foxes for obvious welfare reasons, but can be used to deter flying-foxes from landing in a tree or re-establishing a camp.

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Type	Examples	Level of Historic Success	Advantages	Disadvantages	Suitable for use in Colac
Smoke	Smoke machine or fires contained in pits/drums.	High (but ongoing)	Effective	Requires careful use <sup>20</sup> and monitoring to avoid welfare impacts. Heavily affected by weather conditions (rain, wind). Staff required to monitor fire drums. Potential risk of bush fire. Unsuitable during fire bans.	✓
General	Fogging	High (but not appropriate)	Not appropriate	Use of oils (i.e. white oil) has potential for serious health impacts to flying-foxes.	✗
	Aircraft e.g. helicopters	Unknown (but not appropriate)	Not appropriate	Significant potential for strike resulting in human or wildlife injury/death.	✗
	Paint ball guns	Unknown (but not appropriate)	Not appropriate	Significant potential for wildlife injury/ death.	✗
	Fireworks	Unknown (but not appropriate)	Not appropriate	Significant potential for human or wildlife injury/death.	✗

<sup>20</sup> Care should be taken when using smoke to ensure: fire must be extinguished should flying-foxes land in the area to avoid health impacts associated with smoke inhalation, and; materials that may produce harmful smoke or fumes when burnt are removed/not used (i.e. paint on drums, wood from toxic plants, petrol, etc.).

\*May be suitable in some situations and/or if available resources allow.

## Appendix E - Flying-Fox Ecology and Behaviour

### Ecological Role

Flying-foxes, along with some birds, make a unique contribution to ecosystem health through their ability to move seeds and pollen over long distances (Southerton et al. 2004). This contributes directly to the reproduction, regeneration and viability of forest ecosystems (DoE 2016a).

It is estimated that a single flying-fox can disperse up to 60,000 seeds in one night (ELW&P 2015). Some plants, particularly *Corymbia* spp., have adaptations suggesting they rely more heavily on nocturnal visitors such as bats for pollination than daytime pollinators (Southerton et al. 2004).

Grey-headed flying-foxes may travel 100 km in a single night with a foraging radius of up to 50 km from their camp (McConkey et al. 2012), and have been recorded travelling over 500 km in two days between camps (Roberts et al. 2012). In comparison bees, another important pollinator, move much shorter foraging distances of generally less than one kilometre (Zurbuchen et al. 2010).

Long-distance seed dispersal and pollination makes flying-foxes critical to the long-term persistence of many plant communities (Westcott et al. 2008; McConkey et al. 2012), including eucalypt forests, rainforests, woodlands and wetlands (Roberts et al. 2006). Seeds that are able to germinate away from their parent plant have a greater chance of growing into a mature plant (EHP 2012). Long-distance dispersal also allows genetic material to be spread between forest patches that would normally be geographically isolated (Parry-Jones & Augee 1992; Eby 1991; Roberts 2006). This genetic diversity allows species to adapt to environmental change and respond to disease pathogens. Transfer of genetic material between forest patches is particularly important in the context of contemporary fragmented landscapes.

Flying-foxes are considered 'keystone' species given their contribution to the health, longevity and diversity among and between vegetation communities. These ecological services ultimately protect the long-term health and biodiversity of Australia's bushland and wetlands. In turn, native forests act as carbon sinks, provide habitat for other fauna and flora, stabilise river systems and catchments, add value to production of hardwood timber, honey and fruit (e.g. bananas and mangoes; Fujita 1991), and provide recreational and tourism opportunities worth millions of dollars each year (EHP 2012; ELW&P 2015).

### Flying-foxes in urban areas

Flying-foxes appear to be roosting and foraging in urban areas more frequently. There are many possible drivers for this, as summarised by Tait et al. (2014):

- loss of native habitat and urban expansion
- opportunities presented by year-round food availability from native and exotic species found in expanding urban areas
- disturbance events such as drought, fires, cyclones
- human disturbance or culling at non-urban camps or orchards
- urban effects on local climate
- refuge from predation

- movement advantages, e.g. ease of maneuvering in flight due to the open nature of the habitat or ease of navigation due to landmarks and lighting.

## Under threat

Flying-foxes roosting and foraging in urban areas more frequently can give the impression that their populations are increasing; however, the grey-headed flying-fox is in decline across its range and is listed as threatened under the Victorian Flora and Fauna Guarantee Act 1988.

At the time of listing, the species was considered eligible for listing as vulnerable as counts of flying-foxes over the previous decade suggested that the national population may have declined by up to 30%. It was also estimated that the population would continue to decrease by at least 20% in the next three generations given the continuation of the current rate of habitat loss and culling.

The main threat to grey-headed flying-foxes in Victoria is clearing or modification of native vegetation. This threatening process removes appropriate roosting and breeding sites and limits the availability of natural food resources, particularly winter–spring feeding habitat. The urbanisation of the coastal plains of south-eastern Queensland and northern NSW has seen the removal of annually-reliable winter feeding sites, and this threatening process continues.

There is a wide range of ongoing threats to the survival of the GHFF, including:

- habitat loss and degradation
- conflict with humans (including culling at orchards)
- infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.)
- predation by native and introduced animals
- exposure to extreme natural events such as cyclones, drought and heat waves.

Flying-foxes have limited capacity to respond to these threats and recover from large population losses due to their slow sexual maturation, small litter size, long gestation and extended maternal dependence (McIlwee & Martin 2002).

## Roosting characteristics

All flying-foxes are nocturnal, roosting during the day in communal camps. These camps may range in number from a few to hundreds of thousands, with individual animals frequently moving between camps within their range. Typically, the abundance of resources within a 20–50 kilometre radius of a camp site will be a key determinant of the size of a camp (SEQ Catchments 2012). Therefore, flying-fox camps are generally temporary and seasonal, tightly tied to the flowering of their preferred food trees. However, understanding the availability of feeding resources is difficult because flowering and fruiting are not reliable every year, and can vary between localities (SEQ Catchments 2012). These are important aspects of camp preference and movement between camps, and have implications for long-term management strategies.

Little is known about flying-fox camp preferences; however, research indicates that apart from being in close proximity to food sources, flying-foxes choose to roost in vegetation with at least some of the following general characteristics (SEQ Catchments 2012):

- closed canopy >5 metres high

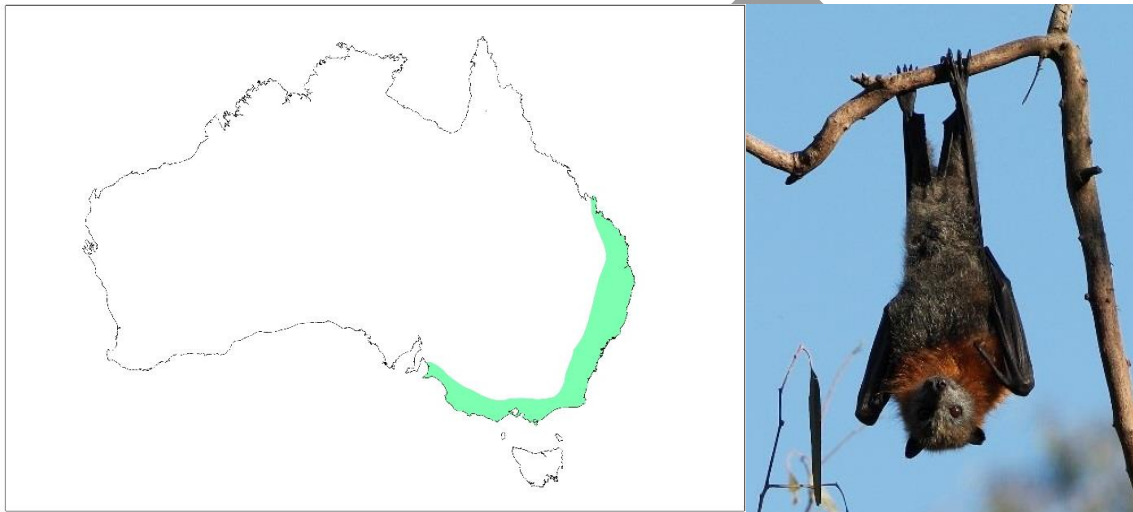


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- dense vegetation with complex structure (upper, mid- and understorey layers)
- within 500 metres of permanent water source
- within 50 kilometres of the coastline or at an elevation <65 metres above sea level
- level topography (<5° incline)
- greater than one hectare to accommodate and sustain large numbers of flying-foxes.

Optimal vegetation available for flying-foxes must allow movement between preferred areas of the camp. Specifically, it is recommended that the size of a patch be approximately three times the area occupied by flying-foxes at any one time (SEQ Catchments 2012).

### Grey-headed flying-fox (*Pteropus poliocephalus*)



**Grey-headed flying-fox indicative species distribution, adapted from OEH 2015a**

The grey-headed flying-fox (GHFF) is found throughout eastern Australia, generally within 200 kilometres of the coast, from Finch Hatton in Queensland to Melbourne, Victoria (OEH 2015d). This species now ranges into South Australia and has been observed in Tasmania (DoE 2016a). It requires foraging resources and camp sites within rainforests, open forests, closed and open woodlands (including melaleuca swamps and banksia woodlands). This species is also found throughout urban and agricultural areas where food trees exist and will raid orchards at times, especially when other food is scarce (OEH 2015a).

All the GHFF in Australia are regarded as one population that moves around freely within its entire national range (Webb & Tidemann 1996; DoE 2015). GHFF may travel up to 100 kilometres in a single night with a foraging radius of up to 50 km from their camp (Roberts et al. 2012). They have been recorded travelling over 500 km over 48 hours when moving from one camp to another (Roberts et al. 2012). GHFF generally show a high level of fidelity to camp sites, returning year after year to the same site, and have been recorded returning to the same branch of a particular tree (SEQ Catchments 2012). This may be one of the reasons flying-foxes continue to return to small urban bushland blocks that may be remnants of historically-used larger tracts of vegetation.

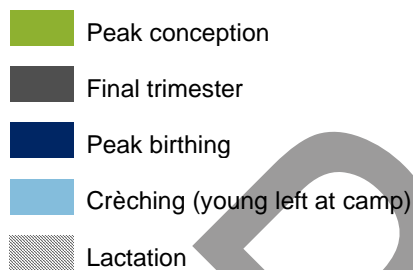
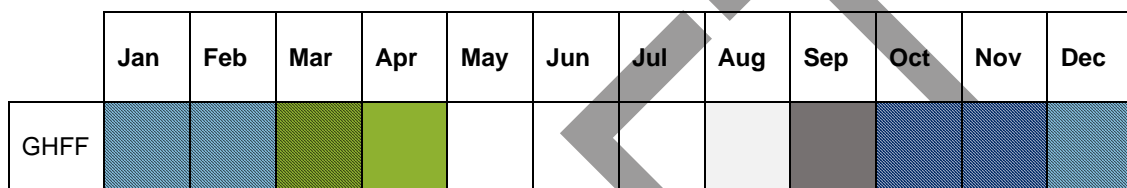
The GHFF population has a general annual southerly movement in spring and summer, with their return to the coastal forests of north-east NSW and south-east Queensland in winter (Ratcliffe 1932; Eby 1991; Parry-Jones & Augee 1992; Roberts et al. 2012). In summer they are distributed across Queensland, NSW, ACT, Victoria, Tasmania and South Australia (DoEE

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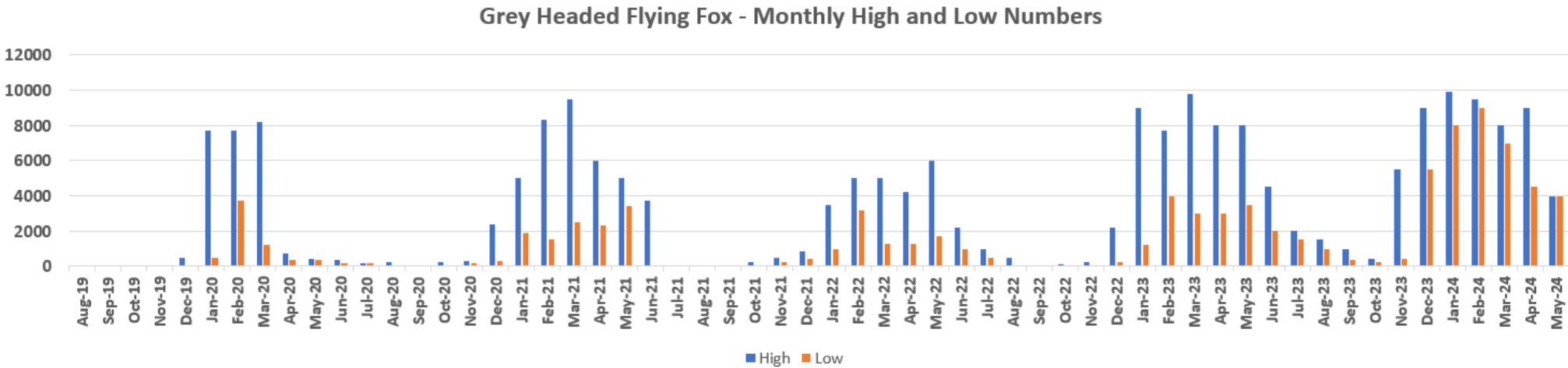
2017), but in spring and winter are uncommon in southern states. The total number of GHFF at Victorian camps monitored in the NFFMP between 2013 and 2018 generally comprise between 2% (November 2018) and 14% (May 2014) of the national population across approximately 24 camps (total camps as at November 2018) (NFFMP 2013-2019). Colac is towards the western extent of the GHFF range with only three known camps further west (Lower Gellibrand and Warrnambool, Victoria and Adelaide, South Australia) (NFFMP 2019).

There is evidence the GHFF population declined by up to 30% between 1989 and 2000 (Birt 2000; Richards 2000 cited in OEH 2011a). There is a wide range of ongoing threats to the survival of the GHFF, including habitat loss and degradation, deliberate destruction associated with the commercial horticulture industry, conflict with humans, infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.) and competition and hybridisation with the BFF (DECCW 2009).

Indicative grey-headed flying-fox reproductive cycle for Victoria is shown in the figure below.



Indicative grey-headed flying-fox reproductive cycle.



## Item: 9.6

# Lake Colac Water Quality and Events

<b>OFFICER</b>	Fiona Maw
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. CONFIDENTIAL REDACTED - Incoming - Fw Managing Risks in Recreational Water - Lake Colac [ CO S- C L. UR I 3037768] - Kristin [9.6.1 - 5 pages]</li><li>2. CONFIDENTIAL REDACTED - Incoming - RE Managing Risks in Recreational Water - Lake Colac [ CO S- C L. UR I 3037768] - Brooks, [9.6.2 - 8 pages]</li></ol>

## 1. PURPOSE

The purpose of the report is to consider options for the use of Lake Colac for recreational and water-based events.

## 2. EXECUTIVE SUMMARY

Interest in the use of Lake Colac for both primary and secondary contact events has prompted further consideration and investigation into the water quality and potential impacts for event organisers, participants and Council.

To ascertain the potential risks and liabilities associated with permitting events in Lake Colac, a variety of aspects have been considered including, but not limited to, the latest Environment Reference Standards (ERS) and National Health and Medical Research Council (NHMRC) guidelines and standards pertaining to water based recreational activities, consultation with the Environment Protection Authority (EPA), risk and insurance advice, quotations/feedback from Environmental specialists, historic and recent water testing results over the 2023-24 summer period.

It should be noted that depending on the event type, there may be other permits/approvals required including from Safe Transport Victoria as the waterway manager.



### 3. RECOMMENDATION

***That Council:***

- 1. Notes that increased water testing results at Lake Colac indicates that the water quality fluctuates dramatically.***
- 2. Notes that there has been identified pollutant episodes/stormwater additions contributing to the water quality of Lake Colac.***
- 3. Notes the advice provided from MAV Insurance Counsel indicating that Council has a duty of care in the issuing of permits for an event, including events using Lake Colac.***
- 4. Notes the advice provided from JLT Risk Solutions Pty Ltd that recommends Council require the event organiser to undertake a documented risk assessment demonstrating that their controls accord with the relevant standards/guidance.***
- 5. Based on water quality testing results, supports 'Event in Public Place' applications that propose use of Lake Colac for Secondary contact events, subject but not limited to, the following requirements:***
  - a. Submission of a suitable risk management plan that includes and addresses water quality risks associated with conducting the event.***
  - b. Event organisers obtaining tests for E.coli and Enterococci levels and conducting a sanitary inspection(s) prior to an event and provide results to Council.***
  - c. That test results do not exceed the E.coli and Enterococci thresholds for permitting Secondary contact events. Thresholds determined in accordance with the Environmental Protection Authority (EPA) of Victoria Environment Reference Standards (ERS), advice received from EPA and consideration of the NHMRC Guidelines for managing risks in recreational water.***
  - d. Should a significant pollution event occur that is likely to affect the event (i.e. waste water spill, blue green algae or similar health related impact) be known, the event is to be cancelled.***
  - e. Assessment against Council's Events Policy.***
- 6. Does not support 'Event in Public Place' applications for Primary contact events in Lake Colac until further investigation of pollutant sources occurs and water testing results demonstrate an ongoing reduction in significant microbial fluctuations.***

## 4. KEY INFORMATION

Council has received a small level of interest from event organisers in using Lake Colac for events including swimming and water ski events. In recent years, Council has communicated publicly through signage and information in the media that the water quality of Lake Colac at times does not meet relevant standards and continues to advise that the lake is not safe for primary contact, including swimming.

The EPA of Victoria Environment Reference Standards (ERS) sets out definitions in relation to what is considered primary and secondary water contact:

**Primary contact recreation** means an activity in which the whole human body or face and trunk are frequently immersed, or the face is frequently wet by spray, and where it is likely that some water will be swallowed or inhaled, or come into contact with ears, nasal passages, mucous membranes or cuts in the skin.

**Secondary contact recreation** means an activity where the human limbs are regularly wet and in which greater contact (including swallowing water) is unusual (such as boating, fishing, wading), and includes occasional and inadvertent immersion through slipping or being swept into the water by a wave.

The ERS also sets out Short-term and Long-term microbial standards indicators and objectives for Enterococci and E.coli organisms. Short-term objectives must be single samples regularly collected during periods of high recreational use. Long term assessment for water-based recreation (primary contact and secondary contact) requires a minimum number of 60 samples be developed and maintained for long term assessment for primary contact water-based recreation and data must be collected during periods of high recreational use and a sanitary inspection at a site is required.

Council considered the use of Lake Colac for events at its 25 October 2023 meeting where it resolved:

**That Council:**

1. **Supports and acknowledges the opportunities for recreational and other events to be held on Lake Colac, which could provide a range of social and economic benefits to the region.**
2. **Notes that there is emerging interest in conducting events on Lake Colac, which are difficult to assess and approve due to the volatile water quality conditions recorded at the lake.**
3. **Provides in-principle support for the development of a risk management framework (including a quantitative and qualitative assessment of public health and safety hazards) prepared by a subject matter expert, based on a robust testing regime to inform event planning and approvals.**
4. **Supports officers to seek proposals from appropriate consultants for the assessment of environmental risks and development of a risk management framework, and requests officers to present the proposal for funding before any financial commitments are made for this work.**
5. **Commences additional water testing at Lake Colac on a weekly basis at two locations to start data collection as soon as possible, noting that the consultant engaged to prepare the risk management framework will need to consider the adequacy of these results for the purpose of developing an overarching risk management framework.**

In response to the resolution, the following actions have been undertaken:

#### Quotations sought for Risk Management Framework

Quotations were sought from suitably qualified consultants in relation to developing a Risk Management Framework. The prices received were significant and considered to be cost-prohibitive to undertake this piece of work. Advice was also sought in relation to risks associated with permitting events. Council's risk adviser recommended that Council require event organisers to undertake a documented risk assessment demonstrating that their controls accord with the relevant standards/guidance rather than Council developing a risk management framework itself. Officers have not proceeded further with seeking funding/procurement to undertake this work.

#### Additional Water Testing at Lake Colac

Council has conducted further microbial testing of Lake Colac. Weekly water testing at Lake Colac Boat Ramp and Meredith Park was conducted between 2 November 2023 to 18 April 2024. Results are available on Council's website.

Over the period, 25 samples were tested for the presence and quantity of Enterococci and E.coli organisms, which are indicators for microbial water quality in recreational waters as stated in the EPA of Victoria Environment Reference Standards (ERS).

In total, Council has obtained 51 Enterococci and 25 E.coli samples for the lake. The amount of sampling may be considered adequate to apply the Long-term assessment for secondary contact (with the reduced risk of water ingestion and the significantly higher thresholds), however more sampling would be required to apply the Long-term assessment standards to primary contact recreation events given the lower thresholds and greater risk to participants of illness. Therefore, the Short-term objectives have been applied to consideration of primary contact events and the Long-term assessment objectives have been applied to the consideration of Secondary contact events.

#### Water Testing Results – Primary Contact

When analysing the results for primary contact recreation, the Short-term indicator and objectives were applied. These are:

- E. coli threshold > 260 orgs/100mL
- Enterococci threshold level > 200 orgs/100mL

#### ***Short term indicators and Objectives – Testing Results November 2023 – April 2024***

Site Testing Location	Short Term Microbial Exceedances Enterococci > 200 cfu/100ml	Short Term Microbial Exceedances E. coli > 260 cfu/100ml	Total	Summary
Lake Colac Boat Ramp	5/25 = 20% of samples above threshold	9/25 = 36% of samples above threshold	10 samples failed	40% of samples were above threshold level and indicates at that time there is an increased risk of illness from faecal contamination
Meredith Park	9/25 = 36% of samples above threshold	5/25 = 20% of samples above threshold	10 samples failed	40% of samples were above threshold level and indicates at that time there is an increased risk of illness from faecal contamination

The above table shows that 40% of samples were above the primary contact threshold level. Significant spikes were also observed on 28 December 2023 (1,800 org/100ml Boat Ramp compared to 750cfu/100ml to Meredith Park) and on 4 April 2024 (3,300 org/100ml Meredith Park compared to 86 cfu/100ml at the Boat Ramp). These results have not demonstrated a clear or logical pattern making it hard to predict and identify the sources of contamination or events that may have caused spikes in microbial levels during this sampling period. Permitting an event where there is primary contact (swimming, water skiing etc.) currently presents an unknown risk. Combined with significant spikes in results and limited information regarding the cause of these fluctuations the confidence to permit a primary contact event is further challenged.

Another challenge is the inability to obtain water test results on the day of the event as lab results take at least 24 hours before receiving a result. This is a further challenge as most events are held on weekends. The nearest laboratory would require samples to be taken and delivered on the Thursday and results to be made available on the Friday. As observed through water testing to date, water quality can change significantly in a short period of time.

#### Water Testing results – Secondary Contact

When analysing the results for secondary contact recreation, the Long-term indicators and objectives were applied. These are:

- E. coli threshold > 5500 orgs/100mL
- Enterococci threshold level > 5000 orgs/100mL

To date, no tests conducted by Council at Lake Colac have exceeded the secondary contact threshold, although sampling to date may not have captured microbial water quality during and after all sized rainfall events, which could result increased microorganism levels.



Secondary contact events pose significantly less risk as primary events as users of the lake are less likely to ingest the water.

#### Pollutant sources and other impacts on water quality

E.coli and Enterococci levels are known to be higher where there are pollutant sources i.e. stormwater drains (particularly following a dry spell and after heavy rain), certain industry and agricultural discharges, birds, and other animals. Birds and other animals have been shown in other local studies (within Surf Coast Shire and Colac Otway Shire) to be one of the main contributors.

Lake Colac has and may continue to be exposed to significant pollution incidents that have occurred involving sewage, industrial waste, stormwater run-off etc. The EPA has also identified potential cross connections in the stormwater system that require further investigation.

There are also many physical and environmental factors that vary daily and affect the levels of these organisms such as water levels, temperature, and rainfall events.

Water testing has demonstrated large spikes however the cause is unknown. Further investigation in the cause of these fluctuations may assist in providing greater certainty in the future.

#### Consultation with EPA

Officers have consulted with the EPA regarding an appropriate secondary contact threshold (given that it is substantially higher than previous guidelines) and based on the current testing Council has completed to date.

- EPA stated that the ERS provides the maximum threshold limit of 5,000 orgs/100mL Enterococci and 5,500 orgs/100mL E.Coli and that this is based on secondary contact users potentially swallowing 10% of the water a primary contact user may ingest. They advised against trying to develop a different secondary contact recreation level outside of the ERS.
- EPA also highlighted that Melbourne Water use the 5500 E. coli/100 mL for assessing if the Yarra, Werribee, and other rivers are suitable for secondary contact recreation, and report it annual in their Healthy Waterways Strategy Report Card.

#### MAV Insurance Counsel

MAV advised that Council have a duty of care in the issuing of event permits for an event (refer to the confidential attachment to this report), and that this duty of care can't be fully waived to others eg: event organisers and/or participants.

#### JLT Risk advice

JLT advised that Council would require the event organisers to undertake a documented risk assessment that demonstrates that their controls accord with any applicable standards/guidance (refer to the confidential attachment to this report).

#### Summary

Council is supportive of events due to the economic and social benefits they provide, and hosts a significant number of large-scale events as well as smaller community events across the shire. This

includes major events such as the Great Ocean Road Running Festival, Amy's Gran Fondo and Otway Odyssey which bring significant economic benefits to our region.

Using Lake Colac for events could provide benefits to our local community, however there are risks associated with permitting events due to known issues with the water quality. As discussed previously in the report, it is considered that Secondary contact events could be supported due to the reduced risk to participants. However, it is not considered suitable to support Primary contact events at this point in time due to the known risk to participants, which Council could be liable for. It is recommended that Council does not support 'Event in Public Place' applications for Primary contact events in Lake Colac until further investigation of pollutant sources occurs and water testing results demonstrate an ongoing reduction in significant microbial fluctuations.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

This report considers the following governance principles:

- Council decisions are to be made and actions taken in accordance with relevant legislation.
- Priority is to be given to achieving the best outcomes of the municipal community, including future generations.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

This proposal considers the Environment Protection Authority (EPA) of Victoria Environment Reference Standards (ERS). The proposal has also considered Council's Events Policy.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

Environmental issues associated with the water quality of Lake Colac have been addressed previously in this report.

Any potential events held on Lake Colac would need to consider environmental factors in the event planning and approval process.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable to this report.

### **Public Transparency** (s58 LGA 2020)

Considering this matter in a public Council meeting ensures that any decision by Council is readily accessible by the community.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 4: Colac Otway Shire is a destination to visit

Theme 3 – Healthy and Inclusive Community

Objective 3: We are a safe, equitable and inclusive community

**Financial Management** (*s101 Local Government Act 2020*)

There may be a requirement to continue additional water testing on an ongoing basis which would come at a cost to Council. These costs would be met through Council's operational budget.

**Service Performance** (*s106 Local Government Act 2020*)

Not applicable to this report.

**Risk Assessment**

The risks associated with events proposing to use Lake Colac have been addressed previously in this report.

Event organisers would be required to provide a risk assessment as part of an Event in Public Place permit. Event organisers will be required to advise how they will address water quality (and any other) risks associated with conducting the event.

Insurance and risk management advice has been sought and provided in the confidential attachments to this report.

**Communication/Implementation**

Should the recommendations of this report be supported, officers will advise relevant event organisers accordingly.

**Human Rights Charter**

No impact.

**Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

**Options**Option 1 – Adopt the recommendation as presented and support Secondary contact events.

This option is recommended as it provides necessary direction as to the parameters for Event in Public Place applications seeking to use Lake Colac. It also considers risk and insurance advice and provides recommendations for controls to be applied when considering secondary contact Event in Public Place applications. It recommends that applications for primary contact events not be considered at this time due to the current water quality concerns, minimising risk to event participants, event organisers and Council.

Option 2 – Not adopt the recommendation as presented and support both Primary and Secondary contact events.

This option is not recommended as Lake Colac's water quality has been fluctuating over a period of time and poses risks to those that choose to swim in it. Allowing Primary contact events through a permit would create direct risks to participants, event organisers and Council.

Item: 9.7

## Meredith Park Management Options

<b>OFFICER</b>	Rowan Mackenzie
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To update Council on the Meredith Park management options and confirm the next steps regarding the future of Meredith Park.

### 2. EXECUTIVE SUMMARY

Meredith Park is a six hectare parcel of crown land on the northern edge of Lake Colac that is used for free camping and public open space.

In response to a previous Council resolution requiring an investigation to be undertaken into the management arrangements for Meredith Park, officers investigated five options and concluded there are two viable options:

1. Status Quo (continue to allow camping at the site).
2. Park utilised as public open space only (camping not permitted at the site).

Before a final option is determined by Council, it is proposed that community consultation is undertaken in early 2025 on the two viable options. To help stakeholders provide informed input, the consultation process should include an analysis of the environmental, social and economic cost/benefits for both options.



### 3. RECOMMENDATION

***That Council:***

- 1. Notes the investigations undertaken into the options for future management of Meredith Park in response to Council decision on 16 September 2020.***
- 2. Notes that the investigations into the future management and use of Meredith Park identifies two viable options:***
  - a) Council continues as manager of the land and allows camping at the site.***
  - b) Council continues as manager of the land and allows it to be used as public open space only, with no authorised camping.***
- 3. Determines to undertake community consultation in early 2025 on the two management and use options as listed in point 1, in accordance with its Community Engagement Policy.***
- 4. Receives a report after the conclusion of the consultation process that provides the outcomes of the consultation and recommendations on the future management and use of Meredith Park.***

### 4. KEY INFORMATION

Meredith Park (the park) is a Crown land reserve (six hectares) on Lake Colac's north-eastern shoreline approximately twelve kilometres from Colac. Council is the delegated Committee of Management (CoM).

There are many social and environmental benefits of the park. It has free campsites with fireplaces and access to potable water and serviced toilet facilities. The site is treed with a peaceful and expansive outlook directly over the lake, and the foreshore is habitat for the endangered Corangamite Water Skink (lizard). Campers identify the natural amenity, quietness, and remoteness of the site as a key basis of its appeal. The park is also a popular camping destination for special events such as New Year's Eve celebrations and private celebrations.



**Figure 1 – Aerial photo of Meredith Park**

In addition to the multiple benefits of the park, there are a number of environmental, public safety issues/risks that need to be considered. Current issues include:

- Although not common, anti-social, and at times dangerous, behaviours continue to be observed and reported at the park, which is relatively remote and largely unsupervised.
- Low standard of some infrastructure – signage, roads, fences, gates, paths and damaged campfire pits.
- Generally, toilets and waste systems work well but can get overloaded during peak times.
- Council's ongoing costs (approximately \$150,000 p.a.) for maintenance and infrastructure improvements, monitoring and regulation (i.e. daily or alternate day site visits), and administration (i.e. permit system, complaint response, customer service etc). The broader economic impacts (positive or negative) of the park are unclear.
- Impacts on habitat of the endangered Corangamite Water Skink.
- Campfire risks during the fire danger period.
- Tree safety.
- Exceptionally strong winds impact the site, especially winds from the west that come directly off the lake.

At the 16 September 2020 Council Meeting, Council resolved that an investigation be undertaken into the management arrangements for Meredith Park. This resulted in the preparation of an Options Paper that considered five options for future use and management of the park that would enable it to continue to provide community and environmental benefits, while at the same time eliminating, reducing or better controlling the risks. The five options identified were:

1. **Status Quo – continue to allow camping at the site with Council as manager.**  
Camping permitted but review and update existing regulations from 1996 and align with the actions in the Lake Colac Foreshore Master Plan that pertain to Meredith Park.

**2. *Park utilised as Public Open Space.***

Close the park to camping and update regulations to reflect change of usage to public open space only.

**3. *Establish a committee to manage the park.***

A Community Asset Committee be established for day-to-day management of the park.

**4. *Privatise the park.***

Assess the feasibility of a private venture e.g. lease to a caravan park operator.

**5. *Council relinquishes management of the park.***

Council relinquishes its role as Committee of Management, returning management to the Department of Energy, Environment and Climate Action (DEECA) for consideration to be managed as a public camping area by Parks Victoria.

As part of the investigation, it has been confirmed that the current Victorian Government regulations that apply are in force until revoked or amended by the relevant Victorian Minister, and Council's delegated officers can enforce the current regulations. In August 2023 Council resolved to make the 'Colac Otway Shire – Local Law No.1 – General Local Law 2023'. The Local Law includes provisions relevant to the management of Meredith Park. In addition, in October 2023 Council introduced a camping permit system for public users who wish to stay longer than 24 hours (i.e. to camp). Clarity on the regulations, the new local law and permit system all increase Council's capacity to encourage responsible behaviours at the park.

**Assessment of the options**

***Options 1 and 2 – remain viable options***

Option 1 – Status Quo (continue to allow camping) and Option 2 (park utilised as public open space and close the park to camping) remain viable options to enable social and environmental benefits of the park to continue, with changes proposed to reduce or control the risks.

***Option 3 – not viable***

Council could seek to transfer responsibility for the day-to-day management of the park to a Community Asset Committee. Council would retain obligations under this form of agreement. Management of a caravan park/camping ground is complex and requires constant physical supervision. Community Asset Committees rely on volunteers to provide maintenance and work force to manage the day-to-day servicing of an asset. A caravan park/camping ground requires daily servicing by way of cleaning, administration and policing of sites. If the capacity of a Community Asset Committee reduces, there would be a risk that required service levels could not be met, and therefore the risks to Council could increase including assets that could be returned to Council in a neglected state. For these reasons, this is not considered a viable option.

***Option 4 – not viable***

Council could seek to privatise the park by, for example, entering into a lease agreement with a caravan park operator. Depending on any agreement reached, this could reduce the risks and costs to Council. This is not considered a viable option as the cost for a private developer to lease and develop the area would likely be prohibitive, given the remote site location and current

infrastructure condition. Return on investment would likely be low or non-existent. It would therefore be extremely unlikely that this option would be taken up.

**Option 5 – not viable**

Council could theoretically eliminate its risks by relinquishing its CoM responsibilities for the park to another government land manager. Advice from DEECA and Parks Victoria indicates that in short, it is extremely unlikely that Council would be able to relinquish this responsibility.

Irrespective of the future management and use of Meredith Park, a Management Plan for the park should be prepared that documents the day to management of behaviours, risks and benefits. This should commence as soon as possible in the context of Council's other risk management priorities and resourcing constraints.

Furthermore, it is proposed that after the final management option is decided, Council prepares a master plan for the park that sets and helps guide delivery of an overall vision for the park.

## 5. CONSIDERATIONS

**Overarching Governance Principles (s(9)(2) LGA 2020)**

Council's consideration of this matter is consistent with the current regulations and is seeking to achieve the best outcomes for the municipal community considering the financial, economic, social and environmental risks and benefits to our community. The transparency of Council decisions, actions and information will be ensured through an open and transparent consultation process in 2025.

**Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

The decisions proposed in the report are consistent with all legislation and policies, including the park's regulations and Council's Local Law.

**Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

Environmental and sustainability risks, including endangered species habitat, wastewater, rubbish and litter are currently being managed, however this could be enhanced depending on the future management and use of the park.

**Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

The Lake Colac Advisory Committee (formerly Lake Colac Coordinating Committee) has been previously engaged on the management options presented in this report.

A consultation and engagement process is proposed for early 2025, after the Council election process, in accordance with Council's Community Engagement Policy. The details of this will be designed and confirmed after Council's resolution from this report and with the guidance of Council in early 2025.

**Public Transparency (s58 LGA 2020)**

Officers will ensure public awareness of the consultation process and how stakeholders and the general community can participate. All decision making on the future of the site will be made in open Council.



## **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

Objective 2: People are active and socially connected through engaging quality spaces and places

The Lake Colac Foreshore Master Plan includes the Meredith Park site and recommends that Council review its future management.

## **Financial Management** (s101 *Local Government Act 2020*)

It is estimated that the cost to Council to manage and operate Meredith Park as a free camping ground is approximately \$150,000 per year. There is currently no revenue from Meredith Park.

## **Service Performance** (s106 *Local Government Act 2020*)

The current operation of the site has service impacts for several parts of the organisation, including Local Laws officers, the Services and Operations team (eg cleaning, maintenance) and Environmental Health. Future options for management of the site should consider the implications on current Council services.

## **Risk Assessment**

There are significant risks associated with the management of the park summarised in this report. The report identifies an opportunity to document and improve the management of these risks.

## **Communication/Implementation**

Communication of Council's resolution can occur as part of the community engagement proposed for 2025.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

### Option 1 – Undertake a community engagement process on the two viable management and use options

This option is recommended because it acknowledges the investigation that has been undertaken to date and that it has concluded that there are two viable options remaining for Council to consider in relation to the future management of Meredith Park. Community engagement should be undertaken to better understand community views on the two options. The engagement should be informed by a social, economic and environmental cost/benefit analysis of the two options.

Adopting the recommendation will build community support for the most appropriate option for the park to deliver social and environmental benefits at an affordable cost and for better management of risks to Council, the environment and the public.

Option 2 – Do not endorse the recommendation to undertake community consultation on the viable management options for Meredith Park.

This option is not recommended as the future of the park would remain unclear. It is considered important to understand the community's views on the future of the park, and what level of service is provided and at what cost.

## Item: 9.8

# Purchase of part of the surplus land to the Lake Colac School for road reserve to implement the Colac West Development Plan

<b>OFFICER</b>	Darren Rudd
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Cross Section - North South Collector Road [9.8.1 - 1 page]</li> <li>2. North- South Connector Road Components and Additional Dedicated Open Space [9.8.2 - 1 page]</li> <li>3. Plan of Subdivision - New Road North- South Connector Road, Colac West Development Plan [9.8.3 - 3 pages]</li> <li>4. Valuation Report - Part 413-437 Murray Street, Colac [9.8.4 - 72 pages]</li> <li>5. Lake Colac School aerial photo [9.8.5 - 1 page]</li> </ol>

## 1. PURPOSE

The purpose of the report is to seek Council endorsement of the purchase of part of the surplus land at the Lake Colac School site for a road reserve in accordance with the process endorsed by Council in 2023. The report also explains the process proposed to ensure future development within the Colac West Development Plan is well planned and supported by the right level of infrastructure. The report outlines the next steps necessary to achieve a final agreement between the primary developer and Council to secure infrastructure delivery with neutral impact on Council's finances.

## 2. EXECUTIVE SUMMARY

Council officers are working with landowners to prepare a Development Plan to facilitate residential development of land in the Colac West area, specifically between the Lake Colac School and Rifle Butts Road. A key feature of the proposed development plan is a north-south collector road that would connect the Princes Highway (Murray Street) with Lake Colac for pedestrians, cyclists and vehicles. To facilitate this connection and support subdivision of adjoining land, a strip of land needs to be acquired from the western edge of the surplus land to the Lake Colac School from the Department of Education.

It is proposed that Council purchases the land required for the road reserve and creates the road through a plan of subdivision, and that the cost of the purchase be met by payment from the adjoining developer. This will secure the necessary land in the most efficient manner available, at no cost to Council. Valuations have now been obtained from the Valuer General, Victoria. Council's support is sought to purchase the strip of land with the view to establishing a road reserve along the boundary and recouping the costs of the purchase from the developer.

Part of the north-south collector road continues northwards along the western edge of the future Council sports fields. This will involve council vesting part of its land as road to achieve this road connection. The attached plan (Attachment 2) also highlights a small section of the Council reserve to the north that is proposed to be included as road reserve to allow Moore Street to be extended through the development land. Also shown on the attached to plan is the land the developer proposes to add additional land to increase the size of the proposed sporting fields. It is proposed to deal with the land exchanges through a Section 173 agreement that will be required as part of any planning permit issued for the development. This will ensure the fair apportionment of costs for all works and land exchanges required to facilitate the development. Council will be briefed on key requirements of this agreement prior to its finalisation.

To support the land exchanges from Council to roads required by the developer, there will need to be a process undertaken to value the land required for the north-south collector road. In both examples (Department of Education land and Council land), the north-south collector road will be opened as a road reserve and not created as a freehold lot.

Both the extension of Moore Street and the provision of the north-south collector road are required to service the lots on the DM Properties' land with the north-south collector road being designed as the primary access point for the future residential estate. As such, the developer will be expected to pay the full cost of this road and the works required to upgrade its intersection with the Princes Highway/Murray St.

### 3. RECOMMENDATION

***That Council:***

- 1. Seeks written commitment from the landowner to the west of the proposed north-south collector road into the Colac West Development Plan to cover all costs associated with the purchase of the land from the Department of Education that is necessary for the construction of the north-south collector road along the western boundary of the surplus land to the Lake Colac School.***
- 2. Determines to purchase the land from the Department of Education referenced in point 1, to facilitate the creation of a Road Reserve upon receipt of payment from the relevant landowners.***
- 3. Upon receipt of the formal written agreement, progresses to settle the purchase with Department of Education and finalise all necessary actions to designate the land as road reserve.***
- 4. Authorises the Chief Executive Officer to execute all relevant documents relating to this matter on behalf of Council.***



## 4. KEY INFORMATION

Council officers have been working with landowners preparing a development plan for land zoned General Residential in Colac West between Lake Colac School land and Rifle Butts Road.

Subdivision of the land is not able to be approved until such time that a Development Plan has been approved. The owner of most of the land in Colac West: DM Properties has been progressing a privately led Development Plan process. An application for approval of a Development Plan is currently being assessed by Council's Statutory Planning Team, alongside concurrent planning permits to develop the northern part of the land into 332 lots.

A key element of the Development Plan is a 21.1m shared road along the western boundary of the surplus land to the Lake Colac School land and the eastern boundary of the adjoining land (the 'north-south collector road'). This would provide the primary access point to connect the Future residential estate with the Princes Highway with Lake Colac and provide public access to future open space to the north of the Lake Colac School site.

The proposed cross-section of the new north-south collector road to the surplus Education land and Council's future sports fields prepared by Council is shown in Attachment 1.

The cross-section also shows 10.05 metres of road reserve provided as part of the future subdivision to the west. The balance 11.05 metres will need to be obtained from the Department of Education land. To create this road reserve the land must be purchased from the Victorian Government, and a Plan of Subdivision prepared that vests the land in Council ownership as a road. A 12.96m<sup>2</sup> splay is also required for construction of the road for appropriate sight lines at the Princes Highway intersection. Attached is a plan showing the strip of land required (Shown as Area A on Attachment 2).

### **DM Properties acquisition from Department of Education (Area A)**

While DM Properties has agreed in principle to pay for the land purchase for Area A, the process for obtaining the land needed for the road reserve is made simpler if the land is sold to Council as another Government agency rather than if it were to be sold to a private third party. The land required for the road is surplus to the land required for the Lake Colac School.

The Valuer General from the Department of Treasury and Finance has valued the land at \$140,000, excluding GST (see Attachment 4). DM Properties has agreed with this purchase price and DM Properties will need to pay Council for the full cost of the purchase.

Subject to a Council resolution to purchase the land, Council will receive payment for the land purchase and associated costs from DM Properties and will settle the transaction with the State Government.

A Plan of Subdivision will then be submitted and approval to create the road. Attachment 4 shows an aerial photo of the Lake Colac School and highlights the location of the proposed road and a balance of land, 60 metres wide that will be retained by the Education Department. The section of land to be retained by the Education Department will separate the proposed road and the Lake Colac School, with the main access to the school remaining from Murray Street.

### **DM Properties acquisition from Council's future sports fields (Area B)**

The north-south collector road continues to run north from the Education Department land along the western edge of Council's future sports field (Shown as Area B on Attachment 2). In a similar manner, DM Properties will be required to purchase this strip of land from Council to be opened as a road reserve.

The process of achieving the sale by Council and purchase from DM Properties needs to be in accordance with the Local Government Act. Further legal advice will be sought on the process of achieving the sale and opening the road reserve along the western edge of Council's future sports fields. These arrangements are expected to be confirmed and included in a Section 173 Agreement which will be required under any planning permit issued for the proposed development

### **Section 173 Agreement**

The Colac West Development Plan is a requirement of Development Plan Overlay 2 (DPO2) of the Colac Otway Planning Scheme. A Section 173 Agreement will be required to specify the development works to be provided by the developer and the timing of certain works such as the north-south collector road in addition to the land exchanges proposed to provide future roads and additions to open space. The Section 173 Agreement is proposed to be drafted over the coming months, and Council will be briefed on both the developer and Council obligations under this proposed agreement.

Under the proposed agreement, Council can expect that sequencing of development, and the provision of key road access points will be timed in a manner to minimise any traffic impacts on adjoining (existing) residential areas.

With the creation of the new section of road, a key element of the Colac West Development Plan will be realised that will unlock residential development in this part of Colac and providing primary access to Council's future sports fields north of the Lake Colac School.

## **5. CONSIDERATIONS**

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

The proposal is consistent with the Governance Principles by transparently advising Council and the community of the intended purchase the land required for the part of the north-south collector road.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

The land transfer will be undertaken in accordance with the relevant legislation.

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

There are no environmental implications arising from the land purchase.

### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Not applicable at this stage. There will be further engagement with the community once a revised Development Plan and Shared Infrastructure Funding Plan has been completed.

## **Public Transparency (s58 LGA 2020)**

As noted above, this report establishes transparency to the public concerning the intended land purchase.

## **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 1: Affordable and available housing will support our growing community and economy

Objective 3: Key infrastructure investment supports our economy and liveability

Objective 5: Grow the Colac Otway Shire's permanent population by at least 1.5%

## **Financial Management (s101 Local Government Act 2020)**

The land purchase is intended to be cost neutral to Council. The landowner to the west must cover the costs of the purchase and other incidental costs associated with the purchase (such as survey costs). This will be confirmed in writing.

## **Service Performance (s106 Local Government Act 2020)**

Not applicable.

## **Risk Assessment**

The purchase will be cost neutral to Council.

## **Communication/Implementation**

There will be communication to the Victorian Government regarding Council's intent to proceed with the purchase.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

Option 1 – Endorse the proposed purchase of land required for road reserve from the Department of Education subject to written agreement from the developer to the west to cover the costs of the purchase.

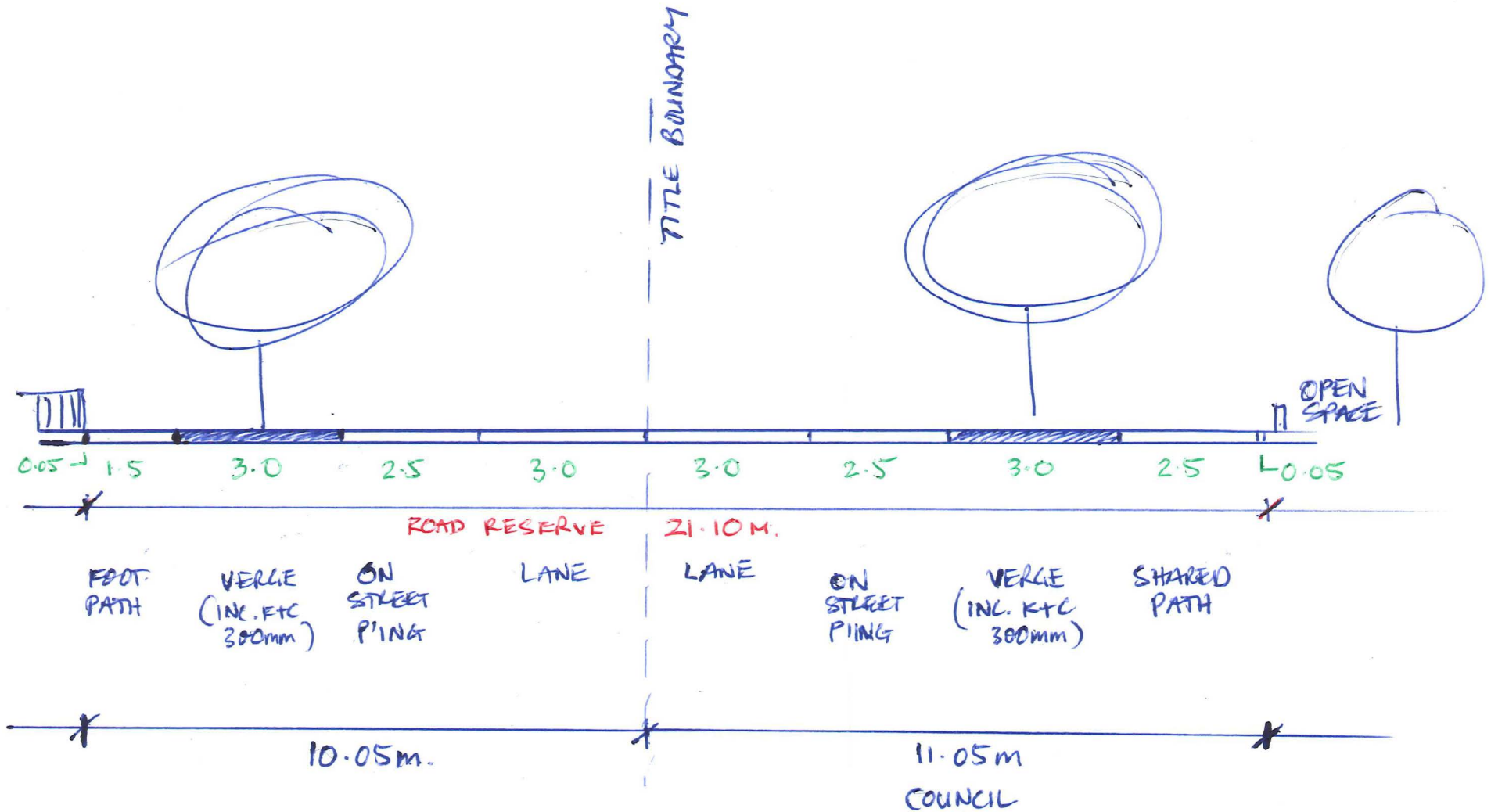
This option is recommended by officers as it will establish road access into the Colac West Development Plan area in a timely manner. The proposal would be at no cost to Council and would help facilitate residential development of adjoining land consistent with strategies in the Council Plan aimed at improving the supply of affordable housing in Colac.

Option 2 – Do not endorse the proposed purchase of land required for road reserve from the Department of Education subject to written agreement from the developer to the west to cover the costs of the purchase.

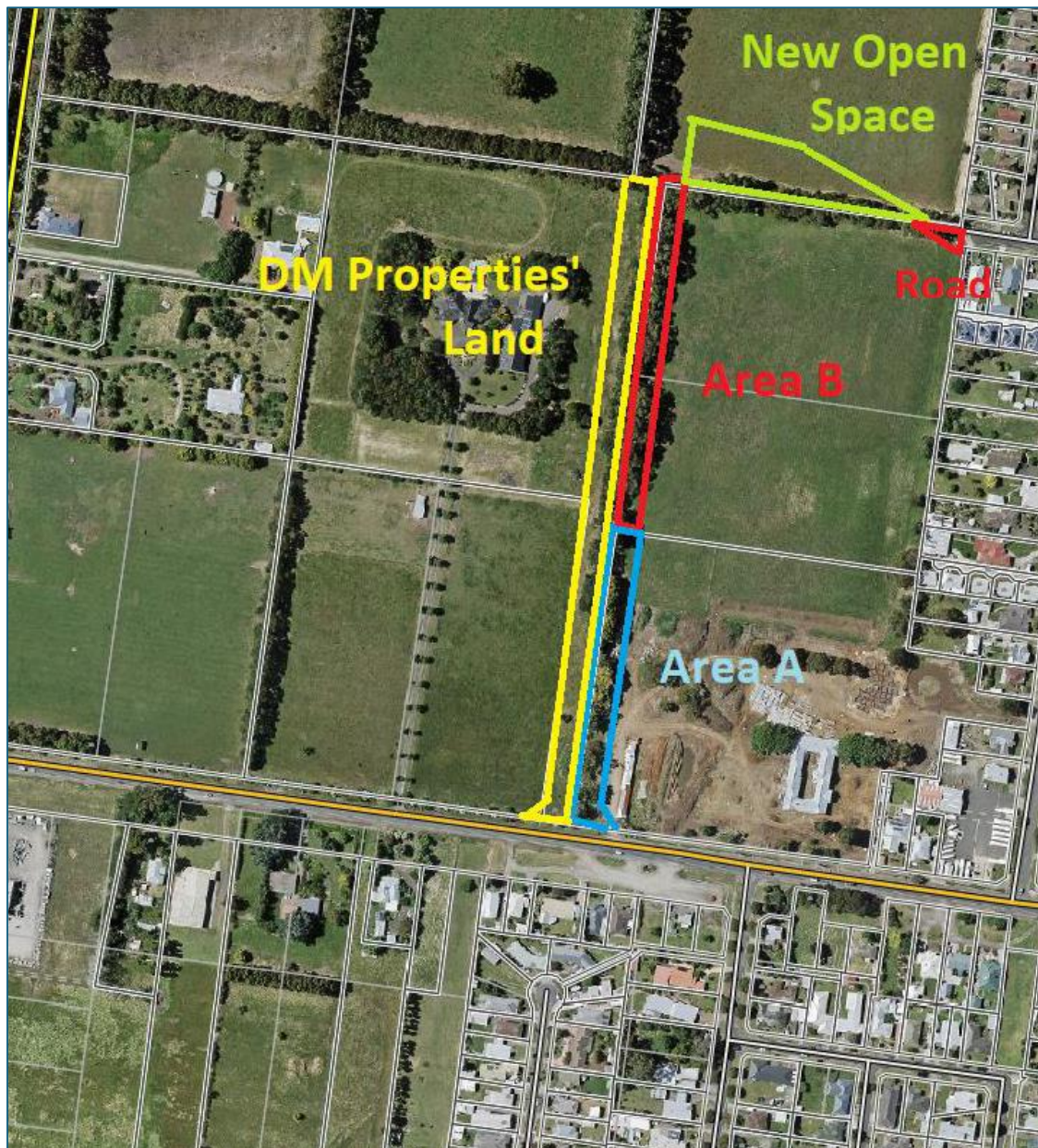
This option is not recommended by officers as it will not facilitate road access into the Colac West Development Plan area. There is less certainty of the outcome for establishment of the road, and over a longer time frame and the Department of Education may sell the land on the open market.



2/12/21

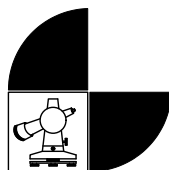
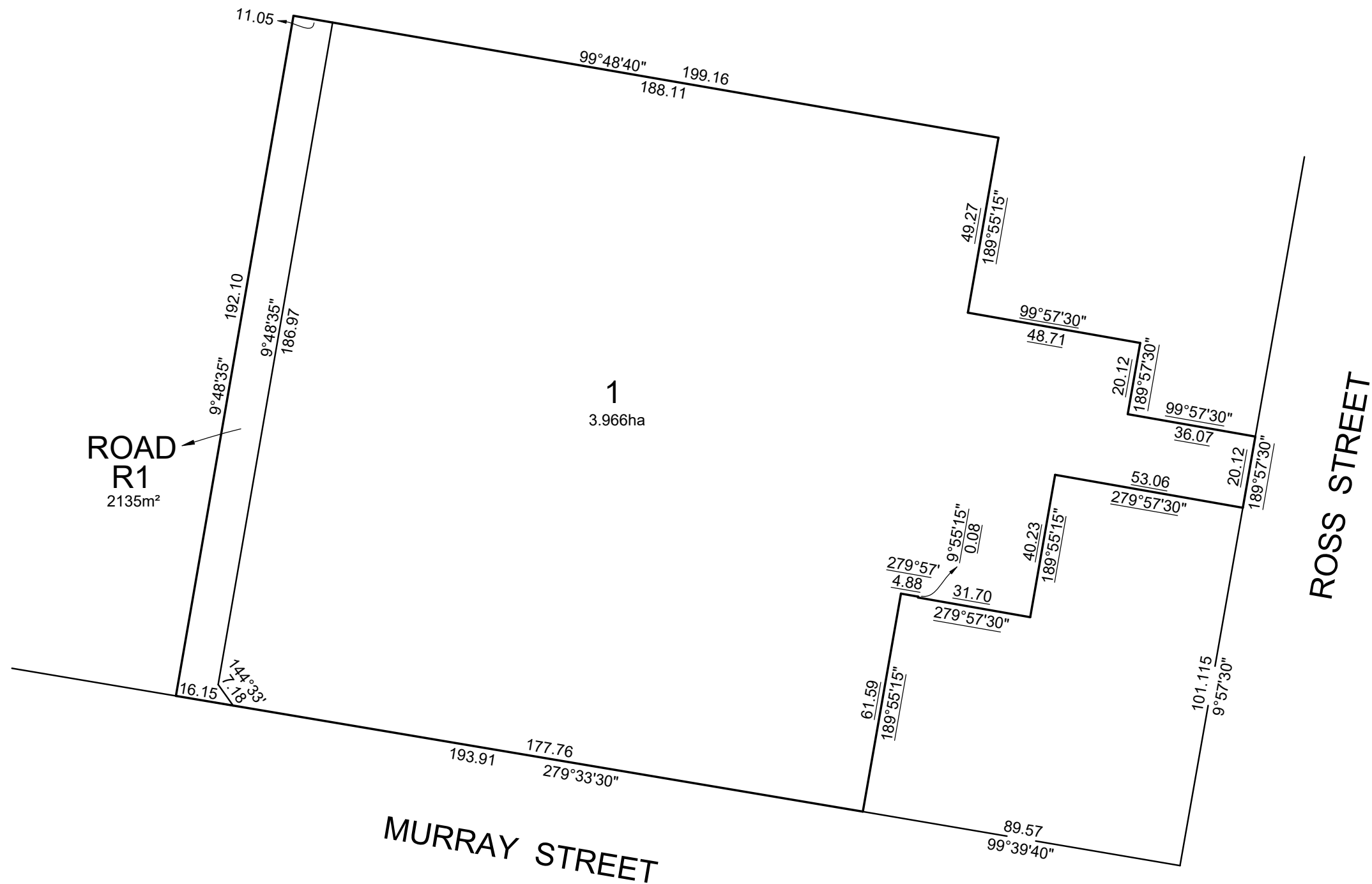


**Attachment 2: North-South Collector Road Components and Additional Dedicated Open Space**



<div>PLAN OF SUBDIVISION</div> <div>UNDER SECTION 35 OF THE SUBDIVISION ACT 1988</div>				<div>EDITION 1</div>		<div>PS920972E</div>	
<div>LOCATION OF LAND</div> <div>PARISH: ELLIMINYT</div> <div>TOWNSHIP:</div> <div>SECTION: 9</div> <div>CROWN ALLOTMENT: 5 (PART) &amp; 6 (PART)</div> <div>CROWN PORTION:</div> <div>TITLE REFERENCE: VOL FOL</div> <div>LAST PLAN REFERENCE: PC380347A</div> <div>POSTAL ADDRESS: 413-437 MURRAY STREET</div> <div>(at time of subdivision) COLAC VIC. 3250</div> <div>MGA CO-ORDINATES: E: 724 320 ZONE: 54</div> <div>(of approx centre of land N: 5 753 830 GDA 2020</div> <div>in plan)</div>							
<div>VESTING OF ROADS AND/OR RESERVES</div>				<div>NOTATIONS</div>			
<div>Roads and reserves vest in the council/body/person named when the appropriate vesting date is recorded or transfer registered. Only roads and reserves marked thus (%) vest upon registration of this plan.</div>				<div>LAND ACQUIRED BY AGREEMENT: ROAD R1</div> <div>LAND ACQUIRED BY COMPULSORY PROCESS: NIL.</div> <div>ALL THE LAND IS TO BE ACQUIRED FREE FROM ALL ENCUMBRANCES OTHER THAN ANY EASEMENTS SPECIFIED ON THIS PLAN.</div> <div>UNDERLINED DIMENSIONS SHOWN THUS <u>49.27</u> ARE NOT THE RESULT OF THIS SURVEY.</div> <div>THE AREA OF LOT 1 IS OBTAINED BY DEDUCTION FROM TITLE AREA</div>			
<div>IDENTIFIER</div>		<div>COUNCIL/BODY/PERSON</div>					
<div>% ROAD R1</div>		<div>COLAC OTWAY SHIRE</div>					
<div>NOTATIONS</div>							
<div>DEPTH LIMITATION: Does Not Apply</div>							
<div>SURVEY:</div> <div>This plan <del>is</del> is not based on survey.</div> <div>STAGING:</div> <div>This <del>is</del> is not a staged subdivision.</div> <div>This survey has been connected to permanent marks No(s).</div> <div>THIS IS A SPEAR PLAN.</div>							
<div>EASEMENT INFORMATION</div>							
<div>LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</div>							
<div>Easements marked ( - ) are existing easements.</div> <div>Easements marked ( + ) are created upon registration of this plan.</div> <div>Easements marked ( x ) are created when the appropriate vesting date is recorded or transfer registered.</div> <div>Easements marked ( # ) are removed when the appropriate vesting date is recorded or transfer registered.</div>							
<div>Symbol</div>	<div>Easement Reference</div>	<div>Purpose</div>	<div>Width (Metres)</div>	<div>Origin</div>	<div>Land Benefited/In Favour Of</div>		
<div><div></div><div><div>SOUTH WEST SURVEY GROUP</div><div>Power Land Surveys</div><div>m: 0414 521 151</div><div>24-26 Grange Park Drive, Waurn Ponds, VIC 3216</div><div>lukepower@swsg.com.au www.swsg.com.au</div></div></div>				<div>SURVEYORS FILE REF: 2106PS</div>		<div>ORIGINAL SHEET SIZE: A3</div>	<div>SHEET 1 OF 3</div>
				<div>LUKE JAMES POWER VERSION NO. 01</div>			

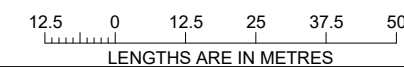
PS920972E



SOUTH WEST  
SURVEY GROUP

**Power Land Surveys**  
m: 0414 521 151  
24-26 Grange Park Drive, Waurin Ponds, VIC 3216  
lukepower@swsg.com.au www.swsg.com.au

SCALE  
1:1250



ORIGINAL SHEET SIZE: A3
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SHEET 2

LUKE JAMES POWER VERSION NO. 01



PLAN OF SUBDIVISION						PS920972E	
UNDER SECTION 35 OF THE SUBDIVISION ACT 1988							
VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND							
Land Affected	Land acquired by compulsory process				Land acquired by agreement	LR Reference	Assistant Registrar of Titles Signature
	Vesting Date	Government Gazette		Date of recording of vesting	Date of registration of transfer		
		Page	Year				
ROAD R1	—	—	—	—			
<div>SOUTH WEST SURVEY GROUPPower Land Surveysm: 0414 521 15124-26 Grange Park Drive, Waurn Ponds, VIC 3216lukepower@swsg.com.au www.swsg.com.au</div>							
ORIGINAL SHEET SIZE: A3				SHEET 3			
LUKE JAMES POWER VERSION NO. 01							



Department of Transport  
and Planning

**Valuer-General Victoria Reference: REQ-00109666 - JOB-00118402**

20 May 2024

Valuer-General Victoria  
Level 38, 2 Lonsdale Street  
Melbourne Victoria 3000  
GPO Box 527  
Melbourne Victoria 3001  
[www.dtp.vic.gov.au](http://www.dtp.vic.gov.au)

**Anthony Natalizio**  
**Team Leader- Property Agreements**  
**Department of Education**  
**Victorian School Building Authority**  
**Level 1, 33 St Andrews Place**  
**DX 210083**  
**EAST MELBOURNE VIC 3002**

**Simon Clarke**  
**Coordinator Strategic Planning & Major Projects**  
**Colac Otway Shire Council**  
**2-6 Rae Street**  
**COLAC VIC 3250**

Dear Anthony & Simon,

**RE: Request for Valuation**  
**Proposed Road R1 on Proposed PS920972E**  
**Part 413-437 Murray Street, Colac**

Thank you for your instructions dated 12 April 2024. Please find enclosed a report and valuation from Mr Chris Barrett, Valuer, of VRC Property Pty Ltd, the delegated contract valuer for the above-mentioned property.

The assessment is certified as meeting the standards of Valuer-General Victoria (VGV).

VGX Certified amount:	\$140,000 (GST Exclusive)
Valuation based on Terms of:	10% deposit, settlement 60/90 days
Valuation date:	3 May 2024
Date of Certification:	20 May 2024
Certification valid until:	19 August 2024
Valuation legislation:	Made under VLA 1960
Inspection performed:	External

Please note that a fee for providing this assessment will be forwarded in due course.

Should you have any queries in regard to this matter you should direct these enquiries through this Office by contacting Ms Genevieve McKinley, Senior Valuer, Government Valuations on (03) 8508 0922.

Yours sincerely,

For **ROBERT MARSH**  
Valuer-General

j:\vg\gv\general\valuations\education\colac, 413 murray street - req-00109666\l3.docx\SF

**VRC Property**

| Valuations | Research | Consulting |

VRC Property Pty Ltd  
ABN 72 092 871 686

PO Box 3083,  
Waurin Ponds VIC 3216

Phone: (03) 5222 6657

valuer@vrcproperty.com.au  
www.vrcproperty.com.au

## Assessment Report



**413-437 Murray Street,  
Colac VIC 3250**

**Under Instructions from:**

Mr Robert Marsh  
Valuer-General  
Valuer - General Victoria  
Level 37, 2 Lonsdale Street  
Melbourne VIC 3000

**Claimant:**

Minister Administering the Education  
and Training Reform Act 2006 (Schools)

**Our Reference: 5110**

10<sup>th</sup> May 2024

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## Appendices

1. Letter of Instruction
2. Certificate of Title
3. Planning Property Report
4. Proposed Plan of Subdivision 920972E
5. Colac West Development Plan



## Executive Summary:

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**Property:** 413-437 Murray Street, Colac VIC 3250

**Instructed By:** Mr Robert Marsh  
Valuer-General  
Valuer - General Victoria  
Level 37, 2 Lonsdale Street  
Melbourne VIC 3000  
  
Attention: Genevieve McKinley

**Acquiring Authority:** Colac Otway Shire

**Claimant:** Minister Administering the Education and Training Reform Act 2006 (Schools)

**Instructions:** We have acted on written instructions from Mr Robert Marsh, Valuer-General Victoria, acting on behalf of Department of Education and Colac Otway Shire, dated 24<sup>th</sup> April 2024 to provide an assessment of compensation for the acquisition by agreement of 2,135 square metres from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) by Colac Otway Shire for compensation purposes.

We have specifically been requested to:

- Perform an assessment of compensation on Joint instructions from Department of Education and Colac Otway Shire dated 21<sup>st</sup> March 2024 included in Appendix 1 of this report.
- Assume the land area to be acquired from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) is 2,135 square metres as per 'Road R1' on Proposed Plan of Subdivision PS920972E (prepared by South West Survey Group, Surveyors File Ref: 2106PS, Version No. 01, undated).
- Assume the land to be acquired by Colac Otway Shire is for construction of a road.
- Assume the land to be acquired is zoned General Residential – Schedule 1 as any land acquired will be rezoned from the current zone (Public Use – Education PUZ2) prior to any transfer.
- Provide an assessment of compensation at the date of inspection.

This valuation report has been prepared for the private and confidential use only of Valuer-General Victoria, Colac Otway Shire and Department of Education for compensation purposes and it should not be reproduced in whole or in part or used or relied upon for any other purpose or by any other party. It is subject to the terms and conditions, assumptions, limitations, disclaimers and qualifications contained in the report and any annexures thereto. Only the client, who the report is specifically addressed, may use and rely upon the report, and only for the sole purpose as specified in the report.

The report is not to be used or relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. VRC Property and the Valuer accepts no liability for negligence and / or any other cause of action for any loss or damage suffered by a third party to whom the valuation report was not addressed.

No responsibility is accepted by the Valuer and/or Valuation Firm in the event that the client to which this report is specifically addressed, relies, uses and/or otherwise represents anything contained in the report for any other purpose apart from that expressly noted previously.

No responsibility is accepted by the Valuer and/or Valuation Firm to any other parties who rely, use, distribute, publish and/or otherwise represent anything contained in the report for any purpose.

Our assessment has been prepared in accordance with the principles of the Land Acquisition and Compensation Act 1986, Valuation of Land Act 1960 and the Australian Property Institute's Practice Standards and Guidance Notes.

We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property, has the appropriate experience in the valuation of this style of property, and is legally permitted to value such property in the State of Victoria.

**Terms of Valuation:** Our valuation has been assessed on the basis that any notional sale would have the terms of ten percent (10%) deposit upon signing the contract of sale with balance payable in 60/90 days.

**Brief Description:** The property comprises an irregular shaped and generally level parcel located on the northern side of Murray Street with additional side frontage to Ross Street on the western edge of Colac.

The property comprises the site of the former Colac High School which has recently been redeveloped into the Lake Colac Specialist School, a new specialist school retaining the façade of the original heritage high school building and building brand new classrooms, office and amenities and landscaped gardens. From the Indicative Site Plan obtained from the School Building Authority website (<https://www.schoolbuildings.vic.gov.au/lake-colac-school>), not all the buildings have been completed, specifically Building C which still appears to be under construction.

Land along the western part of the property will remain vacant and be held for future educational purposes or for future expansion of the Lake Colac Specialist School.

The highest and best use of the property is regarded to be a school and/or a residential development site.

The land that is proposed to be acquired comprises a strip of land (approximately 11.05 metres wide, with a flare at the southern end) along the entire western boundary of 192.1 metres for construction of a road.

Most of the improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition.

**Location:** The subject property is located on the western edge of Colac, a regional township located approximately 83 kilometres west of Geelong and 105 kilometres east of Warrnambool.

More specifically, the subject property is located on the northern side of Murray Street with additional side frontage to Ross Street.

**Planning:** Public Use Zone – Education (PUZ2)  
 General Residential Zone – Schedule 1 (GRZ1)  
 Design and Development Overlay – Schedule 9 (DDO9)  
 Heritage Overlay – Schedule (HO149)

This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme.

**Title Particulars:** The subject property is legally described within Certificate of Title Volume 12389 Folio 285 as being Land in Plan of Consolidation 380347A.

The Certificate of Title notes the following Restrictions, Encumbrances, leases etc. over the property:

- Nil.

**Registered Proprietor:** The Certificate of Title notes the registered proprietor as Sole Proprietor to be:

- Minister Administering the Education and Training Reform Act 2006 (Schools)

Land Area:	Legal Description	"Before"	To be acquired	"After"
	Land in PC380347A	41,790 sqm	2,135 sqm	39,655 sqm

**Occupancy Status:** The property is partly occupied by Lake Colac Specialist School and partly by BDH Constructions as a construction site depot.

Our assessment of compensation has assumed the property, in a hypothetical sale, would be sold with vacant possession.

**Date of Inspection:** 3<sup>rd</sup> May 2024

**Date of Valuation:** 3<sup>rd</sup> May 2024 being the date of inspection.

**Interest Valued:** Freehold

**Assessment of Compensation:** The Land Acquisition and Compensation Act requires compensation to be assessed as the difference between the "Before" and "After" value of the market value of the interest.

"Before" Land Value:	\$2,715,000
"After" Land Value:	<u>\$2,575,000</u>
Diminution in Value:	\$ 140,000

**Assessed Compensation (rounded):** **\$ 140,000**

The above valuation is net or exclusive of Goods and Services Tax.

No allowance in our assessment is made for business disturbance, leasehold interest compensation, legal, valuation and other costs together with disturbance and solatium that may be claimed by the land owners.

Given all improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition, for the purpose of this valuation we have disregarded any added value of the improvements as they are the same in the "Before" and "After" scenarios. Our assessment of compensation specifically addresses the impact to the land value.

## Important Notes:

**This executive summary must not be read in isolation and must be read in conjunction with the entire report, including all Annexures, 'Assumptions and Limitations' and 'Qualifications and Disclaimers'.**

### Assumptions and Limitations:

We detail the assumptions made by the valuer in performing this assessment:

- Our assessment of compensation has been made on the basis of the land area to be acquired of 2,135 square metres from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) by Colac Otway Shire for compensation purposes.
- We have been instructed to assume the land to be acquired from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) has a land area of 2,135 square metres as per 'Road R1' on Proposed Plan of Subdivision PS920972E (prepared by South West Survey Group, Surveyors File Ref: 2106PS, Version No. 01, undated).
- We have relied on the information provided by Valuer-General Victoria in preparing this assessment of compensation. If there is a change in the area or location of the land to be acquired, or if survey plans and design plans (alignment, above ground structures, etc) of the proposed road are provided, then we reserve the right to review our assessment of compensation.
- Whilst the land is proposed to be acquired by agreement, the assessment of compensation has been made using the provisions of the Land Acquisition and Compensation Act 1986 (LAC Act).
- Whilst the land to be acquired is currently zoned Public Use – Education (PUZ2), when the land is acquired and transferred to Colac Otway Shire, under the Victorian Government land transactions policy it should be in the most appropriate planning controls prior to sale, which would likely be the underlying General Residential – Schedule 1 (GRZ1) as per the surrounding land. Therefore, we believe the most appropriate assessment of the land acquired is having regard to the underlying land value assuming the land is zoned GRZ1.
- No allowance in our assessment is made for any business and leasehold interest compensation, legal, valuation and other costs, together with disturbance and solatium that may be claimed by the land owners.
- Given all improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition, for the purpose of this valuation we have disregarded any added value of the improvements as they are the same in the "Before" and "After" scenarios. Our assessment of compensation specifically addresses the impact to the land value.
- Our assessment of compensation is made on the basis of freehold interest and does not take into account any compensation applicable (if any) to any leasehold interest or business interest.
- Our research of the certificate of title does not identify any previous payments of compensation with respect to the subject property.
- We have assumed that construction of stormwater infrastructure as part of the proposed works will be sufficient and not adversely affect the flow of water or does not make any additional land flood prone and therefore undevelopable.
- Any fencing affected will be replaced on a like for like basis.
- We have not been provided with any native vegetation assessment reports and therefore we assume that the property is free of native vegetation. In the event that native vegetation or protected fauna habitat or rare/threatened flora species is identified on-site the property, we reserve the right to review our assessment of compensation.
- VRC Property does not carry out any investigations on site or off site or by enquiry to determine the ground/soil beneath the surface or undertaken any vegetation or soil sampling. This report is on the basis that no contamination of the land exists. The client should engage appropriate professionals to advise in this regard.
- No soil tests nor environmental studies or reports have been made available to us. Our assessment of compensation is completed on the assumption that there are no environmental problems in any way affecting the subject property, including soil contamination, surface or sub surface conditions, toxic or hazardous wastes or building material hazardous in the property that may adversely affect its existing or potential use and our assessment of compensation. Should it subsequently transpire that an expert report establishes that there are such matters of environmental concern, or such matters become known or discovered, no reliance should be placed on our assessment of compensation unless we have been advised of such matters and we have confirmed that our assessment of compensation is not affected. We reserve the right to review this assessment of compensation to determine the impact such environmental matters has on the property and our assessment of compensation.
- VRC Property does not carry out investigations on site or off site or by enquiry to determine the suitability of ground conditions and services for new developments. This report is on the basis that these aspects are satisfactory.



- The assessment is determined upon the property information supplied by Valuer-General Victoria (and Department of Education and Colac Otway Shire) is correct and full disclosure of all information and facts which may affect the valuation has been made to us.
- We have assumed there are no land reservations, encumbrances, caveats, notices, easements nor rights of way, other than those disclosed in the report, that adversely affect the subject property. If a land reservation, encumbrance, caveat, notice, easement or right of way exists on the land parcels (other than noted in the report), then VRC Property must be notified, and we reserve the right to review our assessment of compensation.
- Identification of the land sufficient for valuation purposes was possible, however due to the overall shape of the property, distance of boundaries, topography and building improvements, actual dimensions could not be verified and this assessment relies on the land area provided on Plan of Consolidation 380347A. If expert advice is sought in this regard, the expert advice should be referred to VRC Property, and we reserve the right to review this valuation.
- This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert, however, are based on our inspection of the property and review of Plan of Consolidation 380347A and Proposed Plan of Subdivision PS920972E. If there is any doubt in respect of survey matters, we recommend that a survey be undertaken by a qualified surveyor. Should the client subsequently ascertain that areas referred to in the valuation report differ from other information provided to the client, the client agrees to provide this information to the Valuer/ VRC Property and refer the valuation back to VRC Property for comments and where appropriate, amendment. We reserve the right to review this valuation in the event that surveyed areas differs from those areas referred to in the valuation report.
- This valuation is subject to there being no encroachments by or upon the property and this should be confirmed by a current survey and / or advice from a registered surveyor. Should the Client subsequently ascertain those areas referred to in the valuation report differ from other information provided to the Client, the Client agree to refer the valuation back to Valuer for comments and, where appropriate, amendment.
- All land and building areas referred to in the valuation report are approximate. Should the client subsequently ascertain those areas referred to in the valuation report differ from other information provided to the client, the client agrees to provide this information to the Valuer/ VRC Property and refer the valuation back to VRC Property for comments and where appropriate, amendment. We reserve the right to review this valuation in the event that surveyed areas differs from those areas referred to in the valuation report.
- We note we have not sighted a current planning certificate for the subject property. The planning information contained in this report has been obtained from the Department of Environment, Land, Water and Planning website. We have relied upon this information in assessing the compensation of the subject property. We do not accept responsibility for any consequential error or defect in the valuation which has resulted from an error, omission or inaccuracy in this information.
- No investigation has been made of and no responsibility is assumed for, the legal description or for legal matters, including the title or encumbrances. Title to the property is assumed to be good and marketable unless otherwise stated.
- This valuation assumes there are no outstanding Land Tax liabilities that would be transferred to a hypothetical purchaser in the event of a hypothetical sale at the date of valuation.
- The property has been valued as if unencumbered by any lease and on a vacant possession basis.
- Information furnished by others, upon which all or portions of this report are based, is believed to be reliable but has not been verified in all cases. No warranty is given as to the accuracy of such information.
- Any valuation cannot be viewed as taxation, legal, accounting or financial investment advice. We are not legal, taxation, accounting or financial/investment experts, and any comments in our valuation are not given in the capacity as an expert in these areas. We recommend that you should engage appropriate legal, taxation, accounting and financial/investment experts to obtain qualified advice.
- Maps or sketches, if included in this report, are only to assist the reader in visualising the properties and no responsibility is assumed for their accuracy. No independent surveys were conducted.
- The valuation cannot be used or relied upon by any person for mortgage purposes, solicitor loan purposes or in connection with any managed investment scheme purposes. VRC Property does not assume any responsibility or accept any liability where the valuation is used or relied upon by any person for mortgage purposes, solicitor loan purposes or in connection with any managed investment scheme purposes.

- If it becomes known that assumptions referred to in the valuation report differs from other information provided to the client, the client agrees to provide this information to the Valuer / VRC Property and refer the valuation back to VRC Property for comments and where appropriate, amendment. We reserve the right to review this valuation.
- The assessment of compensation has been prepared on the assumptions outlined in the 'Qualifications & Disclaimers' section at the end of this report.

We detail the assumptions required by the client or limitations imposed on the valuer in performing this assessment:

- We have acted on written instructions from Mr Robert Marsh, Valuer-General Victoria, acting on behalf of Department of Education and Colac Otway Shire, dated 24<sup>th</sup> April 2024 to provide an assessment of compensation for the acquisition by agreement of 2,135 square metres from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) by Colac Otway Shire for compensation purposes.
- We have specifically been requested to:
  - Perform an assessment of compensation on Joint instructions from Department of Education and Colac Otway Shire dated 21<sup>st</sup> March 2024 included in Appendix 1 of this report.
  - Assume the land area to be acquired from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) is 2,135 square metres as per 'Road R1' on Proposed Plan of Subdivision PS920972E (prepared by South West Survey Group, Surveyors File Ref: 2106PS, Version No. 01, undated).
  - Assume the land to be acquired by Colac Otway Shire is for construction of a road.
  - Assume the land to be acquired is zoned General Residential – Schedule 1 as any land acquired will be rezoned from the current zone (Public Use – Education PUZ2) prior to any transfer.
  - Provide an assessment of compensation at the date of inspection.

Liability limited by a scheme approved under Professional Standards Legislation.

**VRC Property Pty Ltd**



**Chris Barrett AAPI**  
**Certified Practising Valuer**  
**API Member No. 63083**

Dated: 10<sup>th</sup> May 2024

## 1 Instructions:

We have acted on written instructions from Mr Robert Marsh, Valuer-General Victoria, acting on behalf of Department of Education and Colac Otway Shire, dated 24<sup>th</sup> April 2024 to provide an assessment of compensation for the acquisition by agreement of 2,135 square metres from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) by Colac Otway Shire for compensation purposes.

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- Assume the land to be acquired is zoned General Residential – Schedule 1 as any land acquired will be rezoned from the current zone (Public Use – Education PUZ2) prior to any transfer.
- Provide an assessment of compensation at the date of inspection.

This valuation report has been prepared for the private and confidential use only of Valuer-General Victoria, Colac Otway Shire and Department of Education for compensation purposes and it should not be reproduced in whole or in part or used or relied upon for any other purpose or by any other party. It is subject to the terms and conditions, assumptions, limitations, disclaimers and qualifications contained in the report and any annexures thereto. Only the client, who the report is specifically addressed, may use and rely upon the report, and only for the sole purpose as specified in the report.

The report is not to be used or relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. VRC Property and the Valuer accepts no liability for negligence and / or any other cause of action for any loss or damage suffered by a third party to whom the valuation report was not addressed.

No responsibility is accepted by the Valuer and/or Valuation Firm in the event that the client to which this report is specifically addressed, relies, uses and/or otherwise represents anything contained in the report for any other purpose apart from that expressly noted previously.

No responsibility is accepted by the Valuer and/or Valuation Firm to any other parties who rely, use, distribute, publish and/or otherwise represent anything contained in the report for any purpose.

Our assessment has been prepared in accordance with the principles of the Land Acquisition and Compensation Act 1986, Valuation of Land Act 1960 and the Australian Property Institute's Practice Standards and Guidance Notes.

We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property, has the appropriate experience in the valuation of this style of property, and is legally permitted to value such property in the State of Victoria.

We have been provided with the following information in undertaking our assessment:

- Letter of Instruction
- Certificate of Title and Plan of Consolidation
- Proposed Plan of Subdivision PS920972E (prepared by South West Survey Group, Surveyors File Ref: 2106PS, Version No. 01, undated).
- Colac West Development Plan – DPO2 - Final Version – December 2021

### Assumptions and Limitations

We detail the assumptions made by the valuer in performing this assessment:

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- This valuation assumes there are no outstanding Land Tax liabilities that would be transferred to a hypothetical purchaser in the event of a hypothetical sale at the date of valuation.
- The property has been valued as if unencumbered by any lease and on a vacant possession basis.
- Information furnished by others, upon which all or portions of this report are based, is believed to be reliable but has not been verified in all cases. No warranty is given as to the accuracy of such information.
- Any valuation cannot be viewed as taxation, legal, accounting or financial investment advice. We are not legal, taxation, accounting or financial/investment experts, and any comments in our valuation are not given in the capacity as an expert in these areas. We recommend that you should engage appropriate legal, taxation, accounting and financial/investment experts to obtain qualified advice.
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We detail the assumptions required by the client or limitations imposed on the valuer in performing this assessment:

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  - Assume the land to be acquired by Colac Otway Shire is for construction of a road.
  - Assume the land to be acquired is zoned General Residential – Schedule 1 as any land acquired will be rezoned from the current zone (Public Use – Education PUZ2) prior to any transfer.
  - Provide an assessment of compensation at the date of inspection.

## 2 Basis of Valuation:

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This assessment has been prepared on the basis of market value as defined within the Land Acquisition and Compensation Act 1986, as follows:

*“Market value in relation to any interest in land on a particular date means the amount of money that would have been paid for that interest if it had been sold on that date by a willing but not anxious seller to a willing but not anxious purchaser.”*

Market value is based on the highest and best use of the asset which may not necessarily be the existing use.

Further heads of claim defined within the Act are detailed as follows:

*“loss attributable to severance”, in relation to the acquisition of a claimant’s interest in land, means the amount of any reduction in the market value of any other interest of the claimant in the acquired land or any interest of the claimant in other land use in conjunction with the acquired land which is caused by its severance from the acquired land.*

*“loss attributable to disturbance” means any pecuniary loss suffered by a claimant as the natural, direct and reasonable consequence of-*

- (a) *the service upon the claimant of a notice of intention to acquire, where the Authority has refused or failed to give consent to the carrying out of improvements to the land in respect of which that notice has been served or the effecting or obtaining of any sales transactions, licences or approvals in respect of that land; and*
- (b) *the fact that an interest of the claimant in that land has been divested or diminished, being a pecuniary loss for which provision is not otherwise made in this Part;*

*“the enhancement or depreciation” in value of the interest of the claimant, at the date of acquisition, in other land adjoining or severed from the acquired land by reason of the implementation of the purpose for which the land was acquired.*

*The amount of compensation may be increased by such amount, not exceeding 10% of the market value of the land, by way of solatium as is reasonable to compensate the claimant for intangible and non-pecuniary disadvantages resulting from the acquisition.*

Further we make reference to Section 41 (3) of the Act which states that:

*If less than the whole of the land in which a claimant’s interest subsists is acquired or less than the whole of that interest is acquired, the market value of the acquired interest is the difference between the market value of the interest before the acquisition and the market value of the interest after the acquisition.*

## 3 Terms of Valuation:

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Our valuation has been assessed on the basis that any notional sale would have the terms of ten percent (10%) deposit upon signing the contract of sale with balance payable in 60/90 days.

## 4 Date of Assessment:

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Our assessment of compensation was performed as at 3<sup>rd</sup> May 2024 being the date of inspection.

## 5 Brief Description:

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The property comprises an irregular shaped and generally level parcel of 41,790 square metres located on the northern side of Murray Street with additional side frontage to Ross Street on the western edge of Colac.

The property comprises the site of the former Colac High School which has recently been redeveloped into the Lake Colac Specialist School, a new specialist school retaining the façade of the original heritage high school building and building brand new classrooms, office and amenities and landscaped gardens. From the Indicative Site Plan obtained from the School Building Authority Website (<https://www.schoolbuildings.vic.gov.au/lake-colac-school>), not all the buildings have been completed, specifically Building C which still appears to be under construction.

The highest and best use of the property is regarded to be a school and/or residential development site.

The land that is proposed to be acquired comprises a strip of land (approximately 11.05 metres wide, with a flare at the southern end) along the entire western boundary of 192.1 metres for construction of a road.

Most of the improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition.



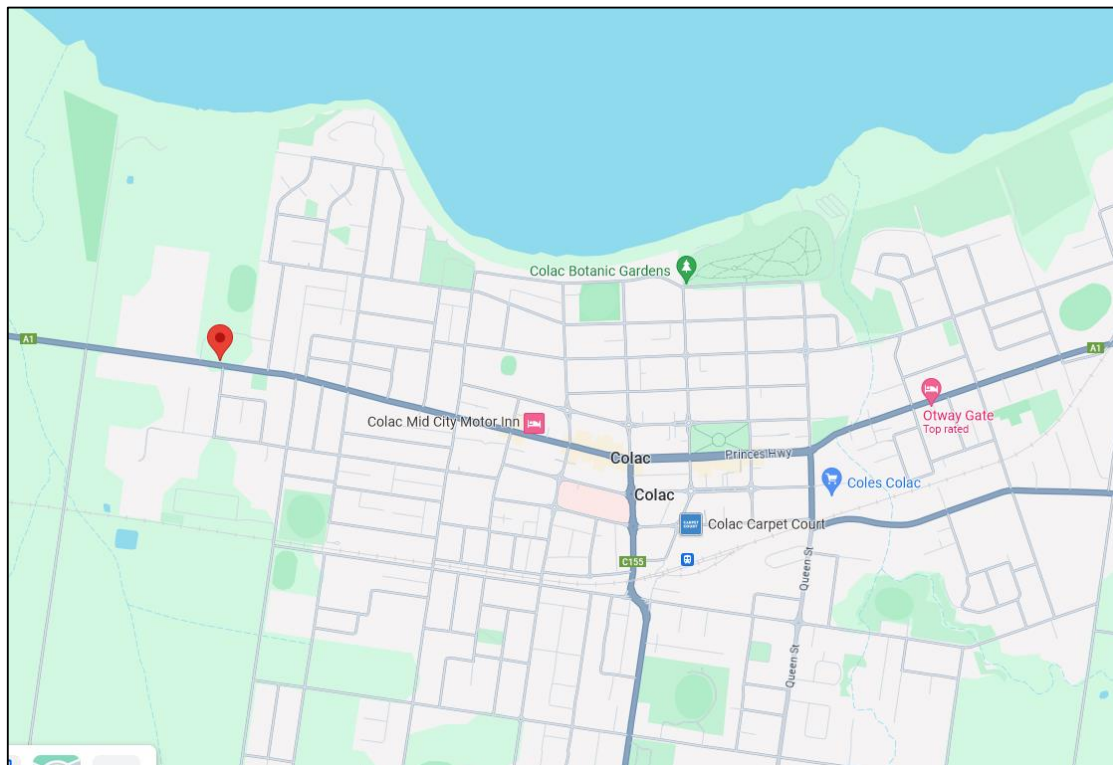
## 6 Location and Locality

### 6.1 Overview:

The subject property is located on the western edge of Colac, a regional township located approximately 83 kilometres west of Geelong and 105 kilometres east of Warrnambool.

More specifically, the subject property is located on the northern side of Murray Street with additional side frontage to Ross Street.

The following map highlights the location of the subject property (shown as a red teardrop).



Source: Google Maps

### 6.2 Surrounding Development:

Properties in the immediate surrounding area include:

- Established residential properties
- Christians Bus Co. depot

### 6.3 Transport Infrastructure:

The subject property has good transport linkages to the arterial road of Princes Highway (Murray Street).

#### 6.4 Aerial Photography:

The following aerial photo shows the boundaries of the subject property (outlined in red) and the land to be acquired (outlined in blue).



Source: Google Maps

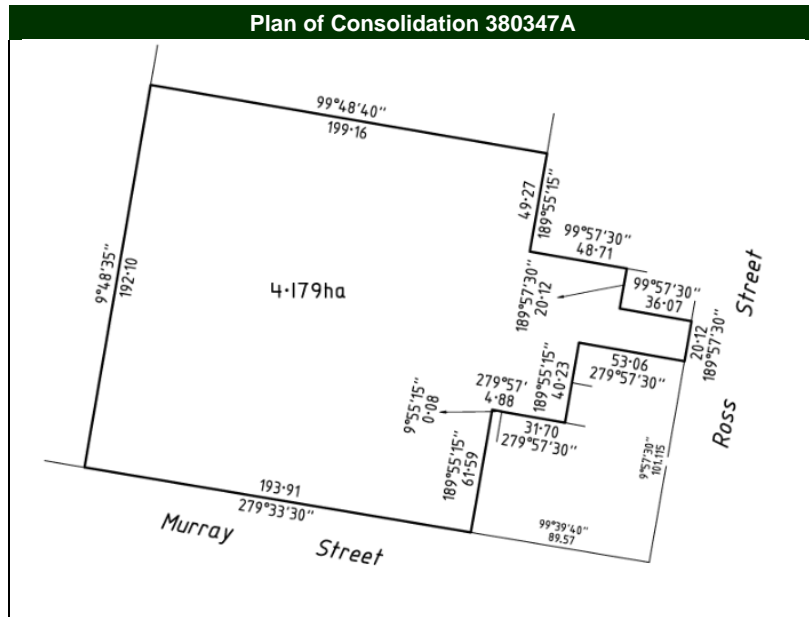
Please note, the above map is only to assist the reader in visualising the property, no responsibility is assumed for its accuracy.

## 7 Title and Property Detail:

### 7.1 Legal Description:

The subject property is legally described within Certificate of Title Volume 12389 Folio 285 as being Land in Plan of Consolidation 380347A.

The following is an extract of Plan of Consolidation 380347A.



### 7.2 Restrictions, Encumbrances, etc noted on Title:

The Certificate of Title notes the following Restrictions, Encumbrances, leases etc. over the property:

- Nil

### 7.3 Registered Proprietor:

The Certificate of Title notes the registered proprietor as Sole Proprietor to be:

- Minister Administering the Education and Training Reform Act 2006 (Schools)

### 7.4 Identification:

The property has been identified by reference to Plan of Consolidation 380347A.

### 7.5 Land Area:

The property is irregular in shape with the land area noted on Plan of Consolidation 380347A of 41,790 square metres.

Identification of the land sufficient for valuation purposes was possible; however due to the overall shape of the property, distance of boundaries, topography and building improvements, actual dimensions could not be verified and this assessment relies on the measurements provided on Plan of Consolidation 380347A.

## 7.6 Encroachments

This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert, however, are based on our inspection of the property and review of Plan of Consolidation 380347A.

## 7.7 Topography:

The subject property is level in topography.

## 7.8 Vehicular Access and Road Construction:

The property has frontage to:

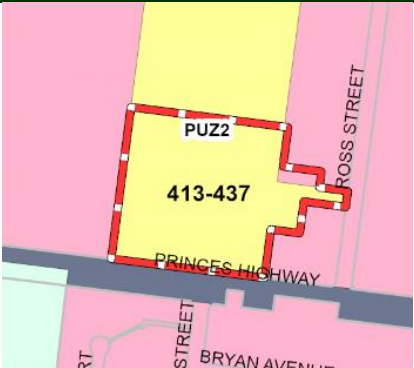
- Murray Street, a single lane bitumen sealed carriageway that carries high volumes of vehicular traffic.
- Ross Street, a single lane bitumen sealed carriageway that carries low volumes of vehicular traffic.




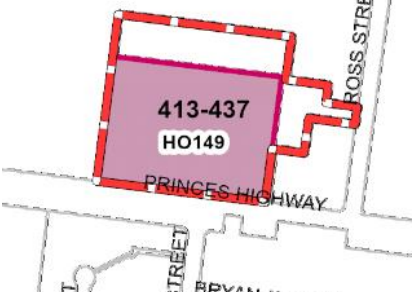
## 8 Planning Control

### 8.1 Zone and Scheme Reference:

The property is partly zoned Public Use – Education (PUZ2) and partly General Residential Zone – Schedule 1 by virtue of the Colac Otway Planning Scheme.

Zone:	Purpose of Zone:
	<b>Public Use Zone</b> <ul style="list-style-type: none"> <li>To implement the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To recognise public land use for public utility and community services and facilities.</li> <li>To provide for associated uses that are consistent with the intent of the public land reservation or purpose.</li> </ul>
	<b>General Residential Zone</b> <ul style="list-style-type: none"> <li>To implement the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To encourage development that respects the neighbourhood character of the area.</li> <li>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</li> <li>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</li> </ul>

The subject property is subject to the following planning overlays.

Overlay:	Purpose:
<b>Design and Development Overlay – Schedule 9</b> 	<ul style="list-style-type: none"> <li>To implement the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To identify areas which are affected by specific requirements relating to the design and built form of new development.</li> </ul>
<b>Heritage Overlay – Schedule (HO149)</b> 	<b>Design Objectives</b> <ul style="list-style-type: none"> <li>To enhance the arrival experience into central Colac from the west.</li> <li>To ensure that the development of residential land and the former school site contributes to an improved landscape experience as part of the western entrance to Colac.</li> <li>To minimise visual clutter caused by signs, powerlines and other structures along the entrance corridor.</li> </ul>
	<b>Purpose:</b> <ul style="list-style-type: none"> <li>To implement the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To conserve and enhance heritage places of natural or cultural significance.</li> <li>To conserve and enhance those elements which contribute to the significance of heritage places.</li> <li>To ensure that development does not adversely affect the significance of heritage places.</li> <li>To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.</li> </ul>

This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme.

We note we have not sighted a current planning certificate for the subject property.

The planning information contained in this report has been obtained from the Department of Environment, Land, Water and Planning website. We have relied upon this information in assessing the value of the subject property. We do not accept responsibility for any consequential error or defect in the valuation which has resulted from an error, omission or inaccuracy in this information.

## 8.2 Allowable Uses without Consent:

The existing use of the property is a permitted use.

## 8.3 Existing, Prior and / or Proposed Uses:

We are unaware of any alternative proposed uses.

## 8.4 Heritage Implications:

The subject property is subject to heritage overlay schedule HO149 which relates to the Colac High School building which has been retained in the redevelopment of Lake Colac Specialist School.

## 8.5 Environmental and Contamination

We take this opportunity to advise that VRC Property Pty Ltd and its staff are not environmental auditors and will not be liable nor responsible for failure to identify all matters of environmental concern and the impact which an environmental related issue has on the property and its value.

This report is not an environmental audit and no advice given in any way relating to environmental matters. Any comments given as to environmental factors in relation to the property are not given in the capacity as an expert.

The use and occupation of the land has historically been for school purposes. At the date of inspection, we have no knowledge of any contamination of the land. Based on our site observations, no obvious environmental problems were apparent.

We have not been provided with an environmental audit, nor are we aware of the property valued being affected by soil contamination, environmental problems including soil contamination, surface and ground conditions, toxic or hazardous wastes or building material hazards. We have not investigated the site beneath the surface or undertaken vegetation or soil sampling. If contamination of the land is found to exist this would seriously impact upon the assessed value resulting in a reduction of our valuation assessment.

Accordingly, our assessment of compensation is made on the assumption that there a no environmental problems in any way affecting the property.

We therefore reserve the right to review and if necessary vary the valuation figure if any contamination or other environmental hazard is found to exist.

## 9 Services:

The subject property has the following services available; reticulated water, sewerage, electricity and telephone/NBN.

## 10 Photos of Subject Property:

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Front of Property – Facing East



Front of Property – Facing North



Land to be acquired – Facing North



Land to be acquired – Facing West



## 11 Occupancy:

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The property is occupied by Lake Colac Specialist School.

Our assessment of compensation has assumed the property, in a hypothetical sale, would be sold with vacant possession.

## 12 Sales History:

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The property has remained in current ownership for many years and there are no recent sales.



# VRC Property

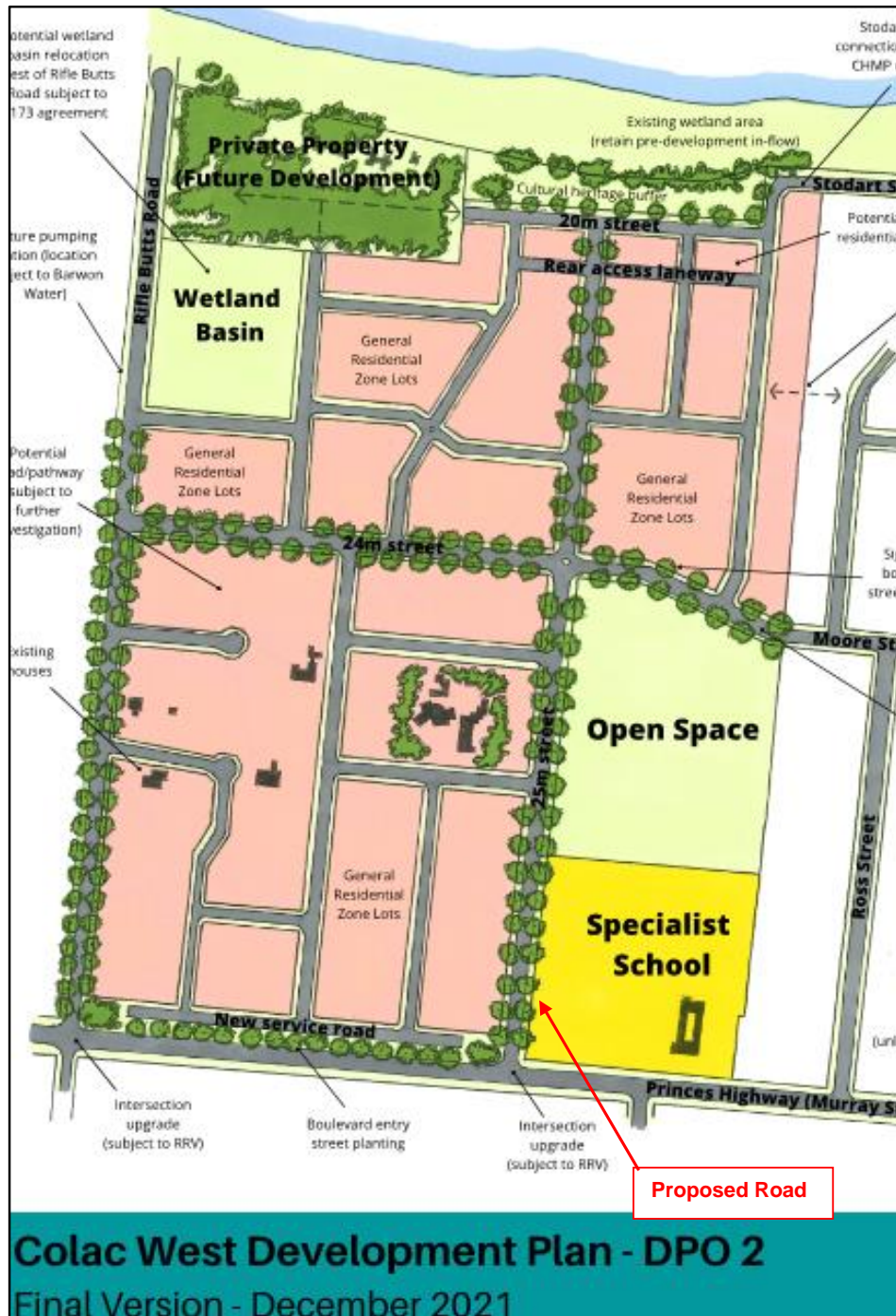
| Valuations | Research | Consulting |

**Assessment Report**  
413-437 Murray Street, Colac

## 13 Proposed Works:

The Colac Otway Shire proposes to acquire a strip of land (approximately 11.05 metres wide, with a flare at the southern end) along the entire western boundary of 192.10 metres for road construction purposes.

The proposed road forms part of the Colac West Development Plan (extract below) which provides an overview how Colac West development will be configured and the proposed location of the road network. The proposed road to be acquired is shown below.



Source: Colac West Development Plan - DPO2, Final Version - December 2021





## 14 Effect of Acquisition:

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The effect of the land acquisition on the subject property is as follows:

- The highest and best use of the property as a school and/or residential development site is unchanged.
- The acquisition of 2,135 square metres of land reducing the land area of the subject property by 5.1% to 39,655 square metres.
- The land to be acquired is all regarded to be developable.
- Access to the property is improved with an additional road frontage along the entire western boundary.
- The overall shape of the property is largely unchanged.
- All improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition.

## 15 Market Data / Market Indicators:

In forming our assessment of compensation, we have had regard to various sales transactions within the Colac urban township boundary as we believe they have similar characteristics to the subject property.

While we believe the information to be accurate, not all details have been formally verified. Our analysis has been based on various sources of information. The properties have been inspected externally.

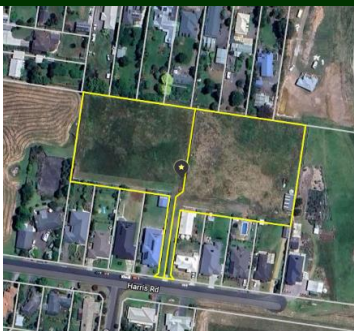
### 15.1 Sales Evidence - Development sites:

186 Queen Street, Colac	
	Sale Price: \$925,000 (no GST payable)
	Sale Date: August 2022
	Terms: 10% deposit, balance in 90 days
	Zoning: General Residential – Schedule 1
	Land Area: 10,045 square metres
	Building Area: 100 square metres
	Lot Yield: Unknown
Analysis: \$92 per square metre (excluding improvements)	

**Description:** The property comprises an irregular shaped property located on the eastern side of Queen Street, centrally located within Colac and directly opposite Colac Secondary College and sporting precinct.

The property is improved with a weatherboard dwelling constructed circa 1950 of some 100 square metres and presenting in average condition. Other improvements include sundry shedding.

Given the dwelling is positioned at the front of the property across the narrow frontage, the dwelling would need to be demolished to enable the site to be developed. Therefore, we have not ascribed any added value to the dwelling or sheds.

11A Harris Road, Elliminyt	
	Sale Price: \$1,250,000 (no GST payable)
	Sale Date: March 2023
	Terms: 10% deposit, balance in 45 days
	Zoning: General Residential – Schedule 1
	Land Area: 14,284 square metres
	Building Area: Nil
	Lot Yield: Unknown
Analysis: \$87 per square metre (excluding improvements)	

**Description:** The property comprises an irregular shaped gently sloping property (over 2 titles) located on the northern side of Harris Street with narrow frontage located within a developing part of Elliminyt on the southern edge of urban Colac.

The property is improved with a shed adding no long term value.

## 45 Colac-Lavers Hill Road, Elliminyt



Sale Price:	\$2,000,000 (no GST payable)
Sale Date:	June 2022
	Terms: 5% deposit, balance in 120 days
Zoning:	General Residential – Schedule 1
Land Area:	45,416 square metres
Building Area:	200 square metres
Lot Yield:	Unknown
Analysis:	\$39 per square metre (excluding improvements)

**Description:** The property comprises a rectangular shaped property located on the eastern side of Colac-Lavers Hill, within a developing part of Elliminyt, adjoining a new estate and directly opposite the Colac Racecourse.

The property is improved with a brick veneer dwelling constructed circa 1970 of some 200 square metres and presenting in average condition. Other improvements include an attached double carport, garage and post and wire fencing.

We have notionally apportioned the sale price between dwelling of \$200,000 (\$1,000/sqm), other improvements of \$20,000 and land of \$1,780,000 (\$39/sqm).

## 36-52 Bruce Street, Colac



Sale Price:	\$2,600,000 plus GST
Sale Date:	June 2022
	Terms: 5% deposit, balance in 5 months
Zoning:	General Residential – Schedule 1
Land Area:	41,886 square metres
Building Area:	Nil
Lot Yield:	Unknown
Analysis:	\$62 per square metre (excluding improvements)

**Description:** The property comprises a rectangular shaped property located on the eastern side of Bruce Street with additional rear frontage to McGonigal Street close to the Colac Showgrounds and adjoining the Bruce Street reserve on north-eastern edge of suburban Colac.

The property was sold as an undeveloped vacant parcel without planning approval for subdivision.

A permit has subsequently been approved with subdivision/redevelopment commenced.



**17 Heath Drive, Winchelsea**



Sale Price:	\$2,925,000 (no GST payable)
Sale Date:	October 2022
Zoning:	Terms: \$185,000 deposit, balance in 2.5 months General Residential – Schedule 1
Land Area:	19,123 square metres
Building Area:	240 square metres
Lot Yield:	Unknown
Analysis:	\$131 per square metre (excluding improvements)

**Description:** The property comprises a slightly irregular shaped property located on the western terminus of Heath Drive with rear frontage to the Warrnambool-Geelong train line on the northern edge of Winchelsea.

The property is improved with a brick veneer dwelling constructed circa 2020 of some 240 square metres and presenting in good condition. Other improvements include an attached double garage, rear shed and basic landscaping.

We have notionally apportioned the sale price between dwelling of \$360,000 (\$1,500/sqm), other improvements of \$50,000 and land of \$2,515,000 (\$131/sqm).

## 16 Valuation Rationale:

It is normal for an assessment of compensation to be calculated for the acquisition of land by a “Before” and “After” calculation, assessing the value of the property prior to the acquisition and subtracting the assessed value after the acquisition. The “Before” and “After” calculation is only relevant when part of a property is being compulsory acquired.

The highest and best use of the property is regarded to be a school and/or a residential development site and therefore we have utilised the summation method as our primary method of valuation.

The International Valuation Guidance Note No 1, and endorsed by the Australian Property Institute states that the sales comparison technique for land valuation involves direct comparison of the subject property with similar land parcels for which actual data on recent market transactions are available. The comparable market evidence is broken down into units of comparison and could include dollars per square metre (for retail, office and residential properties) and per square metre for rural and englobo development land properties. The units of comparison that are applicable to a particular valuation task depend upon the market behaviour.

To make direct comparisons between a comparable sale property and the subject property, quantitative and / or qualitative adjustments based on differences in the elements of comparison may be required by the valuer. Adjustments can narrow the differences between each comparable and the subject.

We have utilised the Summation valuation methodology for valuing the property. As the name suggests, the approach involves the summation of each component of the property that “add value”. The assessment is made by ascribing a value to the land (based on direct comparison and analysis of sales of vacant and improved properties), and then making an addition of the ‘added value’ of the improvements (buildings etc) on the land.

The added value of the improvements is assessed from the analysis of the available comparable sale properties and they are generally broken down to a rate per area basis (eg \$ psm).

### 16.1 Valuation Methodology – “Before” Value:

In determining our assessment of the “Before” value for the property, the following have been central in our deliberations:

- The property comprises an irregular shaped and generally level parcel located on the northern side of Murray Street with additional side frontage to Ross Street on the western edge of Colac.
- The property comprises the site of the former Colac High School which has recently been redeveloped into the Lake Colac Specialist School, a new specialist school retaining the façade of the original heritage high school building and building brand new classrooms, office and amenities and landscaped gardens. From the Indicative Site Plan obtained from the School Building Authority Website, not all the buildings have been completed, specifically Building C which still appears to be under construction.
- The highest and best use of the property is regarded to be a school and/or a residential development site.
- The subject property is partly zoned Public Use Zone – Education (PUZ2) and partly General Residential Zone – Schedule 1 (GRZ1) and is subject to a Design and Development Overlay – Schedule 9 (DDO9) and Heritage Overlay – Schedule (HO149)
- This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.
- Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme.

- We have analysed sales of other residential development sites within the Colac Urban Area and Winchelsea which shows developable land value rates (excluding improvements) of:
  - \$39 per square metre (excluding improvements) for a slightly larger residential development site on the southern edge of Colac with a longer term redevelopment time horizon. Regarded as far inferior to the subject property on a land value rate basis.
  - \$62 per square metre (excluding improvements) for a similar sized residential development site on the eastern edge of Colac also slightly irregular in shape. This property is located close to the industrial precinct and the Australian Lamb Colac Abattoir. Regarded as comparable to the subject property on a land value rate basis.
  - \$87 to \$92 per square metre (excluding improvements) for considerably smaller infill residential development sites. Both properties have narrow frontages which provides access to a rear rectangular development site. Both are regarded as superior to the subject property on a land value rate basis due to their smaller size.
  - \$131 per square metre (excluding improvements) for a considerably smaller residential development site within Winchelsea and ripe for immediate redevelopment. Regarded as far superior to the subject property on a land value rate basis.

After careful consideration, we believe an appropriate site value rate (excluding improvements) for the subject property to range between \$60 and \$70 per square metre of land area. Given the size of the subject property, the two (2) road frontages, development density, location on the western edge of Colac and current state of the property market, we have adopted a land value rate at the mid-point of the range of \$65 per square metre.

We have applied the adopted land value rate across the land area of 41,790 square metres to calculate a "Before" land value of \$2,716,350, which we have rounded to \$2,715,000.

Given all improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition, for the purpose of this valuation we have disregarded any added value of the improvements as they are the same in the "Before" and "After" scenarios. Our assessment of compensation specifically addresses the impact to the land value.

Our "Before" assessment of value calculation for the subject property is summarised as follows:

<b>"Before" Value Summation Approach 413-437 Murray Street, Colac</b>			
Land:	41,790 sqm	@ \$65/sqm	\$2,716,350
Improvements:			Ignored
			<hr/> \$2,716,350
<b>Adopt: "Before" Value</b>			<b>\$2,715,000</b>

Having regard to market practice, the valuation has been assessed GST exclusive.

## 16.2 Valuation Rationale – “After” Value

We have acted on written instructions from Mr Robert Marsh, Valuer-General Victoria, acting on behalf of Department of Education and Colac Otway Shire, dated 24<sup>th</sup> April 2024 to provide an assessment of compensation for the acquisition by agreement of 2,135 square metres from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) by Colac Otway Shire for compensation purposes.

We have specifically been requested to:

- Perform an assessment of compensation on Joint instructions from Department of Education and Colac Otway Shire dated 21<sup>st</sup> March 2024 included in Appendix 1 of this report.
- Assume the land area to be acquired from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) is 2,135 square metres as per ‘Road R1’ on Proposed Plan of Subdivision PS920972E (prepared by South West Survey Group, Surveyors File Ref: 2106PS, Version No. 01, undated).
- Assume the land to be acquired by Colac Otway Shire is for construction of a road.
- Assume the land to be acquired is zoned General Residential – Schedule 1 as any land acquired will be rezoned from the current zone (Public Use – Education PUZ2) prior to any transfer.
- Provide an assessment of compensation at the date of inspection.

In determining our assessed “After” value, the property comments detailed above in the “Before” value along with the following effects of the property have been central in our deliberations:

- The highest and best use of the property as a school and/or residential development site is unchanged.
- The acquisition of 2,135 square metres of land reducing the land area of the subject property by 5.1% to 39,655 square metres.
- The land to be acquired is all regarded to be developable.
- Access to the property is improved with an additional road frontage along the entire western boundary.
- The overall shape of the property is largely unchanged.
- All improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition.

In assessing the “After” value of the property, we have adopted a land value rate of \$65 per square metre (as in the “Before” value) over a reduced land area of 39,655 square metres to calculate an “After” land value of \$2,577,575.

Given all improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition, for the purpose of this valuation we have disregarded any added value of the improvements as they are the same in the “Before” and “After” scenarios. Our assessment of compensation specifically addresses the impact to the land value.

We have then had regard to the severance/injurious affection to the balance of the land.

- The land is within the Colac West Development Plan area as a specialist school, zoned Public Use – Education (PUZ2) however with an underlying zone of General Residential Zone – Schedule 1 as per the surrounding area. The acquisition does not affect the highest and best use and access is improved by virtue of a new road frontage along the entire western boundary. Having regard to the effect of the acquisition, we have not made any allowance for severance and any negative impacts is offset by the positive enhancements in access.
- The amenity of the improvements are not impacted by the acquisition and therefore, we have not made an allowance of severance to the improvements.



Our “After” assessment of value calculation for the subject property is summarised as follows:

“After” Value Summation Approach 413-437 Murray Street, Colac			
Land:	39,655 sqm	@ \$65/sqm	\$2,577,575
Improvements:			Ignored
			<hr/> \$2,577,575
Less Severance / injurious affection:	Nil		(Nil)
			<hr/> \$2,577,575
<b>Adopt: “After” Value</b>			<b>\$2,575,000</b>

Having regard to market practice, the valuation has been assessed GST exclusive.

### 16.3 Summary of Valuation and Compensation Apportionment:

In accordance with the above I summarise our calculations as follows:

Summary of Valuation 413-437 Murray Street, Colac	
"Before" Land Value	\$2,715,000
"After" Land Value	\$2,575,000
Diminution in Value	\$140,000
<b>Adopt,</b>	<b>\$140,000</b>

Having regard to market practice, the valuation has been assessed GST exclusive.

I summarise the compensation apportionment across all heads of claim as follows:

Compensation Apportionment 413-437 Murray Street, Colac	
Market Value of Land:	\$138,775
Severance/Injurious affection:	\$0
Disturbance:	\$0
Special Value:	\$0
<b>Total</b>	<b>\$138,775</b>
The difference to the above amount is due to rounding.	
<b>Adopt, say</b>	<b>\$140,000</b>

No allowance in our assessment is made for business disturbance, leasehold interest compensation, legal, valuation and other costs together with disturbance and solatium that may be claimed by the land owners.

Given all improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition, for the purpose of this valuation we have disregarded any added value of the improvements as they are the same in the "Before" and "After" scenarios. Our assessment of compensation specifically addresses the impact to the land value.

## 17 Conclusion:

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After careful consideration and subject to the overriding stipulations and assumptions contained within the body of this report, I advise the fair and reasonable compensation for the acquisition of 2,135 square metres from 413-437 Murray Street, Colac (Volume 12389 Folio 285 – Land in Plan of Consolidation 380347A) as at 3<sup>rd</sup> May 2024 is:

**\$140,000**

**(One Hundred and Forty Thousand Dollars)**

Having regard to market practice, the valuation has been assessed GST exclusive.

The Land Acquisition and Compensation Act requires compensation to be assessed as the difference between the “Before” and “After” value of the market value of the interest.

No allowance in our assessment is made for business disturbance, leasehold interest compensation, legal, valuation and other costs together with disturbance and solatium that may be claimed by the land owners.

Given all improvements are well removed from the land to be acquired (minimum of 70 metres) and unaffected by the acquisition, for the purpose of this valuation we have disregarded any added value of the improvements as they are the same in the “Before” and “After” scenarios. Our assessment of compensation specifically addresses the impact to the land value.

### Important Notes:

This valuation is subject to the terms and conditions, assumptions, limitations, qualifications and disclaimers contained in this valuation report and any annexures thereto.

## 18 Qualifications and Disclaimers:

Market Movement Clause	<p>This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.</p>
No Financial Interest	<p>We certify that the Valuer and/or the valuation firm does not have any direct, indirect or financial interest in the property or client described in this report.</p>
Third Party Disclaimer	<p>This valuation has been prepared on specific instructions from Valuer-General Victoria for compensation purposes. It is subject to the terms and conditions, assumptions and limitation, disclaimers and qualifications contained in the report and any annexures thereto. Only the client, who the report is specifically addressed, may rely upon the report, and only for the sole purpose as specified in the report.</p> <p>The report is not to be relied upon by any other person or for any other purpose. VRC Property Pty Ltd (VRC Property) and the Valuer accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. VRC Property and the Valuer accept no liability for negligence and/or any other cause of action for any loss or damage suffered by a third party to whom the valuation report was not addressed.</p> <p>The report has been prepared for the private and confidential use only of Valuer-General Victoria, Department of Education &amp; Training and Colac Otway Shire for compensation purposes and it should not be reproduced in whole or in part or relied upon for any other purpose or by any other party.</p> <p>No responsibility is accepted by the Valuer and/or Valuation Firm in the event that the client to which this report is specifically addressed, relies, uses and/or otherwise represents anything contained in the report for any other purpose apart from that expressly noted previously.</p> <p>No responsibility is accepted by the Valuer and/or Valuation Firm to any other parties who rely, use, distribute, publish and/or otherwise represent anything contained in the report for any purpose.</p>
No Assignment of Valuations	<p>VRC Property does not assign valuations.</p>
Mortgage, Solicitor Loans and Managed Investment Schemes Clauses	<p>This valuation report is NOT to be used or relied upon by any person for the purpose of;</p> <ul style="list-style-type: none"> <li>• Mortgage purposes. This includes any use:             <ul style="list-style-type: none"> <li>○ For or on behalf of any person or entity lending money by way of loan or involved in the making of any loan; or</li> <li>○ For which responsibility is accepted to any person or entity lending money by way of a loan or involved in the making of any loan.</li> </ul> </li> <li>• Solicitor Loan purposes. This includes any use:             <ul style="list-style-type: none"> <li>○ For or on behalf of a Solicitor Lender or any person lending money through a Solicitor Lender; or</li> <li>○ For which responsibility is accepted to any Solicitor Lender or any person lending money through a Solicitor Lender; or</li> <li>○ For any solicitor's mortgage facility or any loan or mortgage arranged on behalf of a solicitor's mortgage facility;</li> </ul> </li> <li>• Managed Investment Scheme purposes. This includes any use in connection with any Managed Investment Scheme, as defined under section 9 of the Corporations Act 2001 (Cth) which;             <ul style="list-style-type: none"> <li>○ has as its prime or substantial purpose, the provision of tax benefits to investors; or</li> <li>○ is involved in any form of direct or indirect investment in primary production (including property used for primary production).</li> </ul> </li> </ul> <p>This valuation report has been made on the understanding that the valuation is not used or relied upon by any person for mortgage purposes, solicitor loan purposes or in connection with any managed investment scheme purposes. We do not assume any responsibility or accept any liability where this valuation is used or relied upon by any person for mortgage purposes, solicitor loan purposes or in connection with any managed investment scheme purposes.</p>
Assumption Disclaimer	<p>Our valuation is provided by way of a valuation report. The valuation is subject to the terms and conditions (as per agreed Terms of Engagement) and the assumptions, limitations, qualifications and disclaimers contained in this valuation report.</p> <p>The client understands and acknowledges that the valuation is made on the basis of specific assumptions and qualifications as outlined in the valuation report, and will depend on the property and the circumstances of the property being valued. The client agrees to satisfy his/herself in respect of such assumed or qualified matters prior to relying upon the valuation report. The client acknowledges that the</p>



Valuer does not warrant or represent that any assumed or qualified matter is accurate or correct. It is the clients' sole responsibility to request clarity and/or confirmation of the qualification(s) and assumption(s) referred to in the valuation report before reliance upon the valued assessed or any part of the valuation (report) for any purpose. Such request must be made in writing to the Valuer.

The client understands that if the assumptions we have made or relied on are circumstances that do not eventuate or are later found to be inaccurate, the valuation may be materially affected. The client agrees to bear the risk in relation to any loss should this occur.

Should the client be aware of any information, or matters become known or discovered, or should it subsequently transpire that expert advice establishes information, which differs from assumptions made or relied on or information referred to in this valuation report, no reliance should be placed on this valuation report (including the value assessed herein) unless VRC Property has been advised of such information/matters in writing and we have confirmed that this valuation (including the value assessed herein) is not affected. The client agrees to provide this information in writing to VRC Property and refer the valuation report back to the Valuer (along with any information) for comments and amendment, if needed. We reserve the right to review this valuation in the event that information or expert advice differs from assumptions made or information referred to in the valuation report to determine the impact such matters has on the property and the valuation (and assessment of value).

The report may provide restricted or limited comment on a range of matters primarily to draw your attention to aspects that require information and/or advice from experts. These may be in specialist areas where the valuer often will have some knowledge but in which the valuer is either not an expert or is not permitted under some act or regulation, to express a definitive opinion. The comments could note some observed condition or indication of a possible problem area. You acknowledge and understand the valuers are not experts in these specialist areas and the comments should be taken as indicative only and not definitive on the particular matter, and may lead to our recommendations for expert advice/report from such experts in these matters.

You agree to engage appropriate professionals to advise on matters of concern for the property. If expert advice is sought in these matters, or if you are aware of any such matters of concern, you agree to provide this information in writing to VRC Property and refer the valuation report back to VRC Property (along with the expert advice) for comments and amendment, if needed. VRC Property reserve the right to review the valuation in the event that expert advice differs from assumptions made or information referred to in the valuation report to determine the impact such matters has on the property and the valuation (and assessment of value).

**Entire Report Disclaimer** This valuation report should be read in its entirety, including all Annexures, assumptions, limitations, qualifications and disclaimers' contained in the valuation report.

**Copying or Publication of Report** This report has been made only for the purpose stated and shall not be used or relied upon for any other purpose or by any other person. The client is not authorised to provide this valuation report to any third party, for any reason. Neither this report nor any portions thereof (including without limitation any conclusions as to value, the identity of VRC Property or any individuals signing or associated with this report, or the professional associations or organisations with which they are affiliated) shall be disseminated to third parties by any means.

This valuation report (and the value assessed herein) is to be kept confidential. Neither the whole nor any part of any valuation report may be reproduced, copied nor included in any document, circular or statement. VRC Property does not consent to any valuation report in whole nor any part being copied or published on the internet, social media, cloud or any other computer system by any means.

**Full Disclosure of Information by Client Disclaimer** This valuation has been prepared on the basis that full disclosure of all information and facts which may affect the valuation has been made to us, to enable us to properly perform the valuation. We do not accept any liability or responsibility whatsoever for the valuation if full disclosure has not been made.

This valuation assumes the instructions and information supplied has been provided honestly and in good faith. We do not accept responsibility for any consequential error or defect in the valuation which has resulted from any error, omission or inaccuracy in data or information supplied by the client or its officers and agents.

**Information Availability** This valuation is based on information reasonably available to the Valuer as at the date of valuation in accordance with usual valuation practices. By reason of the operation of privacy laws, the Valuers' enquiries in respect of recent transactions have been constrained. Accordingly, the Valuer may not have had access to information on recent transactions which have not yet been published in information sources available to the Valuer. In the event that other transactions have taken place, knowledge of those transactions may affect the opinion expressed by the Valuer.

Information furnished by others, upon which all or portions of this report are based, is believed to be reliable but has not been verified in all cases. We do not accept any responsibility for any consequential error or defect in the valuation which has resulted from an error, omission or inaccuracy in this information. No warranty is given as to the accuracy of such information.

	<p>This valuation is completed on the basis of information provided to us by various third parties. We reserve the right to review and amend this valuation should there be any revision or change to any provided information utilised in the undertaking of this valuation.</p>
Market Conditions Disclaimer	<p>No responsibility is taken for changes in market conditions and no obligation is assumed to revise this report to reflect events or conditions which occur subsequent to the date of valuation.</p> <p>The client accepts the risks associated with market movement after the date of the valuation, including without limitation, any fall in market value of the subject property.</p>
Structural Condition Disclaimer	<p>The Valuer is not a building construction or structural expert and is therefore unable to certify the structural soundness of the improvements. We recommend the client of this report should make their own enquiries.</p> <p>VRC Property does not carry out structural surveys of buildings or improvements nor testing of building services. VRC Property is not able to give any assurance that a property (including building services) is free from defect. This report is on the basis that no impediment including timber infestation, structural deficiencies, concrete cancer and the like, which could only be known following such survey, exists.</p> <p>Unless otherwise stated, this report assumes the building and all improvements to the property are structurally sound (and that no impediment including timber infestation, structural deficiencies, concrete cancer and the like exists) and comply with the terms and conditions of all relevant statutory and other authorities. Furthermore, the building services are assumed to be comply with applicable codes, satisfactorily maintained and in good working condition.</p> <p>The client should engage appropriate professionals to advise on structural soundness and state of services. If expert advice is sought in this regard and establishes that there are matters of structural soundness and state of services concern, or such matters become known or discovered, no reliance should be placed on the valuation (and assessment of value) unless VRC Property have been advised of such matters in writing and VRC Property have confirmed that the valuation and assessment of value is not affected. The client agrees to provide this information in writing to VRC Property and refer the valuation report back to VRC Property (along with the expert advice) for comments and amendment, if needed. VRC Property reserve the right to review the valuation to determine the impact such matters has on the property and the valuation (and assessment of value).</p>
Compliance Disclaimer	<p>A Certificate of Compliance has not been sighted and accordingly, our assessment is subject to the building, complying in all material respects with any restrictive covenants affecting the site and has been built, is occupied and being operated, in all material respects, in compliance with all requirements of law, including all zoning, land use classification, building, planning, fire and health bylaws (including asbestos), rules, regulations, orders and codes of all authorities and that there are no outstanding requisitions. Our assessment is also subject to full compliance with all Occupational Health and Safety Legislation as well as compliance with all Essential Maintenance legislation.</p> <p>Full compliance with all applicable federal, state and local zoning, use, environmental and similar laws and regulations including relevant building codes is assumed, unless otherwise stated.</p> <p>It is assumed that all required licences, certificates of occupancy, consents, or other legislative or administrative authority from any local, state or national government or private entity or organisation have been or can be obtained or renewed for any use on which the value contained in this report is based.</p> <p>Responsible ownership and competent property management are assumed.</p> <p>If expert advice is sought in this regard and establishes that there are matters of compliance concern, or such matters become known or discovered, no reliance should be placed on the valuation (and assessment of value) unless VRC Property have been advised of such matters in writing and VRC Property have confirmed that the valuation and assessment of value is not affected. The client agrees to provide this information in writing to VRC Property and refer the valuation report back to VRC Property (along with the expert advice) for comments and amendment, if needed. VRC Property reserve the right to review the valuation to determine the impact such matters has on the property and the valuation (and assessment of value).</p>
Title Disclaimer	<p>We have assumed that the title information is correct. No investigation has been made of and no responsibility is assumed for, the legal description or for legal matters, including the title or encumbrances. Title to the property is assumed to be good and marketable unless otherwise stated.</p> <p>We have assumed there are no reservations, encroachments, encumbrances, caveats, notices, easements, leases nor rights of way, other than those disclosed in the report, that adversely affect the property. If a reservation, encroachment, encumbrance, caveat, notice, easement, lease or right of way exists on the land (other than noted in the report), or if there are errors known on the title information, then VRC Property must be notified, and we reserve the right to review our valuation.</p>
Native Title Disclaimer	<p>No expert advice or reports were provided or been made available to us in regards to native title. We take this opportunity to advise that VRC Property Pty Ltd are not experts in native title or the property rights and interests there from and will not be liable nor responsible for failure to identify all matters and the impact which native title issues has on the property and its value. The client should engage appropriate</p>

	professionals to advise on this area. If expert advice is sought in this regard, the expert advice should be referred to VRC Property, and we reserve the right to review our valuation.
Liens	We have disregarded the presence of any mortgage or other financial liens pertaining to the property.
Disclaimer	
Planning	The planning information contained in this report has been obtained from the Department of Environment, Land, Water and Planning website. We have relied upon this information in assessing the value of the subject property. We do not accept responsibility for any consequential error or defect in the valuation which has resulted from an error, omission or inaccuracy in this information.
Disclaimer	We have not sighted a current planning certificate for the subject property. Should the client require confirmation of planning information, we recommend the client applies to the relevant authorities to obtain a current planning certificate. If expert advice is sought in this regard, the expert advice should be referred to VRC Property, and we reserve the right to review our valuation.
Flooding	The flooding information (if applicable) contained in this report has been obtained from the Vicplan website. We have not verified, nor do we make any representation as to the accuracy and currency of the flood mapping information. We do not accept responsibility for any consequential error or defect in the valuation which has resulted from an error, omission or inaccuracy in this information.
Disclaimer	The client acknowledges and understands the valuers are not experts in flooding. In relying on this valuation, the client agrees to take on the risk that the information may turn out to be different. To address the risk the flood mapping information may turn out to be different, or if there is any doubt in this regard, we recommend the client should obtain the opinion of an independent consultant. If expert advice is sought in this regard, the expert advice should be referred to VRC Property, and we reserve the right to review this valuation.
Land and Building Area	Identification of the land sufficient for valuation purposes was possible, however due to the overall shape of the property, distance of boundaries, topography, vegetation and buildings (if applicable), actual dimensions could not be verified and this assessment relies on the land measurements provided by Certificate of Title plan/s and/or public records.
Disclaimer	Maps or sketches, if included in this report, are only to assist the reader in visualising the property and no responsibility is assumed for their accuracy. No independent surveys were conducted.  All land areas, building areas and lettable areas referred to in the valuation report are approximate. Should the client subsequently ascertain that areas referred to in the valuation report differ from other information provided to the client, the client agrees to provide this information to the Valuer/ VRC Property and refer the valuation back to VRC Property for comments and where appropriate, amendment. We reserve the right to review this valuation in the event that surveyed areas differs from those areas referred to in the valuation report.
Survey	This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert, however, are based on our inspection of the property and review of Certificate of Title plan/s
Disclaimer	A current survey has not been sighted and this valuation is subject to there being no encroachments by or upon the property and this should be confirmed by a current survey and / or advice from a registered surveyor.  If there is any doubt in respect of survey matters, we recommend that a check survey be undertaken by a qualified surveyor. If expert advice is sought in this regard, the expert advice should be referred to VRC Property, and we reserve the right to review this valuation.
Environmental	This report is not an environmental audit and no advice is given in any way relating to environmental matters. Any comments given as to environmental factors in relation to the property are not given in the capacity as an expert.
Disclaimer	We take this opportunity to advise that VRC Property Pty Ltd are not environmental auditors and will not be liable nor responsible for failure to identify all matters of environmental concern and the impact which an environmental related issue has on the property and its value. We recommend the client should engage appropriate environmental consultants to seek professional advice in this regard.  No soil tests nor environmental studies or reports have been made available to us. Our valuation is completed on the assumption that there are no environmental problems in any way affecting the subject property, including soil contamination, surface or sub surface conditions, toxic or hazardous wastes or building material hazardous in the property that may adversely affect its existing or potential use and our assessment of value. Should it subsequently transpire that an expert report establishes that there are such matters of environmental concern, or such matters become known or discovered, no reliance should be placed on our assessment of value unless we have been advised of such matters and we have confirmed that our assessment of value is not affected. We reserve the right to review this valuation to determine the impact such environmental matters has on the property and our assessment of value.  No soil analysis or geological studies were ordered or made in conjunction with this report.

The client acknowledges and recognises that VRC Property is not an expert in identifying environmental hazards and compliance requirements affecting properties. VRC Property does not have the expertise to be able to prepare an environmental audit report and any valuation report by VRC Property will not in any way constitute an environmental audit. Any comments given as to environmental factors in relation to the property are not given in the capacity as an expert. VRC Property will not be liable nor responsible for failure to identify all such matters of environmental concern and the impact which an environmental related issue has on the property and its value including loss arising from;

- i. site contamination;
- ii. the non-compliance with any environmental laws; or
- iii. costs associated with the clean-up of a property in which an environmental hazard has been recognised, including action by the Environmental Protection Authority to recover clean-up costs pursuant to the Environmental Protection Act.

VRC Property does not carry out investigations on site or by enquiry to determine whether any building was constructed or altered using hazardous materials (eg. asbestos). The client should engage appropriate professionals to advise on the existence and state of such material.

We must point out that we are not experts in this area and therefore, in the absence of an environmental consultant's report concerning the presence of any asbestos fibre within the subject property, this valuation is made on the assumption that there is no health risk from asbestos within the property. Should it subsequently transpire that an expert report establishes that there is an asbestos related health risk and/or repairs, removal, remediation of asbestos is known to be required in the foreseeable future, we reserve the right to review this valuation.

VRC Property does not carry out any investigations on site or off site or by enquiry to determine the ground/soil beneath the surface or undertaken any vegetation or soil sampling. This report is on the basis that no contamination of the land exists. The client should engage appropriate professionals to advise in this regard.

VRC Property does not carry out investigations on site in order to determine the suitability of ground conditions and services for new developments. This report is on the basis that these aspects are satisfactory and that where development is proposed, no extraordinary expense or delays will be incurred during the construction period.

If expert advice is sought in this regard and establishes that there is site contamination and/or matters of environment concern, or such matters become known or discovered, no reliance should be placed on the valuation (and assessment of value) unless VRC Property have been advised of such matters in writing and VRC Property have confirmed that the valuation and assessment of value is not affected. The client agrees to provide this information in writing to VRC Property and refer the valuation report back to VRC Property (along with the expert advice) for comments and amendment, if needed. VRC Property reserve the right to review the valuation to determine the impact such matters has on the property and the valuation (and assessment of value).

## Native Vegetation Disclaimer

We have not been provided with any native vegetation assessment reports nor any information regarding native vegetation or habitat type on the subject property, therefore we assume that the property is free of native vegetation.

We must point out that we are not experts in this area and therefore unable to make any comment without expert reports. Should it subsequently transpire that an expert report establishes that there are such matters of native vegetation or protected fauna habitat or rare/threatened flora species on the subject property, or such matters become known or discovered, no reliance should be placed on our assessment of value unless we have been advised of such matters and we have confirmed that our assessment of value is not affected.

## Limitation of Liability Clause

The client agrees to release VRC Property and hold VRC Property harmless from all liability to the client for or in respect of any loss, damage, costs and expenses of whatsoever kind which VRC Property have or may have or might have had arising from or in any way connected with the Valuation, Valuation Services or Services or the Use of the Valuation Services or any part of them. This release shall be complete and unconditional except in the case of our fraud or wilful misconduct by VRC Property in the provision of the Services.

The client agrees that the client will fully indemnify VRC Property for and in respect of all loss, liability, costs and expenses of whatsoever kind which VRC Property may suffer or incur arising from or in any way connected with any breach by the client of VRC Property's Terms and Conditions. This indemnity shall include but not be limited to loss, liability, costs and expenses which VRC Property may suffer or incur in respect of any claims, actions, proceedings, disputes or allegations made against VRC Property or to which VRC Property are a party.

The client agrees to this Limitation of Liability and the Terms and Conditions whether such liability arises under contract, at common law or under Statute.

The client agrees that this limitation of liability extends to all VRC Property directors, employees and contractors. Every right, immunity, exemption and limitation in the Terms and Conditions available or applicable to VRC Property shall also be available and shall extend to every employee, contractor, servant or agent of VRC Property.



	No employee, contractor, servant or agent of VRC Property or any other person has any power to waive or vary any of the Terms and Conditions unless such waiver or variation is in writing and signed by one of VRC Property Directors.
GST	In relation to any potential GST liability, we must point out that we are not legal or taxation experts. Any comments given as to GST position are not given in the capacity as an expert. We recommend the client should engage appropriate legal or taxation experts to obtain qualified advice. We recommend that any intending purchaser of the property should obtain their own legal and taxation advice on the GST position. Should it subsequently transpire that expert advice varies from our interpretation of the legislation and ATO rulings as the date of this valuation, we reserve the right to review this valuation.
Other	Any valuation cannot be viewed as taxation, legal, accounting or financial investment advice. We are not legal, taxation, accounting or financial/investment experts, and any comments in our valuation are not given in the capacity as an expert in these areas. We recommend that you should engage appropriate legal, taxation, accounting and financial/investment experts to obtain qualified advice.
Externally prepared information	In preparing this valuation report, we have relied on information derived from other sources including information provided with our instructions. Where this information is provided by experts and experienced professionals, we have relied upon the information provided being accurate. We have not been able to independently verify this information from our own enquiries, given the time and costs involved in doing so. Should the information prove to be inaccurate, the valuation opinion is also likely to be inaccurate, and therefore no reliance should be placed on our assessment of value unless we have been advised of such matters and we have confirmed that our assessment of value is not affected. The client acknowledges and understands the valuers are not experts in these specialist areas. In relying on this valuation, the client agrees to take on the risk that the information may turn out to be different from what we have been advised. To address the risk the information relied upon may turn out to be different, or if there is any doubt in this regard, we recommend the client should obtain the opinion of an independent consultant. If expert advice is sought in this regard, the expert advice should be referred to VRC Property, and we reserve the right to review this valuation.

Liability limited by a scheme approved under Professional Standards Legislation

**VRC Property Pty Ltd**



**Chris Barrett AAPI**  
**Certified Practising Valuer**  
**API Member No. 63083**

Dated: 10<sup>th</sup> May 2024

## Appendix 1:

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Q Search...

Home (/VVP/s/)

Jobs

Tasks

Contact us

Help guides (/VVP/s/help-guides)

Job

JOB-00118402

+ Follow

Edit

Accept

Reject

Request Type

Valuation Type

Status

Sub Sta...

Due D...

Subject

Valuation Request

Market Valuations

In Progr...

Accepted

22/5/2...

Murray Street ...

Please quote the Job Number and PO number on your invoice and email directly to [ap.invoices@delwp.vic.gov.au](mailto:ap.invoices@delwp.vic.gov.au) (<mailto:ap.invoices@delwp.vic.gov.au>)

Information

Job Number

JOB-00118402

Parent Job

File Manager

Genevieve McKinley (/VVP/s/profile/0058a000000IDUJAAO)

Status

In Progress

Sub Status

Accepted

Job Details

Subject

Murray Street Colac

Inspection Type

Internally inspected

Customer Contact Details

John Mitilineos

[john-paul.mitilineos@education.vic.gov.au](mailto:john-paul.mitilineos@education.vic.gov.au) (<mailto:john-paul.mitilineos@education.vic.gov.au>)

Victorian School Building Authority - Leasing

Special Instructions ⓘ

Request Type

Valuation Request

Valuation Service Area

Government Valuations

Valuation Type

Market Valuations

Valuation Sub Type

Certification Type

Certified

Job Record Type

Valuation ⓘ

Report Type

Full

Due Date ⓘ

22/5/2024

Act(s) Applied ⓘ

1 of 3

Agenda - Council Meeting - 28 August 2024

24/04/2024, 4:32 pm

Market valuation required for the proposed sale from the Minister for Education to the Colac Otway Shire Council for a proposed road. Please refer to attachments for further details.

✓ Supplier Details

Preferred Supplier  
**VRC Property Pty Ltd (/VVP/s/detail/0018q000004S421AAC)**

Purchase Order No.  
**DELWP42433**

Valuation of Land Act 1960;Subdivision Act 1988;Local Government Act 2020

Preferred Valuer  
**Chris Barrett (/VVP/s/detail/0038q000003FRbjAAG)**

Accepted Date  
**24/4/2024**

✓ Valuation Report Details

Final Report Submitted

Certification Date

Final Report Comments ⓘ

Certification Comments ⓘ

- An internal inspection of the above property may proceed if you have deemed it safe to do so. Please abide by your own COVID safe plan. Valuers should take appropriate action to ensure their health and safety and familiarise themselves with the latest Victorian Government guidelines.
- Should the Valuer deem it not possible or unsafe to conduct an internal inspection in accordance with their COVID safe plan, VGV should be notified immediately.

Valuation Subjects			
Valuation Subject ID	Subject Name	Description	Record Type
VALSUB-117077 (/VVP/s/valuation...	Murray Street Colac		Property Valuation



Submit for Review

Activities (?tabset-919b4=1)

Files (?tabset-919b4=a97e7)

Post

Share an update...

Share

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Most Recent Activity

Search this feed...

Genevieve McKinley (/VVP/s/profile/0058q000000IDUjAAO) (Employee) created this job.  
3h ago (/VVP/s/feed/0D5RF00000EUXum0AD)

JOB-00118402

View more details

Like

Comment

Write a comment...

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3 of 3

Agenda - Council Meeting - 28 August 2024

24/08/2024, 4:32 pm

# Valuer-General Victoria

## Request for valuation

1. Name and address of department, public authority, owner or legal representative requesting valuation and reference number for correspondence.	<b>JOINT VALUATION REQUEST</b> Department of Education Level 2, 33 St Andrews Place EAST MELBOURNE. VIC 3002 And Colac Otway Shire Council 2-6 Rae Street COLAC, VIC 3250
2. Contact person at requesting authority  Name: Position: Telephone: Property inspection contact no.:	Department of Education & Training - VSBA John-Paul Mitilineos Senior Property Officer (03) 7022 5808 & Colac Otway Shire Council Simon Clarke Coordinator Strategic Planning and Major Projects (03) 5232 9559  Inspection contact- John-Paul Mitilineos (03) 7022 5808
3. Precise land identification details: (Crown description, address, title particulars etc. An extract or copy of title or survey plan of the subject property should be attached to this application). (Demised premises).	Proposed -ROAD R1 PS920972E being part of Land in Plan of Consolidation 380347A (attached)  PARENT TITLES :Volume 08334 Folio 418, Volume 09142 Folio 761, Volume 09148 Folio 640, Volume 09854 Folio 628, Volume 12322 Folio 232 Created by instrument PC380347A 17/07/2022 (attached)
4. Provide current Zoning advice	Current zoning: Public Use Zone – Education (PUZ)
5. Area (dimensions) of subject property	2135 m2
6. Use of premises	School site
7. Details of owners of the subject property  Name: Address:	MINISTER ADMINISTERING THE EDUCATION AND TRAINING REFORM ACT 2006 (SCHOOLS) Lvl 2, 2 Treasury Pl, East Melbourne 3002
Valuation to be as at (insert either a specific date or date of inspection)	Date of Inspection
8. Purpose for which valuation is required.	Land to be acquired by Colac Otway Shire for roadway – proposed Road R1 PS920972E
9. Do the provisions of any special Act apply to the land to be valued? If so, please specify.	Valuation of Land Act 1960 Land Acquisition & Compensation Act Local Government Act 1989

## Request for rental valuation

2

10. If the subject property is other than freehold, what is the nature of the interest to be valued?	Freehold
11. Detail any improvements on the property which are not to be included in the valuation, giving reasons for such exclusions, e.g. lessee's improvements.	NIL
12. If the valuation is requested for the purpose of sale/purchase, is such sale/purchase to be on the basis of cash or terms? If terms, please give the details	Settlement on signing of Deed of Agreement and nomination of Titles at Land Victoria to enable registration of proposed S35 Plan of Subdivision No. PS920972E
13. Other matters which are relevant to the valuation including planning advice, engineering advice, survey plans, schedule of development costs, feasibility studies, copy of Notice of Acquisition etc. (Attach copies of relevant documents and reports.)	Following documents are attached:-  1. Search of Titles – Volume 12389 Folio 285 2. Proposed Plan of Subdivision No PS920972E
14. Date of previous valuation (Ref. No.)	NA
15. Authorising officer	Anthony Natalizio – Team leader, Property Agreements-VSBA Simon Clarke -Coordinator Strategic Planning and Major Projects – Colac Otway Shire Council
16. Name of any consulting valuer employed	NA
17. Date valuation required by	As soon as practical

This application to the Valuer-General requesting a valuation of the subject property is made on the basis that payment for the valuation will be made when requested by the Valuer-General.

Signature of authorising officer: *A. Natalizio* .....

Position: (if applicable) **Anthony Natalizio - Team leader, Property Agreements-VSBA** .....

Date: 21/3/2024

Signature of authorising officer: *S. Clarke* .....

Position: (if applicable) **Simon Clarke -Coordinator Strategic Planning and Major Projects – Colac Otway Shire Council** .....

Date: 21 / 3 / 2024



## Request for rental valuation

3

**Note:** Note: In accordance with Section 3 of the *Valuation of Land Act 1960*, an application to the Valuer-General for the supply of a valuation made by a government department or public authority is required to be signed by the Minister or the permanent head of the department or the principal officer of the public authority, or personally by the officer authorised by the Minister, the permanent head or the principal officer (whichever case is applicable) to make the request or the secretary or similar officer of an authority constituted for any public purpose.

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Environment,  
Land, Water  
and Planning





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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958**

VOLUME 12389 FOLIO 285

Security no : 124113549643D

Produced 20/03/2024 11:09 AM

**LAND DESCRIPTION**

Land in Plan of Consolidation 380347A.

**PARENT TITLES :**

Volume 08334 Folio 418      Volume 09142 Folio 761      Volume 09148 Folio 640

Volume 09854 Folio 628      Volume 12322 Folio 232

Created by instrument PC380347A 17/07/2022

**REGISTERED PROPRIETOR**

Estate Fee Simple

Sole Proprietor

MINISTER ADMINISTERING THE EDUCATION AND TRAINING REFORM ACT 2006 (SCHOOLS)  
of LEVEL 2 2 TREASURY PLACE EAST MELBOURNE VIC 3002

[PC380347A](#) 17/07/2022

**ENCUMBRANCES, CAVEATS AND NOTICES**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE [PC380347A](#) FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

20/03/2024, 11:09

Land Registry Document

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)


Street Address: 413-437 MURRAY STREET COLAC VIC 3250

ADMINISTRATIVE NOTICES

NIL

eCT Control 21290S DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY  
Effective from 17/07/2022

DOCUMENT END

<a href="#">Home</a>	Account: <b>325102</b>		Authority Fee(GST exclusive): <b>\$0.00</b> Service Fee(GST exclusive): <b>\$0.00</b> GST Payable: <b>\$0.00</b> Total: <b>\$0.00</b>	20/03/2024 11:09AM
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## Imaged Document Cover Sheet


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Document Identification	<b>PC380347A</b>
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Document Assembled	<b>20/03/2024 11:10</b>

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<b>PLAN OF CONSOLIDATION</b>				<b>EDITION 1</b>		<b>PC380347A</b>											
<p style="text-align: center;"><b>LOCATION OF LAND</b></p> <p>PARISH: of Elliminyt</p> <p>TOWNSHIP: _____</p> <p>SECTION: 9</p> <p>CROWN ALLOTMENT: 5 (Part) &amp; 6 (Part)</p> <p>CROWN PORTION: _____</p> <p>TITLE REFERENCE: Vol. 12322 Fol. 232, Vol. 9854 Fol. 628, Vol. 9148 Fol. 640, Vol. 9142 Fol. 761 &amp; Vol. 8334 Fol. 418</p> <p>LAST PLAN REFERENCE: Lot 2 on PS901631Q &amp; Lot 48 on LP7296</p> <p>POSTAL ADDRESS: 413-437 Murray Street, (at time of subdivision) Colac 3250</p> <p>GDA2020 CO-ORDINATES: E: 724 350      ZONE: 54 (of approx centre of land in plan)      N: 5 753 830</p>				<p>Council Name: Colac Otway Shire</p> <p>Council Reference Number: S19/2022-1 Planning Permit Reference: Planning permit not required SPEAR Reference Number: S192144H</p> <p><b>Certification</b></p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p><b>Statement of Compliance</b></p> <p>This is a statement of compliance issued under section 21 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Ian Williams for Colac Otway Shire on 12/05/2022</p>													
<b>EASEMENT INFORMATION</b>						<b>NOTATIONS</b>											
<p>LEGEND:    A – Appurtenant Easement    E – Encumbering Easement    R – Encumbering Easement (Road)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Easement Reference</th> <th style="width: 20%;">Purpose</th> <th style="width: 10%;">Width (Metres)</th> <th style="width: 10%;">Origin</th> <th style="width: 50%;">Land Benefited/In Favour Of</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>						Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of						<p><b>DEPTH LIMITATION</b></p> <p>Does not apply.</p> <p><b>SURVEY:</b></p> <p>This plan <del>is</del> is not based on survey.</p> <p>This survey has been connected to permanent marks No(s).</p> <p>In Proclaimed Survey Area No.</p>	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of													
<p><b>See Sheet Two For Detail</b></p>																	
SURVEYORS FILE REF: 15-37/22																	
<b>ROD BRIGHT &amp; ASSOCIATES PTY LTD</b> LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975				SCALE N.T.S. <div style="text-align: center;">  <p>LENGTHS ARE IN METRES</p> </div>		ORIGINAL SHEET SIZE: A3											
Digitally signed by: Anthony Bright, Licensed Surveyor, Surveyor's Plan Version (1), 01/04/2022, SPEAR Ref: S192144H				SHEET 1 OF 2 SHEETS  PLAN REGISTERED TIME: 9:22am DATE: 17/07/22 G. ROTTEVEEL Assistant Registrar of Titles													



SURVEYORS FILE REF: 15-37/22



ROSS

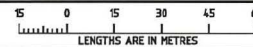
Murray Street

4.179ha

MGA94 ZONE 54

SHEET 2

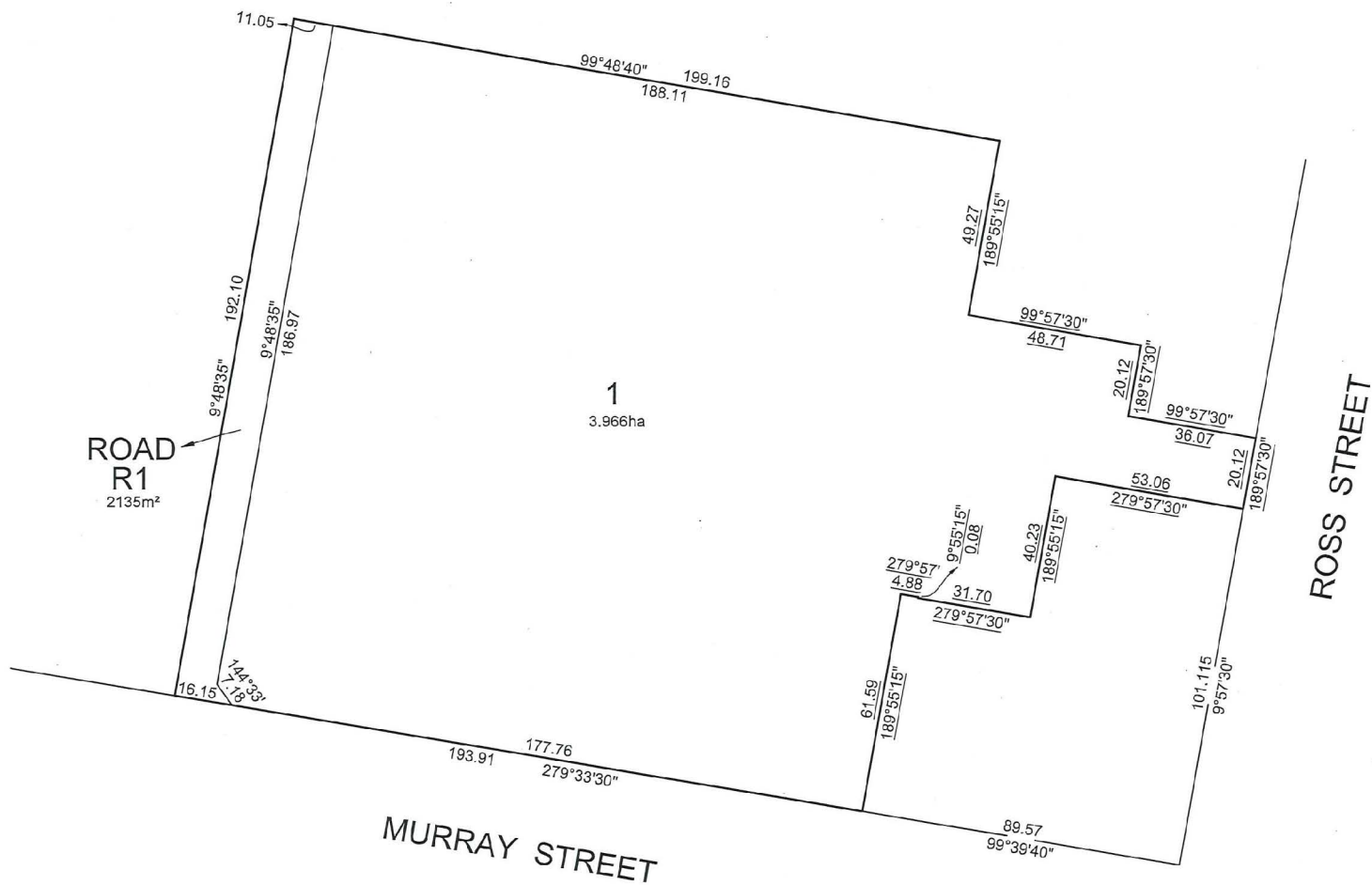
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Digitally signed by:  
Colac Otway Shire,  
12/05/2022,  
SPEAR Ref: S192144H

<b>PLAN OF SUBDIVISION</b> UNDER SECTION 35 OF THE SUBDIVISION ACT 1988				EDITION 1	<b>PS920972E</b>
<b>LOCATION OF LAND</b>  PARISH: ELLIMINYT TOWNSHIP: SECTION: 9 CROWN ALLOTMENT: 5 (PART) & 6 (PART) CROWN PORTION: TITLE REFERENCE: VOL FOL  LAST PLAN REFERENCE: PC380347A  POSTAL ADDRESS: 413-437 MURRAY STREET (at time of subdivision) COLAC VIC. 3250  MGA CO-ORDINATES: E: 724 320      ZONE: 54 (of approx centre of land      N: 5 753 830      GDA 2020 in plan)					
<b>VESTING OF ROADS AND/OR RESERVES</b>					
Roads and reserves vest in the council/body/person named when the appropriate vesting date is recorded or transfer registered. Only roads and reserves marked thus (%) vest upon registration of this plan.					
IDENTIFIER	COUNCIL/BODY/PERSON				
% ROAD R1	COLAC OTWAY SHIRE			LAND ACQUIRED BY AGREEMENT: ROAD R1 LAND ACQUIRED BY COMPULSORY PROCESS: NIL.  ALL THE LAND IS TO BE ACQUIRED FREE FROM ALL ENCUMBRANCES OTHER THAN ANY EASEMENTS SPECIFIED ON THIS PLAN.  UNDERLINED DIMENSIONS SHOWN THUS <u>49.27</u> ARE NOT THE RESULT OF THIS SURVEY.  THE AREA OF LOT 1 IS OBTAINED BY DEDUCTION FROM TITLE AREA	
NOTATIONS					
DEPTH LIMITATION: Does Not Apply					
SURVEY: This plan <del>is</del> is not based on survey.  STAGING: This <del>is</del> is not a staged subdivision.  This survey has been connected to permanent marks No(s).  THIS IS A SPEAR PLAN.					
EASEMENT INFORMATION					
LEGEND: A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)					
Easements marked ( - ) are existing easements. Easements marked ( + ) are created upon registration of this plan. Easements marked ( x ) are created when the appropriate vesting date is recorded or transfer registered. Easements marked ( # ) are removed when the appropriate vesting date is recorded or transfer registered.					
Symbol	Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
 <b>SOUTH WEST SURVEY GROUP</b> Power Land Surveys <small>m: 0414 521 151          24-26 Grange Park Drive, Warrum Ponds, VIC 3216          lukepower@swsg.com.au www.swsg.com.au</small>			SURVEYORS FILE REF: 2106PS  LUKE JAMES POWER    VERSION NO. 01		ORIGINAL SHEET SIZE: A3  SHEET 1 OF 3

PS920972E



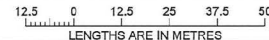
MGA 2020  
ZONE 54



**SOUTH WEST  
SURVEY GROUP**  
Power Land Surveys

m: 0414 521 151  
24-26 Grange Park Drive, Waurn Ponds, VIC 3216  
lukepower@swsg.com.au www.swsg.com.au


SCALE  
1:1250



ORIGINAL SHEET  
SIZE: A3

SHEET 2

LUKE JAMES POWER VERSION NO. 01

<b>PLAN OF SUBDIVISION</b> UNDER SECTION 35 OF THE SUBDIVISION ACT 1988					<b>PS920972E</b>		
<b>VESTING DATES &amp; TRANSFER REGISTRATION DATES OF ACQUIRED LAND</b>							
Land Affected	Land acquired by compulsory process				Land acquired by agreement	LR Reference	Assistant Registrar of Titles Signature
	Vesting Date	Government Gazette		Date of recording of vesting	Date of registration of transfer		
		Page	Year				
ROAD R1	—	—	—	—			
 <b>SOUTH WEST SURVEY GROUP</b> Power Land Surveys <small>           m: 0414 521 151            24-26 Grange Park Drive, Waurn Ponds, VIC 3216            lukepower@svsg.com.au www.svsg.com.au         </small>		ORIGINAL SHEET SIZE: A3			SHEET 3		
LUKE JAMES POWER VERSION NO. 01							



# VRC Property

| Valuations | Research | Consulting |

## Appendix 2:

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#### **REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958**

VOLUME 12389 FOLIO 285

Security no : 124113549643D

Produced 20/03/2024 11:09 AM

#### **LAND DESCRIPTION**

Land in Plan of Consolidation 380347A.

PARENT TITLES :

Volume 08334 Folio 418      Volume 09142 Folio 761      Volume 09148 Folio 640

Volume 09854 Folio 628      Volume 12322 Folio 232

Created by instrument PC380347A 17/07/2022

#### **REGISTERED PROPRIETOR**

Estate Fee Simple

Sole Proprietor

MINISTER ADMINISTERING THE EDUCATION AND TRAINING REFORM ACT 2006 (SCHOOLS)  
of LEVEL 2 2 TREASURY PLACE EAST MELBOURNE VIC 3002

[PC380347A](#) 17/07/2022

#### **ENCUMBRANCES, CAVEATS AND NOTICES**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

#### **DIAGRAM LOCATION**

SEE [PC380347A](#) FOR FURTHER DETAILS AND BOUNDARIES

#### **ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)


Street Address: 413-437 MURRAY STREET COLAC VIC 3250

ADMINISTRATIVE NOTICES

NIL

eCT Control 21290S DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY  
Effective from 17/07/2022

DOCUMENT END

<a href="#">Home</a>	Account: <b>325102</b>		Authority Fee(GST exclusive): <b>\$0.00</b> Service Fee(GST exclusive): <b>\$0.00</b> GST Payable: <b>\$0.00</b> Total: <b>\$0.00</b>	20/03/2024 11:09AM
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## Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	<b>plan</b>
Document Identification	<b>PC380347A</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>20/03/2024 11:10</b>

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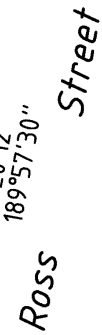
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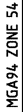


PLAN OF CONSOLIDATION				EDITION 1		PC380347A	
<div>LOCATION OF LAND</div> <div>PARISH: of Elliminyt</div> <div>TOWNSHIP: </div> <div>SECTION: 9</div> <div>CROWN ALLOTMENT: 5 (Part) &amp; 6 (Part)</div> <div>CROWN PORTION: </div> <div>TITLE REFERENCE: Vol. 12322 Fol. 232, Vol. 9854 Fol. 628, Vol. 9148 Fol. 640, Vol. 9142 Fol. 761 &amp; Vol. 8334 Fol. 418</div> <div>LAST PLAN REFERENCE: Lot 2 on PS901631Q &amp; Lot 48 on LP7296</div> <div>POSTAL ADDRESS: 413-437 Murray Street, (at time of subdivision) Colac 3250</div> <div>GDA2020 CO-ORDINATES: E: 724 350 ZONE: 54 (of approx centre of land in plan) N: 5 753 830</div>				<div>Council Name: Colac Otway Shire</div> <div>Council Reference Number: S19/2022-1</div> <div>Planning Permit Reference: Planning permit not required</div> <div>SPEAR Reference Number: S192144H</div> <div>Certification</div> <div>This plan is certified under section 6 of the Subdivision Act 1988</div> <div>Statement of Compliance</div> <div>This is a statement of compliance issued under section 21 of the Subdivision Act 1988</div> <div>Public Open Space</div> <div>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</div> <div>Digitally signed by: Ian Williams for Colac Otway Shire on 12/05/2022</div>			
EASEMENT INFORMATION						NOTATIONS	
LEGEND: A – Appurtenant Easement E – Encumbering Easement R – Encumbering Easement (Road)						DEPTH LIMITATION	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		Does not apply.	
						SURVEY: This plan <del>is</del> is not based on survey.  This survey has been connected to permanent marks No(s).  In Proclaimed Survey Area No.	
<div>See Sheet Two For Detail</div>							
SURVEYORS FILE REF: 15-37/22							
ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975				SCALE N.T.S.	<div>0</div> <div>LENGTHS ARE IN METRES</div>	ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2 SHEETS
				Digitally signed by: Anthony Bright, Licensed Surveyor, Surveyor's Plan Version (1), 01/04/2022, SPEAR Ref: S192144H		PLAN REGISTERED TIME: 9:22am DATE:17/07/22 G.ROTTEVEEL Assistant Registrar of Titles	

SURVEYORS FILE REF: 15-37/22

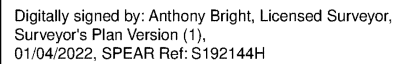


Murray Street



SHEET 2

SCALE  
1:1500



Digitally signed by:  
Colac Otway Shire,  
12/05/2022,  
SPEAR Ref: S192144H

# VRC Property

| Valuations | Research | Consulting |

## Appendix 3:

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# PLANNING PROPERTY REPORT



Environment,  
Land, Water  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 20 March 2024 11:17 AM

## PROPERTY DETAILS

Address: **413-437 MURRAY STREET COLAC 3250**  
 Lot and Plan Number: **Plan PC380347**  
 Standard Parcel Identifier (SPI): **PC380347**  
 Local Government Area (Council): **COLAC OTWAY**  
 Council Property Number: **12**  
 Planning Scheme: **Colac Otway**  
 Directory Reference: **Vicroads 520 B3**

[www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

[Planning Scheme - Colac Otway](#)

## UTILITIES

Rural Water Corporation: **Southern Rural Water**  
 Urban Water Corporation: **Barwon Water**  
 Melbourne Water: **Outside drainage boundary**  
 Power Distributor: **POWERCOR**

## STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**  
 Legislative Assembly: **POLWARTH**

## OTHER

Registered Aboriginal Party: **Eastern Maar Aboriginal Corporation**

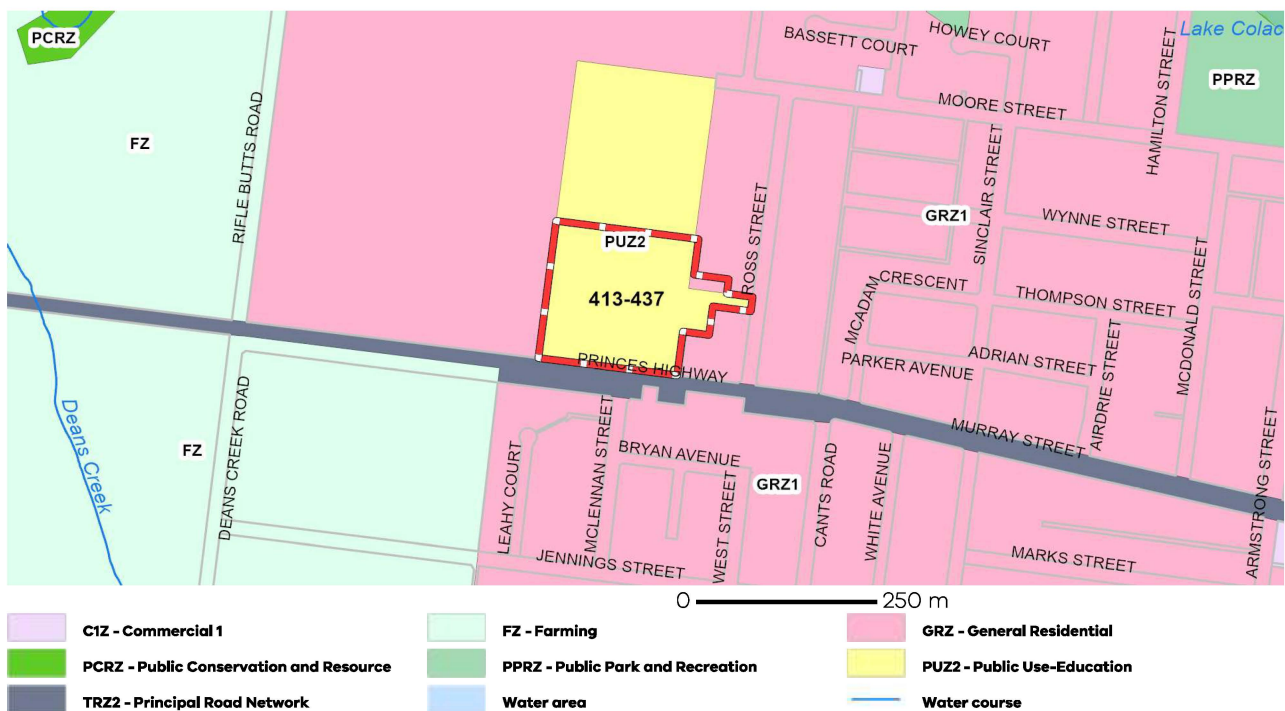
[View location in VicPlan](#)

## Planning Zones

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)

[PUBLIC USE ZONE - EDUCATION \(PUZ2\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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PLANNING PROPERTY REPORT: 413-437 MURRAY STREET COLAC 3250

Page 1 of 4



# PLANNING PROPERTY REPORT

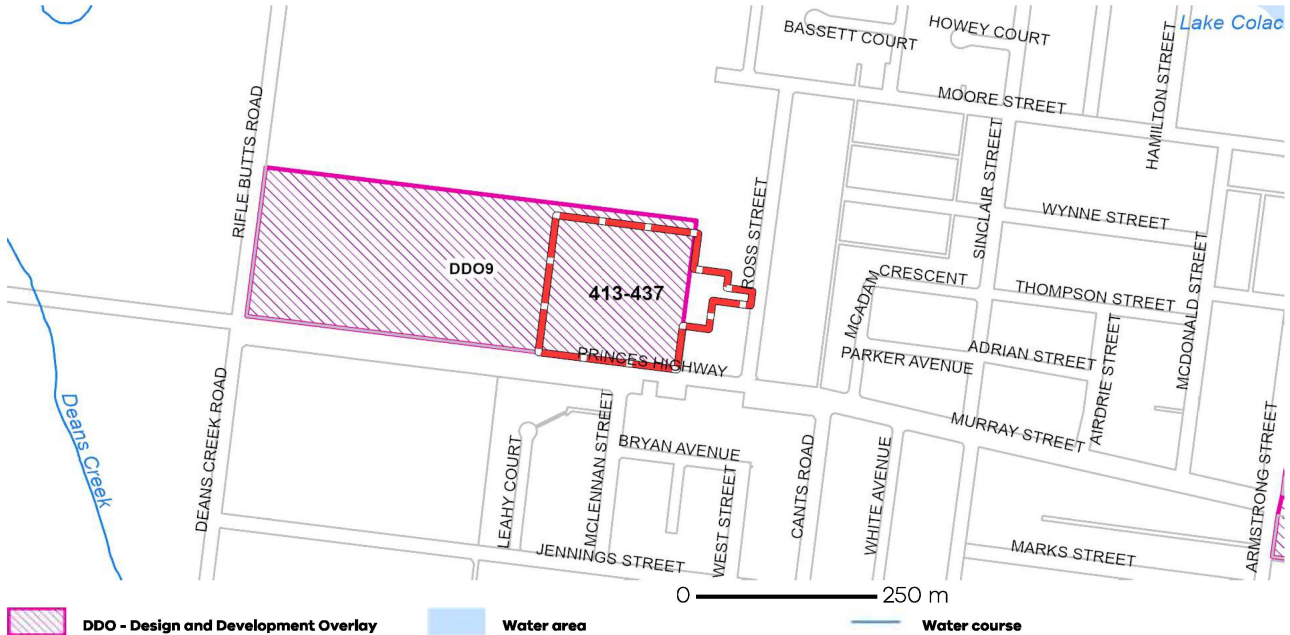


Environment,  
Land, Water  
and Planning

## Planning Overlays

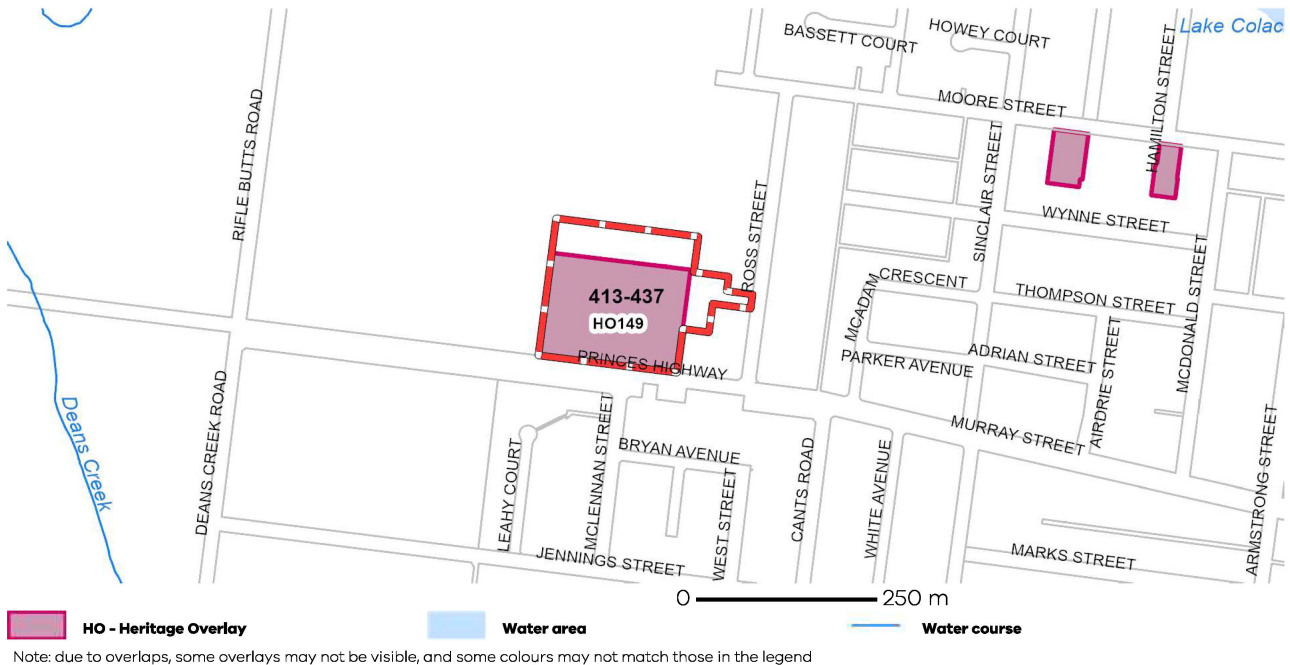
### DESIGN AND DEVELOPMENT OVERLAY (DDO)

#### DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 9 (DDO9)



### HERITAGE OVERLAY (HO)

#### HERITAGE OVERLAY - SCHEDULE (HO149)



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PLANNING PROPERTY REPORT: 413-437 MURRAY STREET COLAC 3250

Page 2 of 4

# PLANNING PROPERTY REPORT



Environment,  
Land, Water  
and Planning

## Planning Overlays

### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[DEVELOPMENT PLAN OVERLAY \(DPO\)](#)

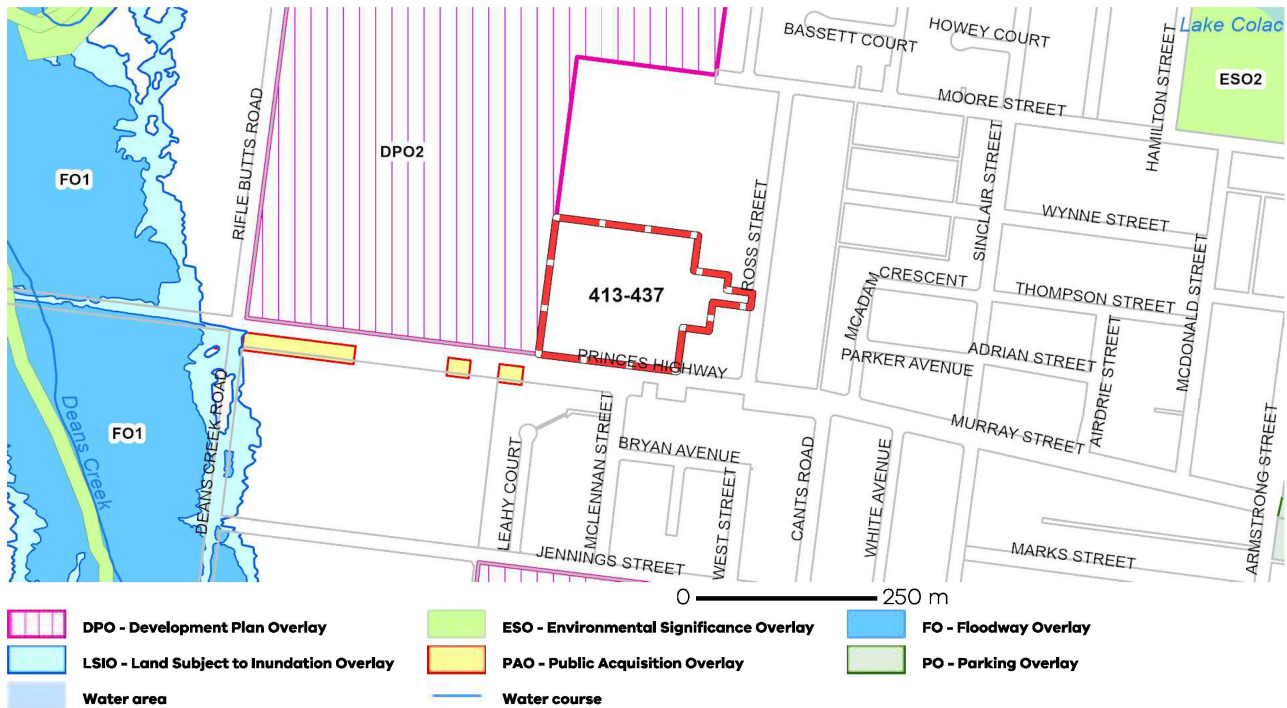
[ENVIRONMENTAL SIGNIFICANCE OVERLAY \(ESO\)](#)

[FLOODWAY OVERLAY \(FO\)](#)

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)

[PUBLIC ACQUISITION OVERLAY \(PAO\)](#)

[PARKING OVERLAY \(PO\)](#)



## Further Planning Information

Planning scheme data last updated on 7 December 2023.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**.

It does not include information about exhibited planning scheme amendments, or zonings that may abut the land.

To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit

<https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

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PLANNING PROPERTY REPORT: 413-437 MURRAY STREET COLAC 3250

Page 3 of 4

## PLANNING PROPERTY REPORT



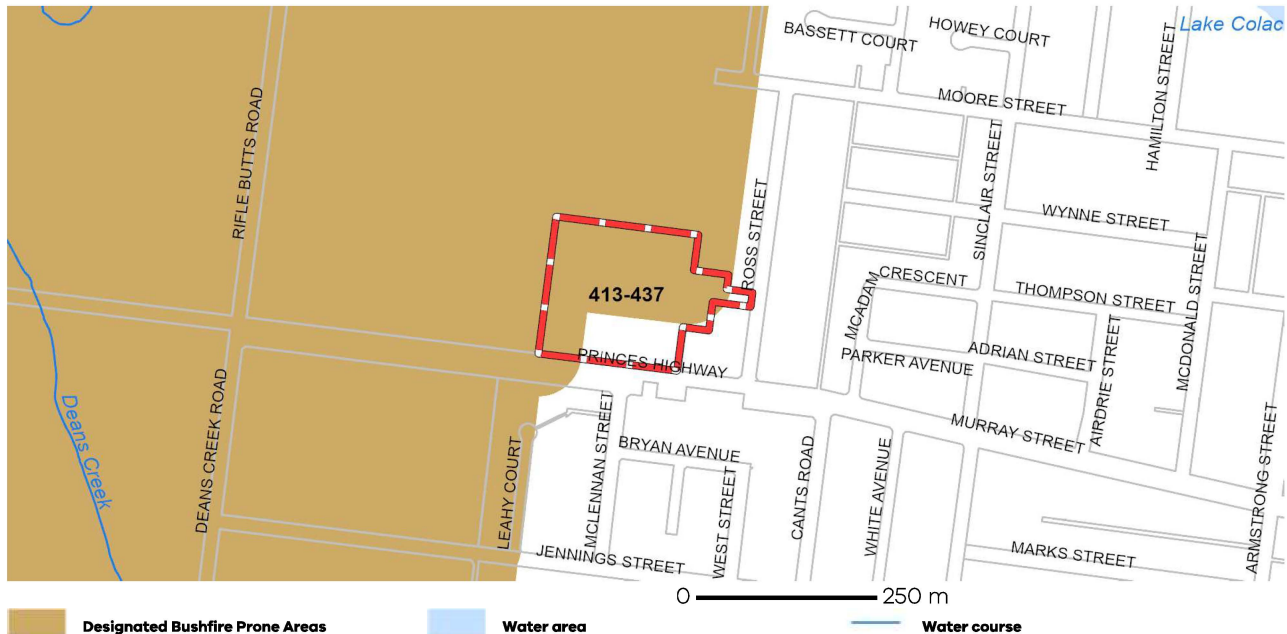
Environment,  
Land, Water  
and Planning

### Designated Bushfire Prone Areas

**This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.**

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

### Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvm.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

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PLANNING PROPERTY REPORT: 413-437 MURRAY STREET COLAC 3250

Page 4 of 4

# VRC Property

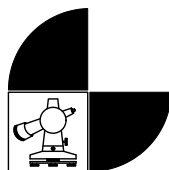
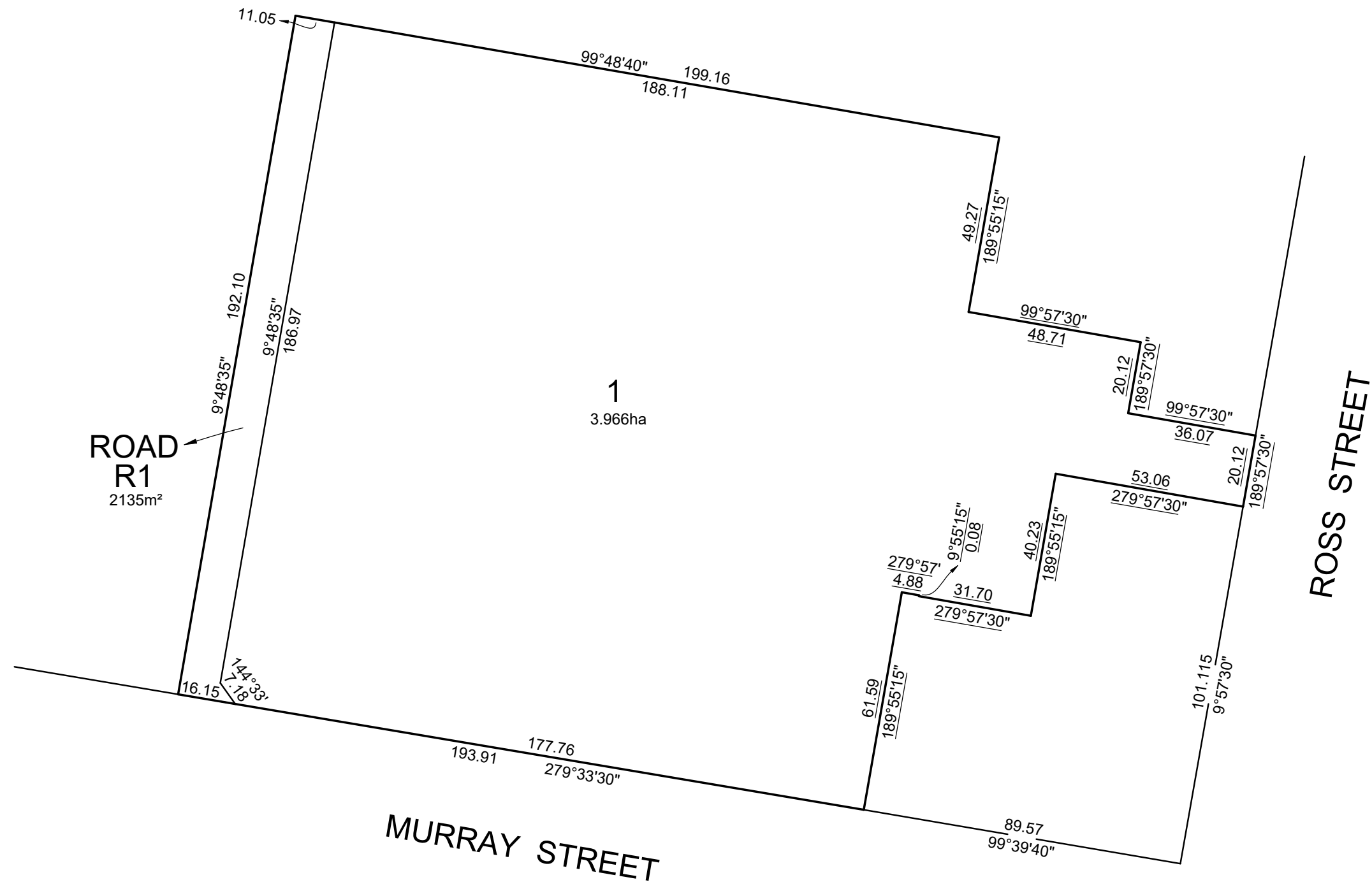
| Valuations | Research | Consulting |

## Appendix 4:

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<div>PLAN OF SUBDIVISION</div> <div>UNDER SECTION 35 OF THE SUBDIVISION ACT 1988</div>				<div>EDITION 1</div>		<div>PS920972E</div>	
<div>LOCATION OF LAND</div> <div>PARISH: ELLIMINYT</div> <div>TOWNSHIP:</div> <div>SECTION: 9</div> <div>CROWN ALLOTMENT: 5 (PART) &amp; 6 (PART)</div> <div>CROWN PORTION:</div> <div>TITLE REFERENCE: VOL FOL</div> <div>LAST PLAN REFERENCE: PC380347A</div> <div>POSTAL ADDRESS: 413-437 MURRAY STREET</div> <div>(at time of subdivision) COLAC VIC. 3250</div> <div>MGA CO-ORDINATES: E: 724 320 ZONE: 54</div> <div>(of approx centre of land N: 5 753 830 GDA 2020</div> <div>in plan)</div>							
<div>VESTING OF ROADS AND/OR RESERVES</div>				<div>NOTATIONS</div>			
<div>Roads and reserves vest in the council/body/person named when the appropriate vesting date is recorded or transfer registered. Only roads and reserves marked thus (%) vest upon registration of this plan.</div>				<div>LAND ACQUIRED BY AGREEMENT: ROAD R1</div> <div>LAND ACQUIRED BY COMPULSORY PROCESS: NIL.</div> <div>ALL THE LAND IS TO BE ACQUIRED FREE FROM ALL ENCUMBRANCES OTHER THAN ANY EASEMENTS SPECIFIED ON THIS PLAN.</div> <div>UNDERLINED DIMENSIONS SHOWN THUS <u>49.27</u> ARE NOT THE RESULT OF THIS SURVEY.</div> <div>THE AREA OF LOT 1 IS OBTAINED BY DEDUCTION FROM TITLE AREA</div>			
<div>IDENTIFIER</div>		<div>COUNCIL/BODY/PERSON</div>					
<div>% ROAD R1</div>		<div>COLAC OTWAY SHIRE</div>					
<div>NOTATIONS</div>							
<div>DEPTH LIMITATION: Does Not Apply</div>							
<div>SURVEY:</div> <div>This plan <del>is</del> is not based on survey.</div> <div>STAGING:</div> <div>This <del>is</del> is not a staged subdivision.</div> <div>This survey has been connected to permanent marks No(s).</div> <div>THIS IS A SPEAR PLAN.</div>							
<div>EASEMENT INFORMATION</div>							
<div>LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</div>							
<div>Easements marked ( - ) are existing easements.</div> <div>Easements marked ( + ) are created upon registration of this plan.</div> <div>Easements marked ( x ) are created when the appropriate vesting date is recorded or transfer registered.</div> <div>Easements marked ( # ) are removed when the appropriate vesting date is recorded or transfer registered.</div>							
<div>Symbol</div>	<div>Easement Reference</div>	<div>Purpose</div>	<div>Width (Metres)</div>	<div>Origin</div>	<div>Land Benefited/In Favour Of</div>		
<div><div></div><div><div>SOUTH WEST SURVEY GROUP</div><div>Power Land Surveys</div><div>m: 0414 521 151</div><div>24-26 Grange Park Drive, Waurn Ponds, VIC 3216</div><div>lukepower@swsg.com.au www.swsg.com.au</div></div></div>				<div>SURVEYORS FILE REF: 2106PS</div>		<div>ORIGINAL SHEET SIZE: A3</div>	<div>SHEET 1 OF 3</div>
				<div>LUKE JAMES POWER VERSION NO. 01</div>			



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lukepower@swsg.com.au www.swsg.com.au

12.5      0      12.5      25      37.5      50

LENGTHS ARE IN METRES

SHEET 2

LUKE JAMES POWER VERSION NO. 01

PLAN OF SUBDIVISION UNDER SECTION 35 OF THE SUBDIVISION ACT 1988						PS920972E	
VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND							
Land Affected	Land acquired by compulsory process				Land acquired by agreement	LR Reference	Assistant Registrar of Titles Signature
	Vesting Date	Government Gazette		Date of recording of vesting	Date of registration of transfer		
		Page	Year				
ROAD R1	—	—	—	—			
<div>SOUTH WEST SURVEY GROUP Power Land Surveys <small>m: 0414 521 151 24-26 Grange Park Drive, Waurin Ponds, VIC 3216 lukepower@swsg.com.au www.swsg.com.au</small></div>							
				ORIGINAL SHEET SIZE: A3		SHEET 3	
LUKE JAMES POWER VERSION NO. 01							

# VRC Property

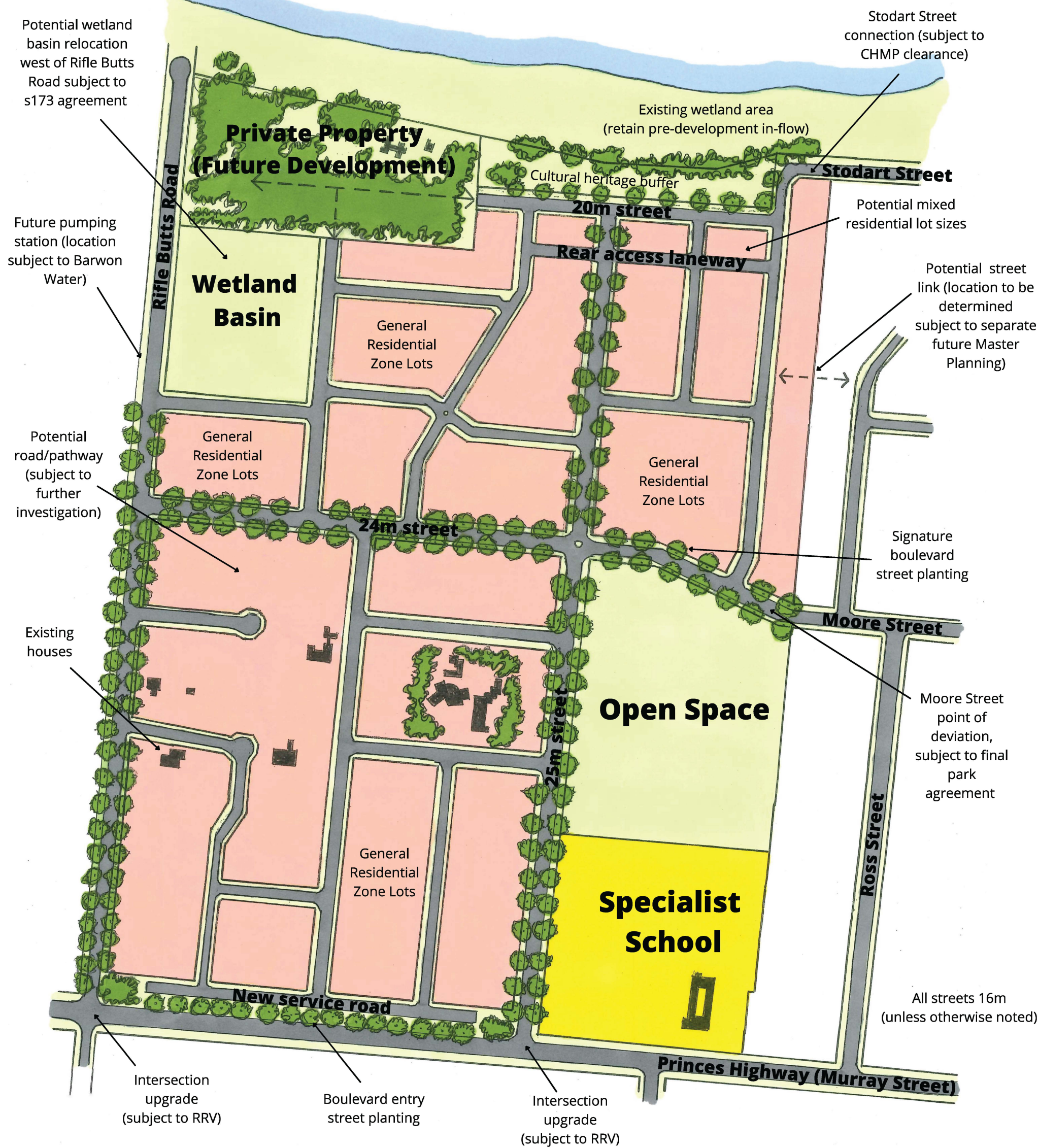
| Valuations | Research | Consulting |

## Appendix 5

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# Lake Colac



## Colac West Development Plan - DPO 2

### Final Version - December 2021

This plan is to be read in conjunction with the Colac West Development Plan Guidance Document

Do not scale  
off this plan



## Lake Colac School -Proposed North South Collector Road



NOTE: There is a 60m strip of land separating the proposed road and property boundary for the Lake Colac School that will remain in the ownership of the Education Department and is marked in black and denoted as “surplus” on the plan above.

Item: 9.9

## Request to provide Public Notice of Intention to declare a Road to be Public Highway. (Extension of Stanway Drive Wye River.)

<b>OFFICER</b>	David Butterfield
<b>ACTING GENERAL MANAGER</b>	Steve O'Dowd
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. 2206 Preliminary Plan V 01 [9.9.1 - 2 pages]

### 1. PURPOSE

To seek a Resolution from Council to commence the statutory procedures under section 204(1) of the *Local Government Act 1989 (Act)* in respect of the proposed declaration of the constructed road between Stanway Drive and Illuka Avenue, Wye River (**Subject Land**) as a public highway and road to be open to public traffic.

### 2. EXECUTIVE SUMMARY

Council has been made aware that the owner of the Subject Land may interfere with the constructed road on the Subject Land or otherwise obstruct public access to it. It is likely that the constructed road is already a public highway at common law but a declaration by Council would put its status beyond doubt.

Council has the power under the Act to consider declaring the road as a 'public highway' and as a road to be open to public traffic to ensure ongoing public access to such road.

If Council resolves to declare the constructed road to be a public highway under section 204(1) of the Act, it will become a 'public road' under section 17(1)(c) of the *Road Management Act 2004 (RMA)* and must be included on Council's Register of Public Roads in accordance with s 17(2) of the RMA. This declaration will provide certainty around the status of the ongoing public access to this existing road.

This report seeks Council's authority to commence the statutory procedures under section 204(1) of the Act in respect of the proposed public highway declaration and road to be open to public traffic.

### 3. RECOMMENDATION

***That Council:***

- 1. Resolves to give public notice of its proposal to declare the road between Stanway Drive and Illuka Avenue, Wye River as shown on the plan attached to Attachment –1 to be a public highway under section 204(1) of the Local Government Act 1989 (Act)***
- 2. Gives public notice in accordance with section 223 of the Act of the proposal to declare the road to be a public highway and to be open to traffic.***
- 3. Hears from people wishing to speak to their submission at a future Submissions Committee Meeting.***
- 4. Authorises the Chief Executive Officer to do all things necessary to declare the road to be a public highway and open to traffic in the event that no submissions are received.***
- 5. Notes in the event that if submissions are received, a further report will be presented to Council to consider any issues raised in submissions prior to consideration of the proposal by Council.***

### 4. KEY INFORMATION

The constructed road within the Subject Land is shown as on the plan attached to Attachment- 1

It is:

1. part of the land contained in certificate of title volume 10677 folio 083;
2. part of Lot 6 on title plan no. TP810967X; and
3. physically constructed as a road and connects Stanway Drive to Illuka Avenue.

Council has formed the view that the constructed road is likely already a “Public Highway” at common law. To put the status beyond any doubt, it requires Council to resolve to declare it to be a public highway under the Act. This will ensure that it remains publicly accessible, on the basis that it is a ‘road’ under the Act and a ‘road’ and a ‘public road’ for the purposes of the RMA.

In recognition of the long-established use of the constructed road by vehicular traffic it is considered that the constructed road is reasonably required for public use. The proposal to declare it a public highway would secure its ongoing use by the public and provide certainty for Council’s future management of the constructed road.

It is recommended that Council declare the constructed road to be a public highway. This will provide much needed certainty to Council, the owner and the members of public who access the constructed road.

Council has the power to declare a road to be a ‘public highway’ under section 204(1) of the Act, which reads:

*A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act;*

*and to declare a road to be open to public traffic under section 204(2) of the Act. It provides that*

*A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.*



Council must comply with section 223 of the Act prior to exercising its powers under sections 204(1) and 204(2) of the Act. Under section 207A (c) of the Act, a person may make a submission on the proposed exercise of any power under section 204(1) and 204(2) of the Act.

Only the areas that are currently being used as existing public thoroughfares should be proposed to be declared public highways under section 204(1) of the Act. It is therefore proposed that the constructed road, from kerb to kerb, be the subject of a proposed public highway declaration.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

- a) Council decisions are to be made and actions taken in accordance with the relevant law.
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations
- c) the municipal community is to be engaged in strategic planning and strategic decision making
- d) the transparency of Council decisions, actions and information is to be ensured

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

Section 204(1) and (2) of the Local Government Act 1989

1 s 17(2) of the Road Management Act 1989

7(1)(c) of the Road Management Act 2004

207A (c) of the Local Government Act 2020

223 of the Local Government Act 2020

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

There are no known Environmental or Sustainability issues in this report.

### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Public Submission Process (s 223 of the Act)

Before considering the proposal, Council must give public notice of the proposal in accordance with section 223 of the Act. The Act provides that a person may, within the date specified in the public notice (being a date that is not less than 6 weeks after the date of publication of the public notice) lodge a written submission regarding the proposal.

Where a person has made a written submission to Council requesting that they be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee that has delegated authority to hear those submissions, giving reasonable notice of the date, time and place of the meeting.

After hearing any submissions made, Council must determine whether it should declare the Council Land to be a public highway for the purposes of the Act.

A further report will be presented to Council for consideration of the proposal following the public notice period, whether or not submissions are received.

### **Public Transparency (s58 LGA 2020)**

Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

- (b) Council information must be publicly available unless—
  - (i) the information is confidential by virtue of this Act or any other Act; or
  - (ii) public availability of the information would be contrary to the public interest;
- (c) Council information must be understandable and accessible to members of the municipal community;
- (d) public awareness of the availability of Council information must be facilitated.

Council is required to redact and withhold any information that would individually identify a landowner.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

### **Financial Management (s101 Local Government Act 2020)**

The surveying and legal costs associated with this process will be borne by Council.

If Council declares the constructed road on the Subject Land to be a public highway, Council must record the road on its Register of Public Roads pursuant to section 17(2) of the RMA. Council will continue to be responsible for ongoing inspection and maintenance in accordance with its Road Management Plan.

### **Service Performance (s106 Local Government Act 2020)**

Services should be accessible to the members of the municipal community for whom the services are intended.

### **Risk Assessment**

The owner of the Subject Land may make a submission in respect of the proposal or challenge a Council decision.

### **Communication/Implementation**

If the Resolution sought is made, Council will advertise its intention in the Colac Herald and on its website for a period of 6 weeks calling for submissions from interested parties.

### **Human Rights Charter**

The proposal engages the right not to be deprived of property, other than in accordance with law (see section 20 of the *Charter of Human Rights and Responsibilities Act 2006*).

Given that Council will be exercising its power under section 204(1) of the Act, in accordance with the requirements of the Act, officers do not consider that the Proposal represents an impermissible burden on that right.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

#### Option 1 – Adopt the resolution as sought

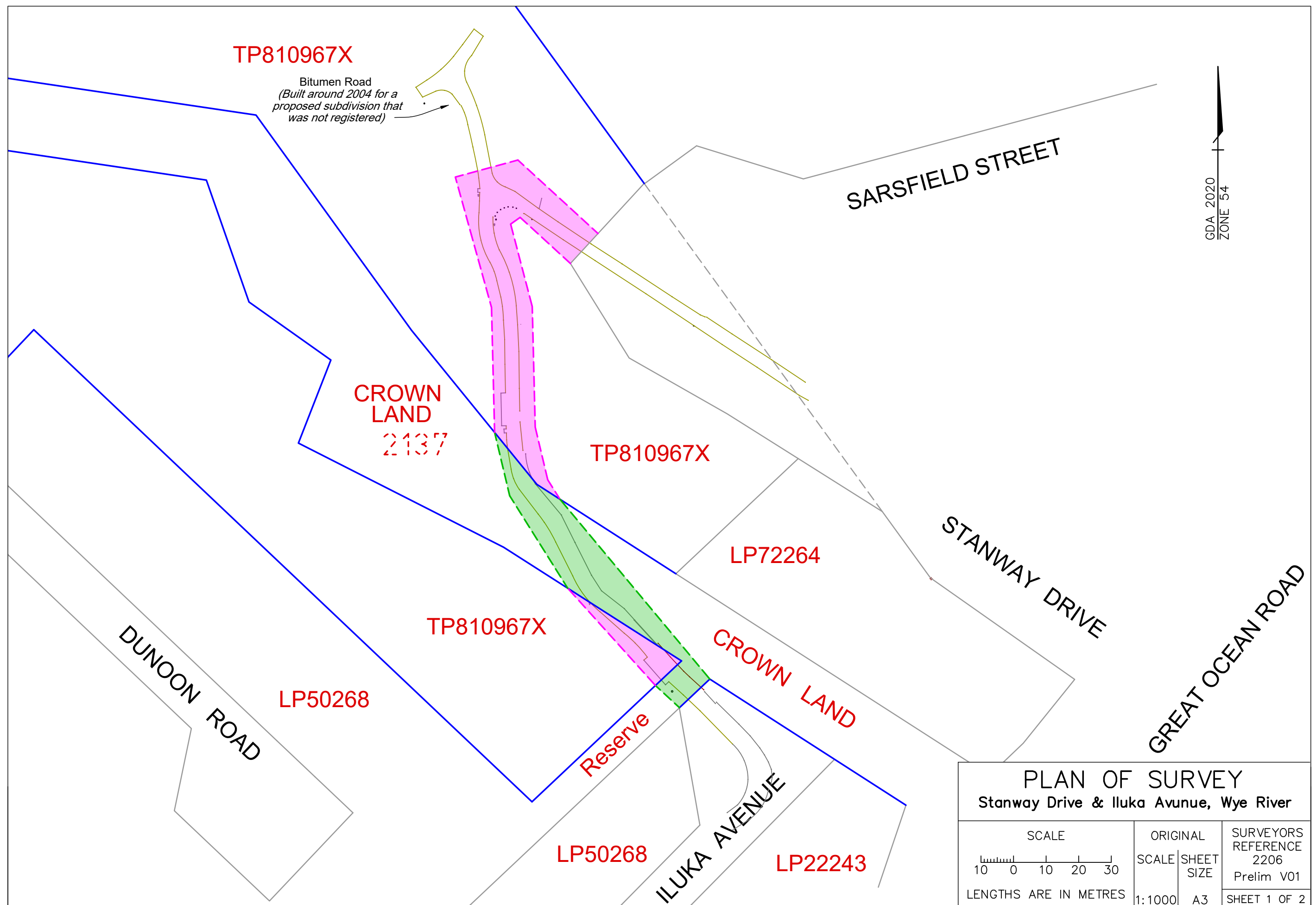
This option is recommended by officers as it will commence the process of declaration of a public Highway and provide some certainty for the Council, members of the public and the landowner.

#### Option 2 – Adopt the Resolution sought with amendments

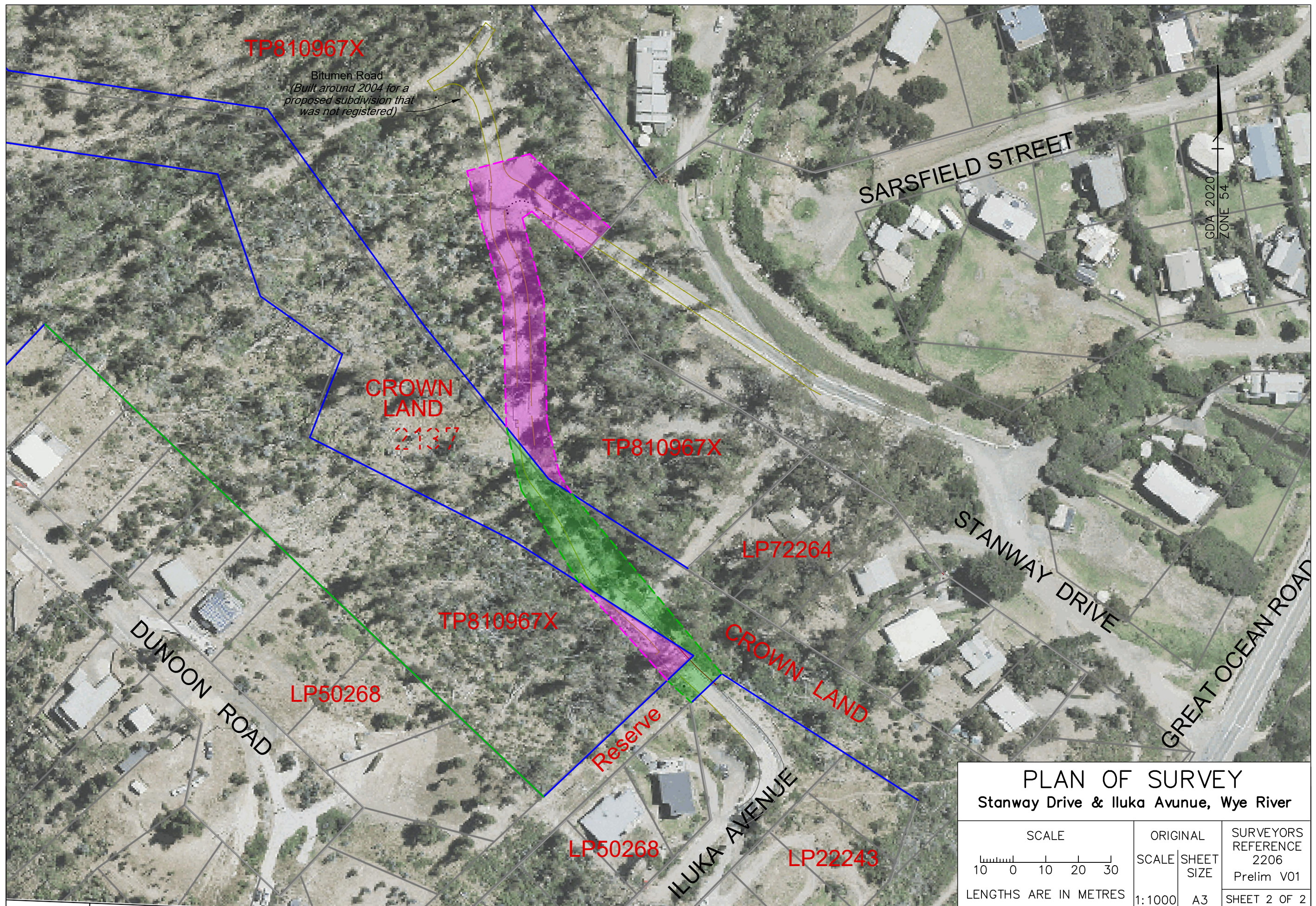
This is not recommended as the Resolution sought has been drafted by Council's Lawyers to meet the specific circumstances of this matter and should remain unaltered.

#### Option 3 – Do not adopt/endorse/note the

This option is not recommended by officers as it leaves uncertainty about the road and its use for Council, members of the public and the landowner.









Item: 9.10

## McMinns Bridge - Access Issues

<b>OFFICER</b>	Kanishka Gunasekara
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To inform Councillors about constraints to access to the property at 2115 Gellibrand River Road, Lower Gellibrand following the removal of McMinns Bridge over Gellibrand River.

### 2. EXECUTIVE SUMMARY

Council has received a request from one of the property owners at 2115 Gellibrand River Road, Gellibrand Lower to reinstate McMinns Bridge which had previously provided access to the property over the river from land in Corangamite Shire. The bridge was removed by the Corangamite Shire Council due to its unsafe condition following consultation with Council, however the affected property owners were not notified by either Council before its removal and do not currently have physical access to their land except via a neighbouring property. There are challenges with replacing the bridge due to the significant cost and lack of legal road access through the crown land on the western side of the river, and topographical and environmental constraints to establishing road access through an unused road reserve abutting the east boundary of their land. Given the circumstances it is recommended that the most appropriate option is for the owners of the land to negotiate with owners of property to the south to seek the creation of an easement through their land to provide legal and practical access.

### 3. RECOMMENDATION

*That Council:*

- 1. Notes that McMinns Bridge was removed by Corangamite Shire Council in 2022, following consultation with Colac Otway Shire Council, due to its asset condition and safety concerns, leaving the owners of the property at 2115 Gellibrand River Road, Gellibrand Lower without practical access to their property.*
- 2. Notes that there are significant constraints to constructing a new bridge given the significant cost and lack of legal road access on the western side of the river.*
- 3. Notes that whilst the land at 2115 Gellibrand River Road has abuttal to an unused road reserve at its eastern boundary, access via that road is likely to be impractical due to the steep topography and significant coverage of vegetation.*
- 4. Notes that the owner of 2115 Gellibrand River Road has an option to negotiate with the owner of the land abutting to the south to seek their consent to an easement being created through their land to achieve legal and practical long term access to their land.*
- 5. Notes that Council has fulfilled its statutory requirement to provide legal access by the provision of the Government Road, and that the best opportunity for resolution of access to the land rests with the owners of the land.*
- 6. Determines not to pursue reconstruction of the bridge and communicates Council's position to the owners of the land impacted by the lack of bridge access.*

### 4. KEY INFORMATION

Council received a request early in 2023 from one of the owners of the property at 2115 Gellibrand River Road, Gellibrand Lower, that McMinns Bridge, which provided access to his property (from the west) had been removed and would need to be reinstated. Corangamite Shire Council removed the bridge with a mutual understanding of Colac Otway Shire Council as it had become unsafe at the end of its useful life. Unfortunately, the owners of the property benefitting from the bridge access were not informed before the bridge was removed.

Prior to its removal, the bridge was 29m long, 3.5m wide and constructed of timber with three spans. Vehicle access had been restricted since 2018 and limited to pedestrian access in 2022 as the bridge was assessed as being unsafe. The Corangamite Shire had been in contact with Colac Otway Shire regarding the condition of the bridge given it is a boundary asset that provided access primarily to Colac Otway Shire ratepayers. The consensus from each Council was that, at the time, replacing the bridge was costly given the limited community benefits, and the access to the properties within Colac Otway Shire could be provided through the existing unmade Government Road reserve (abutting the eastern boundary of the relevant properties), which was intended to provide access to these properties, fulfilling the legal requirement for provision of legal access.

The photos below indicate the location of the bridge and the nature of the structure.



**Photo 1 – Context of area (2115 Gellibrand River Road in the red rectangle)**



**Photo 2 – Details of bridge location & current road access from the east direction**



**Photo 3 - Bridge that has been removed**



The current property owners purchased the property in 1977 and have expressed frustration that not only would their property value be impacted, but access would also be lost if the bridge is not replaced. They have also mentioned that they would not have bought this property if the bridge was not in place. This matter needs to be resolved.

### Options for Restoring Access

#### **1. Replace the Bridge**

Council could seek to replace the existing bridge to provide access however it is unlikely government funding would be available for this purpose and Council would have to fund it. The cost would be significant, possibly in the order of \$700-\$800,000. This bridge would only provide access to a few properties and is a significant expense having consideration to the competing asset renewal priorities. Whilst the owners current preference is not to make any contribution, some level of contribution might be possible subject to negotiation. Either way, Council's financial contribution would be significant.

It would also require the creation of a road reserve vested in the Council to provide legal access and involve a parliamentary procedure for making a road reserve in Crown Land, which will take time and with no certainty of support. Whilst the access provided by the former bridge was a practicable access, but it is understood that it was not a legal access. The bridge and the roadways either side are within crown land, which are not cadastral road reserves. The northern part of the track is within the Great Otway National Park and the southern part is within a Crown Reserve. If Council were to build a bridge to restore access, a road reserve would need to be first created, vested in the Council for providing legal access. This would require a parliamentary procedure. This issue needs to be resolved by the owners themselves as the access provided by the bridge was illegal even though it was the practical access, and the bridge was removed because it was unsafe.

#### **2. Property Owners to Establish Access**

An alternative to seeking to restore the bridge access is that Council advises the impacted property owners that the Council has fulfilled the statutory requirement to provide legal access via the existence of the Government Road reserve (east boundary of their land). Notwithstanding, it is acknowledged that establishing a new driveway access on this reservation could be costly and have significant environmental effects and may not in practice be feasible or affordable. The land is steep and has a high coverage of native vegetation.

Alternatively, the affected property owners could enter into negotiations to create a carriageway easement in the neighbouring property to the south (where practical access is currently being achieved). This access would be via Coe Road, a Council Road that provides access to the neighbouring property. The photos above show the location of the existing legal access. This may require a planning permit and some technical reports to be submitted with an application depending on the nature of any works proposed, but this would avoid the environmental impacts of access via the current road reserve.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

Council has been seeking to determine a preferred method of restoring access for the impacted property owners after removal of the bridge. The recommendation takes into account the cost to Council of reconstructing the bridge, the extent of community benefit, and legal issues associated with confirming future legal access.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

Council's Road Management Plan applies to any proposed future access to the land. Legislation concerning crown land also applies to the location of the former bridge and land west of the river which gave access to it.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

Construction of driveway access along the unused government road to the east of the site would have significant environmental impact due to the presence of a high coverage of native vegetation within the road reserve and steep topography. An assessment of fauna and flora values and environmental impacts would need to be undertaken. An easement through the adjoining property would have the least environmental impact.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Members of Council's Asset and Property teams met with the owners of the impact land and parties affected by the removal of this bridge in 2023 to understand the issue. It has been these discussions which have informed officers about prior communication before the bridge was removed. Officers would continue to engage with these owners following a Council decision on the matter to clarify their options for establishing access.

### **Public Transparency** (s58 LGA 2020)

The Council has informed the affected parties that an officer's report will be presented to the Council meeting.

### **Alignment to Plans and Strategies**

Council has a range of strategies and plans which have some relevance to this decision, including its Long Term Financial Plan which does not include provision for replacement of this bridge, along with planning and other related environmental strategies that seek to preserve areas of environmental value.

### **Financial Management** (s101 Local Government Act 2020)

The cost to Council of initiating a process to reinstate the bridge would be significant, estimated to be around \$700-800,000, in addition to any legal and other costs associated with establishing the legal access through crown land. As noted earlier, there would be some potential for a land owner contribution, however the cost to Council would still be significant. The recommendation is that the owners seek to negotiate an easement through the adjoining property. This would avoid any cost to Council.

### **Service Performance (s106 Local Government Act 2020)**

This report seeks a Council resolution on the preferred direction for continued provision of legal access to a property that has been affected by removal of McMinns Bridge.

### **Risk Assessment**

As noted in the report above, there is a risk that efforts to establish legal access through crown land to reconstruct bridge access will not be successful. There are also environmental risks of any proposed road access to the east of the impacted owner's land.

### **Communication/Implementation**

The affected parties will be communicated the outcome of the Council meeting.

### **Human Rights Charter**

Not applicable.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

Option 1 – Determines not to pursue reconstruction of the bridge and communicates Council's position to the owners of the land impacted by the lack of bridge access.

This option is recommended for the reasons outlined in the report. Reconstructing the bridge would be costly, and legal access to the bridge would first need to be obtained. The owners should be required to establish the access via the existing road reserve to the east, or if this unfeasible, through negotiation of creating an easement through the adjoining property. Creation of an easement would have the least environmental impact and is the preferable alternative.

Option 2 – As per Option 1 but take a more proactive role in supporting the affected land owner to pursue an easement in the adjoining property

Council could choose to be more proactive in supporting the impacted landowners to negotiate an easement by facilitating meetings of the parties and offering to refund any fees payable to Council for any consents required such as a planning permit. Council would also have the option of making a contribution to the land owner's costs of establishing the easement (ie to assist with costs associated with surveying, Land Victoria lodgement fees, or any technical reports) if it sought to offer financial assistance.

It is noted that the land owners could lodge a planning permit for the easement and seek to pursue its creation even if the neighbour did not consent. There are appeals processes available to hear such matters. This would be less ideal than a negotiated agreement.

Option 3 – Acquire the land required for an easement through the adjoining property to facilitate access.

This option is not recommended as the preference is for the owners to reach a mutual agreement. It would require a planning scheme amendment to apply a Public Acquisition Overlay (PAO) over the area required for access, and compensation to the neighbour through this process. If Council was to facilitate this process it would need to seek agreement from the impacted land owners for the required compensation to be paid.

#### Option 4 – Pursue reconstruction of bridge access

This option is not recommended given the significant cost to Council, benefit to only a few land owners and lack of certainty about the capacity to establish legal access for this purpose through crown land. Even if the land owner was to agree to some financial contribution, Council would still bear a significant cost. Council would first need to explore further the likelihood of consent from State Government for the crown land access.



Item: 9.11

## Proposed Funding Application for New and Upgraded Dog Parks - Round 2 program

<b>OFFICER</b>	Jarrold Woff
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To seek Council's endorsement to apply for funding to the Victorian Government's *New and Upgraded Dog Parks – Round 2* program for the design and development of a dog park at Central Reserve, Colac.

### 2. EXECUTIVE SUMMARY

The Victorian Government's *New and Upgraded Dog Parks* program seeks to provide purpose-built facilities for dogs and their owners to enjoy. The program aims to improve the state's open space network by committing \$13.4 million to ensure that Victorians have access to green open space to exercise, relax or enjoy the outdoors with their dogs.

A review of the funding program and Council's future projects has identified that the design and development of a dog park at Central Reserve is in line with the master plan for this reserve and would meet the funding program's criteria. The program would support a grant amount of up to \$300,000. Funding over \$100,000 requires matching funding at a ratio of \$1:\$1. Applications to the program close 14 October 2024 and a resolution of Council is sought to lodge an application for the Central Reserve Dog Park project.

### 3. RECOMMENDATION

***That Council:***

- 1. Endorses the Central Reserve Dog Park project to be submitted to the Victorian Government's New and Upgraded Dog Parks program – Round 2, seeking a grant of \$225,000 (exc. GST).***

- 2. Contributes \$125,000 (exc. GST) as a matching contribution to deliver a project with a total cost of \$350,000 (exc. GST), with its matching financial contribution to be sourced from the Recreational Lands Reserve.**
- 3. Authorises the Chief Executive Officer to submit the application for the Central Reserve Dog Park project to the New and Upgraded Dog Parks program – Round 2.**
- 4. Authorises the Chief Executive Officer to enter into a funding agreement should the application for the Central Reserve Dog Park project be successful.**

## 4. KEY INFORMATION

Dog parks can provide significant benefits to local communities including:

- Providing dogs a safe space to exercise and roam around freely.
- Allows dogs to socialise with other dogs.
- Allows owners a chance to be physically active with their pet.

The provision of a fenced dog off-leash area/park at Central Reserve has been identified in the reserve's master plan. The *New and Upgraded Dog Parks – Round 2* funding program provides an opportunity for Council to implement that action and consider the design and development of a purpose-built dog park at the reserve.

Whilst the funding program provides for the design and delivery of a new dog park based on the needs of local communities, a design concept plan for the proposed dog park outlining the proposed scope of works to be completed will be required for the application process.

A dog park design will need to consider provision of the following elements, as well as the available budget:

- High fencing with double gate entrance with hard stand area to stop dogs from escaping from the dog off-leash area and consideration of the high use for the entrance.
- Different areas for active and quiet dogs.
- Different ground surfaces including grass, granitic sand, gravel and mulched areas that are designed to withstand the amount of use and visitation of the space.
- Agility equipment and nature play elements.
- Landscaping and vegetation.
- Paths for accessibility and connectivity within the designated dog park area.
- Park furniture, including water bowl, bins, dog bag dispenser, seating and shelter/shade.
- Signage at entrances and within the park to delineate the different areas

The commitment to ongoing maintenance requirements for a dog park will need to be considered in determining the support for an application under this program.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

The Central Reserve Dog Park project aligns with the overarching governance principles, in particular achieving the best outcomes for the municipal community, including future generations, as well as the economic, social and environmental sustainability of the municipal district.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

This project has been identified in the Central Reserve master plan (2023).

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

Not applicable.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

The Central Reserve Dog Park project is consistent with the Central Reserve master plan endorsed by Council in 2023, which was developed through significant community engagement. If funding to the program is successful, further consultation will be undertaken to develop the detailed design of the dog park.

### **Public Transparency** (s58 LGA 2020)

Not applicable.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Objective 4: Colac Otway Shire is a destination to visit

The construction of a dog park is identified as a priority project for implementation in the Central Reserve master plan (2023).

### **Financial Management** (s101 Local Government Act 2020)

It is expected that a total project budget of \$350,000 will be required for this project including design and construction. This will require a contribution of \$125,000 by Council to match \$1 for every additional \$1 sought over \$100,000 from the program. Council's contribution could be funded through the Recreational Lands Reserve, which are funds received through private land development open space contributions to be used for the improvement of existing public open space.

In addition, there will be maintenance costs associated with the ongoing management of the dog park. These have also been considered in the benchmarking exercise and it is anticipated that a minimum of 1-2 hours per week to maintain the facility, coupled with two refurbishments per annum will be required as a minimum. This cost is estimated at \$5,000 per annum.

### **Service Performance** (s106 Local Government Act 2020)

This report seeks to assist Council with its future planning and delivery of projects to meet the growing demand for people to socialise and exercise their dogs off-leash in the Colac/Elliminyt area.

## **Risk Assessment**

Not applicable.

## **Communication/Implementation**

Council officers have worked with user groups at Central Reserve and the broader community to understand their needs and to develop a master plan for the site. Should the grant application be successful, officers will work with user groups and the community through the design phase and with stakeholders through the construction phase to minimise the impact of works on active and passive sporting activities at the reserve.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

No officer declared an interest under the Local Government Act 2020 in the preparation of this report.

## **Options**

Option 1 – Authorise the Chief Executive Officer to submit an application for the Central Reserve Dog Park project to the *New and Upgraded Dog Parks program – Round 2*.

This option is recommended as the project aligns with the Central Reserve master plan and if successful will see external funding provided to assist in the delivery of the project.

Option 2 – Authorise the Chief Executive Officer to submit an application to the *New and Upgraded Dog Parks program – Round 2* for a dog park in a location other than Central Reserve.

This option is not recommended as there are no other identified locations that are supported by master planning or have the supporting infrastructure such as car parking, public toilets etc.

Option 3 – Do not authorise the Chief Executive Officer to submit an application for the Central Reserve Dog Park project to the *New and Upgraded Dog Parks program – Round 2*.

This option is not recommended as it would mean that an opportunity to obtain external grant funding to assist in the delivery of the Central Reserve Dog Park may be missed.



Item: 9.12

## Tirrengower Drainage Scheme - Review of Committee

<b>OFFICER</b>	Doug McNeill
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	1. Tirrengower Drainage Scheme Advisory Committee - Terms of Reference [9.12.1 - 6 pages]

### 1. PURPOSE

To advise Council on the outcome of a review of the former Section 86 Tirrengower Drainage Scheme Committee that had been established under the former *Local Government Act 1989* and seek endorsement of the creation of a new Advisory Committee to assist in the administration of the drainage scheme.

### 2. EXECUTIVE SUMMARY

Council transitioned most Committees appointed under Section 86 of the *Local Government Act 1989* to Community Asset Committees in September 2020 due to changes with the new *Local Government Act 2020*. The Tirrengower Drainage Scheme Committee was one of two Committees where it was unclear how they might transition, and it was identified that further investigation would be necessary to confirm the appropriate governance structure. The Committee is responsible for ensuring the maintenance of a rural drainage scheme which has been in place for several decades and minimises flooding of a large number of farming properties to the west of Colac.

Whilst legal advice was sought in 202/21 there was no clear outcome and the governance structure was not settled. Committee members have in the meantime continued to undertake necessary maintenance works and Council has collected funds under the Special Charge Scheme, paying for the maintenance as required. A review has recently been undertaken into options for this Committee under the Council's Committees Policy structure. Whilst a Community Asset Committee has been considered (which would facilitate continued maintenance of the scheme by community members), there has not been clear advice that this is the most appropriate governance structure for the Scheme and there are concerns about the risk to Council of works being commissioned without direct oversight by Council. The preferred option is that an Advisory Committee be established that supports Council to undertake any required maintenance activities taking into account the advice of landowners

represented on the Committee. It is proposed that Council initiates an Expression of Interest (EOI) process to seek community nominations, and that the committee be established in accordance with the attached Terms of Reference.

### 3. RECOMMENDATION

***That Council:***

- 1. Notes the advice provided on options for future management of the Tirrengower Drainage Scheme.***
- 2. Acknowledges the work of the former Section 86 Committee for the Tirrengower Drainage Scheme and thanks the former Committee members for their contributions to managing the effective maintenance of the drainage scheme over many years.***
- 3. Establishes a new Advisory Committee to guide the future maintenance of the Tirrengower Drainage Scheme in accordance with the Terms of Reference attached to this report.***
- 4. Seeks nominations from landowners impacted by the drainage scheme to be members of the Advisory Committee.***
- 5. Notes that nominations to the Advisory Committee will be considered by Council at a future meeting.***
- 6. Notes that funds expended by Council for the purpose of maintaining the Tirrengower Drainage Scheme will be sourced through a Special Charge as per adopted Budget 2024-25.***

### 4. KEY INFORMATION

Background

The Tirrengower Drainage Area includes approximately 10,000ha of land in Bungador, Swan Marsh and Irrewillipe areas as shown on the maps below. The land is flat and drainage of farmland relies on the effective functioning of drainage lines that run through private land. Minor changes in effectiveness of the drain can have significant impacts on the performance of the system overall and contribute to widespread flooding of farmland and other assets.

There has historically been in place a designated drainage scheme to ensure that the drains are kept well maintained and function as intended. The original drain (approximately 4km of drains) was established in 1887 by the owners of Tirrengower Station and neighbouring properties to join to the upper reaches of the Pirron Yallock Creek. In the 1970s following a number of very wet seasons a group of the most affected landowners elected a Drainage Committee which lobbied the State Government for drainage improvements. The major system that is in place now was constructed with a government contribution. Individual landowners then privately built interconnecting systems within their own property boundaries. The Committee oversaw the maintenance however the drainage system gradually fell into disrepair. With a change in municipal boundaries in 1994 local landowners lobbied the Council for improvement and re-establishment of the drainage system. In 1995 a Special Rate was introduced by the Colac Otway Shire, where the monies raised were spent on the re-establishment and maintenance of the Tirrengower Drainage System.



for defraying the costs associated with the ongoing care and management of the drainage system. The funds raised by the Special Charge Scheme are used for works including:

- Drain clearing by excavation when required.
- Yearly drain spraying of trouble areas.
- Cyclic drain spraying of other sections.
- Capital improvements including the installation of gates in boundary fences along the drain.

At its meeting on 27 September 2017 (at the conclusion of the previous 10-year period), Council resolved to declare a new Special Charge Scheme. The rate applied was \$2.50 per hectare per year for each of the properties referred to in the resolution. The resolution states the charge will apply up until 30 June 2028. The charge is to be paid annually as a lump sum within one month of 1 July.

#### Status of Committee

Council transitioned most Committees appointed under Section 86 of the *Local Government Act 1989* to Community Asset Committees in September 2020 due to changes with the new *Local Government Act 2020*. The Tirrengower Drainage Scheme Committee was one of two Section 86 Committees where it was unclear how they might transition, and it was identified that further investigation would be necessary to confirm the appropriate governance structure. Whilst legal advice was sought late in 2020 and early 2021 there was no clear outcome for the governance structure and it has not yet been resolved. Committee members have in the meantime continued to undertake necessary maintenance works and Council has collected funds under the Special Charge Scheme, paying for the maintenance as required. There was \$81,000 held in reserve at 30 June 2023 under this Scheme to ensure that the funds collected are spent on works to maintain the drainage scheme (the reserve balance is being updated at year end for 2023/24).

#### Options for Committee Governance

There has not been definitive legal advice that the Scheme could be managed by a Community Asset Committee (where members of the Committee directly organise and oversee works on the ground, and funds are reimbursed from Council). Whilst this is the management option preferred by the community questions have arisen about this being appropriate given that the majority of drainage in the Scheme is on private land. Whilst legal advice has indicated that this option could be pursued, it is not unambiguous advice.

The alternative option under Council's Committee's Policy is to establish an Advisory Committee. This would enable interested landowners affected by the Scheme to meet with Council periodically to provide advice on the performance of the drainage scheme and discuss required maintenance works. Council would facilitate these meetings and utilise the advice received to inform a program of works to be undertaken by the Council (or its contractors). Landowners (as members of the Drainage Committee) would previously have commissioned these works themselves. Some works are undertaken by land owners themselves.

Whilst this option increases the burden on Council staff to directly manage maintenance works it will ensure that there is stronger governance on administration of funds. It would ensure that Council's procurement policies are adhered to and that occupational health and safety risks are addressed appropriately. There is a high risk to Council if the previous model of volunteers undertaking work themselves was to continue, particularly from a safety perspective as Council has no oversight of the works. Directly administering the required works will ensure that they are conducted according to Council's strong OH&S policies and practices. It would be the aim however that maintenance activities



can continue to occur in a timely manner and a commitment would be required by Council staff to work collaboratively with the Committee to facilitate required works as the need arises.

Council resolution will be required to proceed with establishing an Advisory Committee. A Terms of Reference is attached for Council consideration.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

The current review of the Committee is to ensure that it is properly functioning within the confines of the Local Government Act and Council's policies concerning Committees of Council.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

Council's Policy 18.8 Council Committees provides a framework for assessing, establishing, managing and reviewing Committees formed by Council, and representation on external Committees and appointment. The recommendation is that Council establish an Advisory Committee as outlined in the Policy as this would be the most effective option to manage the drainage scheme.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

The effective maintenance of the drainage under this scheme ensures that environmental impacts of stormwater drainage are minimised.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

It is proposed to communicate with all land owners in the area affected by the Scheme to confirm the new Committee arrangements. Officers have met with former Committee members prior to the meeting to explain the proposed approach.

### **Public Transparency** (s58 LGA 2020)

The review of this Committee is being conducted publicly. It is proposed that Council communicates with all affected landowners to ensure there is strong understanding of the process going forward and encourage nominations for the Advisory Committee.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 2: Attract, retain and grow business in our Shire

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

The proposed new Committee structure will ensure that Council is facilitating the continued effective maintenance of the Tirrengower Drainage Area in support of rural landowners that rely on this Scheme.

### **Financial Management** (s101 *Local Government Act 2020*)

As noted earlier in the report, Council has an annual budget for expenditure on drainage maintenance for the Scheme (\$22,500) and collects a charge annually from landowners to cover this cost. Unspent funds are held in a reserve.

### **Service Performance** (s106 *Local Government Act 2020*)

As noted above, the proposed change in structure of the Committee to an Advisory Committee would increase the staff resources applied to management of the scheme through organisation of required maintenance works, although this is not expected to be significant. Some costs will be recovered through the funds collected for this purpose.

### **Risk Assessment**

It is important that the status of the Committee is confirmed and that appropriate insurance arrangements are in place. As noted above, it is considered that Council is at high risk whilst maintenance activities are being procured and undertaken by community members without oversight by Council. The recommended option would result in these actions being taken by Council upon advice from the Advisory Committee members.

### **Communication/Implementation**

Should Council support the approach, the former Committee members will be advised, and a meeting held to explain the new process. Council would initiate an EOI process to seek nominations from the community for membership on the Committee, and the outcome of this process would be reported to Council for acceptance of nominations.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

#### Option 1 – Endorse the proposal to establish a new Advisory Committee in place of the former Section 86 Committee

This option is recommended by officers as it would address concerns about the risk to Council of maintenance works being conducted by community members without Council oversight. An Advisory Committee would still provide an avenue for landowners within the Scheme to give direction on the maintenance works required.

#### Option 2 – Support the creation of a new Community Asset Committee in place of the former Section 86 Committee

This option is not recommended by officers for the reasons outlined in the report. The nature of the drainage scheme is such that much of the benefitting land is privately owned and there is not clear legal advice that a Community Asset Committee is an appropriate governance structure under the 2020 Local Government Act. There are identified risks to Council of maintenance works being commissioned by community members without Council oversight.

Option 3 – Do not endorse either of the options provided

This option is not recommended by officers as there is a clear and urgent need for an alternative structure to be put in place for management of funds to maintain the drainage scheme.

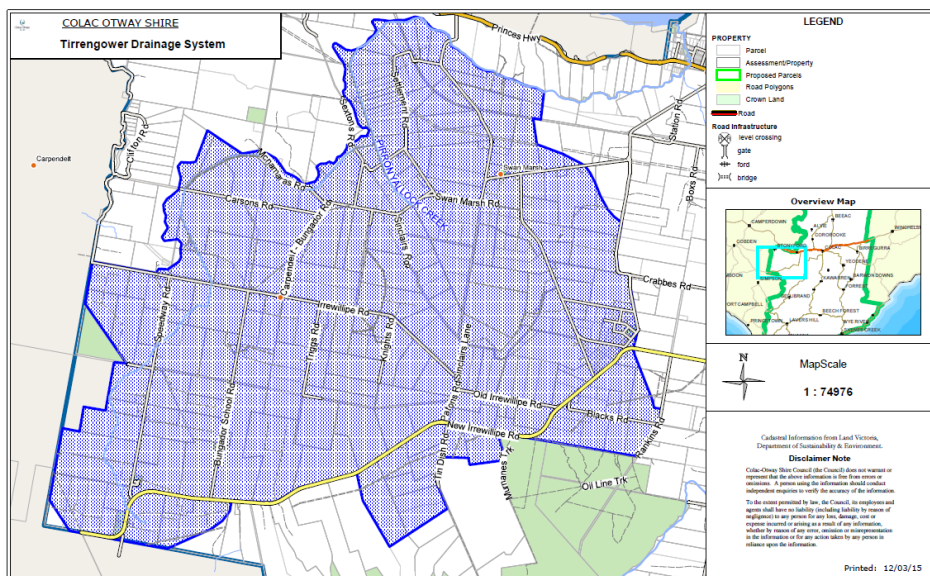


## TERMS OF REFERENCE

### Tirrengower Drainage Scheme Advisory Committee

#### 1. Introduction

The Tirrengower Drainage Area includes approximately 10,000 ha of land in Bungador, Swan Marsh and Irrewillipe areas as shown on the map below. The land is flat and drainage of farmland relies on the effective functioning of drainage lines that run through private land. Minor changes in effectiveness of the drain can have significant impacts on the performance of the system overall and contribute to widespread flooding of farmland and other assets. There has historically been in place a designated drainage scheme to ensure that the drains are kept well maintained and function as intended. In 1995 a Special Rate was introduced by the Colac Otway Shire (Council), where the monies raised were spent on the re-establishment and maintenance of the Tirrengower Drainage System. This Scheme remains in place.



Council resolved in 2006 to declare a Special Charge Scheme for defraying the costs associated with the ongoing care and management of the drainage system. The funds raised by the Special Charge Scheme are used for works including:

- Drain clearing by excavation when required.
- Yearly drain spraying of trouble areas.
- Cyclic drain spraying of other sections.
- Capital improvements including the installation of gates in boundary fences along the drain.

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At its meeting on 27 September 2017 (at the conclusion of the previous 10-year period), Council resolved to declare a new Special Charge Scheme. The rate applied was \$2.50 per hectare per year for each of the properties referred to in the resolution. The resolution states the charge will apply up until 30 June 2028. The charge is to be paid annually as a lump sum within one month of 1 July.

Council is responsible for commissioning drainage maintenance that is undertaken under the Scheme, and for administration of the Special Rate funds.

## 2. Purpose & Scope

The Tirrengower Drainage Scheme Advisory Committee operates to inform the Colac Otway Shire of maintenance requirements for the effective operation of drainage within the scheme.

Whilst Council is responsible for initiating drainage maintenance activities, it requires the advice of landowners within the scheme to determine priorities for maintenance and allocation of funding collected from a Special Rate charged to affected properties for this purpose.

Whilst land owners will undertake maintenance on their own properties, Committee members do not have authorisation to commission works or engage contractors.

## 3. Governance

The Committee will operate as an Advisory Committee according to the Council Policy for Committees.

## 4. Membership

The Committee shall comprise of the following:

- 1 x Colac Otway Shire - General Manager Infrastructure & Operations (or delegate)
- 6-8 x community representatives – these must be landowners within the Tirrengower Drainage Scheme.

Community representatives will be appointed by Council resolution for a period of four years following an Expression of Interest process.

## 5. Roles and responsibilities

### 5.1 Chair

The Chair will be the General Manager Infrastructure & Operations at Colac Otway Shire, or his/her delegate.





## 5.2 Chair responsibilities

The chair has the following functions:

- chairing meetings
- facilitating the Committee to perform its functions

Additionally, the chair will:

- Ensure the Committee operates in accordance with the requirements of this Terms of Reference
- Preside at and manage all meetings
- Confirm the agenda for each meeting
- Ensure that the Committee meets according to its schedule
- Ensure that meetings are efficient and effective
- Provide leadership to the Committee in its deliberations
- Facilitate frank and open discussion
- Ensure that all members can participate equally
- Ensure that Council takes direction from the Committee to inform programmed and ad-hoc maintenance of the Scheme as appropriate
- Coordinate out of session matters that require resolution due to time constraints

## 5.3 Member responsibilities

Members are asked to participate in the Advisory Committee as a partnership and provide advice in the best interest of the landowners within the drainage scheme.

All members will:

- Prepare for, prioritise and attend scheduled meetings
- Proactively contribute to the work of the Committee
- Respect confidential and privileged information
- Represent the views of other landowners in the Scheme, with a focus on emerging maintenance issues/tasks that require action.

# 6. Administrative Arrangements

This section outlines the frequency of meetings and committee management arrangements.

## 6.1 Meeting frequency

The Committee will meet quarterly. The Chair may schedule additional meetings as required.

## 6.2 Meeting venue

Colac Otway Shire offices unless otherwise advised.





### 6.3 Meeting papers and documentation

Any member can submit items to be included on the agenda. The chair will confirm the agenda prior to each meeting.

Meetings will be conducted on a formal basis, with key matters discussed recorded and action items documented.

### 6.4 Secretariat

Council will perform secretarial duties for meetings, including:

- Scheduling meetings
- Providing committee members with the meeting agenda
- Taking minutes and distributing them after meetings
- Induction of new committee members
- Develop/send correspondence for the Committee
- Maintain the contact list of Committee members.

### 6.5 Quorum

A minimum of four members is required for the meeting to be recognised as an authorised meeting for the recommendations to be valid.

### 6.6 Decision making

In accordance with the Council Committees Policy, the Committee will act in an advisory capacity only and have no delegated authority to make decisions. The Committee will provide advice to Council to assist in their decision making in matters relating to the Tirrengower Drainage Scheme, with an emphasis on required maintenance priorities.

### 6.7 Conflict of interest

Where a member of the Advisory Committee has an interest or conflict of interest in relation to a matter in which the Committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the Committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

### 6.8 Observers/Guests

An observer/guest may attend a meeting for any number of reasons, including to provide technical insight from time to time. Committee members will advise the chair of the attendance of an observer before a meeting, where possible.

Observers must respect all confidentiality and operating protocols of the Committee, and must not:

- propose or vote on motions
- intrude on the procedures of the Committee
- take part in the meeting proceedings without the invitation of the chair.





## 7. Financial Management

Funds are collected annually by the Council under a Special Rate established for the Tirrengower Drainage Scheme and is responsible for making decisions on the expenditure of these funds. The Committee itself does not have any financial delegation or responsibility to make decisions.

The role of the Committee is to provide advice and guidance to Council on the maintenance that is required to be conducted for the drainage scheme.

## 8. Reporting

The Tirrengower Drainage Scheme Advisory Committee is required to prepare an annual report to a Councillor Briefing session reflecting the objectives of the Committee.

## 9. Communications Protocol

All communications to the media regarding the Tirrengower Drainage Scheme Advisory Committee will be through Council. Committee members may not express views on behalf of the Committee. Committee members may communicate with the media with regards to issues specific to the Scheme as individuals.

## 10. Document information

### Document details

Criteria	Details
<b>Document ID</b>	D24/98901
<b>Document title:</b>	Tirrengower Drainage Scheme Advisory Committee – Terms of Reference
<b>Document owner:</b>	Infrastructure & Operations Division

### Version control

Version	Date	Description	Author
0.1	22 August 2024	Draft Terms of Reference	GM Infrastructure & Operations







Item: 9.13

## Proposed Funding Applications for 2024-25 Country Football Netball Program

<b>OFFICER</b>	Nicole Frampton
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To seek Council's endorsement to apply for funding to the Victorian Government's 2024-25 Country Football Netball Program for two projects, the upgrading of the netball courts lighting at Eastern Reserve and Gellibrand Recreation Reserve.

### 2. EXECUTIVE SUMMARY

The Country Football Netball Program (CFNP) provides Councils with an opportunity to source Victorian Government funding to assist grassroots country football netball clubs, associations and umpiring organisations to develop facilities. Only Councils are eligible to apply to the program.

A review of recreation reserve master plans, the G21 and AFL Barwon Towards 2030 Strategy actions relating to facility improvements, and club requests received by Council was undertaken to determine if there were any suitable projects that could be eligible to be submitted to the 2024-25 CFNP.

It is recommended that Council apply to the CFNP for two projects, upgrading netball lighting at Eastern Reserve and Gellibrand Recreation Reserve.

### 3. RECOMMENDATION

***That Council:***

- Endorses the following projects to be submitted to the Victorian Government's 2024-25 Country Football Netball Program:***

- a. *Eastern Reserve Netball Lighting Upgrade project, seeking a grant of up to \$120,000 (exc. GST).*
  - b. *Gellibrand Recreation Reserve Netball Lighting Upgrade project, seeking a grant of up to \$130,000 (exc. GST), with a minimum local contribution of up to \$43,333 (exc. GST) to be provided by the Otway Districts Football Netball Club.*
2. *Contributes up to \$40,000 (exc. GST) as a matching contribution to deliver the Eastern Reserve Netball Lighting Upgrade project with a total project cost of up to \$160,000 (exc. GST), with its matching financial contribution to be sourced from Council's Unallocated Renewal Funds.*
3. *Notes that the application to the 2024-25 Country Football Netball Program for the Gellibrand Recreation Reserve Netball Lighting Upgrade project will be subject to confirmation from the Otway Districts Football Netball Club in writing of its financial contribution.*
4. *Notes that it will be required to underwrite the Eastern Reserve Netball Lighting Upgrade and Gellibrand Recreation Reserve Netball Lighting Upgrade projects as per standard funding agreement obligations.*
5. *Authorises the Chief Executive Officer to submit the applications for the Eastern Reserve Netball Lighting Upgrade and Gellibrand Recreation Reserve Netball Lighting Upgrade projects to the 2024-25 Country Football Netball Program.*
6. *Authorises the Chief Executive Officer to enter into a funding agreement should the applications for the Eastern Reserve Netball Lighting Upgrade and Gellibrand Recreation Reserve Netball Lighting Upgrade projects be successful.*

## 4. KEY INFORMATION

Each year, the Victorian Government makes funds available for sport and recreation projects through a number of Sport and Recreation Victoria (SRV) grant programs. This report refers specifically to applications for possible funding by SRV under the 2024-25 Country Football Netball Program (CFNP).

The CFNP will invest in proposals that can demonstrate commitment to the program outcomes and investment priorities including:

- Develop new or maintain existing participation opportunities in football and/or netball, where there is a risk to participation declining.
- Improve diversity and inclusiveness in participation by prioritising projects that provide opportunities for communities that participate less (such as women and girls, gender diverse people and people with a disability), as identified in *Active Victoria 2022-2026*.
- Support gender equality in participation, coaching, administration, umpiring and volunteering.
- Improve physical and mental health, social and economic outcomes for traditional disadvantaged communities such as low socio-economic areas, growth areas, and communities experiencing long term disadvantage.
- Develop multi-use, shared, integrated and co-located facilities.
- Collaborate with AFL Victoria, Netball Victoria, or other relevant peak bodies.
- Demonstrate economic lift in the form of job creation during construction and operation, non-government investment in the facility and participant and event attraction.
- Provide benefits for both football and netball.

Projects must meet relevant standards (for example, lighting upgrade projects must comply with Australian Standards for the respective sport and playing surface dimensions) and be able to demonstrate that all necessary planning and co-contributions are available to complete the project with the prescribed timeframes.

Councils may submit up to three applications, however the total funding sought cannot exceed \$250,000 per Local Government Authority, and no application can exceed the maximum grant amount of \$250,000. Funding ratios for the program for rural areas are SRV \$3 to \$1 local contribution.

Eligible project types include:

- Developing new or redeveloping change rooms and pavilions to increase capacity, inclusion and safety.
- Developing new or redeveloping existing sports ovals and courts to increase capacity, inclusion and safety.
- Sports lighting that improves facility capacity and participant safety. Lighting projects may include the installation of new LED lighting infrastructure, or the replacement of non-LED lighting with LED lamps to permit lighting standards to be met.
- Projects that result in energy or water efficiency, with a direct impact on participation, such as warm season grass conversions.
- Infrastructure on school land with confirmed community use.
- Projects that benefit multi-use outcomes where football or netball is the primary beneficiary.

Only Councils can submit applications directly to SRV.

A review of recreation reserve master plans, the G21 and AFL Barwon Towards 2030 Strategy actions relating to facility improvements, and club requests received by Council was undertaken to determine if there were any suitable projects that could be eligible to be submitted to the 2024-25 CFNP. Club requests for improved infrastructure has been received from:

- The Colac Summer Netball Association and Colac and District Netball Association (winter) to upgrade the lighting for the netball courts at Eastern Reserve.
- Apollo Bay Football Netball Club to improve the surface of the netball court and repair the cracks at the Apollo Bay Recreation Reserve.
- Otway Districts Football Netball Club to upgrade the lighting for the Gellibrand Recreation Reserve netball courts.

In reviewing these requests against the CFNP guidelines and discussing the potential projects with SRV Barwon South West staff, only two projects would be eligible to apply for funding under the program, that being the Eastern Reserve netball courts lighting upgrade and the Gellibrand Recreation Reserve netball courts lighting upgrade.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

An application to the Country Football Netball Program aligns with the overarching governance principles of achieving the best outcomes for the municipal community, including future generations and the economic, social and environmental sustainability of the municipal district.



**Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

These projects have been developed in line with Australian Standards for netball lighting.

**Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

In delivering an upgrade to netball court lighting the principles of environmental and sustainable outcomes will be achieved. The conversion of existing halogen globes to LED infrastructure will reduce the environmental impact.

**Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

A review of recreation reserve master plans, the G21 and AFL Barwon Towards 2030 Strategy actions relating to facility improvements, and club requests received by Council was undertaken to determine if there were any suitable projects that could be eligible to be submitted to the 2024-25 CFNP. These plans were developed through comprehensive community engagement processes. If funding to the program is successful, further consultation with relevant stakeholders will be undertaken.

**Public Transparency (s58 LGA 2020)**

Not applicable.

**Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 3 – Healthy and Inclusive Community

Objective 2: People are active and socially connected through engaging quality spaces and places

Objective 3: We are a safe, equitable and inclusive community

**Financial Management (s101 Local Government Act 2020)**

The Eastern Reserve netball courts lighting infrastructure is an existing asset and has depreciation, renewal and maintenance costs recognised in Council's financial statements and budgets.

It is expected that a total project budget of up to \$160,000 will be required to deliver the Eastern Reserve netball court lighting upgrade project. This will require a contribution of up to \$40,000 from Council, whilst SRV would contribute \$120,000 towards the project. In addition, it is expected that upgrading the netball court lighting to LED will reduce the ongoing operational costs of using the lights.

The Gellibrand Recreation Reserve is Crown land with a DEECA directly appointed Committee of Management, of which the Otway Districts Football Netball Club is a tenant. It is expected that a total project budget of up to \$173,333 will be required to deliver the netball court lighting upgrade project at the reserve. This will require Otway Districts Football Netball Club to contribute up to \$43,333 towards the project, whilst the SRV grant requested would be up to \$130,000. As this is not a Council asset, this project will not have an impact on Council's long term financial plan.

**Service Performance (s106 Local Government Act 2020)**

This report seeks to assist Council with its future planning and delivery of projects that support the community in an equitable manner and responding to the diverse needs of the community in line with the fair access policy.

## **Risk Assessment**

Not applicable.

## **Communication/Implementation**

Council officers have worked with the stakeholders of the reserves to date. If the grant applications are successful, officers will work with user groups and the community through the construction phase to minimise the impact of works on active and passive sporting activities.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

Option 1 – Authorise the Chief Executive Officer to submit applications for the Eastern Reserve Netball Courts Lighting project and the Gellibrand Recreation Reserve Netball Courts Lighting project to the 2024-25 Country Football Netball Program.

This option is recommended as the projects align with strategic direction, meet the program's guidelines and criteria, and are achievable in the timeframes of the program. If successful, it will see external funding provided to assist in the delivery of these projects.

Option 2 – Authorise the Chief Executive Officer to submit one application to the 2024-25 Country Football Netball Program.

This option is not recommended as it would mean that an opportunity to obtain external grant funding to assist in the delivery of a much-needed project may be missed. Both projects meet the program's criteria and the total amount requested is within the \$250,000 threshold.

Option 3 – Do not authorise the Chief Executive Officer to submit any applications to the 2024-25 Country Football Netball Program

This option is not recommended as it would mean that an opportunity to obtain external grant funding to assist in the delivery of the projects may be missed. There are no other identified projects that would meet the criteria and be within the funding maximum threshold of \$250,000.

Item: 9.14

## Lake Colac Advisory Committee - Appointment of Community Representatives

<b>OFFICER</b>	Ian Seuren
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To consider the appointment of community representatives to the Lake Colac Advisory Committee following an Expression of Interest process.

### 2. EXECUTIVE SUMMARY

At its July 2024 meeting, Council endorsed the revised Terms of Reference for the Lake Colac Advisory Committee and resolved to seek Expressions of Interest for the three community positions available on the committee.

An Expression of Interest process has attracted strong interest from the community with a high number of nominations received.

### 3. RECOMMENDATION

***That Council:***

- 1. Notes the Expressions of Interest received for the three community positions on the Lake Colac Advisory Committee and thanks those that nominated.***
- 2. Appoints community members to the Lake Colac Advisory Committee as identified in the Confidential Attachment to this report.***
- 3. Writes to each person that submitted an Expression of Interest to inform them of this decision and thank them for their interest.***

## 4. KEY INFORMATION

Lake Colac is highly valued by the Colac community. Council has management responsibility for parts of the lake and its foreshores. The Lake Colac Advisory Committee (formerly Lake Colac Coordinating Committee) has been in existence for many years and provides valuable advice to Council and other key agencies on matters pertaining to Lake Colac and surrounds.

The purpose of the Lake Colac Advisory Committee is to

- Provide strategic input, advice and advocacy support for the implementation of key strategies and plans associated with Lake Colac.
- Provide advice on operational matters relating to Lake Colac.
- Support planning, advocacy and implementation of special projects relating to Lake Colac.
- Provide a communication link between Council, agencies, user groups, stakeholders and the broader community.

At its July 2024 meeting, Council endorsed the revised Terms of Reference for the Lake Colac Advisory Committee and resolved to seek Expressions of Interest for the three community positions available on the committee.

Council received a good response to the Expression of Interest process and a high number of nominations were received. The nominees to the committee provide a range of different skills and experiences.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

Appointing community members to the Lake Colac Advisory Committee assists in engaging the community in strategic planning and decision-making.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

The Lake Colac Advisory Committee is established as an Advisory Committee of Council as per its Council Committees Policy.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

The Lake Colac Advisory Committee provides advice to Council on a range of issues including ongoing environmental and sustainability considerations associated with Lake Colac and the surrounding foreshore areas.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

The purpose of an Advisory Committee is to provide valuable information and advice in order to facilitate decisions of significance made by Council, and in turn support achievements under the Council Plan.

The Lake Colac Advisory Committee provides an opportunity for the community, through appointed community members and representatives of key community organisations, to provide advice to Council and other agencies on issues relating to Lake Colac.



### **Public Transparency (s58 LGA 2020)**

The Lake Colac Advisory Committee assists Council in decision making by providing advice on key issues. As per the Terms of Reference, any recommendations and/or advice to Council will be provided to Council through its normal meeting cycle at the next available opportunity.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Objective 4: Colac Otway Shire is a destination to visit

Theme 2 - Valuing the Natural and Built Environment

Objective 5: Provide and maintain an attractive and safe built environment

Theme 3 – Healthy and Inclusive Community

Objective 2: People are active and socially connected through engaging quality spaces and places

The Lake Colac Foreshore Master Plan and Lake Colac Management Plan are relevant plans associated with the Lake Colac Advisory Committee.

### **Financial Management (s101 Local Government Act 2020)**

Not applicable.

### **Service Performance (s106 Local Government Act 2020)**

Advisory Committees assist Council in providing strategic advice and input on the delivery of services.

### **Risk Assessment**

Not applicable.

### **Communication/Implementation**

The opportunity to submit an Expression of Interest for the Lake Colac Advisory Committee was advertised in the local media including the Colac Herald and MIXXFM, and promoted on Council's social media platforms and website.

Those that submitted an Expression of Interest will be notified in writing of the decision of Council.

### **Human Rights Charter**

Advisory Committees to Council are in accordance with the Human Rights Charter, particularly in enabling community members the right to participate in public life.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

Option 1 – Appoints three community members to the Lake Colac Advisory Committee.

This option is recommended as the Terms of Reference for the Lake Colac Advisory Committee includes three community members as part of its membership. Council received a number of

nominations for the committee following an Expression of Interest process, which provides it with an opportunity to appoint the agreed number of community representatives.

Option 2 – Appoints more than three community members to the Lake Colac Advisory Committee.

This option is not recommended. Through the review of the Lake Colac Advisory Committee and its Terms of Reference, it was considered important that the committee wasn't oversubscribed with members as it had been in the past. The current committee provided advice that three community members on the committee was sufficient because many of the other members are considered community members as they represent community organisations.

Option 3 – Does not appoint community members to the Lake Colac Advisory Committee.

This option is not recommended. Council has undertaken an Expression of Interest process and received a number of nominations for the committee. Community representation outside of key user groups is considered important and therefore included in the committee's Terms of Reference. This enables Council to appoint the agreed number of community representatives to the committee.

Item: 9.15

## Update to S6 Instrument of Delegation Council to Members of Council Staff

<b>OFFICER</b>	Belinda Rocka
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. S 6 Instrument of Delegation - Members of Staff - Updates - Maddocks Reliansys Updates July 2024 [9.15.1 - 33 pages]</li><li>2. S 6 Instrument of Delegation - Members of Staff - 28 August 2024 [9.15.2 - 120 pages]</li></ol>

### 1. PURPOSE

To present an updated S6 Instrument of Delegation from Council to Members of Staff (S6 Instrument) for each of the relevant Acts and Regulations because of the biannual update to legislation as advised by Maddocks legal services.

### 2. EXECUTIVE SUMMARY

There are a number of Acts and Regulations where Council has express powers of delegation, and delegation of those powers, duties, and functions, subject to the limitations and conditions contained in the Instrument of Delegation, must be directly to staff and cannot be sub-delegated through the Chief Executive Officer.

Maddocks Lawyers (Maddocks) provides a bi-annual update to any legislation changes that may affect items that are delegated from Council to members of staff. These regular updates are provided in January and July of each year.

### 3. RECOMMENDATION

***That Council:***

- 1. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (Attachment 2), delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties, and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation.***
- 3. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.***
- 4. Approves the S6 Instrument of Delegation to come into force immediately upon execution.***
- 5. Approves that coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to members of Council staff (dated 17 June 2024) is revoked.***
- 6. Notes the duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.***

### 4. KEY INFORMATION

Councils have been given many powers, duties, and functions under multiple pieces of legislation which are essential in fulfilling the wide-ranging responsibilities of Local Government. Council must regularly update its Instruments of Delegation to enable enforcement of the statutory powers and responsibilities required within legislation and confer these duties to the relevant staff.

The organisation generally undertakes a review of delegations on a half-yearly basis or where there have been advised changes to legislation. In addition, Council must specifically review delegations within 12 months of a general election.

Council subscribes to the regular update service offered by Maddocks, which provides updates on legislative amendments required to Council's Instruments of Delegation to ensure legislative compliance. Council also uses a software package, RelianSys, to automate the reporting and management of delegations.

The changes to the S6 Instrument include the updated Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2024, new and changed provisions under the *Food Act 1984* and the deletion of items under the *Road Management Act 2004* (Council are to now use powers under the *Local Government Act 2020* instead). Attachment 1 provides further detail on these changes.



## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

Council decisions are to be made and actions taken in accordance with the relevant law.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

Not applicable.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

Not applicable.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

### **Public Transparency** (s58 LGA 2020)

Not applicable.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement.

### **Financial Management** (s101 Local Government Act 2020)

The cost for annual subscription to both Maddocks and RelianSys services has been included in Council's annual budget considerations.

### **Service Performance** (s106 Local Government Act 2020)

Not applicable.

### **Risk Assessment**

Maintaining the currency of delegations in our complex legal and legislative environment is challenging to ensure legislative compliance with over 90 different pieces of legislation. The subscribed services provided by Maddocks and RelianSys reduce the resource requirement and the risk of non-compliance for Council. This service provides updates on legislative changes and therefore Council updates the delegations on a half yearly basis or more often, where required.

### **Communication/Implementation**

On completion of all updates, Council officers will be sent updated copies of the delegations assigned to their role.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

### Option 1 – Adopt the updated S6 Instrument of Delegation

This option is recommended by officers in order to align the Instrument with the requirements of the Act and confer these duties to the relevant officers enabling enforcement of the statutory powers and responsibilities required within legislation.

### Option 2 – Not adopt the updated S6 Instrument of Delegation

This option is not recommended by officers as it will render officers unable to carry out enforcement of the statutory powers and responsibilities required within legislation and impact the delivery of important ongoing services.

## COLAC OTWAY SHIRE

### RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

### S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

07 AUGUST 2024

Colac Otway Shire

## NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738566	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 7	Power to enter into a written agreement with a caravan park owner	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____
738567	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 10	Function of receiving application for registration	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____



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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738568	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 11	Function of receiving application for renewal of registration	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____
738569	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____
738570	Residential Tenancies (Caravan Parks and	r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2024				
738571	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a> , <a href="#">HPO</a>	_____
738572	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">OWWO</a> , <a href="#">HPO</a>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2024				
738573	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____
738574	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(4) & (5)	Duty to issue certificate of registration	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738575	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 14(1)	Power to determine where notice of transfer is displayed	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a> , <a href="#">HPO</a>	_____
742721	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 14(3)	Power to determine where notice of transfer is displayed	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a> , <a href="#">HPO</a>	_____
738576	Residential Tenancies (Caravan Parks and	r 15(1)	Duty to transfer registration to new caravan park owner	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a>	_____



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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2024			<u>HPO</u>	
738577	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(2)	Duty to issue a certificate of transfer of registration	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	
738578	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 15(3)	Power to determine where certificate of transfer of registration is displayed	<u>MHE</u> , <u>CEO</u> , <u>CEH</u>	

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2024				
738579	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____
738580	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 17	Duty to keep register of caravan parks	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738581	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a> , <a href="#">HPO</a>	_____
738582	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(2)	Duty to consult with relevant emergency services agencies	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">OWWO</a> , <a href="#">HPO</a>	_____
738583	Residential Tenancies (Caravan Parks and	r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2024			<u>HPO</u>	
738584	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	
738585	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 24(2)	Power to consult with relevant floodplain management authority	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	



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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2024				
738586	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____
738587	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738588	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a> , <a href="#">HPO</a>	_____
738589	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 39(3)	Function of receiving installation certificate	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a> , <a href="#">HPO</a>	_____
738590	Residential Tenancies (Caravan Parks and	r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	<a href="#">EHTO</a> , <a href="#">CEH</a> , <a href="#">HPSO</a> , <a href="#">OWWO</a>	_____

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2024			<u>HPO</u>	
738591	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	
738562	Food Act 1984	s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to s 19FA(2), which

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					requires a time limit for compliance to be specified _____
738563	Food Act 1984	s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	<a href="#"><u>EHTO</u></a> , <a href="#"><u>CEH</u></a> , <a href="#"><u>HPSO</u></a> , <a href="#"><u>OWWO</u></a> , <a href="#"><u>HPO</u></a>	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) _____
738564	Food Act 1984	s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	<a href="#"><u>EHTO</u></a> , <a href="#"><u>CEH</u></a> , <a href="#"><u>HPSO</u></a> , <a href="#"><u>OWWO</u></a> , <a href="#"><u>HPO</u></a>	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises



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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738565	Food Act 1984	s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises

Colac Otway Shire

## CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285828	Food Act 1984	s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, <a href="#">(ia) displayed at any point of sale</a> , <a href="#">(ib) be published on the food business's Internet site</a> and (ii) inform the public by notice in a published newspaper, <a href="#">on the Internet site</a> or otherwise	EHTO1, CEH, <del>EHO1</del> , HPSO, EHTO2, OWWO, HPO	If s 19(1) applies _____
285832	Food Act 1984	s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHTO1, CEH, <del>EHO1</del> , HPSO, EHTO2, OWWO, HPO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution  <a href="#">Only in relation to temporary food premises or mobile food premises</a> _____

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285862	Food Act 1984	s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHTO1, CEH, EHO1, EHTO2, OWWO, HPO	Where Council is the registration authority  <a href="#">Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))</a>
286347	Planning and Environment Act 1987	s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority  <i>Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils</i>

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations



Colac Otway Shire

## DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286138	Road Management Act 2004	s 12(2)	Power to discontinue road or part of a road	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority _____
286139	Road Management Act 2004	s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	MHE, CLLCS, GMIO, MAES	Power of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies _____
286140	Road Management Act 2004	s 12(5)	Duty to consider written submissions received within 28 days of notice	MHE, N/A, CLLCS, GMIO, MAES	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11)

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					applies _____
286141	Road Management Act 2004	s 12(6)	Function of hearing a person in support of their written submission	MHE, N/A, CLLCS, GMIO, MAES	Function of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies _____
286142	Road Management Act 2004	s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	MHE, N/A, CLLCS, GMIO, MAES	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies _____
286238	Residential	r 7	Function of entering into a written agreement with a caravan park owner	EHTO1,	_____

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			CEH, EHTO2, OWWO, HPO	
286239	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 10	Function of receiving application for registration	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
393093	Residential Tenancies (Caravan Parks and Movable	r 11	Function of receiving application for renewal of registration	EHTO1, CEH, EHTO2, OWWO, HPO	_____

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Dwellings Registration and Standards) Regulations 2020				
286240	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286276	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards)	r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO1, CEH, EHTO2, OWWO, HPO	_____



Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations 2020				
286241	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
393094	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO1, CEH, EHTO2, OWWO, HPO	_____

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
393095	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHTO1, CEH, EHTO2, OWWO, HPO	_____
286242	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(4) & (5)	Duty to issue certificate of registration	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286243	Residential Tenancies (Caravan Parks and	r 14(1)	Function of receiving notice of transfer of ownership	EHTO1, CEH, HPSO, EHTO2,	_____

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2020			OWWO, HPO	
286244	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 14(3)	Power to determine where notice of transfer is displayed	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286245	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 15(1)	Duty to transfer registration to new caravan park owner	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____

Colac Otway Shire

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2020				
286246	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
699084	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(3)	Power to determine where certificate of transfer of registration is displayed	MHE, CEO, CEH	_____



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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286247	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHTO1, CEH, EHTO2, OWWO, HPO	_____
286248	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286249	Residential Tenancies (Caravan Parks and	r 18(4)	Power to determine where the emergency contact person's details are displayed	EHTO1, CEH, HPSO, EHTO2,	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2020			OWWO, HPO	
286250	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286251	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2020				
286252	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 22(2)	Duty to consult with relevant emergency services agencies	EHTO1, CEH, EHTO2, OWWO, HPO	_____
286253	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286254	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286255	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 25(3)	Duty to consult with relevant floodplain management authority	EHTO1, CEH, EHTO2, OWWO, HPO	_____
286256	Residential Tenancies (Caravan Parks and	r 26	Duty to have regard to any report of the relevant fire authority	EHTO1, CEH, EHTO2, OWWO,	_____



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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2020			HPO	
286257	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286258	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2020				
286259	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286260	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286261	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286262	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____



***S6 Instrument of Delegation – Members of Staff***

**Colac Otway Shire Council**

**Instrument of Delegation  
to  
Members of Council Staff**



## Colac Otway Shire

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

Abbreviation	Position
CEO	Chief Executive Officer
CEM	Coordinator Emergency Management
CEH	Coordinator Environmental Health
CLLCS	Coordinator Local Laws
CPBA	Coordinator Planning and Building Administration
CRS	Coordinator Revenue Services
CSP	Coordinator Statutory Planning
CSPMP	Coordinator Strategic Planning and Major Projects
GMCE	General Manager Community and Economy
GMCS	General Manager Corporate Services
GMIO	General Manager Infrastructure and Operations
HPSO	Health Protection Support Officer
EHTO2	Health Protection Technical Officer
MAES	Manager Assets and Engineering
MFS	Manager Financial Services
MHE	Manager Healthy Environments
MPC	Manager People and Culture
MPSF	Manager Planning and Strategic Focus
MSO	Manager Services and Operations
N/A	Not Applicable
OWWO	Onsite Waste Water Officer
PBA1	Planning and Building Administrator 1
PBA2	Planning and Building Administrator 2

## Colac Otway Shire

Abbreviation	Position
PBA3	Planning and Building Administrator 3
PBA4	Planning and Building Administrator 4
SP2	Statutory Planner 2
SP6	Statutory Planner 6
SP1	Statutory Planners 1
SP3	Statutory Planners 3
SP4	Statutory Planners 4
SP5	Statutory Planners 5
SP	Strategic Planner
SP7	Strategic Planner 2

Positions Group	Position	Positions
All GMs	All GMs	GMCS, GMCE, GMIO
CAO	Compliance Administration Officers	ALL1, ALL2, ALL3, CAO4
CO	Compliance Officers	LLR4, LLR2, LLR3, LLR4, LLR1, LLR5
CSO	Customer Services Officers	CSSO, TLCS, CSO5, CSO6, CCCS, CSO1, CSO2, CSO3, CSO4, CSO7, CSO8, CSO9, CSO10, CSO11, CSO12, CSO13, CSO14, CSO15, CSO16, CSO17, CSO18
HPO	Health Protection Officers	EHO2, EHO1
PA	Planning Administrators	PBA4, PBA2, PBA3, PBA1
PLO	Planning Officers	SP3, SP, SP4, SP5, SP1, SP2, SP6, SP7

declares that:

- 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 28 August 2024 and
- 2.2 the delegation:

Colac Otway Shire

- 2.2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation or where the Chief Executive Officer of Council is authorised under resolution, the Chief Executive Officer executes the Instrument of Delegation;
- 2.2.2 remains in force until varied or revoked;
- 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.3 the delegate must not determine the issue, take the action or do the act or thing:
  - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategyadopted by Council;
  - 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 2.3.4 if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

**Signed** by the Chief Executive Officer of )  
Colac Otway Shire Council in the presence )  
of:

.....

Witness

Date: .....

Colac Otway Shire

### Delegation Sources

- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024
- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738566	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 7	Power to enter into a written agreement with a caravan park owner	CEH, EHTO2, OWWO, HPO	
738567	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 10	Function of receiving application for registration	CEH, HPSO, EHTO2, OWWO, HPO	
738568	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 11	Function of receiving application for renewal of registration	CEH, EHTO2, OWWO, HPO	
738569	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEH, HPSO, EHTO2, OWWO, HPO	
738570	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH, EHTO2, OWWO, HPO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Standards) Regulations 2024				
738571	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEH, HPSO, EHTO2, OWWO, HPO	
738572	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH, EHTO2, OWWO, HPO	
738573	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEH, EHTO2, OWWO, HPO	
738574	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(4) & (5)	Duty to issue certificate of registration	CEH, HPSO, EHTO2, OWWO, HPO	
738575	A*	Residential Tenancies (Caravan Parks and	r 14(1)	Power to determine where notice of transfer is displayed	CEH, HPSO, EHTO2,	

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Movable Dwellings Registration and Standards) Regulations 2024			OWWO, HPO	
742721	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 14(3)	Power to determine where notice of transfer is displayed	CEH, HPSO, EHTO2, OWWO, HPO	
738576	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(1)	Duty to transfer registration to new caravan park owner	CEH, HPSO, EHTO2, OWWO, HPO	
738577	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(2)	Duty to issue a certificate of transfer of registration	CEH, HPSO, EHTO2, OWWO, HPO	
738578	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(3)	Power to determine where certificate of transfer of registration is displayed	MHE, CEO, CEH	

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738579	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH, EHTO2, OWWO, HPO	
738580	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 17	Duty to keep register of caravan parks	CEH, HPSO, EHTO2, OWWO, HPO	
738581	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CEH, HPSO, EHTO2, OWWO, HPO	
738582	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(2)	Duty to consult with relevant emergency services agencies	CEH, EHTO2, OWWO, HPO	
738583	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEH, HPSO, EHTO2, OWWO, HPO	



## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Standards) Regulations 2024				
738584	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEH, HPSO, EHTO2, OWWO, HPO	
738585	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 24(2)	Power to consult with relevant floodplain management authority	CEH, EHTO2, OWWO, HPO	
738586	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	CEH, HPSO, EHTO2, OWWO, HPO	
738587	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEH, HPSO, EHTO2, OWWO, HPO	
738588	A*	Residential Tenancies (Caravan Parks and	r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling	CEH, HPSO, EHTO2,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Movable Dwellings Registration and Standards) Regulations 2024		or rigid annexe	OWWO, HPO	
738589	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 39(3)	Function of receiving installation certificate	CEH, HPSO, EHTO2, OWWO, HPO	
738590	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	CEH, HPSO, EHTO2, OWWO, HPO	
738591	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	CEH, HPSO, EHTO2, OWWO, HPO	
285704	A*	Cemeteries and Crematoria Act 2003	s 8(1)(a)(ii)	Power to manage one or more public cemeteries	N/A	Where Council is a Class B cemetery trust
285705	A*	Cemeteries and Crematoria Act 2003	s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and	N/A	Where Council is a Class B cemetery trust

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				carry out any other function conferred under this Act		
285706	A*	Cemeteries and Crematoria Act 2003	s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	N/A	Where Council is a Class B cemetery trust
285707	A*	Cemeteries and Crematoria Act 2003	s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	N/A	Where Council is a Class A cemetery trust
285708	A*	Cemeteries and Crematoria Act 2003	s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	N/A	Where Council is a Class A cemetery trust
285709	A*	Cemeteries and Crematoria Act 2003	s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	N/A	
285710	A*	Cemeteries and Crematoria Act 2003	s 14	Power to manage multiple public cemeteries as if they are one cemetery.	N/A	
285712	A*	Cemeteries and Crematoria Act 2003	s 15(4)	Duty to keep records of delegations	N/A	
285713	A*	Cemeteries and Crematoria Act 2003	s 17(1)	Power to employ any persons necessary	N/A	
285714	A*	Cemeteries and Crematoria Act 2003	s 17(2)	Power to engage any professional, technical or other assistance considered necessary	N/A	
285715	A*	Cemeteries and	s 17(3)	Power to determine the terms and	N/A	Subject to any guidelines or directions

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		conditions of employment or engagement		of the Secretary
285716	A*	Cemeteries and Crematoria Act 2003	s 18(3)	Duty to comply with a direction from the Secretary	N/A	
285717	A*	Cemeteries and Crematoria Act 2003	s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	N/A	Where Council is a Class A cemetery trust
285718	A*	Cemeteries and Crematoria Act 2003	s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust
285719	A*	Cemeteries and Crematoria Act 2003	s 18D	Power to determine procedure of governance committee	N/A	Where Council is a Class A cemetery trust
285720	A*	Cemeteries and Crematoria Act 2003	s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	N/A	Where Council is a Class A cemetery trust
285721	A*	Cemeteries and Crematoria Act 2003	s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust
285722	A*	Cemeteries and Crematoria Act 2003	s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	Where Council is a Class A cemetery trust
285723	A*	Cemeteries and Crematoria Act 2003	s 18D(3)	Duty to include a report on the activities of the community advisory	N/A	Where Council is a Class A cemetery trust



## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				committees in its report of operations under Part 7 of the Financial Management Act 1994		
285724	A*	Cemeteries and Crematoria Act 2003	s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	Where Council is a Class A cemetery trust
285725	A*	Cemeteries and Crematoria Act 2003	s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	Where Council is a Class A cemetery trust
285726	A*	Cemeteries and Crematoria Act 2003	s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	Where Council is a Class A cemetery trust
285727	A*	Cemeteries and Crematoria Act 2003	s.18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	N/A	Where Council is a Class A cemetery trust
285728	A*	Cemeteries and Crematoria Act 2003	s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust
285729	A*	Cemeteries and Crematoria Act 2003	s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust
285730	A*	Cemeteries and	s 18N(3)	Duty to give a copy of the proposed	N/A	Where Council is a Class A cemetery

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		annual plan to the Secretary on or before 30 September each year for the Secretary's approval		trust
285731	A*	Cemeteries and Crematoria Act 2003	s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	Where Council is a Class A cemetery trust
285732	A*	Cemeteries and Crematoria Act 2003	s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
285733	A*	Cemeteries and Crematoria Act 2003	s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	Where Council is a Class A cemetery trust
285734	A*	Cemeteries and Crematoria Act 2003	s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	Where Council is a Class A cemetery trust
285735	A*	Cemeteries and Crematoria Act 2003	s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
285736	A*	Cemeteries and Crematoria Act 2003	s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust
285737	A*	Cemeteries and Crematoria Act 2003	s 19	Power to carry out or permit the carrying out of works	N/A	

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285738	A*	Cemeteries and Crematoria Act 2003	s 20(1)	Duty to set aside areas for the interment of human remains	N/A	
285739	A*	Cemeteries and Crematoria Act 2003	s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	N/A	
285740	A*	Cemeteries and Crematoria Act 2003	s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	N/A	
285741	A*	Cemeteries and Crematoria Act 2003	s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	N/A	
285742	A*	Cemeteries and Crematoria Act 2003	s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	N/A	Subject to the approval of the Minister
285743	A*	Cemeteries and Crematoria Act 2003	s 37	Power to grant leases over land in a public cemetery in accordance with s 37	N/A	Subject to the Minister approving the purpose
285744	A*	Cemeteries and Crematoria Act 2003	s 40	Duty to notify Secretary of fees and charges fixed under s 39	N/A	
285745	A*	Cemeteries and Crematoria Act 2003	s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	N/A	Provided the street was constructed pursuant to the Local Government Act 1989
652450	A*	Cemeteries and Crematoria Act 2003	s 52	Duty to submit a report to the Secretary in relation to any public	N/A	

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery		
285746	A*	Cemeteries and Crematoria Act 2003	s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	N/A	Report must contain the particulars listed in s 57(2)
285747	A*	Cemeteries and Crematoria Act 2003	s 59	Duty to keep records for each public cemetery	N/A	
285748	A*	Cemeteries and Crematoria Act 2003	s 60(1)	Duty to make information in records available to the public for historical or research purposes	N/A	
285749	A*	Cemeteries and Crematoria Act 2003	s 60(2)	Power to charge fees for providing information	N/A	
285750	A*	Cemeteries and Crematoria Act 2003	s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	N/A	
285751	A*	Cemeteries and Crematoria Act 2003	s 64B(d)	Power to permit interments at a reopened cemetery	N/A	
285752	A*	Cemeteries and Crematoria Act 2003	s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	N/A	The application must include the requirements listed in s 66(2)(a)-(d)
285753	A*	Cemeteries and Crematoria Act 2003	s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	N/A	



## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285754	A*	Cemeteries and Crematoria Act 2003	s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	N/A	
285755	A*	Cemeteries and Crematoria Act 2003	s 70(2)	Duty to make plans of existing place of interment available to the public	N/A	
285756	A*	Cemeteries and Crematoria Act 2003	s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	N/A	
285757	A*	Cemeteries and Crematoria Act 2003	s 71(2)	Power to dispose of any memorial or other structure removed	N/A	
285758	A*	Cemeteries and Crematoria Act 2003	s 72(2)	Duty to comply with request received under s 72	N/A	
285759	A*	Cemeteries and Crematoria Act 2003	s 73(1)	Power to grant a right of interment	N/A	
285760	A*	Cemeteries and Crematoria Act 2003	s 73(2)	Power to impose conditions on the right of interment	N/A	
285761	A*	Cemeteries and Crematoria Act 2003	s 75	Power to grant the rights of interment set out in s 75(a) and (b)	N/A	
285762	A*	Cemeteries and Crematoria Act 2003	s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	N/A	
285763	A*	Cemeteries and Crematoria Act 2003	s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				parts from the place of interment on application		
285764	A*	Cemeteries and Crematoria Act 2003	s 80(1)	Function of receiving notification and payment of transfer of right of interment	N/A	
285765	A*	Cemeteries and Crematoria Act 2003	s 80(2)	Function of recording transfer of right of interment	N/A	
285766	A*	Cemeteries and Crematoria Act 2003	s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A	
285768	A*	Cemeteries and Crematoria Act 2003	s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	N/A	
285769	A*	Cemeteries and Crematoria Act 2003	s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	N/A	
285770	A*	Cemeteries and Crematoria Act 2003	s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	The notice must be in writing and contain the requirements listed in s 85(2)
286286	A*	Cemeteries and Crematoria Act 2003	s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	N/A	Does not apply where right of interment relates to remains of a deceased veteran.
286287	A*	Cemeteries and Crematoria Act 2003	85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;	N/A	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.		extended or converted to a perpetual right of interment
285771	A*	Cemeteries and Crematoria Act 2003	s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
286277	A*	Cemeteries and Crematoria Act 2003	s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	N/A	
286278	A*	Cemeteries and Crematoria Act 2003	s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	N/A	
286279	A*	Cemeteries and Crematoria Act 2003	s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	N/A	
286282	A*	Cemeteries and Crematoria Act 2003	s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	N/A	
285772	A*	Cemeteries and Crematoria Act 2003	s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				right to a perpetual right of interment		
285773	A*	Cemeteries and Crematoria Act 2003	s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	N/A	
285774	A*	Cemeteries and Crematoria Act 2003	s 91(1)	Power to cancel a right of interment in accordance with s 91	N/A	
285775	A*	Cemeteries and Crematoria Act 2003	s 91(3)	Duty to publish notice of intention to cancel right of interment	N/A	
285776	A*	Cemeteries and Crematoria Act 2003	s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	N/A	
285777	A*	Cemeteries and Crematoria Act 2003	s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	N/A	
285778	A*	Cemeteries and Crematoria Act 2003	s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	N/A	
285779	A*	Cemeteries and Crematoria Act 2003	s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	N/A	
285780	A*	Cemeteries and Crematoria Act 2003	s 100(1)	Power to require a person to remove memorials or places of interment	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285781	A*	Cemeteries and Crematoria Act 2003	s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	N/A	
285782	A*	Cemeteries and Crematoria Act 2003	s 100(3)	Power to recover costs of taking action under s 100(2)	N/A	
285783	A*	Cemeteries and Crematoria Act 2003	s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	N/A	
285784	A*	Cemeteries and Crematoria Act 2003	s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	N/A	
285785	A*	Cemeteries and Crematoria Act 2003	s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	N/A	
285786	A*	Cemeteries and Crematoria Act 2003	s 103(1)	Power to require a person to remove a building for ceremonies	N/A	
285787	A*	Cemeteries and Crematoria Act 2003	s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	N/A	
285788	A*	Cemeteries and Crematoria Act 2003	s 103(3)	Power to recover costs of taking action under s 103(2)	N/A	
285789	A*	Cemeteries and Crematoria Act 2003	s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of	N/A	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				interment safe and proper or carry out specified repairs		
285790	A*	Cemeteries and Crematoria Act 2003	s 106(2)	Power to require the holder of the right of interment to provide for an examination	N/A	
285791	A*	Cemeteries and Crematoria Act 2003	s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	N/A	
285792	A*	Cemeteries and Crematoria Act 2003	s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	N/A	
285793	A*	Cemeteries and Crematoria Act 2003	s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	N/A	
285794	A*	Cemeteries and Crematoria Act 2003	s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	N/A	
285795	A*	Cemeteries and Crematoria Act 2003	s 108	Power to recover costs and expenses	N/A	
285796	A*	Cemeteries and Crematoria Act 2003	s 109(1)(a)	Power to open, examine and repair a place of interment	N/A	Where the holder of right of interment or responsible person cannot be found

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285797	A*	Cemeteries and Crematoria Act 2003	s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	N/A	Where the holder of right of interment or responsible person cannot be found
285798	A*	Cemeteries and Crematoria Act 2003	s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	N/A	Where the holder of right of interment or responsible person cannot be found
285799	A*	Cemeteries and Crematoria Act 2003	s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	N/A	
285800	A*	Cemeteries and Crematoria Act 2003	s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	N/A	
286283	A*	Cemeteries and Crematoria Act 2003	s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	N/A	
285801	A*	Cemeteries and Crematoria Act 2003	s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285802	A*	Cemeteries and Crematoria Act 2003	s 112	Power to sell and supply memorials	N/A	
285803	A*	Cemeteries and Crematoria Act 2003	s 116(4)	Duty to notify the Secretary of an interment authorisation granted	N/A	
285804	A*	Cemeteries and Crematoria Act 2003	s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	N/A	
285805	A*	Cemeteries and Crematoria Act 2003	s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	N/A	
285806	A*	Cemeteries and Crematoria Act 2003	s 119	Power to set terms and conditions for interment authorisations	N/A	
285807	A*	Cemeteries and Crematoria Act 2003	s 131	Function of receiving an application for cremation authorisation	N/A	
285808	A*	Cemeteries and Crematoria Act 2003	s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)
285809	A*	Cemeteries and Crematoria Act 2003	s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	N/A	
285810	A*	Cemeteries and Crematoria Act 2003	s 146	Power to dispose of bodily remains by a method other than interment or cremation	N/A	Subject to the approval of the Secretary

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285811	A*	Cemeteries and Crematoria Act 2003	s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	N/A	
285812	A*	Cemeteries and Crematoria Act 2003	s 149	Duty to cease using method of disposal if approval revoked by the Secretary	N/A	
285813	A*	Cemeteries and Crematoria Act 2003	s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	N/A	
285814	A*	Cemeteries and Crematoria Act 2003	s 151	Function of receiving applications to inter or cremate body parts	N/A	
285815	A*	Cemeteries and Crematoria Act 2003	s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	N/A	
285816	A*	Cemeteries and Crematoria Act 2003	sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	
285817	A*	Cemeteries and Crematoria Act 2003	sch 1 cl 8(8)	Power to regulate own proceedings	N/A	Subject to cl 8
285818	A*	Cemeteries and Crematoria Act 2003	sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	Where Council is a Class A cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285819	A*	Cemeteries and Crematoria Act 2003	sch 1A cl 8(8)	Power to regulate own proceedings	N/A	Where Council is a Class A cemetery trust Subject to cl 8
285820	A*	Domestic Animals Act 1994	s 41A(1)	Power to declare a dog to be a menacing dog	N/A, CLLCS, CO	Council may delegate this power to a Council authorised officer
285826	A*	Food Act 1984	s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	If s 19(1) applies
285827	A*	Food Act 1984	s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	If s 19(1) applies
286346	A*	Food Act 1984	s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHTO1, CEH, EHTO2, OWWO, HPO	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises
285828	A*	Food Act 1984	s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, (ia) displayed at any point of sale, (ib) be published on the food business's	CEH, HPSO, EHTO2, OWWO, HPO	If s 19(1) applies



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise		
285829	A*	Food Act 1984	s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	If s 19(1) applies
285830	A*	Food Act 1984	s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	If s 19(1) applies
285831	A*	Food Act 1984	s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285832	A*	Food Act 1984	s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEH, HPSO, EHTO2, OWWO, HPO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution Only in relation to temporary food premises or mobile food premises
285833	A*	Food Act 1984	s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order	EHTO1, CEH, HPSO, EHTO2,	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				has been complied with	OWWO, HPO	
285834	A*	Food Act 1984	s 19CB(4)(b)	Power to request copy of records	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285835	A*	Food Act 1984	s 19E(1)(d)	Power to request a copy of the food safety program	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
594851	A*	Food Act 1984	s 19EA(3)	Function of receiving copy of revised food safety program	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
738562	A*	Food Act 1984	s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to s 19FA(2), which requires a time limit for compliance to be specified
738563	A*	Food Act 1984	s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a	CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				direction given under s 19FA(1)		Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
738564	A*	Food Act 1984	s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
738565	A*	Food Act 1984	s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
285836	A*	Food Act 1984	s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
594852	A*	Food Act 1984	s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
594853	A*	Food Act 1984	s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHTO1, CEH, EHTO2, OWWO,	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					HPO	deficiencies (see s 19IA(3))
285837	A*	Food Act 1984	s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHTO1, CEH, EHTO2, OWWO, HPO	Where Council is the registration authority
594854	A*	Food Act 1984	s 19N(2)	Function of receiving notice from the auditor	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285838	A*	Food Act 1984	s 19NA(1)	Power to request food safety audit reports	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285839	A*	Food Act 1984	s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHTO1, CEH, EHTO2, OWWO, HPO	
285840	A*	Food Act 1984	s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
285841	A*	Food Act 1984	s 19W	Power to direct a proprietor of a food	EHTO1,	Where Council is the registration

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				premises to comply with any requirement under Part IIIB	CEH, HPSO, EHTO2, OWWO, HPO	authority
285842	A*	Food Act 1984	s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285843	A*	Food Act 1984	s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285844	A*	Food Act 1984		Power to register or renew the registration of a food premises	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
483146	A*	Food Act 1984	s 36A	Power to accept an application for registration or notification using online portal	CEH, HPO	Where Council is the registration authority
483147	A*	Food Act 1984	s 36B	Duty to pay the charge for use of online portal	MHE, CEH	Where Council is the registration authority
285845	A*	Food Act 1984	s 38AA(5)	Power to (a) request further	EHTO1,	Where Council is the registration



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEH, HPSO, EHTO2, OWWO, HPO	authority
285846	A*	Food Act 1984	s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285847	A*	Food Act 1984	s 38A(4)	Power to request a copy of a completed food safety program template	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285848	A*	Food Act 1984	s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285849	A*	Food Act 1984	s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285850	A*	Food Act 1984	s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHTO1, CEH, HPSO, EHTO2, OWWO,	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					HPO	
285851	A*	Food Act 1984	s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285852	A*	Food Act 1984	s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285853	A*	Food Act 1984	s 38D(3)	Power to request copies of any audit reports	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285854	A*	Food Act 1984	s 38E(2)	Power to register the food premises on a conditional basis	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority  not exceeding the prescribed time limit defined under s 38E(5)
285855	A*	Food Act 1984	s 38E(4)	Duty to register the food premises when conditions are satisfied	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285856	A*	Food Act 1984	s 38F(3)(b)	Power to require proprietor to comply	EHTO1,	Where Council is the registration

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				with requirements of this Act	CEH, HPSO, EHTO2, OWWO, HPO	authority
483148	A*	Food Act 1984	s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEH, HPO	Where Council is the registration authority
594855	A*	Food Act 1984	s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
483149	A*	Food Act 1984	s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEH, HPO	Where Council is the registration authority
594856	A*	Food Act 1984	s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	
285857	A*	Food Act 1984	s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority  Only if satisfied of matters in s 39A(2)(a)-(c)
594857	A*	Food Act 1984	s 39A (6)	Duty to comply with a direction of the Secretary	EHTO1, CEH, HPSO,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					EHTO2, OWWO, HPO	
594858	A*	Food Act 1984	s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHTO1, CEH, EHTO2, OWWO, HPO	Where Council is the registration authority
285858	A*	Food Act 1984	s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	
285859	A*	Food Act 1984	s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285860	A*	Food Act 1984	s 40D(1)	Power to suspend or revoke the registration of food premises	N/A, CEH	Where Council is the registration authority
594859	A*	Food Act 1984	s 40E	Duty to comply with direction of the Secretary	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	
483150	A*	Food Act 1984	s 40F	Power to cancel registration of food premises	MHE, CEH	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
594860	A*	Food Act 1984	s 43	Duty to maintain records of registration	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285861	A*	Food Act 1984	s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285862	A*	Food Act 1984	s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEH, EHTO2, OWWO, HPO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
594861	A*	Food Act 1984	s 45AC	Power to bring proceedings	CEH, HPO	
285863	A*	Food Act 1984	s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHTO1, CEH, EHTO2, OWWO, HPO	Where Council is the registration authority
285864	A*	Heritage Act 2017	s 116	Power to sub-delegate Executive Director's functions, duties or powers	N/A, GMCE	Must first obtain Executive Director's written consent



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
286402	A*	Local Government Act 1989	s 185L(4)	Power to declare and levy a cladding rectification charge	N/A, CEO	
285865	A*	Planning and Environment Act 1987	s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CSP, N/A, CSPMP, GMCE, MPSF	If authorised by the Minister
285866	A*	Planning and Environment Act 1987	s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSP, N/A, CSPMP, GMCE, MPSF	
285867	A*	Planning and Environment Act 1987	s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, PLO	
285868	A*	Planning and Environment Act 1987	s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, PLO	
285869	A*	Planning and Environment Act 1987	s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	N/A, MPSF	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285870	A*	Planning and Environment Act 1987	s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285871	A*	Planning and Environment Act 1987	s 8A(5)	Function of receiving notice of the Minister's decision	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285872	A*	Planning and Environment Act 1987	s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CSP, N/A, CSPMP, GMCE, MPSF	
285873	A*	Planning and Environment Act 1987	s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	N/A, GMCE, MPSF	
285874	A*	Planning and Environment Act 1987	s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CSP, N/A, CSPMP, GMCE, MPSF	
285876	A*	Planning and Environment Act 1987	s 12B(1)	Duty to review planning scheme	CSP, N/A, CSPMP, GMCE, MPSF	
285877	A*	Planning and	s 12B(2)	Duty to review planning scheme at	CSP, N/A,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		direction of Minister	CSPMP, GMCE, MPSF	
285878	A*	Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSP, N/A, CSPMP, GMCE, MPSF	
285879	A*	Planning and Environment Act 1987	s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CPBA, CSP, CSPMP, GMCE, MPSF, PLO	
285880	A*	Planning and Environment Act 1987	s 17(1)	Duty of giving copy amendment to the planning scheme	CPBA, CSP, N/A, CSPMP, GMCE, MPSF, CSO, PA, PLO	
285881	A*	Planning and Environment Act 1987	s 17(2)	Duty of giving copy s 173 agreement	CPBA, CSP, N/A, CSPMP, GMCE, MPSF, CSO, PA, PLO	
285882	A*	Planning and Environment Act 1987	s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CPBA, CSP, N/A, CSPMP, GMCE, MPSF, CSO, PA, PLO	
285883	A*	Planning and	s 18	Duty to make amendment etc.	CPBA, CSP,	Until the proposed amendment is

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		available in accordance with public availability requirements	CSPMP, GMCE, MPSF, PA, PLO	approved or lapsed
285884	A*	Planning and Environment Act 1987	s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CPBA, CSP, N/A, CSPMP, GMCE, MPSF, PA, PLO	
285885	A*	Planning and Environment Act 1987	s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CPBA, CSP, N/A, CSPMP, GMCE, MPSF, PA, PLO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
285886	A*	Planning and Environment Act 1987	s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CSP, CSPMP, GMCE, MPSF	Where Council is a planning authority
285887	A*	Planning and Environment Act 1987	s 21(2)	Duty to make submissions available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA	Until the end of 2 months after the amendment comes into operation or lapses
285888	A*	Planning and Environment Act 1987	s 21A(4)	Duty to publish notice	CPBA, CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					GMCE, MPSF, PA, PLO	
285889	A*	Planning and Environment Act 1987	s 22(1)	Duty to consider all submissions received before the date specified in the notice	CSP, CSPMP, GMCE, MPSF	Except submissions which request a change to the items in s 22(5)(a) and (b)
628642	A*	Planning and Environment Act 1987	s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	SP, CSP, CSPMP, MPSF, SP7	
285890	A*	Planning and Environment Act 1987	s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSP, N/A, CSPMP, GMCE, MPSF	
285891	A*	Planning and Environment Act 1987	s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSP, N/A, CSPMP, GMCE, MPSF	
285892	A*	Planning and Environment Act 1987	s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSP, N/A, CSPMP, GMCE, MPSF, PLO	
285893	A*	Planning and Environment Act 1987	s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CPBA, CSP, CSPMP, GMCE, MPSF, PA,	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PLO	
285894	A*	Planning and Environment Act 1987	s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA, PLO	During the inspection period
285895	A*	Planning and Environment Act 1987	s 27(2)	Power to apply for exemption if panel's report not received	CSP, N/A, CSPMP, GMCE, MPSF	
285896	A*	Planning and Environment Act 1987	s 28(1)	Duty to notify the Minister if abandoning an amendment	CSP, CSPMP, GMCE, MPSF	Note: the power to make a decision to abandon an amendment cannot be delegated
546478	A*	Planning and Environment Act 1987	s 28(2)	Duty to publish notice of the decision on Internet site	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	
546479	A*	Planning and Environment Act 1987	s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	
285897	A*	Planning and Environment Act 1987	s 30(4)(a)	Duty to say if amendment has lapsed	CPBA, CSP, N/A, CSPMP, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF	
285898	A*	Planning and Environment Act 1987	s 30(4)(b)	Duty to provide information in writing upon request	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285899	A*	Planning and Environment Act 1987	s 32(2)	Duty to give more notice if required	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285900	A*	Planning and Environment Act 1987	s 33(1)	Duty to give more notice of changes to an amendment	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285901	A*	Planning and Environment Act 1987	s 36(2)	Duty to give notice of approval of amendment	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285902	A*	Planning and Environment Act 1987	s 38(5)	Duty to give notice of revocation of an amendment	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285903	A*	Planning and Environment Act 1987	s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CSP, N/A, CSPMP, GMCE, MPSF	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285904	A*	Planning and Environment Act 1987	s 40(1)	Function of lodging copy of approved amendment	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285905	A*	Planning and Environment Act 1987	s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA, PLO	
546480	A*	Planning and Environment Act 1987	s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CPBA, CSP, CSPMP, GMCE, MPSF, CAO, PA, PLO	
285906	A*	Planning and Environment Act 1987	s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA, PLO	
286347	A*	Planning and Environment Act 1987	s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority
286350	A*	Planning and Environment Act 1987	s 46AW	Function of being consulted by the Minister	N/A, CEO, GMCE,	Where Council is a responsible public entity

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF	
286351	A*	Planning and Environment Act 1987	s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is a responsible public entity
286288	A*	Planning and Environment Act 1987	s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is a responsible public entity
286289	A*	Planning and Environment Act 1987	s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is a responsible public entity
286290	A*	Planning and Environment Act 1987	s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	MFS, N/A, CEO, GMCS, GMCE, MPSF	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
286352	A*	Planning and Environment Act 1987	s 46GJ(1)	Function of receiving written directions from the Minister in relation to the	MFS, N/A, CEO, GMCS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				preparation and content of infrastructure contributions plans	GMCE, MPSF	
286353	A*	Planning and Environment Act 1987	s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MFS, N/A, CEO, GMCS, GMCE, MPSF	
286354	A*	Planning and Environment Act 1987	s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MFS, N/A, CEO, GMCS	
286355	A*	Planning and Environment Act 1987	s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
286356	A*	Planning and Environment Act 1987	s 46GP	Function of receiving a notice under s 46GO	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286357	A*	Planning and Environment Act 1987	s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
286358	A*	Planning and Environment Act 1987	s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice	MFS, CSP, N/A, CSPMP, CEO, GMCS,	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				under s 46GO	GMCE, MPSF	
286359	A*	Planning and Environment Act 1987	s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
286360	A*	Planning and Environment Act 1987	s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	MFS, N/A, CEO, GMCS, GMCE, MPSF	
286361	A*	Planning and Environment Act 1987	s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	MFS, N/A, CEO, GMCS, GMCE, MPSF	
286362	A*	Planning and Environment Act 1987	s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	MFS, N/A, CEO, GMCS	
286363	A*	Planning and Environment Act 1987	s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	MFS, N/A, CEO, GMCS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286364	A*	Planning and Environment Act 1987	s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MFS, N/A, CEO, GMCS	
286365	A*	Planning and Environment Act 1987	s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
286366	A*	Planning and Environment Act 1987	s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286367	A*	Planning and Environment Act 1987	s 46GV(3)(b)	Power to enter into an agreement with the applicant	CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286368	A*	Planning and Environment Act 1987	s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is the development agency
286369	A*	Planning and	s	Function of receiving the inner public	CSP, N/A,	Where Council is the collecting agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987	46GV(4)(b)	purpose land in accordance with s 46GV(5) and (6)	CSPMP, CEO, GMCE, MPSF	
286370	A*	Planning and Environment Act 1987	s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286371	A*	Planning and Environment Act 1987	s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is the collecting agency
286291	A*	Planning and Environment Act 1987	s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, GMIO, MPSF	Where Council is the collecting agency
286372	A*	Planning and Environment Act 1987	s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286373	A*	Planning and Environment Act 1987	s 46GY(1)	Duty to keep proper and separate accounts and records	MFS, CSP, N/A, CSPMP, CEO, GMCS,	Where Council is the collecting agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					GMCE, MPSF	
286374	A*	Planning and Environment Act 1987	s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286375	A*	Planning and Environment Act 1987	s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
286376	A*	Planning and Environment Act 1987	s 46GZ(2)(a)	Function of receiving the monetary component	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
286292	A*	Planning and Environment Act 1987	s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
286377	A*	Planning and Environment Act 1987	s 46GZ(2)(b)	Function of receiving the monetary component	MFS, CSP, N/A, CSPMP,	Where Council is the development agency under an approved

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					CEO, GMCS, GMCE, MPSF	infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
286378	A*	Planning and Environment Act 1987	s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286293	A*	Planning and Environment Act 1987	s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
286379	A*	Planning and Environment Act 1987	s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
286380	A*	Planning and Environment Act 1987	s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				under s 46GW		
286294	A*	Planning and Environment Act 1987	s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
286381	A*	Planning and Environment Act 1987	s 46GZ(9)	Function of receiving the fee simple in the land	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>
286382	A*	Planning and Environment Act 1987	s 46GZA(1)	Duty to keep proper and separate accounts and records	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
286295	A*	Planning and Environment Act 1987	s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local	MFS, CSP, N/A, CSPMP,	Where Council is a development agency under an approved

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Government Act 2020	CEO, GMCS, GMCE, MPSF	infrastructure contributions plan
286383	A*	Planning and Environment Act 1987	s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is a development agency under an approved infrastructure contributions plan
286296	A*	Planning and Environment Act 1987	s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
286384	A*	Planning and Environment Act 1987	s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
286385	A*	Planning and Environment Act 1987	s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286297	A*	Planning and Environment Act 1987	s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	MFS, CSP, N/A, CSPMP, CEO, GMCS,	Where Council is the collecting agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					GMCE, MPSF	
286298	A*	Planning and Environment Act 1987	s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
286386	A*	Planning and Environment Act 1987	s 46GZE(2)	Function of receiving the unexpended land equalisation amount	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
286387	A*	Planning and Environment Act 1987	s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286388	A*	Planning and Environment Act 1987	s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the	MFS, CSP, N/A, CSPMP, CEO, GMCS,	Where Council is the development agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				public purpose land for a public purpose approved by the Minister or sell the public purpose land	GMCE, MPSF	
286389	A*	Planning and Environment Act 1987	s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
286390	A*	Planning and Environment Act 1987	s 46GZF(3)	Function of receiving proceeds of sale	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
286391	A*	Planning and Environment Act 1987	s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286392	A*	Planning and Environment Act 1987	s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286393	A*	Planning and Environment Act 1987	s 46GZH	Power to recover the monetary component, or any land equalisation	MFS, N/A, CEO, MPSF	Where Council is the collecting agency under an approved infrastructure

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction		contributions plan
286299	A*	Planning and Environment Act 1987	s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	N/A, CEO, GMCS, GMCE, MPSF	Where Council is a collecting agency or development agency
286394	A*	Planning and Environment Act 1987	s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is a collecting agency or development agency
286395	A*	Planning and Environment Act 1987	s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
285907	A*	Planning and Environment Act 1987	s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CSP, N/A, CSPMP, GMCE, MPSF	
285908	A*	Planning and Environment Act 1987	s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CSP, N/A, CSPMP, GMCE, MPSF	
285909	A*	Planning and Environment Act 1987	s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of	N/A, GMCE, MPSF	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				development infrastructure levy		
285910	A*	Planning and Environment Act 1987	s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	N/A, GMCE, MPSF	
285911	A*	Planning and Environment Act 1987	s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CSP, N/A, CSPMP, GMCE, MPSF	
285912	A*	Planning and Environment Act 1987	s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CSP, N/A, CSPMP, GMCE, MPSF	
285913	A*	Planning and Environment Act 1987	s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285914	A*	Planning and Environment Act 1987	s 46Q(1)	Duty to keep proper accounts of levies paid	MFS, CSP, N/A, CSPMP, GMCS, GMCE, MPSF	
285915	A*	Planning and Environment Act 1987	s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs	MFS, CSP, CSPMP, GMCS, GMCE, MPSF	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				incurred by a development agency		
285916	A*	Planning and Environment Act 1987	s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285917	A*	Planning and Environment Act 1987	s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CSP, N/A, CSPMP, GMCE, MPSF	Only applies when levy is paid to Council as a 'development agency'
285918	A*	Planning and Environment Act 1987	s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
285919	A*	Planning and Environment Act 1987	s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Must be done in accordance with Part 3
285920	A*	Planning and Environment Act 1987	s46Q(4)(e)	Duty to expend that amount on other works etc.	CSP, N/A, CSPMP, CEO, GMCE, MPSF	With the consent of, and in the manner approved by, the Minister
285921	A*	Planning and	s 46QC	Power to recover any amount of levy	MFS, CSP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		payable under Part 3B	N/A, CSPMP, GMCE, MPSF	
286300	A*	Planning and Environment Act 1987	s 46QD	Duty to prepare report and give a report to the Minister	MFS, CSP, N/A, CSPMP, GMCE, MPSF	Where Council is a collecting agency or development agency
285923	A*	Planning and Environment Act 1987	s 46Y	Duty to carry out works in conformity with the approved strategy plan	N/A	
285924	A*	Planning and Environment Act 1987	s 47	Power to decide that an application for a planning permit does not comply with that Act	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285925	A*	Planning and Environment Act 1987	s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285926	A*	Planning and Environment Act 1987	s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
285927	A*	Planning and Environment Act 1987	s 50(4)	Duty to amend application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285928	A*	Planning and Environment Act 1987	s 50(5)	Power to refuse to amend application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286400	A*	Planning and Environment Act 1987	s 50(6)	Duty to make note of amendment to application in register	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285929	A*	Planning and Environment Act 1987	s 50A(1)	Power to make amendment to application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285930	A*	Planning and Environment Act 1987	s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285931	A*	Planning and Environment Act 1987	s 50A(4)	Duty to note amendment to application in register	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285932	A*	Planning and Environment Act 1987	s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285933	A*	Planning and Environment Act 1987	s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285934	A*	Planning and Environment Act 1987	s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285935	A*	Planning and Environment Act 1987	s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285936	A*	Planning and Environment Act 1987	s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285937	A*	Planning and Environment Act 1987	s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285938	A*	Planning and Environment Act 1987	s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285939	A*	Planning and Environment Act 1987	s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285940	A*	Planning and Environment Act 1987	s 52(3)	Power to give any further notice of an application where appropriate	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285941	A*	Planning and Environment Act 1987	s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285942	A*	Planning and Environment Act 1987	s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285943	A*	Planning and Environment Act 1987	s 54(1)	Power to require the applicant to provide more information	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285944	A*	Planning and Environment Act 1987	s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285945	A*	Planning and Environment Act 1987	s 54(1B)	Duty to specify the lapse date for an application	CPBA, CSP, N/A, CSPMP, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF, PLO	
285946	A*	Planning and Environment Act 1987	s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285947	A*	Planning and Environment Act 1987	s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285948	A*	Planning and Environment Act 1987	s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285949	A*	Planning and Environment Act 1987	s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285950	A*	Planning and Environment Act 1987	s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285951	A*	Planning and Environment Act 1987	s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PA, PLO	
285952	A*	Planning and Environment Act 1987	s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285953	A*	Planning and Environment Act 1987	s 57A(5)	Power to refuse to amend application	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285954	A*	Planning and Environment Act 1987	s 57A(6)	Duty to note amendments to application in register	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285955	A*	Planning and Environment Act 1987	s 57B(1)	Duty to determine whether and to whom notice should be given	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285956	A*	Planning and Environment Act 1987	s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285957	A*	Planning and Environment Act 1987	s 57C(1)	Duty to give copy of amended application to referral authority	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PLO	
285958	A*	Planning and Environment Act 1987	s 58	Duty to consider every application for a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285959	A*	Planning and Environment Act 1987	s 58A	Power to request advice from the Planning Application Committee	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285960	A*	Planning and Environment Act 1987	s 60	Duty to consider certain matters	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> <li>• Or where the land is in the Farming</li> </ul>

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
285961	A*	Planning and Environment Act 1987	s 60(1A)	Duty to consider certain matters	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286301	A*	Planning and Environment Act 1987	s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CSP, N/A, CSPMP, GMCE, MPSF, PLO	
285962	A*	Planning and Environment Act 1987	s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced</li> </ul>



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						<p>under a lawful planning permit, where:</p> <ul style="list-style-type: none"> <li>the works had not been completed prior to the expiry of the permit; and</li> <li>the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> <li>Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).</li> </ul> <p>Save where the application may have an affect on the broader community. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>
285963	A*	Planning and Environment Act 1987	s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286403	A*	Planning and Environment Act 1987	s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending	CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				referral authority objects to the grant of permit	CEO, GMCE, MPSF	
285964	A*	Planning and Environment Act 1987	s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285965	A*	Planning and Environment Act 1987	s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285966	A*	Planning and Environment Act 1987	s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285967	A*	Planning and Environment Act 1987	s 62(1)	Duty to include certain conditions in deciding to grant a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> </ul> </li> </ul>

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						<ul style="list-style-type: none"> <li>the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> <li>Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).</li> </ul>
285968	A*	Planning and Environment Act 1987	s 62(2)	Power to include other conditions	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>Or where the application may have an affect on the broader community.</li> <li>Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>the works had not been completed prior to the expiry of the permit; and</li> <li>the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> </ul>

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						<ul style="list-style-type: none"> <li>• Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).</li> </ul>
285969	A*	Planning and Environment Act 1987	s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285970	A*	Planning and Environment Act 1987	s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285971	A*	Planning and Environment Act 1987	s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> </ul> </li> </ul>

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						<ul style="list-style-type: none"> <li>the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> <li>Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).</li> </ul>
285972	A*	Planning and Environment Act 1987	s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285973	A*	Planning and Environment Act 1987	s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285974	A*	Planning and Environment Act 1987	s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285975	A*	Planning and	s 63	Duty to issue the permit where made a	CSP, N/A,	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		decision in favour of the application (if no one has objected)	CSPMP, CEO, GMCE, MPSF, PLO	
285976	A*	Planning and Environment Act 1987	s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
285977	A*	Planning and Environment Act 1987	s 64(3)	Duty not to issue a permit until after the specified period	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
285978	A*	Planning and Environment Act 1987	s 64(5)	Duty to give each objector a copy of an exempt decision	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
285979	A*	Planning and Environment Act 1987	s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
285980	A*	Planning and Environment Act 1987	s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CPBA, CSP, N/A, CSPMP, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF, PA, PLO	
285981	A*	Planning and Environment Act 1987	s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285982	A*	Planning and Environment Act 1987	s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
285983	A*	Planning and Environment Act 1987	s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
285984	A*	Planning and Environment Act 1987	s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
285985	A*	Planning and Environment Act 1987	s 69(1)	Function of receiving application for extension of time of permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285986	A*	Planning and Environment Act 1987	s 69(1A)	Function of receiving application for extension of time to complete development	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
285987	A*	Planning and Environment Act 1987	s 69(2)	Power to extend time	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	Delegation to officers applies save where the development has commenced lawfully under the planning permit and: o the application seeks approval for an extension of time to complete the works; and o the officer recommendation is for refusal, unless that recommendation is made due to the recommendation of a referral authority under Section 55 of the Act.
285988	A*	Planning and Environment Act 1987	s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
285989	A*	Planning and Environment Act 1987	s 71(1)	Power to correct certain mistakes	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285990	A*	Planning and Environment Act 1987	s 71(2)	Duty to note corrections in register	CPBA, CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					CEO, GMCE, MPSF, PA, PLO	
285991	A*	Planning and Environment Act 1987	s 73	Power to decide to grant amendment subject to conditions	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285992	A*	Planning and Environment Act 1987	s 74	Duty to issue amended permit to applicant if no objectors	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285993	A*	Planning and Environment Act 1987	s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285994	A*	Planning and Environment Act 1987	s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285995	A*	Planning and Environment Act 1987	s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285996	A*	Planning and Environment Act 1987	s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
285997	A*	Planning and Environment Act 1987	s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
285998	A*	Planning and Environment Act 1987	s 76D	Duty to comply with direction of Minister to issue amended permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285999	A*	Planning and Environment Act 1987	s 83	Function of being respondent to an appeal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286000	A*	Planning and Environment Act 1987	s 83B	Duty to give or publish notice of application for review	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286001	A*	Planning and Environment Act 1987	s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Save where the proposed use and/or development: • Results in four (4) or more objections having been lodged against the grant



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						<p>of a permit.</p> <ul style="list-style-type: none"> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> <li>• Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).</li> </ul>
286002	A*	Planning and Environment Act 1987	s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286003	A*	Planning and Environment Act 1987	s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286004	A*	Planning and Environment Act 1987	s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
286396	A*	Planning and Environment Act 1987	s 84AB	Power to agree to confining a review by the Tribunal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286005	A*	Planning and Environment Act 1987	s 86	Duty to issue a permit at order of Tribunal within 3 business days	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
286006	A*	Planning and Environment Act 1987	s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286007	A*	Planning and Environment Act 1987	s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286008	A*	Planning and Environment Act 1987	s 91(2)	Duty to comply with the directions of VCAT	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286009	A*	Planning and Environment Act 1987	s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSP, N/A, CSPMP, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF, PLO	
286010	A*	Planning and Environment Act 1987	s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286011	A*	Planning and Environment Act 1987	s 93(2)	Duty to give notice of VCAT order to stop development	CSP, N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
286012	A*	Planning and Environment Act 1987	s 95(3)	Function of referring certain applications to the Minister	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286013	A*	Planning and Environment Act 1987	s 95(4)	Duty to comply with an order or direction	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286014	A*	Planning and Environment Act 1987	s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286015	A*	Planning and Environment Act 1987	s 96(2)	Function of giving consent to other persons to apply to the Minister for a	CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				permit to use and develop Council land	CEO, GMCE, MPSF	
286016	A*	Planning and Environment Act 1987	s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286017	A*	Planning and Environment Act 1987	s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286018	A*	Planning and Environment Act 1987	s 96F	Duty to consider the panel's report under s 96E	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286019	A*	Planning and Environment Act 1987	s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	CSP, CSPMP, CEO, GMCE, MPSF	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is</li> </ul> </li> </ul>

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
286020	A*	Planning and Environment Act 1987	s 96H(3)	Power to give notice in compliance with Minister's direction	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286021	A*	Planning and Environment Act 1987	s 96J	Duty to issue permit as directed by the Minister	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
286022	A*	Planning and Environment Act 1987	s 96K	Duty to comply with direction of the Minister to give notice of refusal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286273	A*	Planning and Environment Act 1987	s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286023	A*	Planning and Environment Act 1987	s 97C	Power to request Minister to decide the application	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286024	A*	Planning and Environment Act 1987	s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286025	A*	Planning and Environment Act 1987	s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286026	A*	Planning and Environment Act 1987	s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
286027	A*	Planning and Environment Act 1987	s 97L	Duty to include Ministerial decisions in a register kept under s 49	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
286028	A*	Planning and Environment Act 1987	s 97MH	Duty to provide information or assistance to the Planning Application Committee	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286029	A*	Planning and Environment Act 1987	s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CSP, N/A, CSPMP, GMCE, MPSF	
286030	A*	Planning and Environment Act 1987	s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286031	A*	Planning and Environment Act 1987	s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286032	A*	Planning and Environment Act 1987	s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286033	A*	Planning and Environment Act 1987	s 97Q(4)	Duty to comply with directions of VCAT	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286034	A*	Planning and Environment Act 1987	s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
286035	A*	Planning and Environment Act 1987	s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	N/A, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF	
286036	A*	Planning and Environment Act 1987	s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	N/A, CEO, GMCE, MPSF	
286037	A*	Planning and Environment Act 1987	s 101	Function of receiving claim for expenses in conjunction with claim	N/A, CEO, GMCE, MPSF	
286038	A*	Planning and Environment Act 1987	s 103	Power to reject a claim for compensation in certain circumstances	N/A, CEO, GMCE, MPSF	
286039	A*	Planning and Environment Act 1987	s.107(1)	Function of receiving claim for compensation	CEO, GMCE, MPSF	
286040	A*	Planning and Environment Act 1987	s 107(3)	Power to agree to extend time for making claim	N/A, CEO, GMCE, MPSF	
594862	A*	Planning and Environment Act 1987	s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	GMCE, MPSF	
286041	A*	Planning and Environment Act 1987	s 114(1)	Power to apply to the VCAT for an enforcement order	MHE, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286042	A*	Planning and	s 117(1)(a)	Function of making a submission to	MHE, CSP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		the VCAT where objections are received	N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
286043	A*	Planning and Environment Act 1987	s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	MHE, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286044	A*	Planning and Environment Act 1987	s 123(1)	Power to carry out work required by enforcement order and recover costs	MHE, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286045	A*	Planning and Environment Act 1987	s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	MHE, N/A, CEO, CLLCS, GMCE, MPSF	Except Crown Land
703107	A*	Planning and Environment Act 1987	s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	MHE, CEO	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286046	A*	Planning and Environment Act 1987	s 129	Function of recovering penalties	MFS, MHE, N/A, CEO, CLLCS, GMCE, MPSF, CO	
286047	A*	Planning and Environment Act 1987	s 130(5)	Power to allow person served with an infringement notice further time	MHE, N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286048	A*	Planning and Environment Act 1987	s 149A(1)	Power to refer a matter to the VCAT for determination	MHE, CSP, N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286049	A*	Planning and Environment Act 1987	s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
703108	A*	Planning and Environment Act 1987	s 149B	Power to apply to the Tribunal for a declaration.	CEO, MPSF	
286050	A*	Planning and Environment Act 1987	s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or	MHE, CSP, N/A, CSPMP, CEO, GMCE,	Where Council is the relevant planning authority



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	MPSF	
286051	A*	Planning and Environment Act 1987	s 171(2)(f)	Power to carry out studies and commission reports	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286401	A*	Planning and Environment Act 1987	s 171(2)(g)	Power to grant and reserve easements	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286397	A*	Planning and Environment Act 1987	s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	N/A, CEO, GMCS, GMCE	Where Council is a development agency specified in an approved infrastructure contributions plan
286398	A*	Planning and Environment Act 1987	s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	N/A, CEO, GMCS, GMCE	Where Council is a collecting agency specified in an approved infrastructure contributions plan
286399	A*	Planning and Environment Act 1987	s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the	N/A, CEO, GMCS, GMCE	Where Council is the development agency specified in an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				plan, before the time that the land is required to be provided under s 46GV(4)		
286052	A*	Planning and Environment Act 1987	s 173(1)	Power to enter into agreement covering matters set out in s 174	CSP, N/A, CSPMP, CEO, GMCE, GMIO, MPSF	
286348	A*	Planning and Environment Act 1987	s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	N/A, CEO, GMCS, GMCE, GMIO, MPSF	Where Council is the relevant responsible authority
286053	A*	Planning and Environment Act 1987		Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286054	A*	Planning and Environment Act 1987		Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286055	A*	Planning and Environment Act 1987	s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by	CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMCE, MPSF	
286056	A*	Planning and Environment Act 1987	s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286057	A*	Planning and Environment Act 1987	s 178A(1)	Function of receiving application to amend or end an agreement	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286058	A*	Planning and Environment Act 1987	s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286059	A*	Planning and Environment Act 1987	s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286060	A*	Planning and Environment Act 1987	s 178A(5)	Power to propose to amend or end an agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286061	A*	Planning and Environment Act 1987	s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CSP, N/A, CSPMP, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF, PLO	
286062	A*	Planning and Environment Act 1987	s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286063	A*	Planning and Environment Act 1987	s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286064	A*	Planning and Environment Act 1987	s 178C(4)	Function of determining how to give notice under s 178C(2)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286065	A*	Planning and Environment Act 1987	s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286066	A*	Planning and Environment Act 1987	s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	If no objections are made under s 178D Must consider matters in s 178B
286067	A*	Planning and Environment Act 1987	s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	If no objections are made under s 178D Must consider matters in s 178B
286068	A*	Planning and	s 178E(2)(c)	Power to refuse to amend or end the	CSP, N/A,	If no objections are made under s

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		agreement	CSPMP, CEO, GMCE, MPSF, PLO	178D  Must consider matters in s 178B
286069	A*	Planning and Environment Act 1987	s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s 178B
286070	A*	Planning and Environment Act 1987	s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s 178B
286071	A*	Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s.178B
286072	A*	Planning and Environment Act 1987	s 178E(3)(d)	Power to refuse to amend or end the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s 178B
286073	A*	Planning and Environment Act 1987	s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286074	A*	Planning and Environment Act 1987	s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	



## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286075	A*	Planning and Environment Act 1987	s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286076	A*	Planning and Environment Act 1987	s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286077	A*	Planning and Environment Act 1987	s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286078	A*	Planning and Environment Act 1987	s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286079	A*	Planning and Environment Act 1987	s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
286080	A*	Planning and Environment Act 1987	s 181	Duty to apply to the Registrar of Titles to record the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286081	A*	Planning and Environment Act 1987	s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286082	A*	Planning and Environment Act 1987	s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286083	A*	Planning and Environment Act 1987	s 182	Power to enforce an agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286084	A*	Planning and Environment Act 1987	s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286085	A*	Planning and Environment Act 1987	s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286086	A*	Planning and Environment Act 1987	s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286087	A*	Planning and Environment Act 1987	s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to	CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, GMCE, MPSF, PLO	
286088	A*	Planning and Environment Act 1987	s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286089	A*	Planning and Environment Act 1987	s 184G(2)	Duty to comply with a direction of the Tribunal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286090	A*	Planning and Environment Act 1987	s 184G(3)	Duty to give notice as directed by the Tribunal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
628646	A*	Planning and Environment Act 1987	s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	PBA4, PBA2, PBA3, SP3, SP, SP4, SP5, PBA1, CPBA, SP1, CSP, CSPMP, SP2, SP6, MPSF, SP7	
286091	A*	Planning and Environment Act 1987	s 198(1)	Function to receive application for planning certificate	N/A	Certificates not issued by Council

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286092	A*	Planning and Environment Act 1987	s 199(1)	Duty to give planning certificate to applicant	N/A	Certificates not issued by Council
286093	A*	Planning and Environment Act 1987	s 201(1)	Function of receiving application for declaration of underlying zoning	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
286094	A*	Planning and Environment Act 1987	s 201(3)	Duty to make declaration	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286095	A*	Planning and Environment Act 1987		Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CSP, N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
286096	A*	Planning and Environment Act 1987		Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286097	A*	Planning and Environment Act 1987		Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286098	A*	Planning and Environment Act 1987		Power to give written authorisation in accordance with a provision of a planning scheme	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286099	A*	Planning and Environment Act 1987	s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286100	A*	Planning and Environment Act 1987	s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286126	A*	Residential Tenancies Act 1997	s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MHE, N/A, CEH, MPSF	
286127	A*	Residential Tenancies Act 1997	s 522(1)	Power to give a compliance notice to a person	MFS, MHE, N/A, CLLCS, CRS, MPSF, CO	
286128	A*	Residential Tenancies Act 1997	s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	N/A, MPSF, All GMs	
286129	A*	Residential Tenancies Act 1997	s 525(4)	Duty to issue identity card to authorised officers	N/A, MPSF, All GMs	
286130	A*	Residential Tenancies	s 526(5)	Duty to keep record of entry by	MFS, MHE,	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Act 1997		authorised officer under s 526	N/A, CLLCS, CRS, MPSF	
286131	A*	Residential Tenancies Act 1997	s 526A(3)	Function of receiving report of inspection	MFS, MHE, N/A, CLLCS, CRS, MPSF	
286132	A*	Residential Tenancies Act 1997	s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	MHE, N/A, CLLCS, MPSF, CO	
286133	A*	Road Management Act 2004	s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MHE, N/A, CLLCS, GMIO, MAES	Obtain consent in circumstances specified in s 11(2)
286134	A*	Road Management Act 2004	s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	MHE, N/A, CLLCS, GMCS, CRS, GMIO, MAES	
286135	A*	Road Management Act 2004	s 11(9)(b)	Duty to advise Registrar	MHE, N/A, CLLCS, GMCS, CRS, GMIO, MAES	
286136	A*	Road Management Act 2004	s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc	MHE, N/A, CLLCS, CRS, GMIO, MAES	Subject to s 11(10A)
286137	A*	Road Management Act 2004	s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				person		
286143	A*	Road Management Act 2004	s 12(10)	Duty to notify of decision made	MHE, N/A, CLLCS, GMIO, MAES	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
286144	A*	Road Management Act 2004	s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	MHE, N/A, CLLCS, GMIO, MAES	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
286145	A*	Road Management Act 2004	s 14(4)	Function of receiving notice from the Head, Transport for Victoria	MHE, N/A, CLLCS, GMIO, MAES	
286146	A*	Road Management Act 2004	s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	MHE, N/A, CLLCS, GMIO, MAES	
286147	A*	Road Management Act 2004	s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	MHE, N/A, CLLCS, GMIO, MAES	
286148	A*	Road Management Act 2004	s 15(1A)	Power to enter into arrangement with a utility to transfer a road management	MHE, N/A, CLLCS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				function of the utility to the road authority	GMIO, MAES	
286149	A*	Road Management Act 2004	s 15(2)	Duty to include details of arrangement in public roads register	MHE, N/A, CLLCS, GMIO, MAES	
286150	A*	Road Management Act 2004	s 16(7)	Power to enter into an arrangement under s 15	MHE, N/A, CLLCS, GMIO, MAES	
286151	A*	Road Management Act 2004	s 16(8)	Duty to enter details of determination in public roads register	MHE, N/A, CLLCS, GMIO, MAES	
286152	A*	Road Management Act 2004	s 17(2)	Duty to register public road in public roads register	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286153	A*	Road Management Act 2004	s 17(3)	Power to decide that a road is reasonably required for general public use	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286154	A*	Road Management Act 2004	s 17(3)	Duty to register a road reasonably required for general public use in public roads register	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286155	A*	Road Management Act 2004	s 17(4)	Power to decide that a road is no longer reasonably required for general public use	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286156	A*	Road Management Act 2004	s 17(4)	Duty to remove road no longer reasonably required for general public	MHE, N/A, CLLCS,	Where Council is the coordinating road authority

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				use from public roads register	GMIO, MAES	
286157	A*	Road Management Act 2004	s 18(1)	Power to designate ancillary area	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
286158	A*	Road Management Act 2004	s 18(3)	Duty to record designation in public roads register	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286159	A*	Road Management Act 2004	s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	MHE, N/A, CLLCS, GMIO, MAES	
286160	A*	Road Management Act 2004	s 19(4)	Duty to specify details of discontinuance in public roads register	MHE, N/A, CLLCS, GMIO, MAES	
286161	A*	Road Management Act 2004	s 19(5)	Duty to ensure public roads register is available for public inspection	MHE, N/A, CLLCS, GMIO, MAES	
286162	A*	Road Management Act 2004	s 21	Function of replying to request for information or advice	MHE, N/A, CLLCS, GMIO, MAES	Obtain consent in circumstances specified in s 11(2)
286163	A*	Road Management Act 2004	s 22(2)	Function of commenting on proposed direction	MHE, N/A, CLLCS, GMIO, MAES	
286164	A*	Road Management Act 2004	s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	MHE, N/A, CLLCS, GMIO, MAES	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286165	A*	Road Management Act 2004	s 22(5)	Duty to give effect to a direction under s 22	MHE, N/A, CLLCS, GMIO, MAES	
286166	A*	Road Management Act 2004	s 40(1)	Duty to inspect, maintain and repair a public road.	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286167	A*	Road Management Act 2004	s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MHE, N/A, CLLCS, GMIO, MAES	
286168	A*	Road Management Act 2004	s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286169	A*	Road Management Act 2004	s 42(1)	Power to declare a public road as a controlled access road	MHE, N/A, CLLCS, GMIO, MAES	Power of coordinating road authority and sch 2 also applies
286170	A*	Road Management Act 2004	s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	MHE, N/A, CLLCS, GMIO, MAES	Power of coordinating road authority and sch 2 also applies
286171	A*	Road Management Act 2004	s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority  If road is a municipal road or part thereof
286172	A*	Road Management Act 2004	s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight	MHE, N/A, CLLCS,	Where Council is the coordinating road authority



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				road	GMIO, MAES	If road is a municipal road or part thereof and where road is to be specified a freight road
286173	A*	Road Management Act 2004	s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the responsible road authority, infrastructure manager or works manager
286174	A*	Road Management Act 2004	s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	N/A, GMIO, MAES	
286175	A*	Road Management Act 2004	s 49	Power to develop and publish a road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286176	A*	Road Management Act 2004	s 51	Power to determine standards by incorporating the standards in a road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286177	A*	Road Management Act 2004	s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286178	A*	Road Management Act 2004	s 54(2)	Duty to give notice of proposal to make a road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286179	A*	Road Management Act	s 54(5)	Duty to conduct a review of road	MHE, N/A,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		management plan at prescribed intervals	CLLCS, GMIO, MAES	
286180	A*	Road Management Act 2004	s 54(6)	Power to amend road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286181	A*	Road Management Act 2004	s 54(7)	Duty to incorporate the amendments into the road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286182	A*	Road Management Act 2004	s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MHE, N/A, CLLCS, GMIO, MAES	
286183	A*	Road Management Act 2004	s 63(1)	Power to consent to conduct of works on road	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286184	A*	Road Management Act 2004	s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MHE, MSO, CEM, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager
286185	A*	Road Management Act 2004	s 64(1)	Duty to comply with cl 13 of sch 7	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
286186	A*	Road Management Act 2004	s 66(1)	Power to consent to structure etc	MHE, N/A, CLLCS, GMIO,	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MAES, CO	
286187	A*	Road Management Act 2004	s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MHE, N/A, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
286188	A*	Road Management Act 2004	s 67(3)	Power to request information	MHE, N/A, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
286189	A*	Road Management Act 2004	s 68(2)	Power to request information	MHE, N/A, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
286190	A*	Road Management Act 2004	s 71(3)	Power to appoint an authorised officer	MHE, N/A, CLLCS, GMCS, GMCE, GMIO, MAES	
286191	A*	Road Management Act 2004	s 72	Duty to issue an identity card to each authorised officer	MHE, MPC, N/A, CLLCS, GMCS, GMIO, MAES	
286192	A*	Road Management Act 2004	s 85	Function of receiving report from authorised officer	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286193	A*	Road Management Act	s 86	Duty to keep register re s 85 matters	MHE, N/A,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004			CLLCS, GMIO, MAES	
286194	A*	Road Management Act 2004	s 87(1)	Function of receiving complaints	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286195	A*	Road Management Act 2004	s 87(2)	Duty to investigate complaint and provide report	MHE, N/A, CLLCS, GMIO, MAES	
594863	A*	Road Management Act 2004	s 96	Power to authorise a person for the purpose of instituting legal proceedings	MHE, CEO, CLLCS, GMIO, MAES	
286196	A*	Road Management Act 2004	s 112(2)	Power to recover damages in court	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286197	A*	Road Management Act 2004	s 116	Power to cause or carry out inspection	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286198	A*	Road Management Act 2004	s 119(2)	Function of consulting with the Head, Transport for Victoria	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286199	A*	Road Management Act 2004	s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286200	A*	Road Management Act	s 120(2)	Duty to seek consent of the Head,	MHE, N/A,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CLLCS, GMIO, MAES	
286201	A*	Road Management Act 2004	s 121(1)	Power to enter into an agreement in respect of works	MHE, N/A, CLLCS, GMIO, MAES	
286202	A*	Road Management Act 2004	s 122(1)	Power to charge and recover fees	MHE, N/A, CLLCS, GMIO, MAES	
286203	A*	Road Management Act 2004	s 123(1)	Power to charge for any service	MHE, N/A, CLLCS, GMIO, MAES	
286204	A*	Road Management Act 2004	sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MHE, N/A, CLLCS, GMIO, MAES	
286205	A*	Road Management Act 2004	sch 2 cl 3(1)	Duty to make policy about controlled access roads	MHE, N/A, CLLCS, GMIO, MAES	
286206	A*	Road Management Act 2004	sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MHE, N/A, CLLCS, GMIO, MAES	
286207	A*	Road Management Act 2004	sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MHE, N/A, CLLCS, GMIO, MAES	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286208	A*	Road Management Act 2004	sch 2 cl 5	Duty to publish notice of declaration	MHE, N/A, CLLCS, GMIO, MAES	
286209	A*	Road Management Act 2004	sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
286210	A*	Road Management Act 2004	sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
286211	A*	Road Management Act 2004	sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
286212	A*	Road Management Act 2004	sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				location shown on records, appear to be in an unsafe condition or appear to need maintenance		
286213	A*	Road Management Act 2004	sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
286214	A*	Road Management Act 2004	sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286215	A*	Road Management Act 2004	sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286216	A*	Road Management Act 2004	sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286217	A*	Road Management Act 2004	sch 7 cl 12(5)	Power to recover costs	MFS, MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286218	A*	Road Management Act 2004	sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the works manager
286219	A*	Road Management Act 2004	sch 7 cl 13(2)	Power to vary notice period	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286220	A*	Road Management Act 2004	sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager
286221	A*	Road Management Act 2004	sch 7 cl 16(1)	Power to consent to proposed works	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286222	A*	Road Management Act 2004	sch 7 cl 16(4)	Duty to consult	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority, responsible authority or infrastructure manager
286223	A*	Road Management Act 2004	sch 7 cl 16(5)	Power to consent to proposed works	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286224	A*	Road Management Act 2004	sch 7 cl 16(6)	Power to set reasonable conditions on consent	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286225	A*	Road Management Act 2004	sch 7 cl 16(8)	Power to include consents and conditions	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286226	A*	Road Management Act 2004	sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286227	A*	Road Management Act 2004	sch 7 cl 18(1)	Power to enter into an agreement	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286228	A*	Road Management Act	sch 7 cl 19(1)	Power to give notice requiring	MHE, N/A,	Where Council is the coordinating road

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		rectification of works	CLLCS, GMIO, MAES	authority
286229	A*	Road Management Act 2004	sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286230	A*	Road Management Act 2004	sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	MHE, N/A, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
286231	A*	Road Management Act 2004	sch 7A cl 2	Power to cause street lights to be installed on roads	MHE, N/A, CLLCS, GMIO, MAES	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
286232	A*	Road Management Act 2004	sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the responsible road authority
286233	A*	Road Management Act 2004	sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the responsible road authority
286234	A*	Road Management Act 2004	sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	MHE, N/A, CLLCS, GMIO, MAES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286302	A*	Cemeteries and Crematoria Regulations 2015	r 24	Duty to ensure that cemetery complies with depth of burial requirements	N/A	
286303	A*	Cemeteries and Crematoria Regulations 2015	r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	N/A	
286304	A*	Cemeteries and Crematoria Regulations 2015	r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	N/A	
286339	A*	Cemeteries and Crematoria Regulations 2015	r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	N/A	
286305	A*	Cemeteries and Crematoria Regulations 2015	r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	N/A	
286306	A*	Cemeteries and Crematoria Regulations 2015	r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	N/A	
286307	A*	Cemeteries and Crematoria Regulations 2015	r 30(2)	Power to release cremated human remains to certain persons	N/A	Subject to any order of a court
286308	A*	Cemeteries and Crematoria Regulations 2015	r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	N/A	



## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286309	A*	Cemeteries and Crematoria Regulations 2015	r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	N/A	
286310	A*	Cemeteries and Crematoria Regulations 2015	r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	N/A	
286311	A*	Cemeteries and Crematoria Regulations 2015	r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	N/A	
286312	A*	Cemeteries and Crematoria Regulations 2015	r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	N/A	
286313	A*	Cemeteries and Crematoria Regulations 2015	r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	N/A	
286314	A*	Cemeteries and Crematoria Regulations 2015	r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	N/A	
286315	A*	Cemeteries and Crematoria Regulations 2015	r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	N/A	
286316	A*	Cemeteries and Crematoria Regulations	r 36	Duty to provide statement that alternative vendors or supplier of	N/A	

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2015		monuments exist		
286317	A*	Cemeteries and Crematoria Regulations 2015	r 40	Power to approve a person to play sport within a public cemetery	N/A	
286318	A*	Cemeteries and Crematoria Regulations 2015	r 41(1)	Power to approve fishing and bathing within a public cemetery	N/A	
286319	A*	Cemeteries and Crematoria Regulations 2015	r 42(1)	Power to approve hunting within a public cemetery	N/A	
286320	A*	Cemeteries and Crematoria Regulations 2015	r 43	Power to approve camping within a public cemetery	N/A	
286321	A*	Cemeteries and Crematoria Regulations 2015	r 45(1)	Power to approve the removal of plants within a public cemetery	N/A	
286322	A*	Cemeteries and Crematoria Regulations 2015	r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	N/A	
286323	A*	Cemeteries and Crematoria Regulations 2015	r 47(3)	Power to approve the use of fire in a public cemetery	N/A	
286324	A*	Cemeteries and Crematoria Regulations	r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface	N/A	

Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2015		other than a road, track or parking area		
286325	A*	Cemeteries and Crematoria Regulations 2015		Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	N/A	
286326	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	N/A	See note above regarding model rules
286327	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	N/A	See note above regarding model rules
286328	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	N/A	See note above regarding model rules
286329	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	N/A	See note above regarding model rules
286330	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	N/A	See note above regarding model rules
286331	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 8	Power to approve certain mementos on a memorial	N/A	See note above regarding model rules

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286332	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	N/A	See note above regarding model rules
286333	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	N/A	See note above regarding model rules
286334	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	N/A	See note above regarding model rules
286335	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	N/A	See note above regarding model rules
286336	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 16(1)	Power to approve construction and building within a cemetery	N/A	See note above regarding model rules
286337	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	N/A	See note above regarding model rules
286338	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	N/A	See note above regarding model rules
286235	A*	Planning and Environment Regulations 2015	r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CSP, N/A, CSPMP, GMCE, MPSF	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						planning scheme to designate Council as an acquiring authority.
286236	A*	Planning and Environment Regulations 2015	r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286284	A*	Planning and Environment Regulations 2015	r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	Where Council is the responsible authority
286285	A*	Planning and Environment Regulations 2015	r.25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	Where Council is not the responsible authority but the relevant land is within Council's municipal district
286237	A*	Planning and Environment Regulations 2015	r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CSP, N/A, CSPMP, CEO, GMCE, MPSF	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.



## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286274	A*	Planning and Environment (Fees) Regulations 2016	r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286345	A*	Planning and Environment (Fees) Regulations 2016	r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286275	A*	Planning and Environment (Fees) Regulations 2016	r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286263	A*	Road Management (General) Regulations 2016	r 8(1)	Duty to conduct reviews of road management plan	N/A, GMIO	
286264	A*	Road Management (General) Regulations 2016	r 9(2)	Duty to produce written report of review of road management plan and make report available	N/A, GMIO	
286342	A*	Road Management (General) Regulations 2016	r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	N/A, GMIO	Where Council is the coordinating road authority
286265	A*	Road Management (General) Regulations 2016	r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance	N/A, GMIO	

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				or repair under s 41 of the Act		
286343	A*	Road Management (General) Regulations 2016	r 13(1)	Duty to publish notice of amendments to road management plan	N/A, GMIO	where Council is the coordinating road authority
286266	A*	Road Management (General) Regulations 2016	r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	N/A, GMIO	
286267	A*	Road Management (General) Regulations 2016	r 16(3)	Power to issue permit	N/A, GMIO	Where Council is the coordinating road authority
286268	A*	Road Management (General) Regulations 2016	r 18(1)	Power to give written consent re damage to road	N/A, GMIO	Where Council is the coordinating road authority
286269	A*	Road Management (General) Regulations 2016	r 23(2)	Power to make submission to Tribunal	N/A, GMIO	Where Council is the coordinating road authority
286344	A*	Road Management (General) Regulations 2016	r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	N/A, GMIO	Where Council is the coordinating road authority
286270	A*	Road Management (General) Regulations 2016	r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	N/A, GMIO	Where Council is the responsible road authority
286271	A*	Road Management (General) Regulations	r 25(2)	Power to sell or dispose of things removed from road or part of road	N/A, GMIO	Where Council is the responsible road authority

## Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2016		(after first complying with regulation 25(3))		
286272	A*	Road Management (General) Regulations 2016	r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	N/A, GMIO	
286340	A*	Road Management (Works and Infrastructure) Regulations 2015	r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	N/A, GMIO	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
286341	A*	Road Management (Works and Infrastructure) Regulations 2015	r 22(2)	Power to waive whole or part of fee in certain circumstances	N/A, GMIO	Where Council is the coordinating road authority

Item: 9.16

## Forrest Wastewater Project

<b>OFFICER</b>	Raam Gowriswaran
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To award Contract 2427 Forrest Caravan Park Wastewater Treatment Upgrade works.

### 2. EXECUTIVE SUMMARY

The Forrest Caravan Park Wastewater Treatment Upgrade project seeks to replace the three existing wastewater systems on the site with one fully contained treatment plant. The plant would treat wastewater from the Forrest Public Toilets and Forrest Caravan Park.

Council released a tender for the project which closed on 31 July 2024, resulting in four submissions. The recommended tenderer has successfully carried out wastewater treatment works in the past and has demonstrated capability and availability to undertake the works within the available budget and timeline.

### 3. RECOMMENDATION

***That Council:***

- 1. Awards Contract 2427 Forrest Caravan Park Wastewater Treatment Upgrade works to Tenderer 4 (as per the confidential attachment to this report) for the lump sum price of \$607,584.00 (excluding GST).***
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.***

- 3. Authorises the Chief Executive Officer to perform all roles of the Principal.**
- 4. Nominates the General Manager Infrastructure and Operations to the role of Superintendent for the contract, including managing variations in accordance with the contract conditions.**
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.**

## 4. KEY INFORMATION

After an external review found the current wastewater treatment system for the Forrest Public Toilets and Forrest Caravan Park needed to be upgraded, Council engaged consultants DWC to design a fully contained onsite wastewater treatment plant to be located at the Forrest Caravan Park. DWC designed a system which will produce water at a secondary treatment level before being pressure dosed to Wisconsin Mounds to fit site constraints including available space and rainfall. As the system treats over 5,000 litres/day it requires EPA approval. The design was submitted to EPA who has approved the design.

The DWC design sites the Wisconsin Mound location on the strip of land between the Caravan Park and Station Street. This requires removal of all trees in the area including 3 mature non-native trees and 8-10 semi-mature trees. During the 2019 DWC design process, community engagement occurred regarding the effluent disposal field site and Council received a strong community preference for the Station Street location regardless of tree removal. To ensure this remains true in 2024, officers met on-site with representatives from the Forrest and District Community Group to seek guidance if further community consultation was needed. The group confirmed this site was still their preferred location. Officers presented an alternative location between the Forrest Common and the treed section of the leased area (south of the tennis courts), which was not supported by the group.

Council released a tender for the project which closed on 31 July 2024, resulting in four submissions. The recommended tenderer provided a good tender submission and through the interview process, further detailed their capability to undertake the works. The recommended tenderer has successfully carried out wastewater treatment works in the past and has demonstrated capability and availability to undertake the works within the available budget and timeline.

The start date will begin on the day of execution of the Contract and it is anticipated that the project will be completed by the end of the 2024 calendar year.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

This report aligns with governance principles by completing a public tender process that competitively tested the market to produce a suitable tenderer for the project, which is within the project budget.



**Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

The tender process has been conducted in accordance with the *Local Government Act 2020* and Council's Procurement Policy and procedures.

**Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

The successful tenderer is required to provide a Construction Environmental Management Plan (CEMP) that addresses environmental and social considerations. The CEMP will be actively managed by Council throughout the contract term.

**Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Community engagement occurred during the system design process regarding location and visual impact of the Wisconsin Mound location. Further consultation with the Forrest and District Community Group to confirm the location has occurred recently.

Local businesses and residents in the affected area will be informed of the upcoming works, timelines and traffic management requirements associated with the project.

**Public Transparency (s58 LGA 2020)**

This matter is transparent to the community through the decision being made in a meeting open to the public.

**Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement >>

**Financial Management (s101 Local Government Act 2020)**

This project is identified within the 2024-25 budget and is fully funded via LRCI Round 4. The recommended tender is within the allocated project budget. Using the remaining budget, an arborist from Council's arborist panel will be appointed to conduct tree and stump removal works.

**Service Performance (s106 Local Government Act 2020)**

These works are required as an upgrade to the wastewater treatment system is necessary to maintain an acceptable level of service performance for the wastewater treatment system at Forrest Public Toilets and Forrest Caravan Park. Management of the works will be funded from the project budget allocation.

**Risk Assessment**

All works require EPA approval, which poses a risk to the implementation timeline. Officers have been working with the EPA throughout the design process and don't see any issues with gaining approval.

**Communication/Implementation**

A comprehensive communication plan will be delivered which includes updates for the Forrest community. The Forrest Caravan Park operator will be engaged as a key stakeholder.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

### Option 1 – Adopt the recommendation to award Contract 2427 to Tenderer 4.

This option is recommended following a comprehensive tender evaluation process that considered a range of criteria. The submission from Tenderer 4 is within the available budget and has the capability and experience to undertake the necessary works.

### Option 2 – Award Contract 2427 to an alternative tenderer.

This option is not recommended. Council has undertaken a comprehensive tender process and Tenderer 4 is ranked highest based on an assessment and evaluation of all the submissions.

### Option 3 – Not award the contract.

This option is not recommended as the upgrade works are necessary for continued operation of Forrest Public Toilets and the Forrest Caravan Park. The project is funded by LRCI Fund Round 4 to undertake the project and the recommended tenderer is within the project budget allocation.

Item: 9.17

## Colac Regional Saleyards - Advisory Committee Terms of Reference, Fee Amendment and Service Review Update

<b>OFFICER</b>	James Myatt
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	1. Attachment 1 - For Endorsement - Colac Regional Saleyards Advisory Committee - Terms of Reference [9.17.1 - 3 pages]

### 1. PURPOSE

The purpose of this report is to:

1. Seek endorsement of the revised Colac Regional Saleyards Advisory Committee Terms of Reference.
2. Recommend a change to the fees and charges for hay bales.
3. Provide an update on the Colac Regional Saleyards Service Review.

### 2. EXECUTIVE SUMMARY

The Colac Regional Saleyards (CRS) opened at its current location in 1979 and remains one of Southwest Victoria's premier livestock selling facilities. In the 2023-24 financial year, CRS has experienced increased throughput and is well-positioned to capture a share of the market that previously used the Camperdown Saleyards before its closure earlier in 2024.

Council receives expert advice on CRS operations from an Advisory Committee, whose Terms of Reference (ToR) were last updated in 2017. This report presents an updated ToR for endorsement. It also includes a proposal to increase charges for round bales, taking into account market changes and the Advisory Committee's advice.

Council has been undertaking a review of the Colac Regional Saleyards and is well progressed in its service review.

### 3. RECOMMENDATION

***That Council:***

- 1. Endorses the revised Colac Regional Saleyard Advisory Committee Terms of Reference (Attachment 1).***
- 2. Writes to member organisations seeking their acceptance of a position on the Colac Regional Saleyards Advisory Committee including their nominated representative.***
- 3. Seeks Expressions of Interest (EOI) for the buyers' representative position and the two farmers representative positions on the Colac Regional Saleyards Advisory Committee, with the EOI period to be a minimum of three weeks commencing as soon as possible after 26 October 2024.***
- 4. Determines to increase the Council fees and charges for round bales at Colac Regional Saleyards to \$150 a bale (including GST).***
- 5. Notes that the Colac Regional Saleyards Service Review is well progressed and will be presented to a future Council meeting for consideration.***

### 4. KEY INFORMATION

#### **Colac Regional Saleyards Advisory Committee Terms of Reference**

The Colac Regional Saleyards (CRS) Advisory Committee provides strategic input, advice, and advocacy on capital investment, fees and charges, and market growth opportunities associated with the CRS. The Committee's Terms of Reference were last updated in 2017 and are due for review. Officers have reviewed the Terms of Reference in accordance with the Council Committees Policy.

The key changes to the revised Terms of Reference (Attachment 1) include:

1. Clarification of the Committee's purpose.
2. Updates to Committee membership.
3. Clarification of delegated authority and decision-making.

If adopted, Council will release an Expression of Interest (EOI) seeking nominations for the buyer's representative and farmers representative positions.

#### **Round Bale Fees and Charges**

Council charges a fee for the provision of round hay bales at the CRS. These bales are used by sellers and buyers who keep livestock at the CRS for over 24 hours, either before or after a sale. Bales are only provided when paddocks have insufficient feed.

In 2024, CRS's bale reserve has been depleted due to a dry autumn and winter, leaving the paddocks without adequate feed. A 12-month supply, which Council produces in-house, has nearly been consumed in just four months. As a result, Council will soon need to purchase additional round bales.

Traditionally, the round bale fee has covered both the production or purchase cost of a bale and the cost of providing it. However, over the past year, round bale prices have increased significantly due to nationwide demand, far exceeding Council's current fee of \$80. It is now proposed to increase the round bale fee to \$150. This proposed fee change was presented to the CRS Advisory Committee, which unanimously supported the increase to align with current market prices

### **CRS Service Review**

The CRS Service Review is being conducted to evaluate current operations and offer business options for the facility's future, enabling informed decisions about ongoing service provision for our community. This review involves a detailed business performance analysis and industry benchmarking to assess the current market landscape. It provides financial and asset forecasts for CRS, helping to present a well-rounded perspective on future service delivery options.

The review is well progressed however is not finalised for consideration by Council. The following tasks have been completed:

- Industry benchmarking
- Market trend analysis (National/State/Regional)
- Review of South West Victoria Saleyards
- Review of livestock distribution channels for South West Victoria primary producers
- CRS business analysis including:
  - Historical financial analysis
  - Throughput analysis
  - Infrastructure analysis
  - Fees and charges benchmarking
  - OH&S Review
  - Operational review
  - Governance review
- Establishment of 10-year capital investment program
- Business growth opportunity identification
- Financial modelling (10-year)
- Key stakeholder engagement
- Identification of future models

Whilst the options for the future of the saleyards have been developed, further work is required to fully examine the benefits, challenges and risks associated with each of the options.

The completed review will be presented to Council post the 2024 Council election to provide additional time for discussion with Councillors prior to being presented for consideration.

## **5. CONSIDERATIONS**

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.



**Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

CRS is operated in accordance with the following standards:

- Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock
- *Livestock Management Act 2010*
- National Saleyards Quality Assurance Program

**Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

CRS minimises its potable water use through capturing rainwater in tanks and dams for use in the truck wash and to clean the yards.

**Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Council sought feedback on the fee change from CRS Advisory Committee. The Committee unanimously supported the proposed change.

**Public Transparency (s58 LGA 2020)**

Public transparency is insured through decision making in a public forum.

**Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 2: We are a financially robust organisation

**Financial Management (s101 Local Government Act 2020)**

Changing the round bale fee ensures Council receives fair market rate for its existing bales and doesn't make a loss on the provision of future bales. The fee is set to be cost neutral for Council.

**Service Performance (s106 Local Government Act 2020)**

The CRS Service Review will be presented to a future Council meeting to consider the future service delivery.

**Risk Assessment**

Not applicable.

**Communication/Implementation**

A decision of Council will be distributed to key stakeholders of CRS.

**Human Rights Charter**

No impact.

**Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

### Option 1 – Adopt officer recommendation.

This option is recommended by officers as it allows updated membership to the CRS Advisory Committee enabling the Committee to continue providing expert advice to Council. It also ensures Council doesn't make a loss on the provision of round bales.

### Option 2 – Adopt officer recommendation with an amended fee.

This option is not recommended by officers as it doesn't allow Council to provide a fair market rate for provision of round bales. A lower fee would cause Council to make a loss on provision of bales and a higher fee would provide a profit to Council.

### Option 3 – Do not endorse the Terms of Reference or adopt the new fees and charges.

This option is not recommended by officers as it doesn't allow for updated membership of the CRS Advisory Committee and the Committee would not be operating in accordance with Council's current Council Committees Policy. No change to the round bale fee would cause Council to make a financial loss on the sale of round bales.

## **TERMS OF REFERENCE**

### **COLAC REGIONAL SALEYARDS ADVISORY COMMITTEE**

#### **1. PURPOSE**

The Colac Regional Saleyards Advisory Committee (Committee) is a committee established by Council in accordance with its Council Committees Policy.

The purpose of the Committee is to:

- Provide strategic input, advice and advocacy on capital improvement, fees and charges and market growth opportunities associated with Colac Regional Saleyards.
- Provide advice on operational and business improvement matters relating to Colac Regional Saleyards.
- Provide expert advice on OH&S matters in relation to Colac Regional Saleyards.
- Participate with other stakeholders to promote Colac Regional Saleyards to primary producers, key stakeholders and the broader community with the objective of increasing livestock selling market share.

#### **2. BACKGROUND**

Colac Regional Saleyards (CRS) opened at its current location on Colac-Ballarat Road in 1979. CRS can manage 2,500 cattle/day for fat sales, up to 5,000 cattle/day for a store sale and 3,000 sheep per day. CRS does not operate near capacity and until the 2023-24 financial year experienced a decline in market share since the opening of Western Victoria Livestock Exchange

CRS's infrastructure is considered high quality amongst the industry and more recent additions include a roof over selling pens in 2014 and hydraulic crush in 2022.

#### **3. OBJECTIVES**

The objectives of the Colac Regional Saleyards Advisory Committee are:

- To advise Council on the growth and development of Colac Regional Saleyards as a major livestock selling center in South-West Victoria.

#### **4. MEMBERSHIP, PERIOD OF MEMBERSHIP AND METHOD OF APPOINTMENT**

Membership will reflect key stakeholder interest in Colac Regional Saleyards and include the following representation:

- 1 Colac Otway Shire Councillor
- 1 Charles Stewart & Co representative
- 1 Charles Stewart Dove representative
- 1 H.F. Richardson Livestock Pty Ltd representative
- 1 Nutrien Livestock representative
- 1 Victorian Farmers Federation representative
- 1 United Dairy Farmers representative
- 1 Livestock Transport Association of Victoria representative
- 1 Buyers representative

- 2 Farmer representatives
- Colac Otway Shire Manager Business Enterprise and Improvement
- Colac Otway Shire Saleyards Operations Coordinator

Appointment of Councillors must be by resolution of Council.

It is at the discretion of individual agencies whether to accept their position on the Committee. Agencies will nominate their own representatives and be required to inform Council of their representative by 1 February of each year.

Farmer and buyer representatives will be appointed by Council resolution for a period of four years following an Expression of Interest process.

Proxies or substitute members of the nominated agencies will be permitted to attend meetings on an as needed basis.

Council's Community and Economy Division will provide administrative support to the Committee.

## **5. DELEGATED AUTHORITY AND DECISION MAKING**

In accordance with the Council Committees Policy, the Colac Regional Saleyards Advisory Committee will act in an advisory capacity only and have no delegated authority to make decisions. The Colac Regional Saleyards Committee will provide advice to Council to assist in their decision making in matters relating to Colac Regional Saleyards.

Whilst the Colac Regional Saleyards Advisory Committee has no formal authority in relation to other agencies, the nature of the arrangement will enable an opportunity to provide advice to other agencies on matters that relate to Colac Regional Saleyards.

## **6. MEETING PROCEDURES**

The Colac Regional Saleyards Advisory Committee is expected to meet four times per year or as required if an important issue arises that requires a coordinated response.

Meetings are to be held at a time and place determined by the Colac Regional Saleyards Advisory Committee. Advisory Committees are not required to give public notice of their meetings and meetings are not required to be open to the public.

## **7. CHAIRPERSON**

The position of Chairperson and Deputy Chairperson shall be elected by members of the Advisory Committee annually for a 12 month period. Should the Chairperson and the Deputy Chairperson not be present at a meeting, a Councillor shall be appointed as Chairperson for the purpose of conducting that meeting.

## **8. AGENDAS AND MINUTES**

Agendas and Minutes will be prepared for each meeting of the Colac Regional Saleyards Advisory Committee. The agenda will be provided to members of the committee not less than 48 hours before the time fixed for the holding of the meeting.

The minutes of each meeting will be prepared by Council officers. Copies of the minutes will be provided to all members no later than 20 business days following each meeting. Minutes

including attendance, apologies, issues discussed, recommendations made and action items will all be recorded for each meeting.

Recommendations and/or advice to Council will be provided to Council through its normal meeting cycle at the next available opportunity.

## **9. VOTING**

All members have voting rights. Staff provide support and advice to the Committee and have no voting rights.

In the event of an equality of votes the Chairperson has the casting vote.

## **10. CONDUCT AND INTEREST PROVISIONS**

All Colac Regional Saleyards Advisory Committee members must:

- act honestly;
- exercise reasonable care and diligence;
- not make improper use of their position; and
- not make improper use of information acquired because of their position.

Where a member of the committee has an interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

## **11. GUESTS**

The group may invite guests to appear at the meeting via the approval of the Chair. Guests may include any persons whom provide technical or other insight as appropriate from time to time. The group is encouraged to make use of guests where particular skills/experience can be provided.

## **12. QUORUM REQUIREMENTS**

A minimum of six members is required for the meeting to be recognised as an authorised meeting for the recommendations to be valid.

## **13. COMMUNICATIONS PROTOCOL**

All communications to the media regarding the Colac Regional Saleyards Advisory Committee will be through Council. Committee members may not express views on behalf of Committee. Committee members may communicate with the media with regards to issues specific to Colac Regional Saleyards as individuals and/or representing their respective organisations.

## **14. TERMS OF REFERENCE**

The Terms of Reference and objectives of the Colac Regional Saleyards Advisory Committee are to be reviewed by the committee from time to time and by Council within twelve (12) months after a general election. Any proposed changes to the Terms of Reference resulting from a review must be presented to Council for formal approval.



## Item: 9.18

# Report of Informal Meeting of Councillors

<b>OFFICER</b>	Council Business
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Informal Meeting of Councilors - Pre Council Meeting 24 July 2024 [9.18.1 - 3 pages]</li> <li>2. Informal Meeting of Councillors Record - Colac Regional Saleyards Advisory Committee Meeting 26 07 2 [9.18.2 - 1 page]</li> <li>3. Informal Meeting of Councillors Record - Colac Municipal Aerodrome Advisory Committee Meeting 29 Jul [9.18.3 - 1 page]</li> <li>4. Informal Meeting of Councillors Record - Site Visit - 173 Hart Street - 6 Aug 2024 [9.18.4 - 1 page]</li> <li>5. Informal Meeting of Councilors - 7 August 2024 Councillor Briefing [9.18.5 - 2 pages]</li> <li>6. Informal Meeting of Councillors Record - CEOEMAC Meeting - 7 August 2024 [9.18.6 - 2 pages]</li> <li>7. Informal Meeting of Council - Councillor Briefing Meeting 14 August 2024 [9.18.7 - 2 pages]</li> <li>8. Informal Meeting of Councilors - Unscheduled Council Meeting Prep 14 August 2024 [9.18.8 - 2 pages]</li> <li>9. Informal Meeting of Councilors - 21 August 2024 [9.18.9 - 3 pages]</li> </ol>

## 1. PURPOSE

To report the Informal Meetings of Councillors.

## 2. EXECUTIVE SUMMARY

The Colac Otway Shire Governance Rules require that records of informal meetings of Councillors which meet the following criteria:

*If there is a meeting of Councillors that:*

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors*
- is attended by at least one member of Council staff*
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.*

be tabled at the next convenient meeting of Council and recorded in the minutes of that Council meeting.

All relevant meetings have been recorded and documented, as attached.

## 3. REPORTING

The Informal Meetings of Councillors reported are:

<b>1. Council Meeting Preparation</b>	<b>24 July 2024</b>
<b>2. Colac Regional Saleyards Advisory Committee Meeting</b>	<b>26 July 2024</b>
<b>3. Colac Municipal Aerodrome Advisory Committee Meeting</b>	<b>29 July 2024</b>
<b>4. Councillor Site Visit – 173 Hart Street</b>	<b>6 August 2024</b>
<b>5. Councillor Briefing</b>	<b>7 August 2024</b>
<b>6. CEO Employment Matters</b>	<b>7 August 2024</b>
<b>7. Councillor Briefing</b>	<b>14 August 2024</b>
<b>8. Unscheduled Council Meeting Preparation</b>	<b>14 August 2024</b>
<b>9. Councillor Briefing</b>	<b>21 August 2024</b>

## 4. KEY INFORMATION

The following Informal Meetings of Councillors have been held and are attached to this report:

<b>1. Council Meeting Preparation</b>	<b>24 July 2024</b>
<b>2. Colac Regional Saleyards Advisory Committee Meeting</b>	<b>26 July 2024</b>
<b>3. Colac Municipal Aerodrome Advisory Committee Meeting</b>	<b>29 July 2024</b>
<b>4. Councillor Site Visit – 173 Hart Street</b>	<b>6 August 2024</b>
<b>5. Councillor Briefing</b>	<b>7 August 2024</b>
<b>6. CEO Employment Matters</b>	<b>7 August 2024</b>
<b>7. Councillor Briefing</b>	<b>14 August 2024</b>
<b>8. Unscheduled Council Meeting Preparation</b>	<b>14 August 2024</b>
<b>9. Councillor Briefing</b>	<b>21 August 2024</b>

## 5. OFFICER GENERAL OR MATERIAL INTEREST

No officer declared an interest under the Local Government Act 2020 in the preparation of this report.

## Informal Meeting of Councillors Record

### Pre-Council Meeting Preparation

**Date:** 24 July 2024

**Time:** 2.00pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

#### Invitees:

Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steve O'Dowd, Doug McNeill, Ian Seuren, Mike Summerall, Kendrea Pope, Christine Ferguson

#### Attendees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Steve O'Dowd, Ian Seuren, Mike Summerall, Kendrea Pope, Micha Nuske, Dylan Lane, Christine Ferguson, Helen Evans, Darren Rudd, Cameron Duthie

#### External attendees:

Nil

#### Apologies:

Doug O'Neill

#### Absent:

Nil

**Meeting Commenced at:** 2.06pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Anne Howard	General	Item No 9.5 Request to Discontinue Road Reserve and consolidate into 80a Hart Street Colac & Notice of intention to dispose of the consolidated land.	Close proximity to own place of residence
Cr Kate Hanson	General	Item No 9.13 Award of Contract 2425 – Provision of Internal Audit Services	Former employee – still friends with people that work there



Pre-Council Meeting Preparation 24 July 2024 (continued)		
Time	Item	Attendees
2.06pm -	Item No 9.1 - Community Asset Committees - New members and Proposed Renaming of Apollo Bay Senior Citizens Centre	
2.14pm	Item No 9.2 - Designation of an Apollo Bay Bushfire Place of Last Resort	
2.19pm	Item No 9.3 - Consideration of Submissions - Proposed Kennett River Speed Limit Changes	
2.50pm & 3.25pm	Item No 9.4 - Use and Development of a Special Class Broiler Farm, Use and Development of 4 Dwellings and associated works at 320 Mooleric Road Birregurra PP159/2023-1	Helen Evans Darren Rudd
3.01pm	Item No 9.5 - Request to Discontinue Road Reserve and consolidate into 80a Hart Street Colac & Notice of intention to dispose of the consolidated land.	
2.33pm	Item No 9.6 - Safer Local Roads & Streets Program - Potential Projects	
2.34pm	Item No 9.7 - Elliminyt Recreation Reserve Pavilion Redevelopment - proposed funding application to Housing Support Program	
2.36pm	Item No 9.8 - Donaldson Street Park Redevelopment - proposed funding application to VicHealth's Growing Healthy Communities Grant Program	
2.37pm	Item No 9.9 - Adoption of Revised Governance Rules	
3.09pm	Item No 9.10 - Adoption of Revised Procurement Policy	
3.10pm	Item No 9.11 - Adoption of Revised Complaints Policy	
3.11pm	Item No 9.12 - Award of Contract 2304 - Cleaning Services Cr Kate Hanson attend meeting – 3.17pm	
3.46pm	Item No 9.13 - Award of Contract 2425 - Provision of Internal Audit Services	
3.46pm	Item No 9.14 - Local Government Liability Insurance Renewal	





3.46pm	Item No 9.15- Proposed amendment to SES lease, Wilson Street Colac	
3.46pm	Item No 9.16 - Lake Colac Advisory Committee - Terms of Reference	
3.46pm	Item No 9.17 - Geelong Regional Library Corporation Alternate Business Enterprise Model	
3.47pm	Item No 9.18 - Mayoral Election Meeting 2024	
3.47pm	Item No 9.19 - Revocation of Waterway Manager Instrument of Delegation	
3.47pm	Item No 9.20 - Revocation of Port Manager Instrument of Delegation	
3.48pm	Item No 9.21 - Audit and Risk Committee Meeting - Unconfirmed Minutes - 6 June 2024	
3.48pm	Item No 9.22 - Report of Informal Meeting of Councillors	
3.49pm	Item No 9.23 - Rate Revenue by Geographic Area 2023-24 and 2024-25	
3.50pm	Meeting Closed	

## Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to [governance@colacotway.vic.gov.au](mailto:governance@colacotway.vic.gov.au) for reporting at the next practicable Council Meeting.

Please refer to Chapter 5 (Disclosure of Conflict of Interest) and Chapter 6 (Informal Meetings of Councillors) of the Governance Rules and the guidelines over page.

### Meeting Details

**Meeting name:** Colac Regional Saleyards Advisory Committee Meeting

**Date:** 26/07/2024      **Time:** 9 am

**Meeting Location:** Colac Regional Saleyards Canteen

**Matter/s Discussed:** Camperdown Saleyards, Draft Terms of Reference, Round Bale Fees, OH&S, General Business.

### In Attendance:

#### Councillors:

Cr Tosh-Jake Finnigan

#### Officers:

James Myatt – Manager Business Enterprise & Improvement  
Glenn Fraser – Saleyard Operations Coordinator  
Laurie Sharp – Saleyard Maintenance Officer

### Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
Nil	Choose an item.	am / pm	am / pm

Completed by: James Myatt – Manager Business Enterprise & Improvement

### Informal Meetings of Councillors Records

An Informal Meetings of Councillors record must be completed for the following meetings:

## Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to [governance@colacotway.vic.gov.au](mailto:governance@colacotway.vic.gov.au) for reporting at the next practicable Council Meeting.

Please refer to Chapter 5 (Disclosure of Conflict of Interest) and Chapter 6 (Informal Meetings of Councillors) of the Governance Rules and the guidelines over page.

### Meeting Details

**Meeting name:** Colac Municipal Aerodrome Advisory Committee Meeting

**Date:** 29/07/2024      **Time:** 9:30 am

**Meeting Location:** Colac Municipal Aerodrome

**Matter/s Discussed:** Nomination of Chair, Runway Lighting Project Update, New Hangar Development EOI, Fire Season Preparation, OH&S, Maintenance.

### In Attendance:

<b>Councillors:</b>
Cr Chris Potter
<b>Officers:</b>
James Myatt – Manager Business Enterprise and Improvement

### Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
Nil	Choose an item.	am / pm	am / pm

Completed by: James Myatt – Manager Business Enterprise and Improvement

### Informal Meetings of Councillors Records

An Informal Meetings of Councillors record must be completed for the following meetings:

- An internal advisory committee meeting where the minutes are not reported to a Council meeting (Central Reserve Advisory Committee, Colac Regional Saleyards Advisory Committee, Friends of the Colac Botanic Gardens Advisory Committee, Colac Municipal Aerodrome Advisory Committee and Lake Colac Co-ordinating Committee)

D20/214663 (form template updated 24 October 2020)

## Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to [governance@colacotway.vic.gov.au](mailto:governance@colacotway.vic.gov.au) for reporting at the next practicable Council Meeting.

Please refer to Chapter 5 (Disclosure of Conflict of Interest) and Chapter 6 (Informal Meetings of Councillors) of the Governance Rules and the guidelines over page.

### Meeting Details

**Meeting name:** Councillor site visit \_\_\_\_\_

**Date:** 6/08/2024      **Time:** 3.15 \_\_\_\_\_ am / pm

**Meeting Location:** 173 Hart Street, Colac and 80a Hart Street \_\_\_\_\_

(eg. COPACC; Colac Otway Shire Offices – 2-6 Rae Street, Colac; Shire Offices – Nelson Street, Apollo Bay)

**Matter/s Discussed:** Planning application PP139/2023-1 and 80a Hart Street \_\_\_\_\_

**Note:** during the scheduled site visit to 173 Hart Street, Cr Hart asked if I could also look at 80a Hart Street with him and Cr Potter. His particular interest was in the small rear section of the dog-leg shaped lot. (Cr Arnott did not go to 80a Hart Street.)

(eg. Discussions with property owners and/or residents; Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay; Council Plan steering committee with Councillors and officers.)

### In Attendance:

<b>Councillors:</b>
Cr. Potter Cr. Hart Cr. Arnott
<b>Officers:</b>
Bláithín Butler Vikram Kumar Suk Gurung

### Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
	Choose an item.	am / pm	am / pm
	Choose an item.	am / pm	am / pm
	Choose an item.	am / pm	am / pm

Completed by: Bláithín Butler \_\_\_\_\_



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 7 August 2024

**Time:** 2.00pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

#### Invitees:

Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steven O'Dowd, Doug McNeill, Ian Seuren, Mike Summerell

#### Attendees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Doug McNeill, Ian Seuren, Rikk Price, Mike Summerell, Rowan Mackenzie, James Myatt, Fiona Maw

#### External attendees:

Nil

#### Apologies:

Steve O'Dowd

#### Absent:

**Meeting Commenced at:** 2.01pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
NIL			





Council Briefing Meeting – 7 August 2024 (continued)		
Time	Item	Attendees
2.01pm – 2.25pm	Item No 9.1 - Meredith Park Management Options	Rowan McKenzie
2.25pm – 2.46pm	Item No 9.2 - Tirrengower Drainage Scheme - Review of Committee	
2.46pm – 3.09pm	Item No 9.3 - Lake Colac Holiday Park Lease	James Myatt
3.09pm – 3.47pm	Colac Visitor Servicing Options  Cr Finnigan left the meeting at 3.37pm and returned to the meeting at 3.45pm Cr Hart left the meeting at 3.44pm and returned to the meeting at 3.49pm	James Myatt Fiona Maw
3.47pm – 3.53pm	General Business Story in The Age Newspaper about land and houses on Pound Rd. Councillors asked about Fenced area Pound Rd – Dog Park? Councillors asked about Irrewillipe Recreation Reserve Ground and project expenditure for the Pavilion.	
FIO	Item No 9.4 - Irrewillipe Recreation Reserve Pavilion Design	
3.53pm	Meeting Closed	



## Informal Meeting of Councillors Record

### Other (CEOEMAC)

**Date:** 7 August 2024

**Time:** 4.00pm

**Meeting Location:** Meeting Rooms 1, COPACC

<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard (part of meeting), Mike Summerell. Bill Millard (Chair)
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Mike Summerell. Bill Millard (Chair)
<b>External attendees:</b>
Bill Millard (Independent Chair)
<b>Apologies:</b>
Nil
<b>Absent:</b>

**Meeting Commenced at:** 4.10pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
NONE			



CEOEMAC Meeting – 7 August 2024 (continued)		
Time	Item	Attendees
4:10pm	Opening of Meeting	All (apart from Anne Howard)
4.11pm	Acknowledgement of Traditional Owners	All (apart from Anne Howard)
4.12 pm	Attendance	All (apart from Anne Howard)
4.12 pm	Confirmation of Minutes	All (apart from Anne Howard)
4.13pm	Priority Tasks	All (apart from Anne Howard)
4.15 pm	CEO Presentation	All
5.20 pm	Councillor and Council Assessment of CEO Performance	All (apart from Anne Howard)
6.15 pm	Review of CEO Remuneration	All (apart from Anne Howard)
6.30 pm	Next Steps	All (apart from Anne Howard)
	Meeting Closed	6.35pm



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 14 August 2024

**Time:** 12.30pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

#### Invitees:

Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steven O'Dowd, Doug McNeill, Ian Seuren, Mike Summerell

#### Attendees:

Cr Graham Costin, Cr Stephen Hart, Cr Chris Potter, Cr Max Arnott, Anne Howard, Doug McNeill, Ian Seuren, Steve O'Dowd, Mike Summerell, Kendrea Pope, Andrew Tenni (Video Conference) Cameron Duthie, Daniel Roberts, Dora Novak, Lauren Hester, James Myatt

#### External attendees:

Nil

#### Apologies:

Cr Margaret White (Mayor)

#### Absent:

Cr Kate Hanson, Cr Tosh Jake-Finnigan

**Meeting Commenced at:** 12.40pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Ian Seuren	General	Item 1.4 Aged Care Review - Confirming Service Offering	Family member receives services



Council Briefing Meeting – 14 August 2024 (continued)		
Time	Item	Attendees
12.40pm – 12.57pm	Item No 1.1 - Saleyards Service Review and Committee ToR	James Myatt
12.57pm – 1.16pm	Item No 1.2 - Consideration of Submissions - Draft Botanic Gardens Master Plan	Cameron Duthie Daniel Roberts
1.16pm – 1.42pm	Item No 1.3 - Consideration of Submissions - Draft Nature Strip Policy and Guidelines Cr Hart left the room at 1.28pm and returned to the meeting at 1.31pm	Dora Novak
1.42pm – 2.09pm	Item No 1.4 - Aged Care Review - Confirming Service Offering	Lauren Hester Andrew Tenni (Videoconference)
2.09pm – 2.30pm	Councillor only time	
2.30pm	Meeting Closed	





## Informal Meeting of Councillors Record

### Unscheduled Council Meeting Preparation

**Date:** 14 August 2024

**Time:** 2.30pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steven O'Dowd, Doug McNeill, Ian Seuren, Mike Summerell
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Doug McNeill, Ian Seuren, Steve O'Dowd, Mike Summerell, Kendrea Pope
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Cr Margaret White (Mayor)
<b>Absent:</b>
Nil

**Meeting Commenced at:** 2.39pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Cr Hart	General	Item 7.6 – Advocacy & Priority Projects	Residential Amenity



Unscheduled Council Meeting Preparation – 14 August 2024 (continued)		
Time	Item	Attendees
2.39pm	Item No 7.1 - PP139/2023-1 – 173 Hart Street COLAC – Use and Development of a Childcare Centre  (Note – This item was moved to the 28 August Council Meeting)	
	Item No 7.2 - Project Budget Adjustments and Cash Reserve Transfers - for end June 2023-24	
	Item No 7.3 - Draft Lake Colac Path Feasibility Study	
	Item No 7.4 - Colac Visitor Servicing Review	
	Item No 7.5 - Lake Colac Holiday Park Lease	
	Item No 7.6 - Advocacy and Priority Projects	
	Item No 7.7 - Award of Contract 2426 - Strachan Street Reconstruction	
	Item No 7.8 - Award of Contract 2418 - Landslip Rehabilitation Works	
	Item No 7.9 - Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Thomas Milverton	
3.00pm	Meeting Closed	



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 21 August 2024

**Time:** 12.30pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

#### Invitees:

Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steven O'Dowd, Doug McNeill, Ian Seuren, Christine Ferguson

#### Attendees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Doug McNeill, Ian Seuren, Steven O'Dowd, Rhassel Mhasho, Simon Clarke, Darren Rudd, James Myatt, Cameron Duthie, Daniel Roberts, Kanishka Gunasekara, Nicole Frampton, Lyndal McLean, Richard Russell, Christine Ferguson

#### External attendees:

Dr Rob Van der Ree, Technical Executive Ecology

#### Apologies:

#### Absent:

Nil.

**Meeting Commenced at:** 12.38pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Council Briefing Meeting – 21 August 2024 (continued)		
Time	Item	Attendees
12.38pm – 1.10pm	Item No 1.1 Landfill Rehabilitation Obligations  Cr Potter left the meeting at 1.01pm	Rhassel Mhasho Richard Russell
1.10pm – 1.15pm	Item 1.2 Purchase of part of the Lake Colac School site for road reserve to implement the Colac West Development Plan	Simon Clarke Darren Rudd
1.15pm – 1.19pm	Item 1.3 Review of Investment Policy	
1.19pm – 2.03pm	Item 1.4 Saleyards Review and Committee ToR  Cr Hanson attended the meeting at 1.24pm	James Myatt
2.07pm – 2.32pm	Councillor Only Time	
2.32pm – 3.20pm	Item 1.5 Grey Headed Flying Fox Management Plan Update  Cr Finnigan left the meeting at 2.51pm, returned at 2.58pm Cr Potter returned to the meeting at 3pm Cr Hanson left the meeting at 3.07pm, returned at 3.14pm	Cameron Duthie Daniel Roberts
3.20pm – 4.03pm	Item 1.6 McMinns Bridge - Access Issues	Kanishka Gunasekara
4.03pm – 4.08pm	Item 1.7 Lake Colac Advisory Committee - appointment of community representatives	
4.08pm – 4.25pm	Item 1.8 Irrewillipe Recreation Reserve Pavilion Design  Cr Hanson left the meeting at 4.21pm and did not return	Nicole Frampton Lyndal McLean
4.25pm – 4.38pm	Item 1.9 Connected Communities - Funding Opportunities  Cr Arnott left the meeting at 4.28pm and did not return	Nicole Frampton Lyndal McLean
4.38pm – 4.52pm	General Business  Planning Scheme Review – will not be presented to a briefing. Proceed to Council Meeting on 28 August 2024.	



**Council Briefing Meeting – 21 August 2024 (continued)**

	Kennett River Action Group – Requesting a meeting with councillors.	
FIO	Item 1.10 Forrest Wastewater Project	
FIO	Item 1.11 Electric vehicle Charging Station Licence Request - NRMA	
4.52pm	Meeting Closed	



## CLOSED SESSION

### RECOMMENDATION

*That pursuant to the provisions of Section 66 of the Local Government Act 2020, the meeting be closed to the public and Council move into Closed Session in order to deal with:*

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b><i>Minutes of the Closed Session Council Meeting held on 24 July 2024</i></b>	This matter deals with confidential meeting information, being records of meetings closed to the public under section 66(2)(a).	Section 3(1)(h)
<b><i>Formal Consideration of 2024/25 CEO Performance Plan</i></b>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)
<b><i>Best Value Review of Aged and Disability Services – Final Report</i></b>	This matter deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Section (1)(a)