



Colac Otway
SHIRE

COUNCIL MEETING

AGENDA

Wednesday 22 November 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 13 December 2023



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 22 November 2023

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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 22 November 2023 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

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.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at 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 20 November 2023. 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 20 November 2023.
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 Meetings held on:**
 - ***25 October 2023***
 - ***8 November 2023***

RECOMMENDATION

That Council confirm the minutes of the Council Meetings held on:

- ***25 October 2023 and 8 November 2023.***

Item: 9.1

Events Policy Review

OFFICER	Maddison Harty
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none"> 1. DRAFT Events Policy [9.1.1 - 13 pages] 2. 12.7 Events Policy [9.1.2 - 5 pages] 3. Consultation Summary - Events Policy [9.1.3 - 7 pages] 4. 12.2 Skatepark Events and Hire Policy [9.1.4 - 10 pages] 5. 12.6 Fencing for Events [9.1.5 - 4 pages] 6. 13.9 Event Road Closure Consultation and Communication Policy [9.1.6 - 4 pages]

1. PURPOSE

To present the Events in a Public Place Policy (previously presented as the draft Events Policy) for adoption.

2. EXECUTIVE SUMMARY

Council administers Event in a Public Place permits under the Colac Otway Shire Local Law No. 1 – General Local Law. Council has an Events Policy which determines when a permit is required under the Local Law and guides the event assessment process, including documentation requirements and specific permit conditions. The current Events Policy (Attachment 1) was last updated in March 2018 and requires review every four years.

A review of the Events Policy and associated standalone policies has been undertaken and the community have been consulted on the draft Events in a Public Place Policy (Attachment 2), noting that it was exhibited as the draft Events Policy.

Following extensive community consultation, the draft Events in a Public Place Policy has been further refined to reflect community feedback. The final Events in a Public Place Policy is presented for consideration by Council.

3. RECOMMENDATION

That Council:

- 1. Acknowledges and thanks people who provided feedback on the draft Events Policy through the public exhibition and community consultation processes.***
- 2. Adopts the Events in a Public Place Policy (Attachment 2) and notes that a review is intended in four years.***
- 3. Subject to the adoption of the Events in a Public Place Policy, redacts the following polices:***
 - a. 12.2 - Skate Park Events and Hire***
 - b. 12.6 - Fencing for Events***
 - c. 13.9 - Event Road Closure Consultation and Communication***

4. KEY INFORMATION

The current Events Policy was updated in March 2018 and was to be reviewed every four years.

Along with the Events Policy, Council currently has three (3) other event related policies (attached to this report for reference):

- 12.2 - Skate Park Events and Hire (Attachment 4)
- 12.6 - Fencing for Events (Attachment 5)
- 13.9 - Event Road Closure Consultation and Communication (Attachment 6)

Following an extensive review process, the Events Policy and other related event policies were combined to form the draft Events Policy which was presented to Council seeking endorsement to seek feedback from the community.

At its May 2023 meeting, Council considered the draft Events Policy and resolved:

That Council:

- 1. Endorses the draft Events Policy for public exhibition to seek feedback from the community for a minimum period of six weeks.***
- 2. Considers all feedback on the draft Events Policy at a future Council meeting.***

Consultation Overview

Preliminary Consultation

Prior to going out to the broader community for public exhibition, the draft Policy was shared with five event organisers who conduct annual events in the Shire for initial feedback (Attachment 3). The feedback received was very supportive of the draft Policy with no major changes recommended. Only minor grammatical changes were made in response.

Broader Community Consultation

Following Council approval at its 24 May 2023 Meeting, community consultation was undertaken on the draft Policy through an online survey, two workshops and written submissions.

Targeted Consultation

In addition, 30 key event organisers were contacted directly by officers encouraging them to complete the survey and/or provide feedback. Of those that responded, most expressed that they had no further feedback and were satisfied with the draft Policy.

Online Survey Consultation

An online survey was conducted for the six-week period from 2 June 2023 to the 14 July 2023. The survey was shared through the Economic Development database, Colac Otway Shire socials and in local newsprint media receiving 56 responses, of which 30 were complete.

Feedback Summary

Survey Responses

The outcomes of the survey can be found included in Attachment 3.

Community Drop-in Sessions

Drop-in sessions were held in Apollo Bay on Monday 26 June 2023 and Colac on Tuesday 27 June 2023. Sessions were well attended and resulted in discussion on a broad range of event related topics including event management, the Event in a Public Place permit process, events in private places (requiring planning permits) and event queries associated with specific events.

Generally, much of the discussion focussed on other items outside of the contents of the draft Policy, including:

- Understanding of the policy and what the requirements mean for their events.
- Understanding of event permitting processes (both for events held on Council owned/managed land as well as on private land which involves planning).
- The availability/presentation of event information/resources on our website.

Written Submissions and Submissions Committee Meeting

The key points raised in the two submissions received were:

- Further elaborate on support available to event organisers from Council's Events Officer.
- Further elaborate that Council's role is not just ensuring event compliance but also supporting events.
- Further highlight the grants available to events through the Colac Otway Shire Grants Program.
- Confusion between Event in a Public Place and the requirements for events held on private land, which potentially require statutory planning approval.

Summary of Proposed Policy Changes

The draft Policy has been further reviewed and amended where practicable to make it easier to understand requirements and to reflect community feedback. While there are no material changes proposed to the content relating to legislative requirements including State Government legislation, the following changes have been made to the draft Policy that was exhibited:

- Change name of policy to “Events in a Public Place Permit Policy” to address the misconception that the “draft Events Policy” is an overarching policy that applies to all events in the Colac Otway Shire.
- Further detail of the support available to event organisers.
- Passage added to the policy to explain ‘that event permit timelines reflect the need to seek third party approvals’.
- Encourage pre-application meetings.
- Under Timelines and Compliance – no longer a guide following “the application timelines below are a guide only” is not expressed in the table itself.
- General editing and corrections.

Opportunities for event related information outside of the policy

The survey also identified a variety of ways in which Council can assist event organisers in understanding the policy and assist them in meeting the necessary requirements.

Council officers and event resources can assist in conveying information in a way that is easy for event organiser and community members to understand.

It is proposed to develop supporting resources and application processes, including but not limited to:

- Visual representation of information – process chart for Event in a Public Place Permit application and enquiry flow chart.
- Checklist(s) – summary/checklist of the key application requirements for event organisers to make it easier to understand.
- Software – consider whether use of programs such as ‘Smartygrants’ (already used for Council’s grant program) may assist applicants.

Permit fee waivers

The current Events Policy does not outline any directive on fee waivers, however, historically there has been discretion applied to requests for fee waivers from charitable, not-for-profit, emergency services, education and other organisations and events.

Officers have considered various ways waivers could be applied e.g. by organisation type (charitable, not-for-profit, education etc) and by event type. As most applications received for community events are from organisations including charitable and not-for-profit, waiving fees for this organisation types would heavily impact fee revenue. While waiving event fees for all applications is an option, officers believe there is benefit in applying a small fee as it assists in encouraging events to submit all necessary documentation and allows officers to adequately assess the risks for event patrons and the broader community.

Officers recommend waivers for the following event types only:

- Commemorative events of national significance.
- Emergency service lead events (CFA, SES, Ambulance, Police).
- Educational activities conducted by educational provider.

It is anticipated that without a waiver the ability for the above event types to be delivered will be greatly impacted as they generally are not eligible for grants, sponsorship or ticket revenue.

Redaction of existing policies

Along with the Events Policy, Council currently has three (3) other event related policies:

- 12.2 - Skate Park Events and Hire (Attachment 4)
- 12.6 - Fencing for Events (Attachment 5)
- 13.9 - Event Road Closure Consultation and Communication (Attachment 6)

The draft Events Policy incorporates any relevant requirements of the above policies. The key objectives of these policies have been addressed in the draft Events Policy. It is therefore recommended to redact these policies to simplify event related policy for officers and event organisers.

5. CONSIDERATIONS

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

The draft Events Policy aims to provide greater clarity around the 'Event in a Public Place Permit' requirements and how they are applied. The draft Policy draws upon the current policy and process along with research findings of other Councils to ensure the issuing of event permits and the application process is considered to be best practice.

The following governance principles were considered in undertaking the review of the events policy:

- Council decisions are to be made and actions taken in accordance with the relevant law
- priority is to be given to achieving the best outcomes for the municipal community, including future generations
- innovation and continuous improvement is to be pursued

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

- Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022.
- Colac Otway Shire Local Law No. 1 – General Local Law
- Colac Otway Shire Annual Plan 2022-2023 – “Review the events policy to include provisions for waste wise events”.

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

As a result of new legislation, changes within event management best practice approaches, and the Environment being highlighted as a key topic in the Colac Otway Shire Council Plan 2021-2025, a new section 'Sustainable events and Waste management' has been added to the draft Events Policy that bans the use of single use plastics, requires waste management plans including recycling options, and considers the impact of site selection for all events before a permit is provided. This section seeks to address the current Council Annual Plan 2022-2023 action to “review events policy to include provisions for waste wise events.”

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

There has been a significant level of consultation in reviewing the Events Policy and development of a new draft Policy.

Prior to going out to the broader community for public exhibition, the draft Policy was shared with five event organisers who conduct annual events in the Shire for initial feedback.

The draft Events Policy was then placed on public exhibition from 2 June 2023 to 14 July 2023, with Council seeking feedback through targeted consultation with key event organisers, an online survey, two workshops and written submissions. A submissions hearing was held on 16 August 2023, with two community members speaking to their submissions.

Public Transparency (s58 LGA 2020)

Public transparency has been ensured through the public exhibition and community engagement process.

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 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)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

If endorsed, educational resources and supporting information will be developed to educate the community on the new policy.

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.

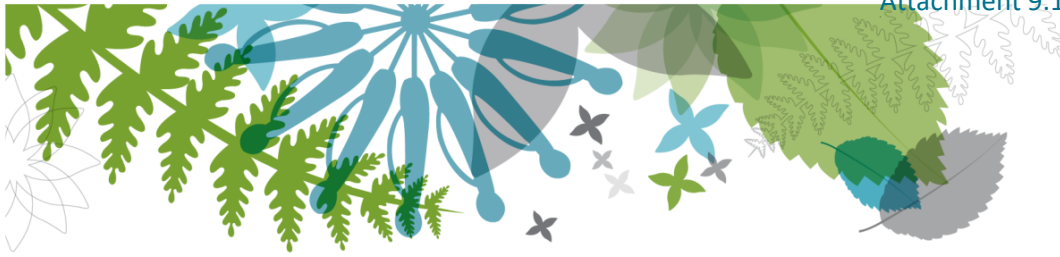
Options

Option 1 – Adopt the final Events in a Public Place Policy as presented.

This option is recommended as the current draft Events in a Public Place Policy has been developed following extensive consultation and review of similar policies, internal referrals and incorporates feedback derived from consultation with event organisers and the broader community.

Option 2 – Adopt the final Events in a Public Place Policy with amendments.

This option is not recommended. The final Events in a Public Place Policy presented has been prepared based on expertise and a high level of community consultation. Community consultation overall indicated that the events community were comfortable and supportive with the contents of the policy.



Council Policy

12.7 EVENTS IN A PUBLIC PLACE PERMIT POLICY

PURPOSE

To provide a framework for Council to support and assess events held in public spaces on Council owned and/or managed land. The policy articulates the relevant legislative and regulatory requirements in accordance with the Local Law No.1 – General Local Law 2023.

Events play an important role in strengthening the community while providing significant economic, social, and cultural benefits. The Colac Otway Shire seeks to assist event organisers in ensuring that all events held on Council land enhance the resident, participant and visitor experience whilst being conducted in a safe manner.

SCOPE

The Policy applies to activities that meet the definition of an Event and that are to be conducted in public spaces, within the Colac Otway Shire.

An Event in Public Place permit is required for an Event where any of the following criteria apply:

- Will likely attract 50 attendees or more
- Are ticketed or are charging participants a fee to access the event site
- Involve amplified sound
- Are catered by an external supplier who is bringing any temporary cooking equipment or vehicles onsite
- Involve inflatable structures, carnival rides, animal nurseries, animal related entertainment or other high-risk event attractions
- Involve fireworks
- Involve a road closure or modified traffic conditions (vehicle and pedestrian)
- Require exclusive use of Council owned or managed parks, open spaces and roadways or will impact the use of public land or normal public activities
- Require use of power (on-site power or generators)
- Require vehicles to be driving on site (other than designated tracks) including vehicle access to drop off equipment
- Involves installation of infrastructure including but not limited to; temporary fencing, marquees, cooking equipment (in excess of two barbecues), (Note: table and chairs - limited to four sets - are not considered infrastructure)
- Involves consumption of alcohol

The policy does not apply to an Event held on:

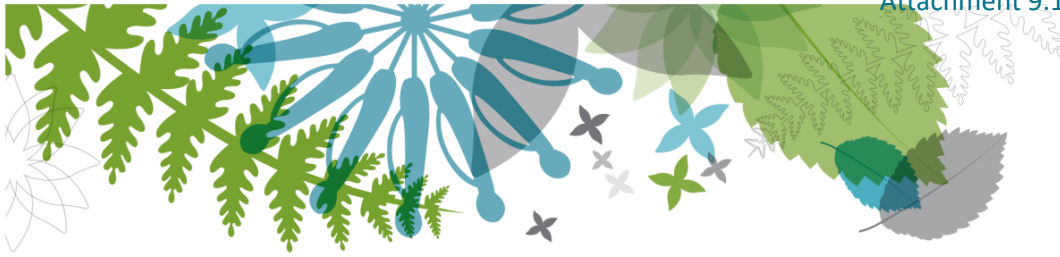
- Private land
- Land managed by other agencies
- A recreation reserve where the activities are permitted under user agreements

DEFINITIONS

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Affected Community - Owners and/or occupiers of properties in the immediate vicinity, including all the abutting property occupiers to the road/street closure. This also applies to members of the general public who use public spaces.

Bushfire Management Plan - A bushfire management plan shows all the bushfire protection measures that will be implemented as part of a development to reduce the risk from bushfire to an acceptable level.

Council - Colac Otway Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.

Council Officer - The Chief Executive Officer and staff of Council, appointed by the Chief Executive Officer.

Emergency Management Plan – Is a document developed to identify potential emergency conditions and prescribe roles, responsibilities, and procedures to prevent loss of life and property. Emergency Management is concerned with responding to and managing unforeseen emergency incidents.

Emergency Response Plan – Is a document that identifies all potential emergency situations and details a set of procedures for responding to each emergency. The document prescribes roles, responsibilities, and procedures to be followed in the event of each emergency situation identified. The document aims to prevent loss of life and property. Emergency Management is concerned with responding to and managing unforeseen emergency incidents.

Emergency Services – Organisations that ensure public safety, security, and health by addressing and resolving different emergencies. Including but not limited to:

- Victoria Police
- Country Fire Authority (CFA)
- Fire Rescue Victoria
- State Emergency Service (SES)
- Ambulance Victoria
- Local Hospitals

Event - Any planned activity held on Council owned or managed land where any structure (permanent or temporary), open area, or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the amenity of the area prior to, during or after the activity, and includes:

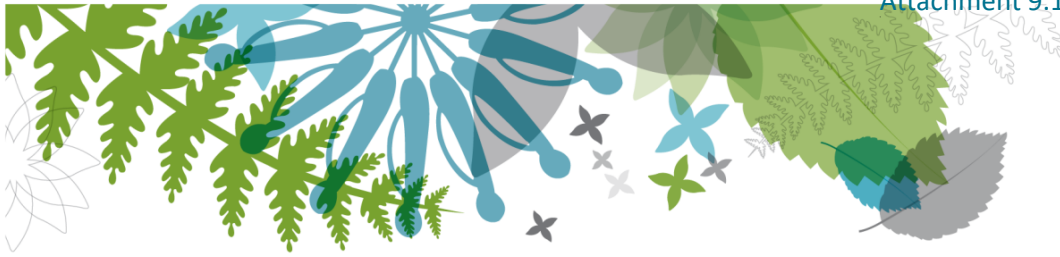
- Sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed, and organised sporting competition at a venue built for that sport)
- One off or annual events such as religious meetings held in parks/sporting venues, rock concerts,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

Event Impact - Any adverse impact on the amenity of the local area.

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Events Officer – Officer of Council appointed by the Chief Executive Officer to provide ongoing support for the implementation, development, and assessment of events for approval within the Colac Otway Shire. Oversees the Event in a Public Place permit process, from submission of application up to the issuing of the authorised permit.

Event Organiser - Any individual, group or entity who undertakes the planning, control, management and/or implementation of an event.

Full Road Closure – An entire road is closed between designated points.

High Risk Event - Events that may include but are not limited to one or more of the following considerations:

- high density or large number of participants
- in an isolated or remote location
- involves a road closure
- includes food and/or beverages
- is held on an environmentally sensitive site
- involves high risk activities or
- held during a fire danger period

Notification Process - The communication method by which approved road closure information detailing the road closure areas and times are distributed to the affected community.

Notification Area - Area of identified residents and/or traders who are deemed to be affected by the road closures.

The notification area is to include:

- Occupiers of properties whose:
 - Frontage is within the closed section or the proposed detour;
 - Primary/only access is via the closed section;
 - Property is in close proximity to the road closure and therefore could be affected.
- Businesses/services that normally use the closed road as a primary route (or have stops within) including but not limited to:
 - Bus companies;
 - Transport companies;
 - Operators of milk tankers and other large agricultural machinery

Partial Road Closure - a portion of the road width is closed between designated points.

Private Land - any land not owned, managed, or occupied by local, state, or federal government.

Public Spaces - refers to any outdoor space or land, that is owned or managed by Council for the purpose of public utility or access. This may include parks, playing fields, gardens, reserves, river and creek frontages, streets, footpaths, nature strips, roadways, public transport stops and stations. It does not include privately owned land.

Risk Assessment –A risk assessment is a systematic process performed by a competent person, which involves identifying, analysing, and controlling possible hazards/risks present in a situation or a place. This decision-making tool aims to determine which measures should be put in place to reduce or mitigate those risks, as well as specifying which of them should be prioritised according to the level of likelihood and impact they have on the community, event participants, environment etc.

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Risk Management Plan - Identifies all the potential risks that may arise from holding an event, and then lists the steps Event Organisers will take to reduce or mitigate the identified risks.

Road Closure (Temporary) - The temporary closure of a road to public vehicular traffic for a set period as required for the holding, set up and set down of an event.

Waste Management Plan – A plan that sets out the anticipated amount and type of waste produced by an event, and outlines strategies to minimise waste. The plan should also identify how waste will be collected, disposed of and how the site will be cleaned during and post operation.

REFERENCES

Council is committed to ensuring that events are conducted in accordance with relevant legislative requirements including those outlined in:

External References:

- Building Act 1993
- Building Regulations (2006)
- Crown Land (Reserves) Act 1978
- Environmental Protection Act 1970
- Food Act 1984
- Local Government Act 2020
- Major Sporting Events Act 2009
- Municipal Emergency Management Plan
- Occupational Health and Safety Act 2004
- Planning and Environment Act 1987
- Road Management Act 2004
- Transport Act (1983)
- Working with Children Act 2005

Internal References:

- Colac Otway Shire Local Law No.1 – General Local Law 2023
- Colac Otway Shire Planning Scheme
- Colac Otway Shire Council Plan 2021-2025
- Colac Otway Shire 2050 Community Vision

STATEMENT OF POLICY

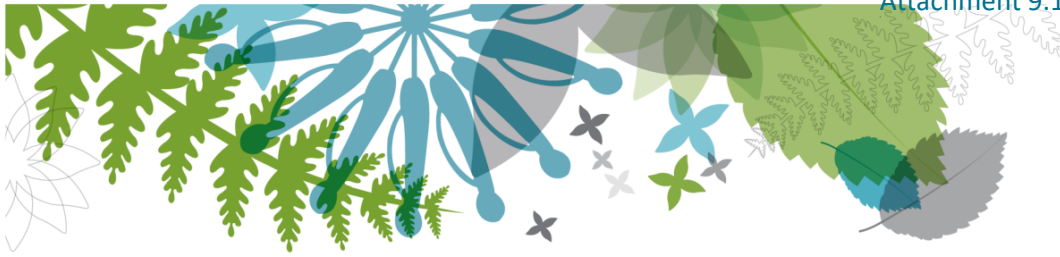
VALUES

Colac Otway Shire Council recognises events are important to our community. Events contribute to the liveability, economy, and vibrancy of the area. Events play a significant role in positioning the Colac Otway Shire as a destination where people come to appreciate our diverse environment and friendly communities.

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Council's regulation and assessment of events proposed on Council owned or managed land will be subject to the following principles:

- Community Safety and Risk Planning
- Management of impacts on community assets
- Management of impacts on residents and local businesses
- Contribution to a diverse and inclusive range of events in the Colac Otway Shire
- Employment of sustainable practices
- Support for locally owned and operated businesses
- Ratepayers do not subsidise events (with the exception of funds awarded through the Colac Otway Shire Grants Program)
- Maximises the economic, social, and cultural benefits for the local community.

Exercising sole discretion, Council may refrain from providing material support to events which contravene Council or community standards, in which case no further correspondence will be entered into.

Council will not permit events held on Council owned or managed land that are associated with and/or promote:

- Illegal activity
- Activity that does not adhere to relevant legislation, other permits, approvals, or permissions required from Council and/or other authorities
- Tobacco or gambling
- Offensive or sexually explicit material
- Discrimination on the grounds of race, gender, or religion
- Activities violating human rights
- Political parties

PUBLIC SPACES

Public spaces are designed to facilitate cultural, environmental, sporting, recreational and transportation purposes. Applications to host events that will restrict or exclude general public access and utilisation of these areas will be carefully assessed in terms of an event's contribution and benefit to the local community, whilst ensuring local amenity and public safety are duly considered.

Depending on the impact of the proposed event on public access and utilisation of the public space, event notification may be required (see Event Notification).

EVENT NOISE AND AMENITY

Community events should seek to build upon the community vision by providing a welcoming, healthy, and safe experience with no foreseen negative impact on the region's natural and built environment.

To minimise potential negative impacts of the event on public amenity, event organisers should adopt a strategic approach that seeks to liaise with key stakeholders, such as emergency services and Council departments to ensure their support for the event.

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Event organisers have an obligation to ensure that their event complies with all requirements as set out by the Environment Protection Authority Victoria in relation to noise levels. Event organisers may be required to undertake a notification process prior to the event for any events that will generate significant noise or disruption for residents/businesses (see Event Notification).

SAFE AND INCLUSIVE

CHILD SAFE STANDARDS

The Colac Otway Shire has zero tolerance for child abuse and is committed to creating and maintaining a child safe culture where protecting children and preventing and responding to child abuse is embedded in the everyday thinking. All children and young people who attend and participate in events have a right to feel safe, be safe, and be heard. Event organisers are required to demonstrate how their event will accord with Child Safe Standards.

INCLUSIVE AND ACCESSIBLE EVENTS

The Colac Otway Shire *Access, Equity and Inclusions Plan* outlines the vision for the shire as a “community [that] will embrace and celebrate diversity” where “all residents will have the same opportunities to participate in the life of the community to the extent they choose”. Event organisers should consider how their event supports inclusive participation and embraces diversity.

Everyone has a right to equal access to events and by making events feel welcoming and inclusive for everyone, people feel safer, stay longer, and enjoy themselves more. Event organisers are required to demonstrate how they plan to maximise accessibility and inclusiveness at their event.

SUSTAINABLE EVENTS & WASTE MANAGEMENT

Colac Otway Shire Council is committed to ensuring that waste is minimised and effectively managed at all events held in Council owned or managed spaces.

As part of the commitment to decreasing the impact of this waste on the local community and environment, a permit will only be provided for any event that:

1. Does not use or distributes single use plastics or products including but not limited to bags, straws, cups, cutlery, balloons, bottled water
2. Has a Waste Management Plan including recycling options and waste mitigation strategies
3. Demonstrates how the site will be returned to pre-event condition

EVENT SITE SELECTION

Event organisers are encouraged to contact Council early in the event planning process to discuss appropriate site selection. Site selection must consider if the site is appropriate for the nature of event to minimise environmental impacts.

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RISK MANAGEMENT

The Colac Otway Shire takes risk management and the safety of the community seriously. When we entrust public space to an event organiser, this is on the basis that:

1. A relevant Risk Assessment will be developed and implemented
2. The event organiser is intent upon managing a compliant and safe workplace and
3. Is equally intent on protecting the public and the asset.

The event approval process requires a rigorous risk minimisation process consistent with Council's Risk Management Policy.

PUBLIC LIABILITY INSURANCE

All event organisers are required to have a current public liability policy of insurance. The policy must:

1. Be in the name of the event organiser to the amount of \$20 million
2. Cover all of the event activities including setting up, staging and dismantling the event
3. Extend cover to the Colac Otway Shire for claims for personal injury or property damage arising out of negligence of the event organiser.

It is a requirement that the Colac Otway Shire be noted on the certificate of currency as an "Interested Party" with the exception of some situations approved by Council's Risk department. The certificate of currency must state:

1. Level of cover
2. Period of cover
3. Any exclusion clauses.

Any conditions and exclusions must be approved by the Colac Otway Shire.

Approval for the event cannot be granted until the Events Officer has sighted the Certificate of Currency and/or a copy of the insurance policy.

A Certificate of Currency and/or copy of the insurance policy may also be requested from contractors supplying event services and/or infrastructure to the event, including but not limited to temporary fencing

INDEMNITY

All event organisers are required to complete and sign the Colac Otway Shire's Form of Indemnity.

In doing so the event organiser agrees to indemnify, and to keep indemnified, the Colac Otway Shire, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever, which may be brought or made or claimed against them, or any of them, in connection with the event.

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RISK ASSESSMENT

It is a requirement of the Event in a Public Place permit application that the event organiser provides an Event Risk Assessment (for events deemed low risk) or a Risk Management Plan (for medium-high risk events) that considers key risks and mitigation procedures to the satisfaction of Council.

BUSHFIRE AND EMERGENCY MANAGEMENT

Colac Otway Shire Council has a key role in ensuring events are conducted safely, in accordance with good practice and that the community is aware of events as well as their potential impacts. Emergency situations can arise at any time and in any place, whether it is a large-scale natural or weather-related disaster, fire, acts of violence, terrorism or pandemic, accident, illness, or death. It is critical that the event application process addresses emergency management, bushfire prevention, preparedness, and recovery.

An event organiser's primary responsibility is ensuring the health and safety of attendees during the event.

All events must submit an Emergency Management Plan (including detailed Evacuation Plan), and where applicable Bushfire Management Plan that considers key risks and procedures to the satisfaction of the emergency management department.

Further to that, where an event is deemed high-risk a formally documented Emergency Response Plan must be developed in consultation with emergency services representatives. Once adopted, it should be made available to key on site event personnel, stakeholders, and emergency services.

FIRE DANGER RATING DAYS

Colac Otway Shire is in a high fire risk region and all events proposed within the fire danger period are required to complete a Bushfire Readiness 4 Steps form which will summarise a fire plan in addition to the Emergency Management Plan which should also address fire risk. Fire Safety encompasses the event preparedness in bushfires, grass fires and structural fires.

Fire danger is high from October to April in the Colac Otway Shire. Event organisers should consult with the CFA on how to best prepare for the likelihood of a fire. On days of total fire ban, a permit must be obtained from the CFA to use an open flame for any purpose, including cooking, heating for temporary stalls, marquees or in the open.

Event organisers are also required to notify emergency services in writing of their event and any impact it may have on the provision of emergency services (see Event Notification).

TRAFFIC & PEDESTRIAN MANAGEMENT

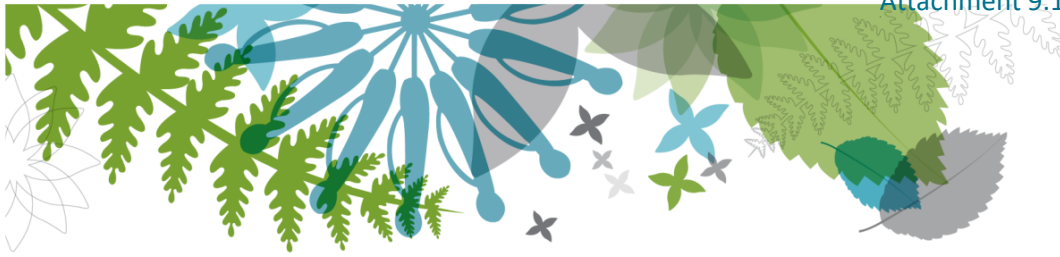
If an event will interfere with the normal use of a road (including parking, public gathering, signage, and infrastructure on the road) a traffic management plan is required.

A registered, qualified, and accredited individual or company must prepare a Traffic Management Plan when events require changes to current traffic conditions. A Traffic Management Plan (TMP), in accordance with AS1742.3, should be submitted to Council along with the completed Council Memorandum of Authorisation (MOA) and Risk Assessment (RA) documentation.

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Applications for full road closures must be made to Council at least 3 months prior to the event. Applications for partial road closures i.e. lane closures, or another lower impact traffic management treatments must be made to Council at least 8 weeks prior to the event.

Arterial roads are the responsibility of the Department of Transport and Planning (DOTP), and local roads are the responsibility of Council.

Where DOTP roads are proposed to be utilised, in addition to the TMP, the applicant will be required to provide the relevant written approval from DOTP permitting the use of the road to both the Events Officer and the Infrastructure Department.

Part of Council's commitment to minimising the impact on our residents and local business operators, is to give as much notification as possible. This is done by working with event organisers to ensure the affected community are well informed and aware of any changed traffic conditions (see Event Notification).

Applications to alter pedestrian and/or vehicle traffic for the purpose of an event will be assessed according to:

1. The level of community "host tolerance"
2. The impact of the changes to traffic on local amenity
3. Impact on public parking and arrangements for event patron parking - Parking and/or park and ride must be detailed on site plans
4. The extent to which the proposed traffic changes influence the event's ability to contribute to and benefit the local community.

Patron access must be planned to ensure there is minimal disruption to neighbouring businesses or homes and to ensure clear access by emergency services and event staff.

EVENT FENCING

Requests for the installation of temporary fencing are assessed as part of the Event in a Public Place permit.

Applications for temporary fencing must address the following:

1. Installation of fencing prior to bump in and following the conclusion of bump out
2. Installation carried out by a professional fencing company ensuring quality material, correct installation and adequate public liability insurance
3. Layout should give consideration to public amenities and facilities (e.g. toilet and playground access)
4. Include considerations specific to the installation of the temporary fencing by the qualified installer in the event Risk Assessment

Installation of temporary fencing around a designated area for the purpose of an event will only be permitted upon the issue of an Event in a Public Place permit. Approval will be conveyed utilising a special permit condition outlining the permitted dates and times for the installation and removal of temporary fencing.

EVENT NOTIFICATION

To maintain a balance between the impact of events and the benefits they provide to the local community, significant importance is placed on notifying the community of any changes to conditions including:

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- Road Closures and/or delays
- Amplified sound
- Reduced access to public spaces

Notification may include but is not limited to:

- Letters to the affected community
- Advance notification signage including Variable Message Signs (VMS)
- Electronic VMS signage placed along the event route
- Advertisements in local papers
- Flyers in places frequented by the affected community
- Social media notification
- Radio advertising
- Community information sessions
- Notification to relevant emergency services and external agencies
- Listing on the Colac Otway Shire events calendar

Event organisers are responsible for all costs associated with event notification activities. The notification period prior to the event will be dictated by the size of the event and extent of event impact to ensure the affected community has sufficient notice.

CHANGED TRAFFIC CONDITIONS

The extent and type of notification required for events that involve changed traffic conditions will be determined based on the level of impact on the affected community. The notification area will be identified accordingly and conveyed to the event organiser to guide their notification activities.

PUBLIC TRANSPORT

Under the State's Transport Act, organisers of events in Victoria are required to notify the Public Transport Division of Public Transport Victoria (PTV), if their event is likely to impact public transport services (trains, trams, or buses). Proof of PTV notification is required in writing where applicable.

EMERGENCY SERVICES

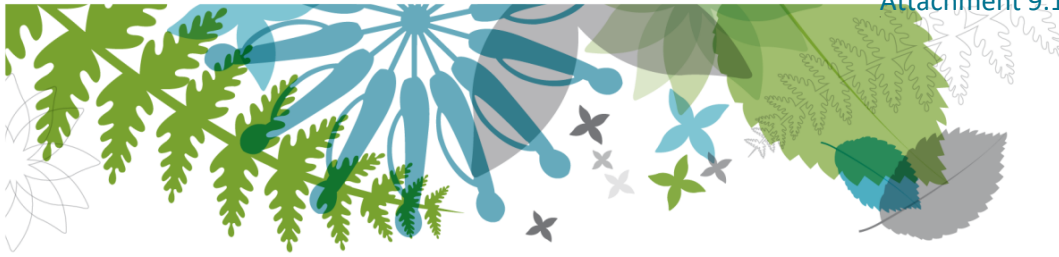
Emergency services must be notified of an event that could impact the delivery of emergency services. This includes events that involve road closures or changes to traffic conditions and high-risk events.

Emergency services should be consulted regarding emergency management planning for the event.

Proof of emergency service notification is required as part of the Event in a Public Place permit application.

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RESTRICTED ACCESS TO PUBLIC AMENITIES AND/OR FACILITIES

Where an event has exclusive use of a public space, preventing or restricting access to public facilities and/or amenities, notification may be required. The extent of the communications will be guided by the anticipated community impact at the discretion of Council Officers.

PERMIT REQUIREMENTS

An Event in a Public Place permit is required when an event meets any of the permit criteria outlined in the ‘Scope’ section of this document. A permit is typically issued per event (which may span several consecutive days). However, at Council discretion where there are multiple non-consecutive reoccurrences of the event that by nature are the same in terms of risk and event elements (e.g. Markets, club cycling races, educational workshops etc) a permit may be issued authorising multiple dates across a 12-month period.

FEES

Council sets fees and charges for event related permits which are reviewed annually as part of Council’s annual budget process. All fees payable in relation to events can be found in the Colac Otway Shire Council Fees & Charges for the respective financial year and must be paid prior to the permit being issued.

Where the permit application submitted is for a community commemorative event of national significance, emergency service lead event or Educational activities conducted by educational provider, an exemption from paying the permit fee may be given.

TIMELINES

The timeline for the assessment of event applications is subject to the type of event, its complexity and whether the application requires third party approvals. Event applications may require between 8 weeks and 12 months to assess. Council should be notified of the event and applications lodged as early as possible to enable sufficient time for the event to be assessed. Permits may not be granted to events outside of the timelines outlined in the table below.

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Event Type	Event Parameters	Application Timelines
Level Three (Low impact)	<ul style="list-style-type: none"> Attendance <500 people in a single location No road closures or public transport impacts Minimal infrastructure No trading Examples: small community events and group gatherings. 	8 weeks (minimum)
Level Two (Medium impact)	<ul style="list-style-type: none"> Attendance 500-3,000 people Road closures and public transport disruptions Some infrastructure - marquees and amusement rides Food and beverage trading Examples: small fun runs, music events, cultural celebrations. 	3 to 6+ months
Level One (High impact)	<ul style="list-style-type: none"> Attendance >3,000 people Multiple road closures and event sites More infrastructure - marquees, amusement devices and stages Food, beverage, and other trading Site is of a sensitive and/or high-risk nature that may require consultation with other agencies Examples: parades, large sporting, music, and cultural events. 	6 to 12 months

COMPLIANCE

The event organiser must comply with all conditions of the permit issued for the event.

Events involving other land managers and/or external agencies, will require support in writing and it is the responsibility of the event organiser to provide such documentation before the Event in a Public Place permit can be issued.

Council reserves the right to refuse event approval and/or marketing of events where there are event management concerns or if the event contravenes Council or community standards.

Issuing of an Event in a Public Place permit is subject to the event providing all necessary documentation and obtaining all required approvals (both internal Council approvals and external agency approvals) to the satisfaction of Council.

PUBLIC RALLIES & DEMONSTRATIONS

Rallies, public protests, and demonstrations do not require permission from Council; however, we encourage organisers to contact Council's Events team and Victoria Police to ensure they can prepare for any impacts and notify the affected community.

EVENT SUPPORT

Council strives to support event organisers through the Event in a Public Place permit application process. Event organisers should contact the Events Officer to discuss their event prior to submitting an application.

Council's Grants Program offers funding support for events held within the Colac Otway Shire (Subject to budget approval). Further information on grants is available on Council's website.

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COUNCIL AUTHORITY AND INSPECTION

All events will be subject to regular inspections by Colac Otway Shire Council officers (admission must be granted free of charge for the purpose of the inspection) to ensure compliance with the provision and conditions of the issued permit and all other relevant government legislation including Occupation, Health, and Safety.

TERMINATION

Colac Otway Shire Council reserves the right to terminate a permit if:

- a) Permit conditions are breached
- b) Any laws are broken
- c) A misrepresentation is identified in the application.

ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. However, any change or update which materially alters this document must be by resolution of Council.

DOCUMENT CONTROL

Policy owner		Manager Economy & Business Enterprises	Division	Community & Economy
Adopted by Council			Policy Number	12.7
File Number			Review date	

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CM reference		Date of adoption	
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Council Policy

COUNCIL POLICY TITLE	EVENTS POLICY
COUNCIL POLICY REF NO:	12.7
RESPONSIBLE DEPARTMENT	ECONOMIC DEVELOPMENT & TOURISM
DATE OF ADOPTION/ REVIEW:	28 MARCH 2018

INTRODUCTION

This policy defines Council's role in supporting, managing and evaluating events. It outlines the process for communicating about events and for determining the level of Council support. This policy is designed to support the Local Law No: 2 (General Local Law) for events by providing a framework for the operations of Council in relation to events.

Council recognises the significant economic, social and cultural benefits that events bring to the community. Many annual events deliver economic benefits and provide the opportunity to develop the area as a tourism and leisure destination on a local, national and international level.

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual) sporting, culinary and environmental events, or could include markets, festivals and shows. Events should enhance the region's profile, develop community co-operation and cohesion, build local skills or in other ways have a positive impact on the local community.

Council is committed to ensuring that events are run safely and all compliance requirements are met, whilst minimising negative impacts upon the community. Council assists with the education and skill development for event organisers, many of whom are volunteers.

OBJECTIVES/ PURPOSE

The objectives of the Events Policy are to:

- Promote and encourage events in the Colac Otway Shire which enhance the resident, participant and visitor experience.
- Set principles for determining the level of Council support for events.
- Ensure that risks are minimised and there is compliance with regulatory requirements during events.



- Provide a framework for the approval, communication and evaluation of events.

DEFINITION

“event” means any planned activity open to the public, held on Council owned or managed land or on private land, where any structure (permanent or temporary), open area, or *road*, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the activity, and includes:

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

“event organiser” means a commercial entity, community group or individual who undertakes the planning, control, management and/or implementation of an *event*.

“private land” means any land which is not *Council land* nor land occupied or under the control or management of a public body.

POLICY

a. Promote and encourage events in Colac Otway Shire which enhance resident, participant and visitor experience

Council supports a diverse and sustainable program of events spread throughout the year and across the Shire. This maximises the economic and social benefits to Colac Otway Shire businesses, community groups and the broader community.

A quality events program brings additional visitation to the Shire as well as improving the quality of life for local residents and visitors already in the region. There are significant health and social benefits resulting from events as well as the opportunity to showcase the cultural and heritage values of the region.

b. Set principles for determining the level of Council support for events

Council provides financial and in kind support for events.

Financial support: Council provides funding for community and commercial events through the annual Festival and Events Support Scheme. Funding is determined in accordance with the Festival and Events Support Scheme Guidelines, as amended from time to time and endorsed by Council.



In kind support: In kind support is provided in many forms including but not limited to:

- Event planning advice
- Marketing and communications support
- Assistance with planning an event and completing necessary permit applications
- Supply of marquees and other event related equipment.

c. Ensure that risks are minimised and there is compliance with regulatory requirements during events

The event permit requires a rigorous risk minimisation process consistent with Council's Risk Management Policy. All event permits issued by Council must have approved risk and emergency management plans. All events must show proof of current public liability insurance, and where required Health, Planning and Places of Public Entertainment permits must also be obtained.

Event organisers will be required to contact relevant agencies identified by Council to seek advice in relation to their event. Examples of such agencies may include but is not limited to; Vic Roads, Victoria Police, Ambulance Victoria, Country Fire Authority, Department of Environment and Primary Industries, Parks Victoria etc. In some cases, approval from these agencies will be required by Council to enable an event permit to be issued.

Council also co-ordinates the Municipal Emergency Management Planning Committee which provides for the formation of specialist sub Committees which undertake specific work. The MEMPC Events Sub Committee is one of three such specialist groups. The objective of the MEMPC Events Sub Committee is to enhance fire and emergency management arrangements for events in the Colac Otway Shire.

d. Provide a framework for the approval, communication and debrief of events

Approvals

Decisions regarding the approval of new events in the Shire, or significant changes to existing events, are made through consultation with the Council's "E (Events) Team."

Council applies a cross-organisational approach to the planning and approval of all events in the Shire that have impact on residents and visitors. The Economic Development & Tourism Unit (Events section) is responsible for facilitating E Team meetings with event organisers. The E Team is an interdepartmental team of Colac Otway Shire Council officers responsible for facilitating and co-ordinating the E Team goals when planning to enhance community safety and statutory compliance in relation to public events.

The purpose of the E Team is to facilitate and co-ordinate communication between Council, event organisers, event stakeholders and other agencies where appropriate, regarding event planning, development, implementation and approval of events held within the Colac Otway Shire.

Event organisers conducting events on Council owned or managed land are requested to attend pre and post event E Team meetings. The E Team also facilitates related approvals such as Health, Local Laws and Places of Public Entertainment permits.



Communication

Information about events is provided to the public using a range of forums, including but not limited to Council's website, Council's calendar of event seasonal brochure and poster production, local papers, social media and other forms of promotion.

Debrief and evaluation

The E Team conducts a formal Debrief with event organisers where required. This Debrief assesses the appropriateness of the level and type of support provided by Council, identifies any issues to be addressed for future events and provides an evaluation of the overall success of the event.

For Council supported events, organisers are also required to complete a post event evaluation form, with data such as the number of people who attended and the amount of money that the event generated. This information is collated by Council.

Council also assists event organisers to evaluate the viability and sustainability of their events.

e. Weather implications

Fire Danger Rating Days

For events planned during the Fire Danger Period event organisers will be required to provide a Council Bushfire Preparedness Plan in addition to addressing fire risk in their own Event Emergency Management Plan.

Within the Council Bushfire Preparedness Plan all events will be given the following options for the specified Fire Danger Rating Day:

- **Code Red Danger Rating Days**
 - (i) Cancel Event
 - (ii) Reschedule Event
- **Extreme, Severe, Very High, High, Low – Moderate Fire Danger Rating Days**
 - (i) Cancel Event
 - (ii) Reschedule Event
 - (iii) Modify start / finish times
 - (iv) Provide additional firefighting resources
 - (v) Restrict public entry to the site
 - (vi) Use alternative venue
 - (vii) Use contingency course
 - (viii) Apply event heat policy; or
 - (ix) Other mutually agreed strategies

All documents will then be given to the Country Fire Authority to review and provide advice to the event organiser.

IMPLEMENTATION AND REVIEW

This policy will be reviewed by Council within four (4) years of it coming into operation.



RELATED LEGISLATION (WHERE APPROPRIATE)

Victorian legislation:

- Crown Land (Reserves) Act 1978
- Local Government Act 1989
- Building Act 1993
- Food Act 1984
- Road Management Act 2004
- Planning and Environment Act 1987
- Occupational Health and Safety Act 2004
- Liquor Control Reform Act 1998
- Working with Children Act 2005
- Fundraising Act 1998

Related Policies/ Procedures/ Guidelines (where appropriate)

- Colac Otway Shire - Council Plan 2017 - 2021
- Colac Otway Shire Local Law No: 2 (General Local Law)
- Colac Otway Shire Economic development Strategy (under development)
- Festival and Events Support Scheme Guidelines
- Colac Otway Shire Event Guidelines
- Guidelines for considering the closure of the Great Ocean Road to conduct events

Consultation Overview

Preliminary Consultation

Prior to going out to the broader community for public exhibition, the draft Policy was shared with five event organisers who conduct annual events in the Shire for initial feedback (refer Attachment 3). The feedback received was very supportive of the draft Policy with no major changes recommended. Only minor grammatical changes were made in response.

Broader Community Consultation

Following Council approval at its 24 May 2023 Meeting, community consultation was undertaken on the draft Policy through an online survey, two workshops and written submissions.

Targeted Consultation

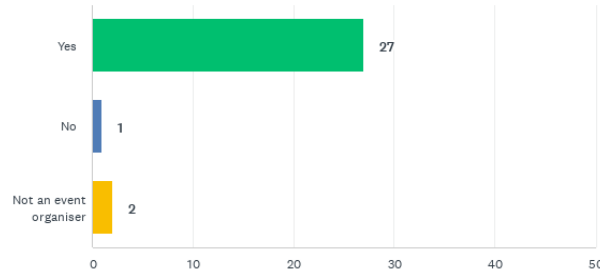
In addition, 30 key event organisers (refer to Attachment 4) were contacted directly by the Events Officer encouraging them to complete the survey and/or provide feedback. Of those that responded, most expressed that they had no further feedback and were satisfied with the draft Policy.

Online Survey Consultation

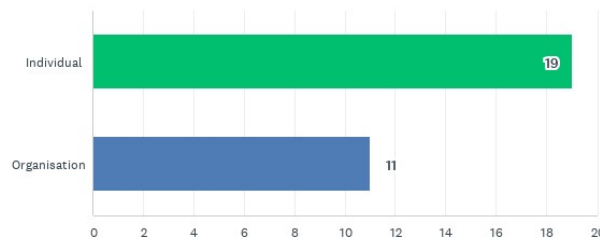
An online survey was conducted for the six week period from 2 June 2023 to the 14 July 2023. The survey was shared through the economic development database, Colac Otway Shire socials and in local news print media receiving 56 responses, of which 30 were complete (refer to Attachment 5). To understand how open response questions have been addressed please refer to Attachment 6.

Survey Data Summary

Q1 Have you been or are you involved in organising an event in the Colac Otway Shire?



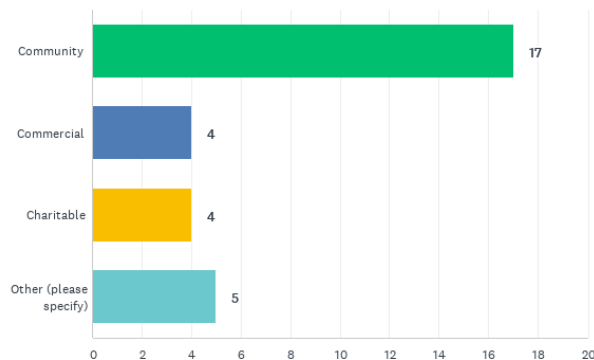
Q2 Are you responding as an individual or as part of an organisation?



Question 1 and 2

90% of respondents have been or are involved in organising an event in the Colac Otway Shire with most responding as individuals rather than on behalf of organisations.

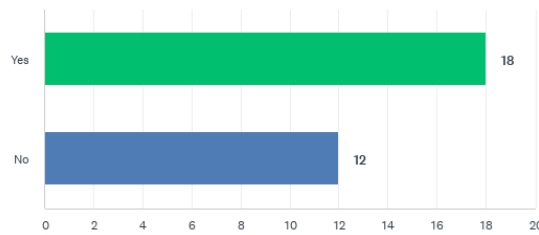
Q3 What type of organisation?



Questions 3

Community organisations are well represented in the survey data. Responses were received across a breadth of event organisations.

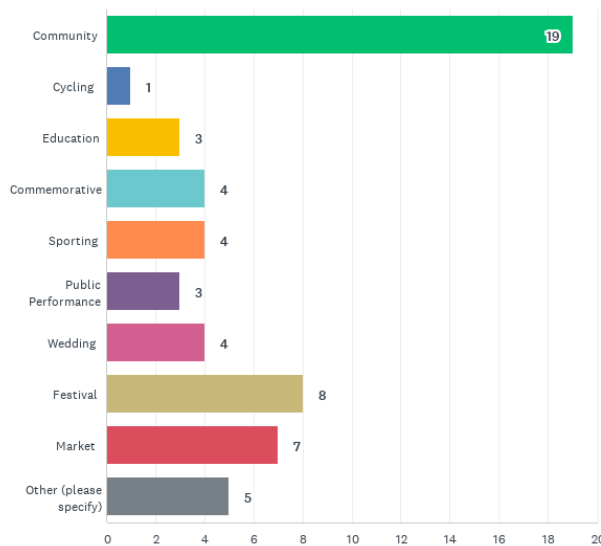
Q4 Have you ever submitted an Event in a Public Place Permit application?



Question 4

60% of survey respondents have previously submitted an Event in Public Place Permit Application and 40% of survey respondents have never submitted an Event in a Public Place Permit application.

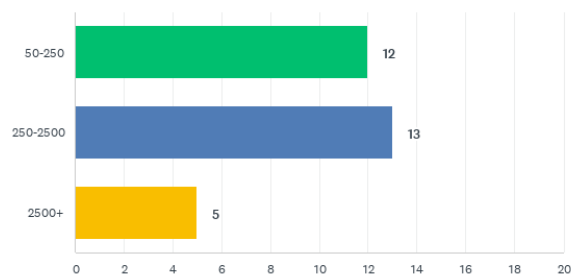
Q5 What type of events have you been or are you involved in organising?



Questions 5

Data conveys survey responses were received from variety of event organisers managing a variety of event types.

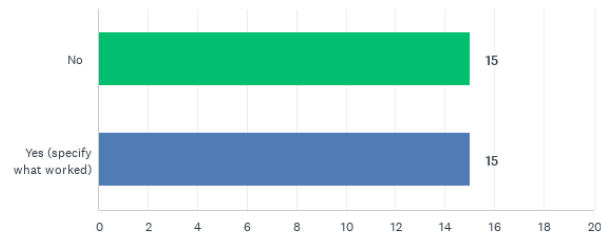
Q6 What is the scale of your event(s)?



Question 6

Survey responses were received from event organisers proposing or having delivered events across a variety of event scales.

Q7 Does the Draft Policy clearly convey the requirements that apply to event(s)?

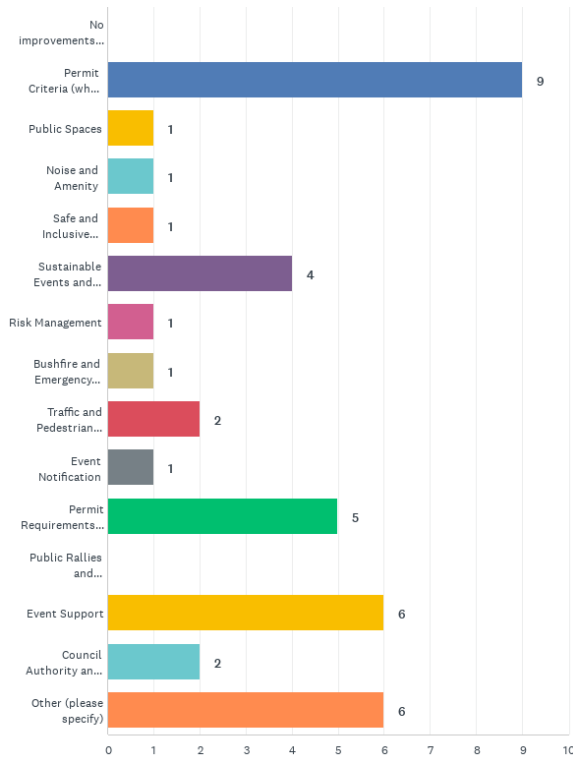
**Questions 7**

Whilst the data in question 7 indicates an even split, review of the open responses provided for that question (refer to Attachment 6) indicate that the above graph is not indicative of the actual view of survey respondents. In some instances, survey respondents answered 'Yes' to enable them to provide further comments in the associated comments field, despite their comments indicating their view aligned with a 'no' response. Based on this, it has been interpreted that 64% of respondents believe the draft Policy does not clearly convey the requirements.

Q8. Please specify how the policy could be improved (only 13 responses).

This was an open question. To understand how open response questions have been addressed (refer to attachment 6).

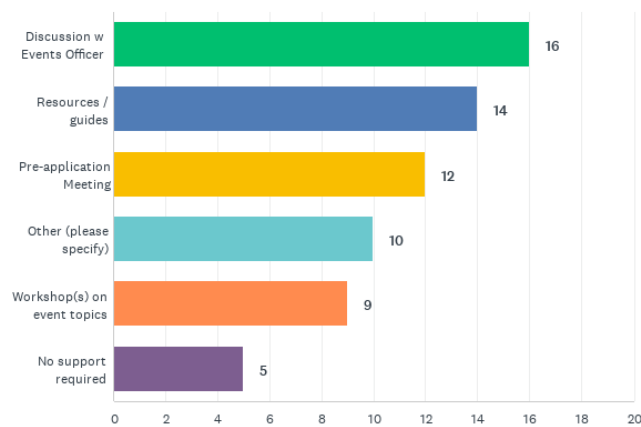
Q9 Are there any sections of the policy that could be improved?



Question 9

Permit criteria was identified by the most respondents as the section of the draft Policy that could be improved, followed by event support and other (refer to Attachment 6). Permit requirements, (with 5 responses) was also a section of the policy that could be improved. It should be noted that “permit criteria”, “permit requirements” (the section containing timelines and compliance) and “sustainable events and waste management” sections are new additions the draft Policy.

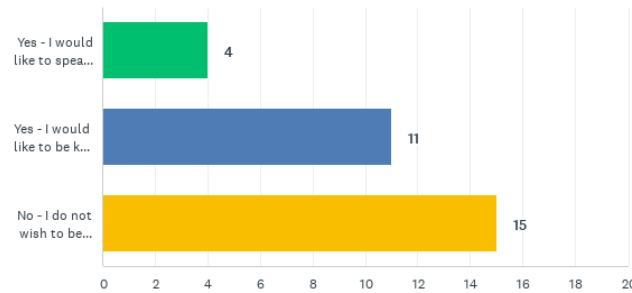
Q10 Acknowledging there is a lot to consider when organising an event, what would assist your understanding of event requirements?



Question 10

Respondents indicated that there are a variety of ways that would assist them in understanding event requirements. Discussion with the Events Officer and a pre-application meeting consisted of 42% of responses, indicating direct officer engagement would assist in understanding event requirements. 21% of respondents indicated Event management resources would assist in understanding event requirements.

Q11 Would you like to be kept informed of further developments regarding this consultation:



Community Drop-in Sessions

Drop-in sessions were held in Apollo Bay on Monday 26 June 2023 and Colac on Tuesday 27 June 2023. Sessions were well attended and resulted in discussion on a broad range of event related topics including event management, the Event in a Public Place permit process, events in private places (requiring planning permits) and event queries associated with specific events (refer to Attachment 6 and Attachment 7).

Generally, the discussion did not focus on the contents of the draft policy, rather the:

- Understanding of the policy and what the requirements mean for their events.
- Understanding of event permitting processes (both for events held on Council owned/managed land as well as on private land which involves planning).
- The availability/presentation of event information/resources on our website.

Written Submissions and Submission Committee Meeting

The key points raised in the two submissions received were:

- Further elaborate on support available to event organisers from the Events Officer.
- Further elaborate that Council's role is not just ensuring event compliance but also supporting events.
- Further highlight the grants available to events through the Colac Otway Shire Grants Program.
- Confusion between Event in a Public Place and the requirements for events held on private land, which potentially require statutory planning approval.

Summary of Proposed Policy Changes

The draft Policy has been further reviewed and consolidated where practicable to make it easier to understand the requirements. Essentially there is no material change to the content as the Policy conveys legislative requirements including State legislation, rather the way in which these are communicated have been refined.

The survey identified a variety of ways in which we can assist event organisers in understanding and meeting these requirements.

Council officers and event resources (such as the website) can assist in conveying information in a way that is easy for event organiser and community members to understand.

Proposed Policy Changes

- Change name of policy to “Events in a Public Place Permit Policy” to address the misconception that the “draft Events Policy” is an overarching policy that applies to all events in the Colac Otway Shire.
- Further detail the support available to event organisers.
- Add a passage to the policy to explain ‘that event permit timelines reflect the need to seek third party approvals’.
- Encourage pre-application meetings.
- Under Timelines and Compliance – no longer a guide following “the application timelines below are a guide only” is not expressed in the table itself.

Opportunities for further improvements outside of the policy

- Development of resources:
 - o Process chart for Event in a Public Place Permit application.
 - o Enquiry flow chart.
 - o Visual representation (checklist/flowchart/app) to summarise the policy.
 - o Development of simplified summary/checklist of the key requirements for event organisers to make it easier to understand and less overwhelming.>>



COUNCIL POLICY

Council Policy Title:	Skate Park Events and Hire
Council Policy ref. no:	12.2
Responsible Department:	Corporate and Community Services
Date of adoption/review:	24 July 2013

1. INTRODUCTION

The Colac Otway Shire receives requests for the use of the Skate Park facilities within the Shire for competitions and events.

The Colac Otway Shire has developed this policy in recognition of the need to ensure a balance between community access to a public recreation facility and the demands for skate competitions and events.

This policy aims to ensure an appropriate balance is maintained between community access to a public recreation facility and the demands for skate competitions and events.

2. SCOPE OF POLICY

This policy specifically relates to the Skate Park, facilities within the Shire namely:

- Colac
- Birregurra
- Apollo Bay
- Forrest

The Apollo Bay Old Jetty Skatepark to be managed in partnership between the Otway Coast Committee and the Colac Otway Shire.

Approval for such events/activities will need to be gained from both organisations.

3. USE OF SKATE PARKS FOR EVENTS / COMPETITIONS

- A maximum of 6 days per calendar year, per site will be taken up by events/competitions. The Colac Otway Shire reserves the right to approve additional events/competitions should outstanding applications be received. A balance between public use and events/competitions will be considered in such deliberations.
- Requests for the staging of an event/competition at a skate park will only be considered if submitted on the official application form.
- All events/competitions must comply with the “conditions of use” attached.
- All competitors or people conducting demonstrations should be strongly encouraged to wear appropriate protective gear, including helmets, knee and elbow pads.

4. HIRING FEES

As part of Council's budget processes, hiring fees are set on an annual basis.

A bond is to be lodged with the Colac Otway Shire 14 days prior to any event, to pay for any damage or clean up required as a result of the event/competition.

The Colac Otway Shire reserves the right to support certain events by waiving the facility hire fee.

5. ASSESSMENT CRITERIA

The following criteria will be used to assess the appropriateness of proposed events/competitions to be conducted at a Colac Otway Shire skate park:

- The level of community access to the event/competition.
- The level of community benefit from the event/competition.
- The demonstrated ability of the applicant to conduct successful, well organised events/competitions.
- Demonstrated community support for the event/competition.
- Level of proposed organisation and detail of event logistics ie: traffic control, crowd control and rubbish.
- Quality of the competition, or level of skills of the skaters conducting the demonstrations.
- The appropriateness of sponsors for the target group and for a Council facility.
- Quality of the application including the provision of all the information requested.

Applications will not be considered unless the applicant possesses public liability insurance to the value of \$10 million and comply with the attached conditions.

The decision of the relevant Colac Otway Shire staff will be final.

6. METHOD OF APPLICATION

Applications will be accepted on a year round basis.

Applicants are encouraged to lodge their application at least 2 months in advance of the event, to facilitate better decision making processes.

Applicants may require a Place of Public Entertainment (POPE) permit. Applicants will need to discuss this requirement with Council's Building Surveyor.

Applicants will be advised in writing as to the Shire's decision in relation to their application.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
24 April 2002	Adopted by Council
24 May 2006	Review
25 August 2010	Review`
24 July 2013	Review

SKATE PARK EVENT APPLICATION FORM

1. NAME OF ORGANISATION

2. CONTACT PERSON

3. ADDRESS

_____ Postcode _____

4. CONTACT NUMBERS

(Daytime) _____

(After Hours) _____

(Mobile) _____

(Facsimile) _____

5. EVENT DETAILS:

5.1 NAME OF EVENT

5.2 TYPE OF EVENT

(please give a description)

5.3 PROPOSED EVENT DATE

Alternative Date(s)

5.4 EVENT TIMES

Total Site Occupation (including setup & packup)

Day _____

Start _____

Finish _____

Event Time

Day _____

Start _____

Finish _____

5.5 VENUE *eg. Colac Skate Park,***5.6 ADMISSION FEES**

Will admission fees be charged to:

Competitors Yes No

Fee: \$ _____

Spectators Yes No

Fee: \$ _____

6. TRAFFIC & PARKING MANAGEMENT PLAN

Please attach a detailed traffic and parking management plan including equipment to be used.

7. SITE DETAILSMarquees Yes No

Size _____ Quantity _____

Stages Yes No

Size _____ Quantity _____

Portable toilets Yes No No. of units _____Musical Entertainment Yes No

Details: _____

Amusements rides Yes No

Number of Rides _____ Size of Rides _____

Details _____

Amplification equipment Yes NoLighting equipment Yes NoCaterers Yes NoGenerators Yes No

Details: _____

Emergency Vehicles Yes NoAny other structures Yes No

Details _____

Has security been arranged? Yes No

Details: _____

Please provide a detailed site plan.

8. OTHER INFORMATION

8.1 Proposed Signage Yes No

Type (banners, A.Frames etc) _____

Size (if applicable)_____

Quantity_____

Location_____

8.2 Other relevant activities? (i.e. fireworks, acrobatics, balloons etc)

Details _____

8.3 Declaration of Sponsorship Arrangements

Please list all sponsors for the proposed event/competition

9. APPROXIMATELY HOW MANY PEOPLE WILL BE AT THE EVENT?

Competitors _____

Spectators _____

Event Organisers _____

Other _____

10. WASTE MINIMISATION/REMOVAL & RECYCLING DETAILS

All waste removal is the responsibility of the event organiser. Also outline any recycling details re: cans, glass, bottles etc. Please provide details of arrangements for cleaning the site after the event.

11. ACCESS FOR CLUBS

Please provide details as to how local clubs will be able to gain access to the facilities during the conduct of your event

12. HOW WILL YOU PROVIDE FOR PUBLIC ACCESS

13. NOISE LEVELS

Please outline how you plan to minimise noise levels so as not to adversely effect surrounding residences

14. PUBLIC LIABILITY INSURANCE? YES NO

Please provide a copy of certificate of currency.

15. WHAT EXPERIENCE DO YOU HAVE IN STAGING SIMILAR EVENTS?

16. REFEREES

Please provide the names & telephone numbers of two referees who can vouch for the standard and overall quality of the events which you have conducted.

1. _____

2. _____

17. EVENT RECOMMENDATION STATEMENT

Please provide a statement as to why Council should allow your organisation to conduct an event at the skatepark.

18. PUBLICITY APPROVAL

Are you willing for your telephone number to be published alongside your event listing in council's community newspaper or similar publication?

YES NO

19. MOBILE PHONE EVENT DAY CONTACT

Please provide a mobile phone number(s) that will be in use on the day of your event.

Please note that following assessment of this application, applicants will be advised in writing of the outcome.

DECLARATION:

The Colac Otway Shire Council collects personal information to levy rates, issue permits and licences and provide a variety of community services. The information collected in this form is used only for the purposes contemplated by the form (primary purpose) and is not passed onto third parties. In some instances however, disclosure is required by law or is necessary for the protection of persons or property. Where this occurs, Council will take every reasonable step to ensure your privacy is protected in accordance with the Information Privacy Act 2000 (Vic). Should you need to change or access your personal details or require further information about Council's Privacy Policy contact our Privacy Officer on 5232 9400.

CONDITIONS OF HIRE OF COUNCIL CONTROLLED SKATE FACILITIES

DEFINITIONS	
“Council”	- means the Colac Otway Shire
“Skate Facility”	- means any Council owned, controlled or operated skate facility or skate park.
“Fee”	- means the fee or charge made by Council from time to time for the granting of a permit to use a skate facility.
“Hirer”	- for the purposes of this permit, shall mean the club, school, institution, society, organisation or other body or individual to whom permission to use the facility set out in the permit has been granted by the Council.

CONDITIONS

1. The Hirer agrees to hire from the Council the premises on the date and times specified and on the conditions set out in this document.
2. The Hirer:
 - a) must book the skate facility by completing the relevant application form and returning with a copy of the certificate of currency for public liability insurance at least 14 days prior to the nominated event and pay to the Council all fees or bonds on or before the dates set out;
 - b) must comply with all Local Laws, the Liquor Control Act, the Health Act, Public Buildings Regulations or any regulations for the care, protection and management of the facility hired;
 - c) must not attach anything to the premises which will mark or damage the premises, and not cause or permit any damage or excessive wear and tear to the premises. Any such damage or excessive wear and tear which has occurred during the period of the hire which has not been repaired to the Council’s satisfaction by the hirer will be repaired by the Council and the full costs incurred charged to the Hirer;
 - d) must advise Council of the type of activity to be conducted, expected crowd numbers and any other special conditions applying;
 - e) is responsible for cleaning the grounds, spectator areas, car parks and all other areas occupied by the Hirer and spectators immediately following use of the facility. Should these facilities not be cleaned to Council’s satisfaction, the hirer shall be charged the full costs of any cleaning required;
 - f) in the case of damage or loss, the bookings officer must be informed as soon as possible but not later than midday on the next normal working day following the event;
 - g) must abide by the lawful directions of the officer in charge of the reserve who has been appointed with power and authority to administer the local laws and regulations pertaining to such facility;
 - h) must ensure that the event/competition is drug and alcohol free and that the event reflects positively on the Colac Otway Shire;

- i) must ensure that offensive language or music containing coarse language is not broadcast during the hire period.
- j) must be at the premises at all times during the hire period;
- k) must ensure that all people coming within the premises during the term of the hire conduct themselves in an orderly manner and comply with the conditions of hire;
- l) must provide a proper number of competent attendants and supervisors to ensure the efficient supervision and safety of people within the reserve and associated facilities, as well as the preservation of order during the hire period;
- m) is responsible to inspect the facilities for safety prior to use and not proceed if deemed unsafe for use.

3. The Council may:

- a) decide whether the competition or demonstration shall take place in the event of unfavourable weather;
- b) upon revocation of this permit, retain all fees paid;
- c) enter the facility at any time during the hire period for any purposes;
- d) terminate the licence at any time by notice in writing to the Hirer;
- e) impose any additional conditions for the use of the premises or conduct;

4. INSURANCE

Hirers must have their own public liability insurance policy for a sum insured of not less than \$10 million in joint names of the user/hire/lessee and Council. The policy is to be maintained as current during the period of hire. The policy must indemnify the hirer and the Council from liability arising out of the hirer's use of the reserve. A certificate of currency of the policy stating the level of cover, period of cover and any exclusion clauses must be provided to Council as a part of the application to hire the skate facility.

5. INDEMNITY

The Hirer agrees to indemnify and keep indemnified and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against it by any of them arising out of or in any way related to the granting of this licence and/or the use of the skate facility.

Council is not responsible for any theft, loss, damage or injury suffered by the hirer or any guest or invitee of the hirer, or any person coming on the premises during the period of hire, and the hirer indemnifies the Council in respect of all claims for loss, damage or injury caused to any person or property during the period of hire, or as a result of the use by the hirer of the premises.

6. GENERAL

- a) Applications for hiring of Council properties will not be considered where any rental or charge remains unpaid from a previous hiring or the conditions of occupancy have not been adhered to.
- b) Other than for inclement weather, seven days notice shall be given to the bookings officer in the case of cancellation. Cancellations may be negotiated with the Council.



COUNCIL POLICY

Council Policy Title:	Fencing for Events
Council Policy ref. no:	12.6
Responsible Department:	Corporate and Community Services
Date of adoption/review:	24 July 2013

1. PURPOSE

The purpose of this policy is to determine and clarify the requirements for the frequency, location and timing of erection of fencing in relation to public events.. The presence of a fence can also contribute to improved safety aspects at the event for both entrants and spectators.

2. INTRODUCTION

The Colac Otway Shire hosts many events across the calendar year and processes many of these through the Events Approval Process.

Some events may consider the need to construct a temporary fence for their event.

3. OBJECTIVES / PURPOSE

To develop a policy with objective criteria for assessment to formalise the requirements for temporary fencing at events. The majority of events in the Colac Otway Shire are mostly conducted in a building, sporting arena or local park. Some events may in the future develop plans that could require a fenced area for admission purposes.

4. DEFINITIONS (where required)

Event

Any planned activity where any structure (permanent or temporary), open area, roadway, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the event.

Event Organiser

A commercial entity, community group or individual who undertakes the planning and/or implementation of an organised event.

Public Open Space

A **public space** is a social space such as a town square or park that is open and accessible to all, regardless of gender, race, ethnicity, age or socio-economic level.

5. POLICY

Requests for the erection of temporary fencing are assessed through the Event Approval process and need to meet the following criteria:

Mandatory

Events held on land that is owned or managed by the Colac Otway Shire.

- Temporary fencing to be erected for one day (not exceeding a 24 hour period).
- Temporary fencing must be installed by a professional fencing company ensuring quality material and adequate insurance therefore mitigating risk.
- Temporary fencing should give consideration to public toilet access.
- Temporary fencing should give consideration to public playground access.
- A Risk Assessment specific to the erection of the temporary fencing to be provided by the qualified installer.

Other reasons for temporary fencing may include:

- Events that require donations or fee obtained as a result of erecting the temporary fencing.
- Events with temporary fencing that contribute to the positive control of patron behaviour i.e. alcohol related issues, improves security.

6. IMPLEMENTATION AND REVIEW

A temporary fence around a designated area would occur after consultation between the Event Organisers and a qualified temporary fencing contractor or volunteer. Plans and details would be submitted to the Colac Otway Shire in the Event Application process for approval by the E Team. The "Application to Erect a Temporary Fence for an Event", is attached..

7. RELATED LEGISLATION

Not applicable

8. RELATED POLICIES / PROCEDURES / GUIDELINES

Event Application – Point 4

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
27 July 2011	Adopted by Council
24 July 2013	Review

APPENDIX 1**Application to Erect a Temporary Fence for an Event**

Name of Contractor		
Organisation or Event		
Address		
Phone		
Email		
Requested dates and times of use	Day/s	Time/s
Reason for fencing		

The applicant must provide evidence of relevant insurances, and risk management assessments including:

- Copies of required insurances showing certificate of currency including a minimum \$10,000,000 public liability insurance;
- A Risk Management report including Occupational Health and Safety requirements and site specific potential hazard assessment;

TERMS & CONDITIONS

- (1) All required documentation must be provided in full at least three months prior to the event to approve suitable arrangements.
- (2) The applicant must adhere to the times and location on the application.
- (3) The applicant must upon removal of the fencing, must make good the site of any holes in the ground, marks on footpaths etc.
- (4) The applicant shall at all times during the allocated period of use insure and keep insured with an insurance company approved by the Council against public risk for an amount of not less than \$10 million.
- (5) Events may need to be re-scheduled or cancelled in the event of unforeseen weather conditions.

UNDERTAKING

I _____ of _____

hereby make application erecting a fence at the site stated above, for the dates and times specified and acknowledge having received and read the Terms and Conditions undertake to be bound by and comply with the Terms and Conditions.

SIGNATURE OF APPLICANT: _____

DATE: _____

DECLARATION:

The Colac Otway Shire Council collects personal information to provide a variety of community services. The information collected in this form is used only for the purposes contemplated by the form (primary purpose) and is not passed onto third parties. In some instances however, disclosure is required by law or is necessary for the protection of persons or property. Where this occurs, Council will take every reasonable step to ensure your privacy is protected in accordance with the Information Privacy Act 2000 (Vic). Should you need to change or access your personal details or require further information about Council's Privacy Policy contact our Privacy Officer on 5232 9400.



COUNCIL POLICY

Council Policy Title:	Event Road Closure Consultation and Communication
Council Policy ref. no:	13.9
Responsible Department:	Corporate and Community Services
Date of adoption/review:	24 July 2013

1. INTRODUCTION

Historically concerns have been raised within the community relating to impacts arising from street and road closures associated with the running of events across the municipality and the consultation process undertaken by event organisers with the affected community.

This Policy seeks to develop and formalise the consultation and communication signoff process to be undertaken by event organisers. This process will enable the assessment and implementation of delivery options for event organisers co-ordinating events involving road closures.

In addition, this Policy seeks to consider the level of community "host tolerance" to the number of road or street closures that residents/traders would accept per year. Impacts resulting from the number of events held on Public Reserves managed by the Colac Otway Shire will also be considered.

2. OBJECTIVES / PURPOSE

To develop a policy to formalise the consultation and communication sign off process for Event Organisers requiring street or road closures (on or involving local roads within the Municipality).

This policy also considers the level of community "host tolerance" to both the number of road or street closures and the level of usage of Public Reserves that residents/traders would accept per year.

3. DEFINITIONS

Event

Any planned activity where any structure (permanent or temporary), open area, roadway, (fenced or unfenced) will contain a number or persons greater than that normally found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the event.

Event Organiser

A commercial entity, community group or individual who undertakes the planning and/or implementation of an organised event.

Consultation Process

Consultation is the method of obtaining input from the affected community to ensure views can be identified and communicated with respect to the proposed event.

Communication Plan

A written plan outlining the methods and implementation process for communicating information regarding road closures proposed for the event.

Affected Community

Owners and/or occupiers of properties in the immediate vicinity including all the abutting property occupiers to the road/street closure. This will also apply to member of the general public who use public reserves.

Temporary Road Closure

The temporary closure of a road to public vehicular traffic for a set time period as required for the holding, set up and set down of an event.

Full road closure - entire road is closed between designated points.

Partial road closure - a portion of the road width is closed between designated points.

Notification Process

The notification process is the communication method of approved road closure information relating to road closure areas and times to the affected community.

Catchment area

The catchment area identifies residents and/or traders who are deemed to be affected by the road closures.

The catchment area is to include:

Occupiers of properties whose:

- frontage is within the closed section or the proposed detour; and
- primary/only access is via the closed section; and
- property is in close proximity to the road closure and therefore could be affected.

Businesses/services that normally use the closed road as a primary route (or have stops within) including but not limited to:

- Bus companies;
- Transport companies; and
- Operators of milk tankers.

Public Reserves

A Public Reserve is any land which is owned, occupied or managed or controlled by Council and dedicated or used for outdoor cultural, environmental, sporting or recreational purposes.

4. POLICY

This Policy will enable event organisers to complete the required consultation and communication sign off process for events involving road closures and assist in the management of community "host tolerance" to both the level of usage of public reserves and the number of road or street closures that residents/traders would accept per year.

Public reserves are dedicated or used for outdoor cultural, environmental, sporting or recreational purposes. Therefore, the community expect to access and utilise these areas unhindered. To minimise the impact of events held on public reserves that restrict public access it is necessary to establish a reasonable number of events that the community will deem acceptable per year.

The number of approved events held within a single township that are permitted to exclude general public access within a public reserve, will be set at seven (7) events per year. Where more than seven (7) events exclude normal public use, approval from Council must be sought.

Similar to the usage of public reserves, the level of community "host tolerance" for approved events requiring road or street closures will be set at ten (10) events per year. Where more than 10 event road/street closures are proposed, approval from Council must be sought for those events exceeding the approved limit.

5 IMPLEMENTATION AND REVIEW

Communication Plan

A communication plan is to be developed by the event organiser detailing the methods and timelines for communicating road closure information to affected property owners and retailers.

Key elements of the communication plan will include:

- Identification of area impacted by the event (Catchment area)
- Consultation Methodology
- Notification schedules
- Event notification letter content - including but not limited to:
 - Details of event to be held
 - Date of event, time of event
 - Details of impacted roads
 - Details of how road closure will be undertaken
 - Contact details of event organiser

The Communication Plan requires approval from Colac Otway Shire prior to implementation.

A Draft Communication Plan is to be submitted following the first E-Team Meeting, with an approved plan developed 4 months prior to the event.

Consultation

Consultation is the gathering of feedback from the affected property owners to ensure event impact is managed and minimised without removing the integrity of the event.

Consultation with affected property owners is not necessarily to determine if the event should proceed, rather to give consideration to individual needs and address the concerns of residents and traders where appropriate.

The method of consultation undertaken will vary depending on the type of event held. As part of the communication plan, a consultation methodology will be established. Information gained from consultation is to be collected and reviewed in conjunction with Colac Otway Shire officers. Submissions received in relation to the proposed event will be considered by Colac Otway Shire with recommendations presented to event organisers.

Evidence of direct contact with affected property owners must be provided and endorsed by Colac Otway Shire no later than 6 weeks prior to the event coinciding with the second E-Team Meeting.

IMPLEMENTATION SCHEDULE

TIME FRAME	6 MONTHS PRIOR TO EVENT	4 MONTHS PRIOR TO EVENT	6 WEEKS PRIOR TO EVENT
COMMUNICATION PLAN	DRAFT PLAN	APPROVED PLAN	IMPLEMENTATION COMPLETE
CONSULTATION PROCESS		APPROVED METHODOLOGY	IMPLEMENTATION COMPLETE
NOTIFICATION PROCESS		APPROVED PROCESS	1 WEEK FROM EVENT IMPLEMENTED

6. RELATED LEGISLATION

Local Government Act 1989
Road Safety Act 1986
Road Safety (Traffic) Regulations 1985
Transport Act 1983
Colac Otway Shire Local Law No. 2 - Clause 90

7. RELATED POLICIES / PROCEDURES / GUIDELINES

Festival and Events Strategy 2007- 2011
Event Management Guide
Guideline to Road Closures for Events - Communication & Consultation Process

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
27 May 2008	Adopted by Council
28 April 2010	Review
24 July 2013	Review

Item: 9.2

Draft Fair Access Policy

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none">1. Attachment 1: Fair Access Policy Roadmap Gender Equity [9.2.1 - 15 pages]2. Attachment 2: DRAFT Colac Otway Fair Access Policy incorporating Office for Women feedback - November Council agen [9.2.2 - 8 pages]

1. PURPOSE

To consider the draft Colac Otway Shire Fair Access Policy and endorse the draft for public exhibition.

2. EXECUTIVE SUMMARY

Victoria's Gender Equality Act 2020 (the Act) requires the Victorian public sector, Local Governments and universities to take positive action towards achieving workplace gender equality. In August 2022, the Victorian Government announced a new Fair Access Policy Roadmap, which supports gender equitable access and use of community sports infrastructure across the state.

The Fair Access Policy Roadmap requires all Victorian councils from 1 July 2024 to have gender equitable access and use policies in place to be considered eligible to receive infrastructure funding. These policies will ensure that women and girls can fully participate in and enjoy the benefits of community sport, with fair opportunity and access to their local facilities.

This report presents a draft Fair Access Policy for Council's consideration, seeking support to place on public exhibition seeking feedback from the community.

3. RECOMMENDATION

That Council:

- 1. Endorses the draft Colac Otway Fair Access Policy (Attachment 2) for public exhibition from 24 November 2023 to 19 January 2024, seeking feedback from the community.**
- 2. Hears any verbal presentations relating to submissions received in relation to the draft policy at a future Submissions Committee meeting.**
- 3. Notes that a final policy will be prepared, taking into consideration community submissions, and presented to a future Council Meeting.**

4. KEY INFORMATION

Background

Victoria's Gender Equality Act 2020 (the Act) requires the Victorian public sector, Local Governments and universities to take positive action towards achieving workplace gender equality. In August 2022, the Victorian Government announced a new Fair Access Policy Roadmap (Attachment 1), which supports gender equitable access and use of community sports infrastructure across the state. Local Government is expected to respond to this legislation and policy position via a range of actions within a timeline set by the government.

The Fair Access Policy addresses Recommendation 6 from the Victorian Government's Inquiry into Women and Girls in Sport and Active Recreation, which focuses on 'delivering female friendly built environments and equitable facility usage policies'.

This new policy requires facility owners and managers to review access and usage policies to ensure females have a fair share of access to the highest quality facilities at the best and most popular times. Usage policies need to consider not just competition time, but training times, and the distribution between traditional competition and other participation opportunities within a variety of sports.

The Victorian Government has released support documentation to assist local governments with compliance, including a template policy, which has been adapted into a Colac Otway Shire specific draft policy (Attachment 2).

Draft policy

A draft policy has been developed to assist Council's compliance with the Victorian Government's Fair Access Policy Roadmap.

Club engagement is an important part of the Fair Access Policy Roadmap. Earlier this month Council, in partnership with Regional Sports Assembly Leisure Networks, undertook engagement with local clubs focussed on explaining the need for a Fair Access Policy and how it applies to them. The release of the draft policy is the next step in the engagement process.

The draft policy has been sent to the Office for Women for peer review, and feedback from the Office has been incorporated into the draft.

Policy principles

The Fair Access Policy Roadmap is built on the principles outlined in the table below. Local Governments are not required to adopt the principles as part of their policies but can opt to adopt them to provide a framework for future action. These have been included in the draft Colac Otway Fair Access Policy as it provides clarity on what the policy aims to achieve and why.

If Council does not adopt a Fair Access Policy by 1 July 2024, it will be ineligible to apply for future sport and recreation funding from Victorian Government bodies such as Sport and Recreation Victoria.

#	Principle
1	Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive.
2	Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator.
3	Women and girls will have equitable access to and use of community sport infrastructure: a. of the highest quality available and most convenient b. at the best and most popular competition and training times and locations c. to support existing and new participation opportunities, and a variety of sports.
4	Women and girls should be equitably represented in leadership and governance roles.
5	Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices.
6	Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

Action plan

One of the requirements of the Fair Access Policy Roadmap is that Councils demonstrate how they will effectively drive gender equitable access and use of community sports infrastructure via an action plan. The action plan does not have to be extensive but should strive to link to some of the principles outlined above.

Following club engagement, an action plan informed by feedback received during those workshops will be developed. This action plan will be reflective of Council's capacity to undertake actions, which will likely include partnerships with other organisations with Fair Access responsibilities, including State Sporting Associations (SSAs) such as AFL Victoria, Netball Victoria, Cricket Victoria, and Football (Soccer) Victoria.

Infrastructure challenges

This report acknowledges that one of the challenges that Council faces as it works towards compliance with the Victorian Government's Fair Access Policy Roadmap is the lack of compliant facilities. Council

has only two sporting facilities that provide gender neutral change room facilities; Colac Central Reserve (football, netball change is not strictly gender neutral) and Bluewater Leisure Centre.

Encouragingly, women's participation in sports that are traditionally male-dominated such as cricket and AFL is growing locally, however it is acknowledged that there is a shortage of suitable off-field facilities to support this participation. As demand for use of public sports facilities grows, the Fair Access Policy will help Council as well as emerging female sports negotiate a fair share of access to the highest quality facilities at the best and most popular times.

In situations where there is overlapping demand between user groups, Council is committed to working with local clubs, leagues and associations to find solutions to providing equitable access.

Sporting facilities not owned or managed by Council

Council's policy only applies to sporting facilities that are owned or managed by Council. However, there are sporting facilities in the shire which are owned and managed by other agencies including the Department of Energy, Environment and Climate Action (DEECA) or the Great Ocean Road Coast and Parks Authority (GORCAPA). In instances where facilities are not owned or managed by Council, the Office for Women has confirmed that tenant clubs will be covered by Fair Access Policies undertaken by those respective authorities. Officers have sought opportunities to collaborate with DEECA and GORCAPA to ensure our local clubs receive consistent messaging and approaches.

5. CONSIDERATIONS

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

This report aligns with the governance principles in its attempt to develop a locally-relevant policy that responds to Victorian Government policy change seeking progress in the gender equity space.

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

The *Gender Equality Act 2020* requires public sector organisations, Councils and universities to take positive action towards gender equality. This includes a requirement for these abovementioned organisations to consider gender equality when developing or reviewing policies, programs and services that have a direct and significant public impact.

This report aims to achieve compliance against Council's legislative obligations.

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

Not applicable.

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

This report proposes that in line with Council's Community Engagement Policy, the draft Colac Otway Shire Fair Access Policy is released for public exhibition. Typically, a six-week engagement period would be proposed however a longer exhibition period is proposed to accommodate the Christmas break.

Earlier in November, Council carried out in-person engagement sessions with local clubs to inform them about the need for a policy and how it applies to them, their operations, and the facilities they use.

State and regional sporting associations such as AFL Victoria and AFL Barwon (to give one example) also have an active role to play in the policy rollout and will be undertaking their own sports-specific engagement.

Engagement with clubs will be ongoing as Council works with users of our facilities to support and encourage gender equitable access and use now and into the longer term.

Public Transparency (s58 LGA 2020)

All information relating to the development of the Fair Access Policy has been made public, in line with transparency principles.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

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 1: All people have the opportunity to achieve and thrive in our shire

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 action plan developed to respond to the Victorian Government's Fair Access Policy Roadmap will be cognisant of Council's financial and resourcing capabilities. Improvements to Council facilities will take time to ensure they meet modern day requirements for gender neutral design principles, however an important first step is making a commitment to fairer access, which this draft policy aims to achieve.

Officers will work with local clubs and regional associations and agencies to support improvements in gender equitable access and use over time.

Service Performance (s106 Local Government Act 2020)

The Colac Otway Shire Fair Access Policy supports more equitable use of public facilities, aligning with Council's service performance principles.

Risk Assessment

If Council does not adopt a policy to support equitable access and use to community sporting facilities by 1 July 2024, it will be ineligible for a range of government grants. Therefore, this report recommends that the draft policy is publicly exhibited so that Council can achieve compliance by the deadline.

Communication/Implementation

Pending Council's endorsement of the draft Colac Otway Shire Fair Access Policy, its release on public exhibition will involve:

- An email to Council's club database inviting feedback.
- The draft policy will be placed on Council's website.
- Editorial coverage and advertising to promote opportunities for the community to provide feedback.
- Placing hard copies of the policy in public places such as Council's customer service centres and public libraries.

Human Rights Charter

Sport is a core part of our lives in Victoria. We know that in addition to benefitting our physical health, it gives us a sense of belonging and improved self-confidence. The Victorian Government's Fair Access Policy Roadmap aims to give Victorian women and girls equal access to all that sport has to offer. It is well understood that without proactive consideration, decisions routinely prevent women and girls from participating fully in sporting communities across our state due to gender biases, which are often but not always unconscious.

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 – That Council releases the draft Colac Otway Fair Access Policy for public exhibition.

This option is recommended by officers to ensure Council is in a position to adopt a finalised policy before the deadline of 1 July 2024. After this date, Council will not be eligible for a range of Victorian Government sporting grants without an adopted policy.

Option 2 – Do not release the draft Colac Otway Fair Access Policy for public exhibition.

This option is not recommended by officers as it will not allow the draft policy to progress to public exhibition, which is an essential part of public policy development. This approach may also put Council at risk of not having a finalised policy adopted by 1 July 2024, which will render Council ineligible for a range of Victorian Government sporting grants.



Fair Access Policy Roadmap

Supporting gender equitable access to and use of community sports infrastructure in Victoria



Acknowledgements

The Office for Women in Sport and Recreation, Sport and Recreation Victoria, the Victorian Health Promotion Foundation (VicHealth) and the State of Victoria respectfully acknowledge the Traditional Owners of the land on which we work and play. We pay our respect to their Elders, past and present.

The Fair Access Policy Roadmap has been developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth in collaboration with many organisations. In particular, the contributions of the many local governments, state sporting bodies and other groups which helped shape this project are acknowledged:

- | | | |
|---|---|---|
| AFL Victoria | Department of Jobs, Precincts and Regions | Municipal Association of Victoria |
| Athletics Victoria | East Gippsland Shire Council | National Rugby League |
| Ballarat City Council | Fencing Victoria | Netball Victoria |
| Basketball Victoria | Football Victoria | Parks Victoria |
| Campaspe Shire Council | Glenelg Shire Council | Regional Sport Victoria |
| Central Goldfields Shire Council | Hockey Victoria | Southern Grampians Shire Council |
| City of Casey | Hume City Council | Sunraysia Community Health Services |
| City of Glen Eira | Indigo Shire Council | Tennis Victoria |
| City of Greater Dandenong | Lacrosse Victoria | Towong Shire Council |
| City of Stonnington | Local Government Victoria | Vicsport |
| Colac Otway Shire | Macedon Ranges Shire Council | Victorian Equal Opportunity and Human Rights Commission |
| Commission for Gender Equality in the Public Sector | Maroondah City Council | Victorian Local Governance Association |
| Cricket Victoria | Melton City Council | Wellington Shire Council |
| Department of Environment, Land, Water and Planning | Mildura Rural City Council | Wyndham City Council |
| Department of Health | Mooney Valley City Council | |
| Department of Families, Fairness and Housing | Moreland City Council | |
| | Mornington Peninsula Shire Council | |

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Welcome messages

A message from the Minister for Community Sport, The Hon Ros Spence MP



Sport is integral in shaping communities and individuals. The Victorian Government is committed to ensuring everyone has the same access and opportunities when it comes to sport and active recreation.

We are excited to launch the Fair Access Policy Roadmap, which will help deliver gender equitable access to, and use of, community sports infrastructure.

While the growth of women's and girls' participation in community sport has been tremendous, it has also highlighted the ongoing challenges many members of our community still face around access and use of facilities and infrastructure.

The Fair Access Policy Roadmap represents the next advance in the momentum that the Victorian Government has already created in levelling the playing field through Australia's first Office for Women in Sport and Recreation, the Change Our Game initiative, and its significant investment in female friendly facilities.

Whether it's undertaking Gender Impact Assessments, or creating locally relevant policies and measures, the Roadmap and associated templates will provide organisations with the education and support to ensure all Victorians can fully participate in and enjoy the benefits of community sport, with fair opportunities.

In partnership with Sport and Recreation Victoria and VicHealth, and informed directly by experts in local government and the sport and active recreation sector, the Roadmap is being delivered through the Office for Women in Sport and Recreation and aligns with Victoria's Gender Equality Act 2020.

I look forward to our continued collaboration as we level the playing field for women and girls in community sport by delivering gender equitable access to publicly owned community sports infrastructure across the state.

A message from the Commissioner for Gender Equality in the Public Sector, Dr Niki Vincent



Community sport has many benefits and, like other programs delivered using public funding, should aim to share these benefits equally. However, women and girls have historically been overlooked when it comes

to sporting activities and infrastructure. In Victoria, we're working to level the playing field.

Under the Gender Equality Act 2020, public sector organisations, local councils and universities are taking positive action towards gender equality. This new law requires these organisations to consider gender equality when developing or reviewing policies, programs and services that have a direct and significant public impact.

Community sport is a strong example of this, including how people of different genders access and use community sports infrastructure. I look forward to this project supporting local councils to take positive action to make community sport accessible and inclusive for more people.

A message from the Minister for Women, The Hon Natalie Hutchins MP



Sport is a core part of our lives in Victoria. We know that in addition to benefitting our physical health, it gives us a deep sense of belonging and improved self-confidence.

Victorian women and girls, deserve to have equal access to all that sport has to offer. We know without proactive consideration, decisions routinely prevent women and girls from participating fully in sporting communities across our state due to gender biases.

Whether it's drawing up fixtures that work for players of all genders, making sure women and girls are fairly represented in leadership and governance, or ensuring car parks and change rooms are safe and welcoming – the Fair Access Roadmap provides practical guidance on creating gender equitable access to Victoria's sporting infrastructure.

We're proud to be working at all levels of society and across government to progress gender equality for all women, in all their diversity of identity and experience, in every aspect of their lives.

The partnership of councils and the community sport sector has been vital to these efforts, and I thank you for your continued support.

I look forward to continuing to work together towards a fairer, safer future for every woman and girl.

A message from the Minister for Local Government, The Hon Melissa Horne MP



Sport has a unique ability to bring our community together and unite us all. Participating in sport is an integral part of our state and is essential to the health and wellbeing of Victorians and our communities. The Fair

Access strategy is designed to strengthen community sporting groups and enhance inclusion and equal access. It will help to ensure that all Victorians have the opportunity to participate in community sport activities and enjoy the many benefits that it brings.

By ensuring fairer access to infrastructure and community sporting facilities, the Victorian Government is implementing measures to enhance gender equity principles. The strategy ties together the work of Victoria's Gender Equality Act 2020 and the Local Government Act 2020, ensuring that organisations consider gender equality, diversity and inclusion in their programs and services.

The strategy also closely aligns with the outcomes of the Growing Suburbs Fund, as announced in the 2022-2023 Victorian Budget. This means that there will be more playgrounds, cricket nets and football pitches, and other sporting facilities, helping to strengthen and support our communities as they grow.

I would like to thank the local government sector for their support and engagement throughout the development of this strategy, including the Gender Equality Advisory Committee. It is through these insights and expertise that this strategy will be able to meaningfully contribute to reversing unequal outcomes in sporting facility access across our communities.



Imagine a world where everyone receives equal encouragement, opportunity, access, support and reward.

**Free of bias.
Free of stereotypes.
Free of limitations.
A world where everyone has the chance to realise their sporting dreams.**

It's time to Change Our Game.

Introduction

Sport and active recreation is a fundamental part of the lives of many Victorians, and of many Victorian communities.

Community sport and recreation infrastructure shapes our towns, suburbs and cities, with the energy and excitement of people and teams filling fields, courts, ovals, pitches and so much more all year round, come rain, hail or shine.

But when our entire community does not benefit from this infrastructure in an equitable manner, this important pillar of our health, our culture and our identities as Victorians and Australians is contributing to unequal outcomes in sport and active recreation, and a wider culture of gender inequality in our communities.

Victoria's Gender Equality Act 2020 (the Act) requires the Victorian public sector, local governments and universities to take positive action towards achieving workplace gender equality.

As Defined Entities under the Act, local governments and other public land management groups are also required to consider and promote gender equality, including undertaking gender impact assessments, on policies, programs and services that have a direct and significant public impact.

Policies, programs and services that relate to community sport and active recreation are an example of where this lens should be applied.

For some local governments and other public land management groups, this work is already well advanced and, in some cases, pre-dates the Act.

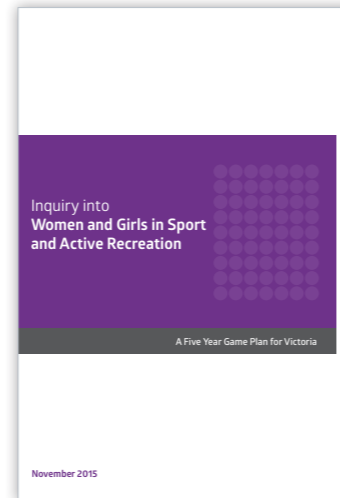
For others, this journey is just beginning – and that is where the Fair Access Policy Roadmap comes in.

The Fair Access Policy Roadmap will advance gender equitable access and use of community sports infrastructure stretching to every corner of Victoria.

With support from Australia's first Office for Women in Sport and Recreation and other key organisations, the Fair Access Policy Roadmap will provide local governments and other public land management groups with the education and support required to not only fulfil the requirements of the Act as it applies to community sport, but to also create locally relevant policies and measures to advance gender equitable access and use of community sporting facilities.

When brought to life in partnership with Victoria's leading sport and active recreation sector, the Fair Access Policy Roadmap will advance a level playing field that will result in greater health outcomes for all Victorians, a stronger sports sector, and fairer distribution of public asset use.

The Fair Access Policy Roadmap addresses Recommendation 6 from the Victorian Government's Inquiry into Women and Girls in Sport and Active Recreation. This Inquiry was instrumental in the formation of Australia's first Office for Women in Sport and Recreation and the Change Our Game initiative.



Inquiry into Women and Girls in Sport and Active Recreation (2015)

"Recommendation 6: Deliver female friendly built environments and equitable facility usage policies

To achieve the equitable provision of, and access to, high quality female friendly sport and active recreation facilities, which will support existing and new participation opportunities, state and local government, as well as the sector must work together ...

...Encourage facility owners and managers to review access and usage policies to ensure females have a fair share of access to the highest quality facilities at the 'best' and most popular times. Usage policies need to consider not just competition time, but training times, and the distribution between traditional competition and other participation opportunities, as well as different sports

...there are already a number of local government authorities (the primary owners of community sport and active recreation facilities) that are already active in developing policies, strategies, and audit tools to address access and use. Facilitating a universal adoption of these practices will drive change further."

Who is this resource for?

The Fair Access Policy Roadmap has been developed in partnership with local governments, the state sport and active recreation sector and other key stakeholders to improve gender equitable access and use of publicly owned community sports infrastructure across Victoria.

The Fair Access Policy Roadmap has primarily been written for:

- sport, recreation, and relevant facility management staff within local and state government
- local government staff responsible for obligations under the Gender Equality Act 2020
- community sport staff within sport and recreation bodies
- regional sport assemblies
- public land management groups overseeing publicly owned community sports infrastructure

Some local governments and other public land management groups are already well advanced when it comes to gender equality policies and practices in sport and active recreation. For others, this is the start of their journey – and it is this group that will benefit most from the Fair Access Policy Roadmap.

Critically, the Fair Access Policy Roadmap is not a 'one size fits all' approach. It is built on an appreciation that each local government, public land management group or sport and recreation organisation is best placed to understand its own opportunities and challenges to improve gender equitable access and use policies and practices.

What will be a critical challenge in one sport, may be irrelevant for the next.




What is the biggest opportunity in one local government area, may be inconsequential for the next.

And that's ok.



For any organisation seeking support to fulfil these requirements, the Fair Access Policy Roadmap outlines the key steps on this journey.

For those seeking support or, potentially, in need of the encouragement to act – the Fair Access Policy Roadmap sets out a three phase, three-year plan based on:

-  **Phase 1: Education**
-  **Phase 2: Readiness**
-  **Phase 3: Progress**

The Fair Access Policy Roadmap will provide local government, public land management groups and sporting organisations with the flexibility to use information, guidance and templates as needed, taking into account any existing policies, strategies and consideration of other local nuances.

For those organisations seeking more in-depth support on the journey ahead, three pieces of the puzzle that may assist with planning and implementation are now available:

- The **Fair Access Principles**: Six principles, developed in consultation with stakeholders, to help guide organisations seeking further support on how to approach developing a gender equitable access and use policy and action plan. These principles will form a consistent theme in the Education Phase of the Fair Access Policy Roadmap;
- The **Fair Access Policy Template**: A gender equitable access and use policy template can be used by any local government organisation or other public land management group; and
- The **Fair Access Action Plan Template**: A tool to assist any local government organisation or other public land management group to record specific, measurable and timely goals in line with each of the Fair Access Principles.



The Fair Access Targets

The following milestones and targets will apply as we collectively work towards creating a foundation of gender equitable access and use of community sports infrastructure across Victoria.

From
1 July
2024

Victorian Government funding criteria for community sport infrastructure to require gender equitable access and use policies (or equivalent) to be in place.

By
1 October
2024

All local governments in Victoria have gender equitable access and use policies (or equivalent) in place for community sports infrastructure.

By
1 July
2027

More women and girls report equitable access to community sports infrastructure and improved experiences participating in community sport.

The Fair Access Policy Roadmap

To achieve state-wide progress to dismantle the barriers around gender equitable access and use of community sports infrastructure, a change process is required.




Change takes time.

Change takes knowledge.

Change requires understanding.

Change benefits from accountability.

The Fair Access Policy Roadmap links the requirements of the Gender Equality Act 2020 with steps shaped by extensive consultation to support local governments, other public land management groups and sport and recreation bodies to work together to progress gender equitable access and use of community sports infrastructure across Victoria through both procedural and cultural levers for change.

	 Phase 1. Education August 2022 – 2023	 Phase 2. Readiness 2023 – 30 June 2024	 Phase 3. Progress 1 July 2024 onwards
Local governments and other public land management groups	<ul style="list-style-type: none"> Participate in education and community of practice initiatives Commence review of current sport and recreation strategies and policies in place Undertake Gender Impact Assessment (GIA) on community sports infrastructure access and use policies and/or processes 	<ul style="list-style-type: none"> As required by the Gender Equality Act 2020, submit first Progress Report by 31 October 2023 that includes any GIAs undertaken on community sports infrastructure access and use policies and/or processes If not already in place, develop and adopt a locally relevant gender equitable access and use policy and action plan 	<ul style="list-style-type: none"> Progress locally relevant gender equitable access and use policies and action plans Support a review of the Fair Access Policy Roadmap Accessing Victorian Government community sport infrastructure funding programs will require evidence of gender equitable access and use policies and action plans being in place and advancing from 1 July 2024 As required by the Gender Equality Act 2020, submit second Progress Report that includes GIAs undertaken
Sport and recreation organisations	<ul style="list-style-type: none"> Participate in education and community of practice initiatives Raise awareness of the Fair Access Policy Roadmap and its targets with clubs, leagues and associations 	<ul style="list-style-type: none"> Review processes and/or policies of clubs, associations and leagues that may impact gender equitable access and usage of community sports infrastructure in your sport Commence education of clubs, associations and leagues to advance gender equitable access and usage of community sports infrastructure 	<ul style="list-style-type: none"> Support a review of the Fair Access Policy Roadmap Clubs, leagues and associations seeking to access Victorian Government community sport infrastructure funding programs will be asked to demonstrate how it is supporting the gender equitable access and use policy of the relevant local government authority from 1 October 2024
Office for Women in Sport and Recreation	<ul style="list-style-type: none"> Provide education seminars, including how to undertake Gender Impact Assessments Facilitate community of practice initiatives 	<ul style="list-style-type: none"> Support the development and implementation of locally relevant gender equitable access and use policies and action plans Continue education seminars and community of practice initiatives Monitor and report on gender equitable access and use status across Victoria 	<ul style="list-style-type: none"> Embed into the eligibility criteria of Victorian Government community sports infrastructure funding programs the requirement of gender equitable access and use policies Lead the review of the Fair Access Policy Roadmap Lead the ongoing monitoring and reporting of gender equitable access and use outcomes across Victoria

The Fair Access Principles

In developing the Fair Access Policy Roadmap, two themes became clear:

- while some local governments are well advanced on their journey and implementing gender equitable access and use policies and programs, other organisations are at the start of their journey; and
- there are differences in the scale of resources, including people, that are available to bring gender equitable access and use policies and programs to life across different local government organisations, particularly when considering smaller rural and regional councils.

With this front of mind, six Fair Access Principles have been developed to guide local governments and other public land management groups seeking more in-depth support throughout this journey.

These six principles provide clear and defined lanes for any organisation to build a gender equitable access and use policy, that is supported by a Fair Access Policy Template and Fair Access Action Plan Template that are now available.

The principles reflect that there are both cultural and administrative elements that will drive the strongest, most sustained outcomes, as well as the opportunity to magnify and incentivise change by engaging community sporting clubs in your region directly with this process.

These principles are also relevant for sporting organisations seeking support to understand where opportunities and challenges may present themselves.

It is not compulsory for local governments and other public land management groups to adopt the six Fair Access Principles in order to comply with the Act, or to complete the Fair Access Policy Roadmap. Reasons for not adopting the Fair Access Principles may include that your organisation has existing adequate gender equitable access and use policies, or simply that your organisation has identified an alternative path that is a stronger fit for your community.

That's ok.

But for the local governments and other public land management groups who are seeking guidance, the following Fair Access Principles can be adopted to achieve gender equitable access and use of community sports infrastructure:

The infographic consists of six numbered boxes arranged in two columns. Each box contains a principle. The boxes are: 1. Teal, 2. Red, 3. Grey, 4. Orange, 5. Blue, 6. Green.

- Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive**
- Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator**
- Women and girls will have equitable access to and use of community sport infrastructure:**
 - a. of the highest quality available and most convenient
 - b. at the best and most popular competition and training times and locations
 - c. to support existing and new participation opportunities, and a variety of sports
- Women and girls should be equitably represented in leadership and governance roles**
- Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices**
- Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure**

Case studies: The Fair Access Principles in practice

Lacrosse Victoria implemented a flexible uniform policy, that recognises in circumstances where someone's religious or cultural beliefs, or gender identity conflicts with Lacrosse Victoria's standard dress code, that modifications will be accommodated where possible.

Lacrosse clubs are encouraged to offer flexibility in uniforms to encourage the participation of women, girls, trans and gender diverse people. Players are able to freely choose the most appropriate uniform in line with their affirmed gender and beliefs.

Lacrosse is one of a growing number of sports promoting flexible uniform policies, in line with [Victoria University's Change Our Game-backed research](#) that demonstrated the benefit of flexible sport uniform policies to help retain participants and increase the confidence of girls playing sport.

Principles: 1 2 3 4 5 6

Key Takeaway

Flexible policies and strategies that listen to what women and girls prefer will help break down barriers to participation

Barwon Soccer Club has even more room to grow thanks to the completion of an additional gender-neutral changeroom at their home ground at Grovedale Recreation Reserve.

The City of Greater Geelong was successful in their application for funding from the Victorian Government to invest in two new gender-neutral changerooms, including closed-off and lockable showers and toilets, new access pathways, and new storage areas. The previous facilities had struggled to meet the demand of its growing women and girls' program.

The safer and more inclusive infrastructure will significantly improve the training and playing experience for women and girls playing soccer not only for the Club, but for other players in the region too.

Principles: 1 2 3 4 5 6

Key Takeaway

Welcoming and inclusive environments include physical spaces – and funding opportunities are available

Frankston City Council is committed to gender equity. As part of this commitment, the Council's Recreation team works closely with community sporting clubs to educate and mentor clubs to become more gender inclusive.

This education has included the Council releasing a [Gender Inclusive Sporting Club: Self-Assessment Tool](#) as part of its Active Leisure Strategy 2021-2029, to support clubs to self-identify their current performance relative to a scoring system, and opportunities for improvement.

Principles: 1 2 3 4 5 6

Key Takeaway

Self-assessment tools and other templates are a great way to support driving change at scale

The Stawell Gift is Australia's oldest and richest professional footrace, having been held in all but four years since 1878 and is the centrepiece of a three-day Easter weekend annual carnival in regional Victoria.

In 1989, a Women's Gift race was introduced, but was delivered with less promotion, prizemoney and status as compared to the (men's) Stawell Gift.

In recent years, the Stawell Athletic Club has made significant progress towards gender equality, including equal prize money for both events and honouring past winners of the Women's Gift with commemorative plaques, like those provided to men, along Stawell's Main Street.

A further important step occurred in 2022 when, for the first time, the finalists in the Women's Gift had their names displayed on the historic Central Park scoreboard in the same manner as the men's finalists – something that had not occurred before, removing a further symbolic inequity by presenting the men and women athletes with equal prominence.

Principles: 1 2 3 4 5 6

Key Takeaway

Consider if your language and symbols may present opportunities to advance gender equality

Hockey Victoria's Gender Equity and Diversity Strategy was designed to create an inclusive and gender equitable hockey community, where all genders are treated with respect and have equal opportunities, decision making power and responsibilities. An important aim of the strategy is the implementation of gender balance in all areas of the sport, and good governance principles.

The strategy outlines not only a requirement for a minimum of 40% women's representation at the Hockey Victoria board and board sub-committee level, but for equal (50%) appointments in coaching and officiating. The profile of men and women as participants of the sport is also promoted equally. All social media content, videos, annual reports are carefully analysed to ensure equal representation.

This includes club governance structures requiring a minimum of two male and two female officer bearers, as well as coaching and umpiring gender measures.

This process has helped Hockey Victoria to collect baseline data on which clubs have 40% or more women directors, allowing the identification of clubs that may require more support to achieve the gender balance standard by 2025.

Hockey Victoria also implemented an equal scheduling policy for community clubs, where men's and women's teams are given equal share of preferred match starting times and training times.

Principles: 1 2 3 4 5 6

Key Takeaway

State sport and recreation bodies can drive rapid and substantial progress in gender equality in community sport

Fairpark Football Club set out to review its match scheduling, and test the assumption that women wanted to play ‘under lights’ at timeslots that followed on from men’s games.

The Club consulted with members to better understand the preferences of women and girls and found that the night scheduling would actually have a negative impact on the women’s game, and on volunteers. The late time slot turned many women off playing due to clashes with family and social commitments, and was generally seen as less appealing. The consultation resulted in women’s games moving to a Saturday morning timeslot – a time that better suited players, spectators, and officials.

This positive action has enabled women volunteering for the club to play without being forced to forego their other club volunteer roles. The change has increased spectator numbers and has now been recommended by the Club’s league as the preferred time for women’s matches.

Key Takeaway
Ask women and girls what works best for them – don’t assume

- Principles:** 1 2 3 4 5 6

Greater Shepparton City Council wanted to find a way to provide opportunities for women and girls to keep moving forward at every level in sport without financial barriers.

Following internal conversations and a review of what other organisations were offering, club support officers introduced a new category to its Our Sporting Future Funding Program, which provides funding between \$500 and \$10,000 for women and girls to take part in relevant leadership and development programs.

Successful candidates included three women who have undertaken accreditation training to further their skills as swimming coaches. The Council continues to follow news articles related to gender equity in sport and keeps an eye out for more ways they can help women and girls reach their potential, without worrying about the cost.

Key Takeaway
Adjusting existing programs may be a way to make significant inroads

- Principles:** 1 2 3 4 5 6

Representation on Boards In a world-first, Victorian state sport and recreation bodies have been required to have at least 40% women board directors to be eligible to receive certain funding from Sport and Recreation Victoria and VicHealth since 1 July 2019.

This level of representation is based on the leading ‘40/40/20’ model of representation, which means that a board or committee has at least 40% representation of men and women, with the remaining up to 20% flexible to accommodate both the management of resignations and appointments as well as the inclusion of gender diverse people.

The introduction of this quota, supported by education seminars over an extended period leading up to the effective date, resulted in significant change, with the number of organisations with at least 40% women directors more than doubling between 2017 and 2019, demonstrating that many highly qualified women are interested in sport leadership roles when historic cultural and procedural barriers are overcome.

Key Takeaway
Linking targets to funding is an effective way to drive change for women’s representation in leadership – with the 40/40/20 model a leading example

- Principles:** 1 2 3 4 5 6

Brimbank City Council’s Sports Club User Guide outlines lease and license discount assistance for junior and female participation to incentivise greater focus on increasing participation of women and girls in community sport.

The Council currently offers the following discount opportunities for community clubs:

- Clubs with a junior team or female team in the previous season receive a 10% lease and/or license discount
- Clubs with one junior and one female team in the previous season receive a 20% lease and/or license discount
- Clubs with two or more junior teams and two or more female teams in the previous season receive a 30% lease and/or license discount.

Key Takeaway
Incentives can be an appealing way to inspire action

- Principles:** 1 2 3 4 5 6

In 2021, **Bass Coast Shire** became the first council in Victoria to require professional sporting bodies holding events in Council owned or managed land and facilities to award equal prize money to men and women.

The first event under this new requirement was the AMX Motocross Open held in Wonthaggi in 2021, with its \$20,000 prize money – one of the largest purses in motocross in Australia – split equally between the winners of the men’s and women’s competitions.

It was the first time that equal prize money had been awarded in motocross in Australia – and believed to be a first globally as well.

Key Takeaway
Local governments have many levers to influence and accelerate change towards gender equality in sport – including in pay equality

- Principles:** 1 2 3 4 5 6

Moreland City Council’s Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy was amended in 2009 to state that:

“Council facilities will only be given to clubs with junior sides and that have girls or women participating in either competitive and/or non-competitive physical activities.”

The policy was amended further in 2016 to require clubs to register at least one full female team/side in a registered competition, with this requirement to be met no later than three seasons from that point.

Key Takeaway
Access to public owned community sports facilities should benefit the whole community

- Principles:** 1 2 3 4 5 6



Frequently asked questions

What's going on?

The Victorian Government is taking steps to ensure a future where there is a level playing field for women and girls in sport and active recreation, so they can fully participate in and enjoy the benefits of community sport right through to senior leadership roles.

Home of Australia's first Office for Women in Sport and Recreation, the Fair Access Policy Roadmap will support a foundation of gender equitable access and use policies and action plans for publicly owned community sports infrastructure.

The Fair Access Policy Roadmap will be relevant to local governments in Victoria, as well as other public land management groups, including, Alpine Resort Boards and Committees of Management.

The Fair Access Policy Roadmap is also relevant for sport and recreation organisations in Victoria.

What is the connection between the Gender Equality Act 2020 and the Fair Access Policy Roadmap?

The Gender Equality Act 2020 requires the Victorian public sector, local councils, and universities to take positive action towards achieving workplace gender equality. It also requires these organisations to consider and promote gender equality in their policies, programs, and services, and to conduct Gender Impact Assessments on policies, programs and services that have a direct and significant impact on the public.

Policies, programs and services that relate to community sport and recreation are considered to have a direct and significant impact on the public. As such, local governments are required under the Act to complete Gender Impact Assessments and to consider and promote gender equality in these community sport policies, programs and services.

This is where the Fair Access Policy Roadmap comes in.

For any organisation seeking support to fulfil these requirements, the Fair Access Policy Roadmap outlines the key steps on this journey and the guidance that will be provided by the Office for Women in Sport and Recreation.

Why do we need to undertake gender impact assessments?

A requirement of the Act is to undertake gender impact assessments on all policies, programs, and services, including those up for review which directly and significantly impact the public.

Policies, programs and services that relate to the access and usage of community sports infrastructure is an example of this. This means local councils are required, under the Act, to complete Gender Impact Assessments on any policies currently in place.

Why do we need a gender equitable access and use policy?

Equality is not negotiable in Victoria. Sport and active recreation provide fundamental opportunities for enriching our communities, and these opportunities must be available on an equal basis to all members of our community.

Unfortunately, at the moment that is not always the case. And that needs to change.

Gender equitable access and use policies and processes will be a key driver for procedural and cultural change to ensure the full benefits of sport and recreation are available to all. In fact, removing key barriers to the participation of women and girls in sport and active recreation is arguably the single biggest growth opportunity for this sector.

In addition, with sport and active recreation being one of our most visible sectors, advancing gender equality here is a key lever to driving gender equality more broadly in our society.

What if my organisation already has a gender equity policy?

That's fantastic news!

Many local councils have organisational gender equity or equality policies. These often relate to internal processes and practices. If your current gender equity policy does not directly or indirectly factor in gender equitable access and use of community sports infrastructure, it sounds like the Fair Access Policy Roadmap may support you to fulfil your requirements under the Gender Equality Act 2020.

The Fair Access Policy Roadmap aims to build capacity and capability in local government and other public land management groups regarding the identification and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sports infrastructure.

If your current policy does consider community sports infrastructure, we encourage you to simply review the Fair Access Policy to consider any opportunities to strengthen your current approach. Participation in the education seminars as part of the Fair Access Policy Roadmap may also support you to complete gender impact assessments on your community sport policies, programs and services, which will be required under the Act.

Does my organisation need to have a standalone gender equitable access and use policy?

Not necessarily.

In consultation with local governments, it became clear that there is no 'one size fits all' approach to how councils structure their policies and strategies. For your organisation, it may make more sense for your approach to advancing gender equitable access and use of publicly owned community sports infrastructure in your region to live within other policies or strategy, such as your Sport and Recreation Strategy or your Council's Public Health and Wellbeing Plans.

And that's ok.

How long is the Fair Access Policy Roadmap?

Commencing in August 2022, the Fair Access Policy Roadmap is a three-year phased approach to support 100% of local governments in Victoria to have gender equitable access and use policies (or equivalent) in place for community sports infrastructure by October 2024.

Importantly, from 1 July 2024, the eligibility criteria of Victorian Government programs supporting the funding of community sports infrastructure will require gender equitable access and use policies to be in place.

Will support be available?

Yes.

The Fair Access Policy Roadmap has been developed in consultation with many local government, sport and recreation and other stakeholders. Throughout the consultation, there has been a clear theme that organisations early in their journey as well as those with fewer resources will need greater support.

The Office for Women in Sport and Recreation will lead the education and other support that will be provided throughout the Fair Access Policy Roadmap, in partnership with Sport and Recreation Victoria, VicHealth and other select organisations.

In addition, three key resources are now available:

- **The Fair Access Principles:** Six principles, developed in consultation with local government and the sport and active recreation sector, on which any organisation seeking additional guidance can form a foundation of a gender equitable access and use policy and action plan. These principles will form a consistent theme in the education phase of the Fair Access Policy Roadmap;
- **The Fair Access Policy Template:** A gender equitable access and use policy template able to be used by any local government organisation; and
- **The Fair Access Action Plan Template:** A tool to assist any local government and to identify and articulate specific, measurable and timely goals, in line with each of the principles.

Who can I contact for more information?

The Office for Women in Sport and Recreation is here to support you and your organisation to progress gender equitable access and use of community sports infrastructure in your area. For more information, please contact FairAccess@sport.vic.gov.au



Key terms

Committees of Management for the purpose of this document, refers to committees appointed by the Department of Land, Water, Environment and Planning under the Crown Land (Reserves) Act 1978 to manage recreation reserves where community sport training and games are held.

Community Sports Infrastructure refers to publicly owned local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.

Gender refers to how you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.

Gender Equality focuses on the equal rights, responsibilities and opportunities of women, men, trans and gender diverse people. Equality does not mean that everyone will become the same, but that their rights, responsibilities, and opportunities will not depend on their gender.

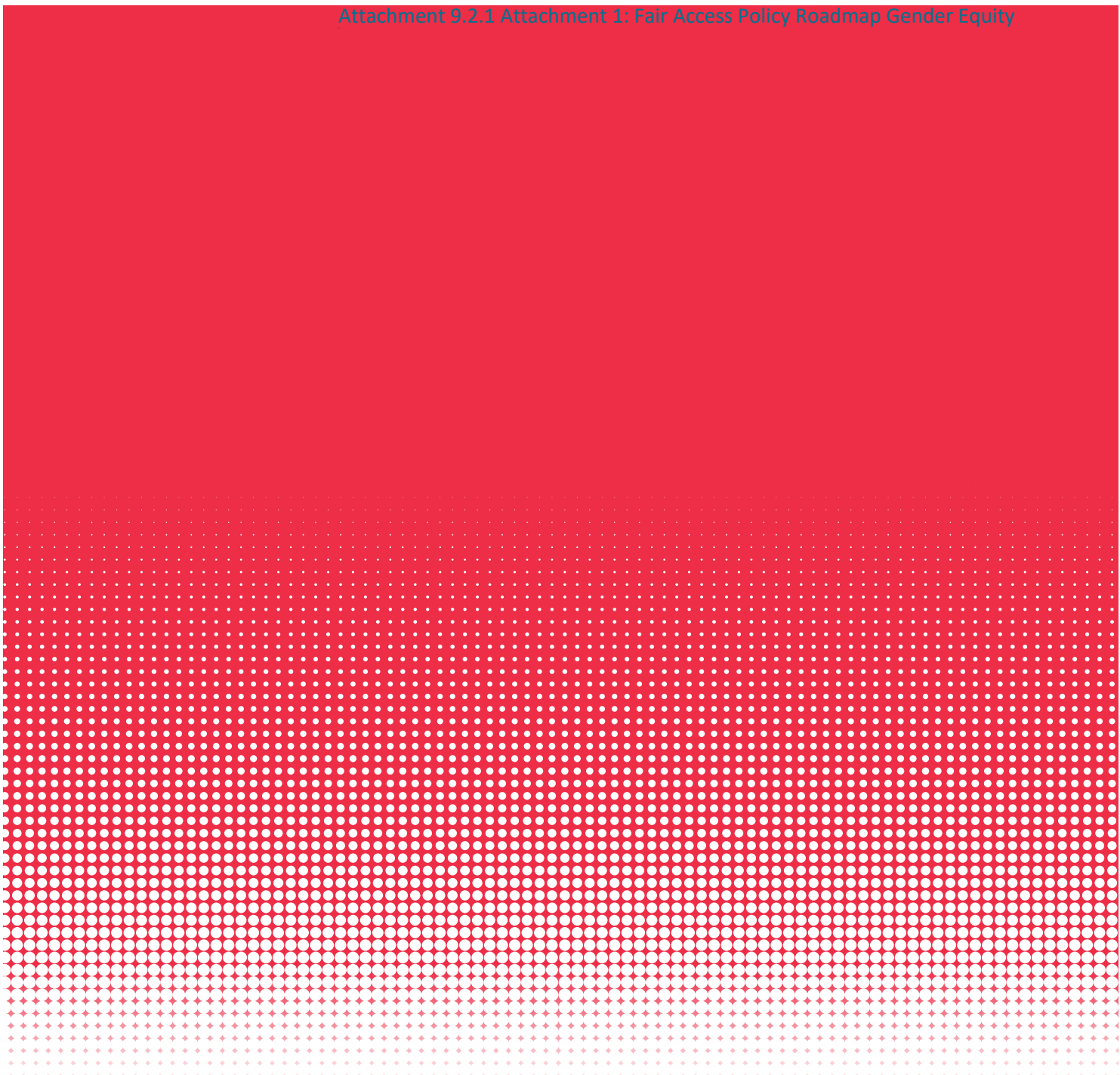
Gender Equity is the provision of fairness and justice in the distribution of benefits and responsibilities on the basis of gender. The concept recognises that people may have different needs and power related to their gender and that these differences should be identified and addressed in a manner that rectifies gender related imbalances.

Gender Impact Assessment, or GIA, is a requirement under the Gender Equality Act 2020 to be carried out on policies, programs and services which have a direct and significant impact on the public. The assessment must evaluate the effects that a policy, program or service may have on people of different genders.

Public land management groups for the purpose of this document, are the Committees of Management appointed under the Crown Land (Reserves) Act 1978 and responsible for the management of recreation reserves where community sport training and games are held.

Helpful links

- [About the Office for Women in Sport and Recreation, the *Change Our Game* initiative and the *Inquiry into Women and Girls in Sport and Active Recreation* \(2015\)](#)
- [About the Gender Equality Act 2020](#)
- [Fair Play Code](#)
- [Guidelines for Preventing Violence Against Women, including a Gender Audit Tool Template \(p. 61\) \(Sport and Recreation Victoria\)](#)
- [Quick Wins for Sporting Clubs Template \(VicHealth\)](#)
- [13 Steps to Tackle Gender Resistance \(VicHealth\)](#)
- [Effects of Sport Uniform Policy Changes to Girls and Women \(Victoria University\)](#)
- [Key terms and Definitions from Pride in our Future - Victoria's LGBTIQ+ 2022-32 Strategy](#)





Council Policy DRAFT

[POLICY NUMBER] FAIR ACCESS POLICY DRAFT

PURPOSE

The purpose of this Colac Otway Shire Council (Council) policy is to respond to the Victorian Government's Fair Access Policy Roadmap, which seeks to address inequality and known barriers experienced by women and girls in accessing and using community sports infrastructure. This policy aims to take a positive approach and progressively build capacity and capabilities of Council in the identification, and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sports infrastructure. This is with a view that by 1 July 2027, more women and girls report gender equitable access to community sports infrastructure, and improved experiences when participating in local sport.

Built into this policy is a commitment that Council will undertake the necessary and proportionate steps towards implementation of the State Government's Fair Access Policy.

BACKGROUND

Sport is a visible and valued feature of the Colac Otway Shire Council's culture and identity and plays an important role in supporting social, physical and mental wellbeing of community. As an owner and manager of community sports infrastructure, Council is well positioned to design and implement place-based, integrated action plans that progress gender equality in community sport.

Via the Fair Access Policy Roadmap, the Victorian Government has committed to developing an environment for all Victorians to live in a safe and equal society, have access to equal resources and opportunities, and be treated with dignity, respect, and fairness. A reform agenda has been developed to change the systems that have perpetuated gender inequality by designing an enduring structure that requires implementation and tracking of progress over time.

This reform agenda includes addressing the traditional structures and way community sport and recreation organisations operate through the implementation all nine (9) recommendations from the *2015 Inquiry into Women and Girls in Sport and Active Recreation*. This includes recommendation six (6):

"...encourage facility owners and managers to review access and usage policies to ensure women and girls have a fair share of access to the highest quality facilities at the best and most popular times"

and

"facilitating a universal adoption of policies, strategies and audit tools that will drive change further"

As a defined entity of the *Gender Equality Act 2020*, from 31 March 2021 Council has been required to conduct Gender Impact Assessments (GIA) on all new policies, programs, communications, and services across the organisation, including those up for review, which directly and significantly impact the public. The access and use of community sports infrastructure is an example of policy that has a direct and significant impact on the public.

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This policy enables effective and efficient integration of the requirements of the *Gender Equality Act 2020*, the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008* and other legislative frameworks.

The scope of this policy is to support Council to take positive action towards achieving gender equity in the access and usage of community sports infrastructure. This complies with the *Gender Equality Act 2020* and aligns with Council’s combined Council Plan and Municipal Public Health and Wellbeing Plans 2021-2025.

This policy aims to build capacity and capabilities of Council in the identification and elimination of systemic causes of gender inequality in our policies, programs, communications and delivery of services relating to community sport and recreation. It ensures an effective place-based response for gender equitable use and access to local community sports infrastructure.

For the Colac Otway Shire Council, this policy applies to the community sports infrastructure that is *owned or directly managed* by Council. Infrastructure that is not owned or directly managed by Council is outside the scope of this policy, however Council is committed to working with the owners and managers of those facilities (many of which are owned by the State Government via the Department of Energy, Environment and Climate Action or DEECA/Great Ocean Road Coast and Parks Authority or GORCAPA) to support compliance with the Fair Access Policy Roadmap and a consistent approach between each authority.

Where facilities are identified below, the scope of this policy extends to on-field/court as well as off-field facilities.

Facilities where there is no active club or where facilities are provided for community use only, are outside the scope of this policy.

Table 1: Council owned or managed sport and recreation facilities

COUNCIL OWNED OR MANAGED FACILITY	LOCATION
Alvie Recreation Reserve	1140 Corangamite Lake Road, Alvie
Barongarook Tennis Courts	280 Barongarook Road, Barongarook
Barwon Downs Tennis Courts	1595 Birregurra-Forrest Road, Barwon Downs
Beeac Tennis Courts	15 Buchanan Street, Beeac
Beech Forest Recreation Reserve	1535 Old Beech Forest Road, Beech Forest
** Birregurra Golf Club	1 Hopkins Street, Birregurra
Bluewater Leisure Centre	118-134 Hearn Street, Colac
Carlisle River Recreation Reserve	45 Gellibrand River Road, Carlisle River
Central Reserve	32-40 Gravesend Street, Colac
Colac Central Bowls Club	115-129 Wilson Street, Colac

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COUNCIL OWNED OR MANAGED FACILITY	LOCATION
Colac Lawn Tennis Club and Colac Mallet Sports Club	48a Church Street, Colac
** Colac Yacht Club	41-45 Moore Street, Colac
Cororooke Tennis Courts	558 Corangamite Lake Road, Cororooke
Eastern Reserve	45 Wilson Street, Colac
Elliminyt Recreation Reserve	235 Main Street & 3 Howarth Street, Elliminyt
Forrest Tennis Courts	1-13 Station Street, Forrest
Irrewillipe Recreation Reserve	2470 Timboon-Colac Road, Irrewillipe
** Lake Bowling Club	35-45 Moore Street, Colac
** Lake Colac Rowing Club	1 Fyans Street, Colac
Lake Oval (Colac Cricket Ground)	1-13 Calvert Street, Colac
Pennyroyal Tennis Courts	285 Pennyroyal Station Road, Pennyroyal
Pirron Yallock Recreation Reserve	370 Swan Marsh Road, Swan Marsh
Swan Marsh Tennis Courts	597 Swan Marsh Road, Swan Marsh
Warncoort Tennis Courts	5 Trasks Road, Warncoort
Warrowie Recreation Reserve * netball courts only (owned by Council, managed by DEECA appointed reserve Committee)	25 McKays Road, Irrewarra (netball courts) 35 McKays Road, Irrewarra (recreation reserve oval and clubrooms/change rooms)
Western Reserve	91a Sinclair Street, Colac

**Denotes: Crown Land where Council manages the lease

RESPONSIBILITY

Council's General Manager Community and Economy and Manager Connected Communities are responsible for ensuring the successful implementation of Council's Fair Access Policy. As outlined in Table 2 below, other Council personnel, staff, volunteers, and stakeholders, for example State Sporting Associations and Regional Sporting Assemblies, have a shared responsibility to support the policy.

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Table 2

ROLE	RESPONSIBILITY
Councillors	<ul style="list-style-type: none"> To promote a gender-aware and gender-responsive culture and community and champion the Fair Access Policy. To promote, encourage and facilitate the achievement of gender equality and improvement in the status of women and girls in sport and active recreation. To adopt a Fair Access Policy to govern Council’s response to the Roadmap before 1 July 2024.
Local Government leadership (CEO, General Managers), Council staff	<ul style="list-style-type: none"> To promote a gender-aware and gender-responsive culture and community and champion the Fair Access Policy. To promote, encourage and facilitate the achievement of gender equality and improvement in the status of women and girls in sport and active recreation. To support the adoption a Fair Access Policy to govern Council’s response to the Roadmap before 1 July 2024 and its subsequent implementation.
Local Government sports and recreation staff	<ul style="list-style-type: none"> Lead the review of sport and recreation policies and process. Develop and adopt gender equitable access and use policies. Support delivery of actions/an action plan relating to the policy To communicate policy updates to staff, local clubs and infrastructure user groups, and community members. To monitor and report on compliance and issues. Work with local clubs and infrastructure user groups to support their compliance with the policy. Gather information or data to support the undertaking of Gender Impact Assessment and submission of progress reports as per the <i>Gender Equality Act 2020</i> obligations. Support the periodic review of this policy. Participate in training relevant to gender equity and gender equitable access and use of sporting facilities.
Community Asset Committees, local club executives, club members and sporting participants	<ul style="list-style-type: none"> To promote, encourage and facilitate progress towards gender equality and improvement in the status of women and girls. Upon request, provide Council with information or data to support the undertaking of Gender Impact Assessments and submission of progress reports as per the <i>Gender Equality Act 2020</i> obligations.
State Sporting Associations and Regional Sporting Assemblies	<ul style="list-style-type: none"> To promote a gender-aware and gender-responsive culture and community and championing the Fair Access Policy. Promote and lead new approaches to fixture preparation to ensure fair and equitable access to community sporting infrastructure and compliance with Council’s policy as it pertains to Council-owned-and-managed facilities in the Colac Otway Shire is achieved. Raise awareness of the Fair Access Policy Roadmap and its targets with clubs, leagues and associations. Commence education of clubs, associations and leagues to advance gender equitable access and usage of community sports infrastructure.

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ROLE	RESPONSIBILITY
Other owners/managers of community sports infrastructure in the shire (e.g. DEECA, Great Ocean Road Coast and Parks Authority, other Committees of Management)	<ul style="list-style-type: none"> • Be aware of the Fair Access Policy Roadmap and its applicability to non-Local Government owners and managers of community sports infrastructure. • Comply with the Roadmap to the extent that the legislation applies to said Authority. • Work in partnership with Council to promote a gender-aware and gender-responsive culture and community and championing the Fair Access Policy.

DEFINITIONS

Committees of Management

For the purposes of this document, refers to committees appointed by the Department of Energy, Environment and Climate Action under the *Crown Land (Reserves) Act 1978* to manage recreation reserves where community sport training and games are held.

Community Sports Infrastructure

For the purposes of this document, Council owned-or-managed local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.

Gender

How you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.

Gender diverse

An umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.

Gender equality (1)

The equal rights, responsibilities and opportunities of women, men and trans and gender-diverse people. Equality does not mean that women, men and trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.

Gender equity (2)

The provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.

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Gender Impact Assessment, or GIA

A requirement under the *Gender Equality Act 2020* to be carried out on policies, programs and services which have a direct and significant impact on the public. The assessment must evaluate the effects that a policy, program or service may have on people of different genders.

Public land management groups

For the purposes of this document, are the Committees of Management appointed under the *Crown Land (Reserves) Act 1978* and responsible for the management of recreation reserves where community sport training and games are held.

Transgender, or trans

Someone whose gender does not only align with the one assigned at birth. Not all trans people will use this term to describe themselves.

REFERENCES

Crown Land (Reserves) Act 1978

Gender Equality Act 2020

Local Government Act 2020 (Vic)

Equal Opportunity Act 2010 (Vic)

STATEMENT OF POLICY

This policy establishes the expectation that gender equality will be considered and prioritised in all of Council’s future planning, policy, service delivery and practice as this relates to community sports infrastructure provision. As part of this commitment, a schedule will be established for the review and update of relevant existing sports and recreation policies, processes and programs with reference to the Fair Access Policy. In adopting this policy:

- a. Council recognises that gender equality is the attainment of equal rights, responsibilities, and opportunities of women, men, trans and gender diverse people. Equality does not mean that women, men, trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.
- b. Council recognises that gender equity is the provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.

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POLICY FRAMEWORK

The policy is designed to comply with the *Gender Equality Act 2020*, and the wider Victorian Government gender equality strategy.

Council acknowledges:

- a. the disadvantaged position some individuals have had in the sport and recreation sector because of their gender; and
- b. that achieving gender equality will require diverse approaches for women, men, trans and gender diverse people to achieve similar outcomes for people of all genders.

Council will:

1. engage fairly and equitably with all staff, governance working groups, state sporting organisations, regional sport assemblies (where applicable) and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner; and
2. engage in the process of Gender Impact Assessments (or GIAs) to assess the implications for women, men, trans and gender diverse people of planned action, including policies and communications. This is a strategy for making all voices, concerns and experiences, an integral dimension of the design, implementation, monitoring of policies and programs.

FAIR ACCESS PRINCIPLES

The Fair Access Principles have been developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector. This policy and any resultant action plan will be based on six (6) principles of inclusivity, full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

Council considers that these principles provide clear direction, while also enabling adaption to the specific environment of the Colac Otway Shire area. Council has a separate action plan to guide its progress towards gender equitable access and use of local sporting facilities, which has links to the principles as outlined below.

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#	Principle
1	Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive.
2	Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator.
3	Women and girls will have equitable access to and use of community sport infrastructure: <ol style="list-style-type: none"> of the highest quality available and most convenient at the best and most popular competition and training times and locations to support existing and new participation opportunities, and a variety of sports
4	Women and girls should be equitably represented in leadership and governance roles.
5	Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices.
6	Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

RELATED DOCUMENTS

- Colac Otway Shire Council Statement of Commitment to Gender Equality
- Colac Otway Shire Council Gender Equality Action Plan (GEAP)
- Colac Otway Shire Council Plan and Municipal Health and Wellbeing Plan 2021-25
- Colac Otway Shire Council Asset Management Policy
- Colac Otway Shire Council Asset Management Plan 2022-23 to 2031-32

DOCUMENT CONTROL

Policy owner	Manager Connected Communities	Division	Community and Economy
Adopted by executive		Policy Number	
File Number	D23/1080261	Review date	

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Item: 9.3

Community Awards Event Review

OFFICER	Fiona Maw
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

1. PURPOSE

To consider the location and format of future Colac Otway Shire Community Awards events.

2. EXECUTIVE SUMMARY

The Colac Otway Shire Community Awards celebrate the achievements and contributions made by outstanding members and groups in the community. The Community Awards Program provides residents with the opportunity to nominate individuals and groups (where relevant) that have made significant and outstanding contributions to the Colac Otway Shire.

The Community Awards presentation has been held as part of the Colac Kana event in 2022 and 2023. Prior to this, the Community Awards were held as part of an Australia Day event that has since ceased. This report presents an opportunity to consider the location and format of the Community Awards event for 2024 and beyond.

3. RECOMMENDATION

That Council:

- 1. Notes that the 2022 and 2023 Colac Otway Shire Community Awards were held as part of the Colac Kana Festival, and thanks the Colac Kana Festival event organisers for their support in hosting the Community Awards.***
- 2. Holds the Colac Otway Shire Community Awards in 2024 and beyond during the annual National Volunteer Week at the Colac Otway Performing Arts and Cultural Centre, until such time an alternative is identified and agreed to by resolution of Council.***

4. KEY INFORMATION

The Colac Otway Shire Community Awards celebrate the achievements and contributions made by outstanding members and groups in the community. The Community Awards Program is a long-standing initiative which provides residents with the opportunity to nominate individuals and groups (where relevant) that have made significant and outstanding contributions to the Colac Otway Shire.

Following a review of the Community Awards in 2022, in July 2022 Council resolved:

That Council:

- 1. Holds the Colac Otway Shire community Awards at the Colac Kana Festival in 2023 and beyond, until such time an alternative option is identified and agreed to by resolution of Council.***
- 2. Maintains the current Community Award categories for 2023 and beyond, being:***
 - a. Citizen of the Year.***
 - b. Young Citizen of the Year.***
 - c. Community Service of the Year (individual, Group or Multiple Award).***

The 2022 and 2023 Community Awards were held during the Colac Kana Festival. Following the 2023 Community Awards, it was determined to review the location and format for future Community Awards ceremonies.

In assessing options for the presentation of the Community Awards, officers have considered the following overarching principles:

Event primacy

Preference for including the ceremony as part of another community event or a stand-alone Council branded event.

Event Management

Whether an event managed and delivered by Council is preferred that allows full control over its design and delivery or alternatively combining with an existing event where officers work with event organisers to have Council event requirements considered.

Event timing

Determine if there is a preferred date and/or time to hold the Community Awards. Event timing may be considered in relation to alignment with relevant National Days/Weeks or the preferred submissions period e.g., after the completion of the school year/winter sports season.

Event suitability/accessibility

Whether the event/location/design etc. is suitable, aligns with the nature of the event, Council's values, is accessible and enables maximum attendance.

Event inclusions

Whether there are any additional elements Council would like to have included as part of the Community Awards presentation event, for example performances, catering, other activities etc.

Event cost

Whether a budget allocation is required for the preferred event option.

Attendee attraction

Consider an event's ability to attract attendees to support the Community Awards presentation event.

Community Awards Options

Officers have considered a variety of options in relation to the presentation of Council's Community Awards which include the following:

1. Continue to host the Community Awards as part of the Colac Kana Festival.
2. Host a standalone Community Awards event at COPACC that aligns with the annual National Volunteer Week.
3. Host a standalone Community Awards event in a small town in the Shire (other than Colac).
4. Host the Community Awards as part of another community event.
5. Host the Community Awards in a Council public space as a standalone event.

When considering the overarching principles, it is recommended that Council hosts a standalone Community Awards presentation event at COPACC during the annual National Volunteer Week. The Community Awards recognise volunteers within the community and therefore has a strong alignment to National Volunteer Week. Hosting the Community Awards during this week could also play a role in promoting the importance and value of our volunteers across the shire.

The recommended approach would provide the following benefits:

- Celebrate our Community Award recipients along with fellow volunteers.
- Enables the invitation of volunteers from various community organisations to attend the event in order to celebrate volunteers more broadly across the shire.
- Leverage awards promotion through alignment with the annual National Volunteer Week social media campaign and use of the associated toolkit, merchandise, event listing on the National Volunteer Week events website.
- Stimulate future nominations as attendees consider fellow volunteers for the awards.
- Enable Council to design, manage and schedule the event according to its preferences.
- Utilises an all-weather venue designed to support events of this nature.
- Caters for a post award catch up.

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 the relevant law.
- Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- Innovation and continuous improvement is to be pursued.

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

Not applicable to this report.

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

Not applicable to this report.

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

Council officers will engage with the Colac Kana Festival Committee to advise of the outcome of Council's decision regarding the Community Awards.

Public Transparency (s58 LGA 2020)

Considering this matter in a public Council meeting ensures that any decisions by Council is readily accessible by the community.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

Objective 1: All people have the opportunity to achieve and thrive in our shire

Financial Management (s101 Local Government Act 2020)

Should Council support the officer's recommendation, there will be some costs associated with delivering the event that would be met through Council's operational budget.

Service Performance (s106 Local Government Act 2020)

Not applicable to this report.

Risk Assessment

Not applicable to this report.

Communication/Implementation

Should the recommendation be supported, officers will communicate the decision with the Colac Kana Festival Committee.

Depending on the decision by Council, advertising for the 2024 Community Awards will need to commence to provide sufficient time for the promotion, receipt, and assessment of nominations, as well as planning for the event.

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 – Host a standalone Community Awards event at COPACC during the annual National Volunteer Week.

This option is recommended by officers as it provides an opportunity to:

- Celebrate our Community Award recipients along with fellow volunteers.
- Enables the invitation of volunteers from various community organisations to attend the event in order to celebrate volunteers more broadly across the shire.
- Leverage awards promotion through alignment with the annual National Volunteer Week social media campaign and use of the associated toolkit, merchandise, event listing on the National Volunteer Week events website.

- Stimulate future nominations as attendees consider fellow volunteers for the awards.
- Enable Council to design, manage and schedule the event according to our preferences.
- Utilises an all-weather venue designed to support events of this nature.
- Caters for a post award catch up.

Option 2 – Continue to host the Community Awards as part of the annual Kana Festival.

This option is not recommended by officers for the following reasons:

- Council is not the primary event organiser and cannot fully control the event.
- Community Awards are secondary to the primary event.
- Date/time of primary event is pre-determined.
- Advised that Community Awards can only be facilitated in the morning, as opposed to the afternoon when the main acts are scheduled and there is increased public attendance.
- Ability to schedule acts in the morning around the Community Awards has been challenging for event organisers. Capacity to attract broader community attendance has been limited.
- Subject to inclement weather.
- Challenging to encourage recipients to stay and meet with Councillors/officers.

Option 3 – Conduct a Community Awards event in another way.

There are other options available to Council to conduct an event in another town within the shire, at a different time of the year, or through a different type of event/activity. These are not recommended as hosting an event at COPACC during National Volunteers Week would be in a central location which provides a great opportunity to recognise all volunteers across the shire, and attract a meaningful attendance to celebrate Community Award recipients.

Item: 9.4

2023-24 Local Sports Infrastructure Fund

OFFICER	Nicole Frampton
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Community and Economy
ATTACHMENTS	Nil

1. PURPOSE

To consider potential applications to the Victorian Government's 2023-24 Local Sports Infrastructure Fund (LSIF). It is proposed that three applications are made, being:

- Football (Soccer) Facilities Feasibility Study (Planning stream – municipal planning category).
- Cricket nets upgrade at the Apollo Bay Recreation Reserve (Community Facilities stream).
- A lighting upgrade at Lake Oval Colac (Community Sports lighting stream).

2. EXECUTIVE SUMMARY

The 2023-24 Local Sports Infrastructure Fund (LSIF) is a long-running annual competitive funding program through Sport and Recreation Victoria which is focussed on the development of high-quality, accessible, and well-designed infrastructure to conduct sport and active recreation activities. Only Local Government Authorities (LGA's)/Alpine Resorts Victoria (ARV) can apply to access funding under this program.

Officers have reviewed current pipeline projects against program guidelines and recommend that three applications are submitted, subject to Council's agreement and ability to make available the required amount of matching funding where requested. The proposed projects are:

- Football (Soccer) Facilities Feasibility Study – requiring a minimum \$20,000 contribution from Council.
- Cricket nets upgrade at the Apollo Bay Recreation Reserve – requiring a minimum \$68,594 local contribution that is to be provided by the Apollo Bay Cricket Club.
- A lighting upgrade at Lake Oval Colac – requiring a minimum \$230,000 contribution from Council.

Applications for this round of funding close on Wednesday 13 December 2023, with outcomes announced from April 2024. Officers have already scoped the projects in anticipation of this funding round so that they can be lodged in a timely fashion if Council approves the projects and commits to providing the matching funding where requested. Discussions with regional Sport and Recreation Victoria (SRV) representatives have also occurred flagging the possible applications to be submitted.

3. RECOMMENDATION

That Council:

1. **Endorses the following projects to be submitted to the 2023-24 Local Sports Infrastructure Fund:**
 - a. **Football (Soccer) Facilities Feasibility Study, to be submitted under the Local Sports Infrastructure Fund Planning Stream, seeking a Victorian Government grant of \$40,000 with a Council contribution of up to \$20,000.**
 - b. **Apollo Bay Recreation Reserve Cricket Nets Upgrade, to be submitted under the Local Sports Infrastructure Fund Community Facilities Stream, seeking a Victorian Government grant of \$205,781 with a minimum local contribution of \$68,594 to be provided by the Apollo Bay Cricket Club.**
 - c. **Lake Oval Lighting Upgrade, to be submitted under the Local Sports Infrastructure Fund Community Sports Lighting Stream, seeking a Victorian Government grant of \$250,000 with a Council contribution of up to \$230,000.**
2. **Notes that it will be required to underwrite the projects as per standard funding agreement obligations, for the Football (Soccer) Facilities Feasibility Study and Lake Oval Lighting Upgrade projects.**
3. **Notes that the Great Ocean Road Coast and Parks Authority, which is responsible for the management of the Apollo Bay Recreation Reserve, has agreed to underwrite costs for the Apollo Bay Recreation Reserve Cricket Nets Upgrade project.**
4. **Notes that an application to the 2023-24 Local Sports Infrastructure Fund for the Apollo Bay Recreation Reserve Cricket Nets Upgrade will be subject to written confirmation from the Apollo Bay Cricket Club confirming its financial contribution.**
5. **Notes that further community consultation for the proposed Lake Oval Lighting Upgrade project is currently being undertaken to meet the requirements of the Local Sports Infrastructure Fund program guidelines, and that Councillors will be advised of community feedback.**
6. **Authorises the Chief Executive Officer to submit applications for the endorsed projects to the 2023-24 Local Sports Infrastructure Fund, subject to having considered community feedback to the proposed Lake Oval Lighting Upgrade project.**
7. **Subject to the application(s) being successful, allocates funds to meet its contributions for the Football (Soccer) Facilities Feasibility Study and Lake Oval Lighting Upgrade projects from the Recreational Lands Reserve and unallocated discretionary, to be confirmed at a future Council Meeting through a Project Budget Transfer report.**

4. KEY INFORMATION

Local Sports Infrastructure Fund background

The Local Sports Infrastructure Fund (LSIF) is a long-running Victorian Government grants program focussed on the development of high-quality, accessible sport and active recreation infrastructure. Colac Otway Shire Council has historically been very successful in its applications to the LSIF including, most recently, the Elliminyt Recreation Reserve oval and velodrome lighting upgrade and Irrewillipe Recreation Reserve Pavilion Design projects that are currently being undertaken.

Other recently completed projects funded under this program include the Cororooke Open Space path network and playspace, the Colac City Reserves Planning Project, Birregurra Recreation Reserve Oval Lighting Upgrade and the Memorial Square Playspace redevelopment.

The 2023-24 LSIF program offers three funding stream categories, being:

- Community Facilities
- Community Sports Lighting
- Planning – facility or municipal

The LSIF will invest in proposals that can demonstrate commitment to the following outcomes:

- More participation opportunities made available through the development of new or upgraded existing multi-use, sport, and active recreation infrastructure.
- More equitable and inclusive participation of women and girls in local sport by investing in well-designed and high-quality facilities.
- Improved participation of those who participate less in community sport and recreation, particularly those from communities experiencing long-term socio-economic disadvantage, growth and regional areas and areas affected by natural disaster.
- Improved sustainable design and planning to ensure infrastructure investment is building better and more liveable communities.
- Increased local economic activity through the planning, building, management, and activation of redeveloped or new infrastructure.

Applications require a local contribution to apply which is based on a SRV \$3 to \$1 local contribution. Whilst eligible in-kind contributions can be included in project costs, a completed in-kind and voluntary support form, and letter from Council's CEO that approves and underwrites any in-kind contributions is also required.

Evidence confirming the local contribution/funding that is required to undertake the project is required by way of:

- Council resolution (preferred for LGAs/ARV) or Letter from CEO confirming funding amount requested from SRV and applicant's funding commitment to the project. *Note: SRV requires LGAs/ARV to confirm their commitment to underwrite cost escalations to deliver the scope outlined in the application. This provides further confidence that the project can proceed.*
- Where funding is from another government department, evidence of this funding via letter or funding agreement must be provided.
- Where funding from clubs/organisations is indicated:

- a letter from that organisation’s authorised officer, stating the funding amount committed; and
- current bank statement/s demonstrating the funding amount is held by the organisation.

Another requirement of the funding application process is that evidence of community consultation needs to be provided where there is a potential foreseeable impact from the project activities on the local residential or community amenity.

Project Readiness and Proposed Projects

It is a requirement that Councils discuss potential project/s with their SRV regional office to receive feedback on eligible projects before submitting their application/s.

The Community Facilities and Community Sports Lighting streams are for infrastructure/construction projects that support the development of a broad range of new, or the redevelopment of existing community sport and active recreation infrastructure, to ensure infrastructure is high-quality, multi-use and accessible to all. To apply under these two streams, projects must be sufficiently scoped, designed, costed and ‘shovel ready’ to apply for funding. The challenge for Council is having projects ready to apply for funding.

The Planning stream provides two categories, however only one application across both categories can be applied for. The Facility Planning category provides funding for Councils to get infrastructure projects ready for future construction applications. This category provides Council with an opportunity to undertake this scoping work so that a project can be fully scoped in readiness to apply for future funding under the other streams of this program. The Municipal Planning category allows Councils an opportunity to undertake strategic work that provides long-term direction of facilities and open space that improve sport and active recreation coordination to meet demand.

Considering project readiness and following Council’s adoption of the City Reserves Planning Project, and consideration of projects identified in other reserve master plans and G21 regional strategies, the following projects have been identified as being adequately scoped and have been through the prerequisite round of discussions with SRV.

Project / LSIF Stream	Description	Cost Estimate	Comments
Football (Soccer) Facilities Feasibility Study Planning – Municipal category	To complete a feasibility study that supports the provision of football (soccer) facilities in the Colac Otway Shire. Activities to be completed include: engagement to understand soccer facility requirements for now and into the future; site determination; site master plan for proposed soccer facility location; designs and cost estimates for the construction of the soccer	Total Project Cost: \$60,000 Possible SRV contribution: \$40,000 Council contribution required: minimum \$20,000 <i>Project Brief would need to be developed for inclusion in funding application.</i>	<ul style="list-style-type: none"> • Council can submit 1 x Facility Planning or 1 x Municipal Planning application only, up to a maximum funding request of up to \$40,000. • Supported by draft G21 Regional Football (Soccer) Strategy. • No fit for purpose soccer facilities

Project / LSIF Stream	Description	Cost Estimate	Comments
	facilities (playing fields, supporting infrastructure (players benches, lights), buildings/amenities.	<i>An indicative quote from a sport and recreation planning consulting company has been obtained to confirm proposed project costs.</i>	<p>provided in Colac/Elliminyt.</p> <ul style="list-style-type: none"> Club is experiencing growth in junior participants and is expecting 3 x junior teams for the 2024 season. The Club requires compliant and fit for purpose facilities in Colac/Elliminyt area for training and matches.
<p>Apollo Bay Recreation Reserve Cricket Nets Upgrade</p> <p>Community Facilities category</p>	To construct a 3-lane cricket practice training nets structure at the Apollo Bay Recreation Reserve.	<p>Total Project Cost: \$274,374</p> <p>Possible SRV contribution: \$205,781</p> <p>Local contribution (Apollo Bay Cricket Club): \$68,594</p> <p><i>Quotes to complete the works have been provided by the Apollo Bay Cricket Club to deliver the project.</i></p> <p><i>As the land manager, GORCAPA has agreed in-principle to underwrite the project and cost escalations, as well as to manage and deliver the project in partnership with the club.</i></p>	<ul style="list-style-type: none"> Council can submit an unlimited number of applications up to a maximum overall funding request of up to \$300,000. Project identified in the Apollo Bay Recreation Reserve Master Plan. Club has been scoping the project and seeking quotes to complete the works required to complete the project. Landowner consent from GORCAPA will be required.
<p>Lake Oval Lighting Upgrade</p> <p>Community Sports Lighting</p>	To install compliant lighting (to 100 lux) to support football umpires training, and the potential use of the Lake Oval for other overflow training on nights it is not used by the	<p>Total Project Cost: \$480,000</p> <p>Possible SRV contribution: \$250,000</p>	<ul style="list-style-type: none"> Council can submit an unlimited number of applications up to a maximum overall funding request of up to \$250,000.

Project / LSIF Stream	Description	Cost Estimate	Comments
	<p>Umpires (e.g. football, soccer).</p> <p>Works include: power upgrade and associated works to install new sports lighting (4 x 27.4m high towers with 16 x LED luminaires).</p> <p><i>It is a requirement that applications must detail and provide evidence of the consultation and engagement that has occurred with the community and other stakeholders for the project – e.g. site consultation/letter box drop/social media posts. This task is currently being undertaken.</i></p>	<p>Council contribution: minimum \$230,000</p> <p><i>Updated sports lighting designs and cost estimates (quotes) have been provided by Musco for inclusion in the application.</i></p>	<ul style="list-style-type: none"> Supported by Lake Oval Master Plan. Current lights not fit for purpose for Football Umpires training activities. Venue unable to be used for winter training activities due to insufficient lighting.

Council officers considered two potential projects for the planning stream:

- The Football (Soccer) Facilities Feasibility Study (recommended); and
- Planning for a Colac Bike Park facility.

Both of these projects would be eligible for funding under this program stream, and both have merit and demonstrated community demand, however Council can only apply for one planning application under this stream. Officers recommend that priority should be given to a soccer feasibility study for reasons including:

- There is an existing soccer club in Colac, the Colac Otway Rovers AFC.
- The club experiences challenges borne by not having a permanent base in Colac. Whilst training occurs in Colac at the Central Reserve's former hockey field (under non-compliant lights), senior competition occurs at Beeac at a reserve which is not fit for purpose, and more recently junior competition has taken place at Trinity College. Ultimately the club would be best served by a consolidated presence at one accessible location in Colac.
- Despite the challenges of not having a permanent in-town base, the club is growing, particularly within junior programs.
- Soccer is a growing sport across Australia which is known for providing participation opportunities for females and multicultural communities in particular.
- There is strong local and regional strategic justification for a soccer feasibility study.

If Council also wishes to pursue future planning and construction of a bike park in Colac, officers recommend that Council considers funding the planning work required for the future construction of

a community bike park facility at the Elliminyt Recreation Reserve in a future budget process. This planning could form the basis of a future funding application to LSIF under the Community Facilities category.

In regards to the infrastructure streams, there are also a number of pipeline projects which are not yet funding ready (not fully scoped, designed and costed) but have been raised with SRV as potential future LSIF applications including but not limited to:

- Pavilion construction at both Irrewillipe and Elliminyt recreation reserves. Council is currently completing site investigations, design documentation and cost estimates to get the projects funding ready for consideration for future suitable grant programs.
- Forrest Playspace – Stage 1 (park upgrade including construction of the path network and playspace upgrade). Whilst there is community interest for this project to be completed, this project is not adequately scoped. Engagement with the local community to work through a scope of works will be required, as well as future funding for detailed design.
- Construct baseball diamond off the cricket oval at Eastern Reserve. Project not funding ready. Site investigations and geotech/soil testing would be required prior to getting designs to relocate the baseball diamond and supporting infrastructure out of the cricket playing field area.
- Lake Oval Pavilion – construct new off-field facilities. Facility design would need to be completed prior to applying for funding. Project would be eligible under Planning Stream – Facility Planning category to complete facility planning and designs/costings. Project brief would need to be developed for application.
- Eastern Reserve Pavilion to be upgraded/redeveloped – upgrade existing pavilion. Facility design would need to be completed prior to constructing new facilities. Project would be eligible under Planning Stream – Facility Planning category to complete facility planning and designs/costings. Project brief would need to be developed for application.
- Western Reserve – upgrade/redevelop existing change rooms to be upgraded/redeveloped. Facility design would need to be completed prior to constructing new facilities. Project would be eligible under Planning Stream – Facility Planning category to complete facility planning and designs/costings. Project brief would need to be developed for application.

5. CONSIDERATIONS

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

The projects recommended to apply for funding as outlined in this report align with Governance Principles b) and c) relating to their focus on achieving positive outcomes for users of the respective facilities, as well as ongoing sustainable management of the facilities. Governance Principle f) is also relevant in that Council will be working with the Victorian Government and GORCAPA in co-funding and supporting these projects.

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

Both the Community Vision and Council Plan 2021-25 identify the need to manage infrastructure assets sustainably and responsibly. Specifically, the Council Plan includes four-year priority 4.2.1 to plan for a sustainable portfolio of assets to deliver the services the community needs, within our financial constraints.

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

Environmental and sustainability considerations will be factored in during the construction of these projects.

The Lake Oval Lighting Upgrade, if successfully funded, will replace the existing non-compliant halogen lighting with LED lighting technology which will reduce Council's carbon footprint by cutting energy consumption.

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

Ongoing discussions with the Colac Otway Rovers AFC (soccer club) have been occurring for a number of years. There is a need for dedicated soccer facilities in Colac to support participation in this sport. The lack of soccer facilities in Colac is having a major impact on the club's capacity to grow and retain participants season to season. Council needs to better understand the sport's requirements for now and into the future, prior to constructing dedicated soccer facilities. Completing a Football (Soccer) Facilities Feasibility Study will provide the strategic justification and facility direction for new facilities. During the development of the feasibility study, there will be multiple opportunities for the sport at a regional and state level, the local club and broader community to be involved in planning what is required for soccer facilities in the Colac Otway Shire. Strong strategic direction is the first step in supporting the growth of this sport in the shire.

The Lake Oval Lighting Upgrade including power upgrades project is identified as the third priority project action in the Lake Oval Master Plan. In completing the Colac City Reserves Planning Project, extensive club and broader community engagement was undertaken at key stages of the project including public exhibition of the draft master plans which shaped the final master plans. Council is also currently undertaking further community consultation specific to the sports lighting upgrade project to meet the requirements of the LSIF program guidelines.

The Apollo Bay Recreation Reserve Cricket Nets Upgrade project is identified in the recently completed Apollo Bay Recreation Reserve Master Plan. In completing the master plan, extensive club and broader community engagement was undertaken at key stages of the project including public exhibition of the draft master plan, with community feedback influencing the final master plan adopted by GORCAPA.

Public Transparency (s58 LGA 2020)

Developing and scoping the projects for application under LSIF involves working closely with the reserve specific clubs. This report provides information and public awareness of Council's intention to apply for funding to support the implementation of the identified projects.

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 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

Objective 3: We are a safe, equitable and inclusive community

The need to complete the Football (Soccer) Facilities Feasibility Study is supported by the draft G21 Regional Football (Soccer) Strategy 2022-2023, with the final report to be presented to Council for endorsement early 2024.

The Lake Oval Lighting Upgrade including power upgrades has been identified in the Lake Oval Master Plan which Council endorsed as part of the Colac City Reserves Planning Project.

The Apollo Bay Recreation Reserve Cricket Nets Upgrade project is identified in the recently finalised Apollo Bay Recreation Reserve Master Plan.

Financial Management (s101 *Local Government Act 2020*)

LSIF requires local contributions from Council/local clubs at a minimum ratio of SRV \$3:\$1 local contribution. Where a local contribution from Council has been requested, Council would need to support in-principle to providing the matching funding as part of its 2024-25 budget preparations in order for officers to lodge the grant applications. A Council resolution is required confirming Council's support for the project and application being submitted, which would be included as supporting documentation when submitting the funding application. The Council resolution must also confirm the funding amount requested from SRV and Council's funding commitment to the project, subject to the application being successful. Council is also required to confirm their commitment to underwrite any cost escalations to deliver the project scope as outlined in the application.

Council's contribution required for the Football (Soccer) Facilities Feasibility Study will need to be supported via the 2024-25 budget process.

The Recreation and Open Space Asset Management Plan (AMP) identifies expenditure of \$519,000 annually, which aligns to the Long Term Financial Plan. This consists of:

- Renewal = \$405k
- Capital/New = \$114k (the plan recommends using this money to leverage external funding)

The Lake Oval Lighting Upgrade including power upgrade project, has elements of asset renewal as the existing lighting assets need to be renewed and upgraded to meet current facility standards. Due to the quality of the data for recreation and open space assets, the AMP does not identify priorities, only quantum at this point in time.

Only LGAs/Alpine Resorts Victoria can apply for funding under the LSIF program. In Council submitting the Apollo Bay Recreation Reserve Cricket Nets Upgrade project, GORCAPA has agreed to deliver the project and underwrite any cost escalations and the Apollo Bay Cricket Club in-kind contributions proposed to complete the project.

Service Performance (s106 *Local Government Act 2020*)

Football (Soccer) Facilities Feasibility Study Project

There is demand for soccer facilities to be provided in Colac/Elliminyt. This is strategically supported by the Colac 2050 Community Infrastructure Plan and the G21 Regional Football (Soccer) Strategy. The purpose of completing the feasibility study will be to determine what soccer facilities should be provided and where those facilities should be located in Colac.

Lake Oval Lighting Upgrade Project

The Lake Oval Lighting Upgrade including power upgrades, aims to provide compliant lighting for the Colac and District Football Umpires Association, whilst also providing Council with an alternative training venue with compliant lighting for local sporting clubs during the winter months.

The new assets would be included in Council's Asset Management Plan with Council being responsible for supporting renewal of the assets. The reserve tenant clubs would be responsible for the ongoing maintenance of the new lighting infrastructure.

Apollo Bay Recreation Reserve Cricket Nets Upgrade

The Apollo Bay Recreation Reserve is Crown land managed by GORCAPA. Council can support the Apollo Bay Cricket Club's request for support by applying for funding on behalf of GORCAPA (as the land manager) and the club to undertake this project. The Apollo Bay Cricket Club provides sporting opportunities for the shire's residents. The upgraded cricket net assets will not be included on Council's Asset Management Plan with Council having no responsibility to maintain or renew the upgraded assets in the future.

Risk Assessment

Risk assessments for the projects will be completed as part of project implementation.

Communication/Implementation

Council officers will work closely with the user groups and key stakeholders at Lake Oval and Apollo Bay Recreation Reserve to complete these projects. During the implementation phase, officers will work with user groups to minimise the impact of works on active and passive sporting activities at both venues.

In completing the Football (Soccer) Facilities Feasibility Study, Council will appoint a suitably qualified consultant to work closely with Council, the local soccer club, Football Victoria and the Geelong soccer association to ensure that future soccer facility provision meets the local demands for now and into the future.

Human Rights Charter

No Impact.

Officer General or Material Interest

Ian Seuren, General Manager Community and Economy, declared a general conflict of interest pursuant to section 126 of the *Local Government Act 2020* for the Lake Oval Lighting Upgrade project due to being a member of the Colac Cricket Club, who is a tenant club at the Lake Oval. Mr Seuren was a reviewer of this report but had no role in the assessment of the Lake Oval Lighting Upgrade project as a potential candidate for the Community Sports Lighting stream.

Options

Option 1 – Authorise the Chief Executive Officer to submit applications for the endorsed projects to the 2023-24 Local Sports Infrastructure Fund (LSIF)

This option is recommended by officers as it provides an opportunity to apply for grant funding to implement strategically identified projects that Council could not complete with its own budget alone.

Option 2 – Not authorise the Chief Executive Officer to submit applications for the proposed projects to the 2023-24 Local Sports Infrastructure Fund (LSIF)

This option is not recommended by officers as it would mean that Council would miss an opportunity to obtain external grant funding to complete projects identified in reserve specific master plans and regional strategies.

Option 3 – That Council considers applying for different projects under the 2023-24 Local Sports Infrastructure Fund (LSIF)

This option is not recommended by officers as the projects identified for consideration for application under this round of the LSIF are the most progressed and funding ready/strategically supported for application.

Item: 9.5

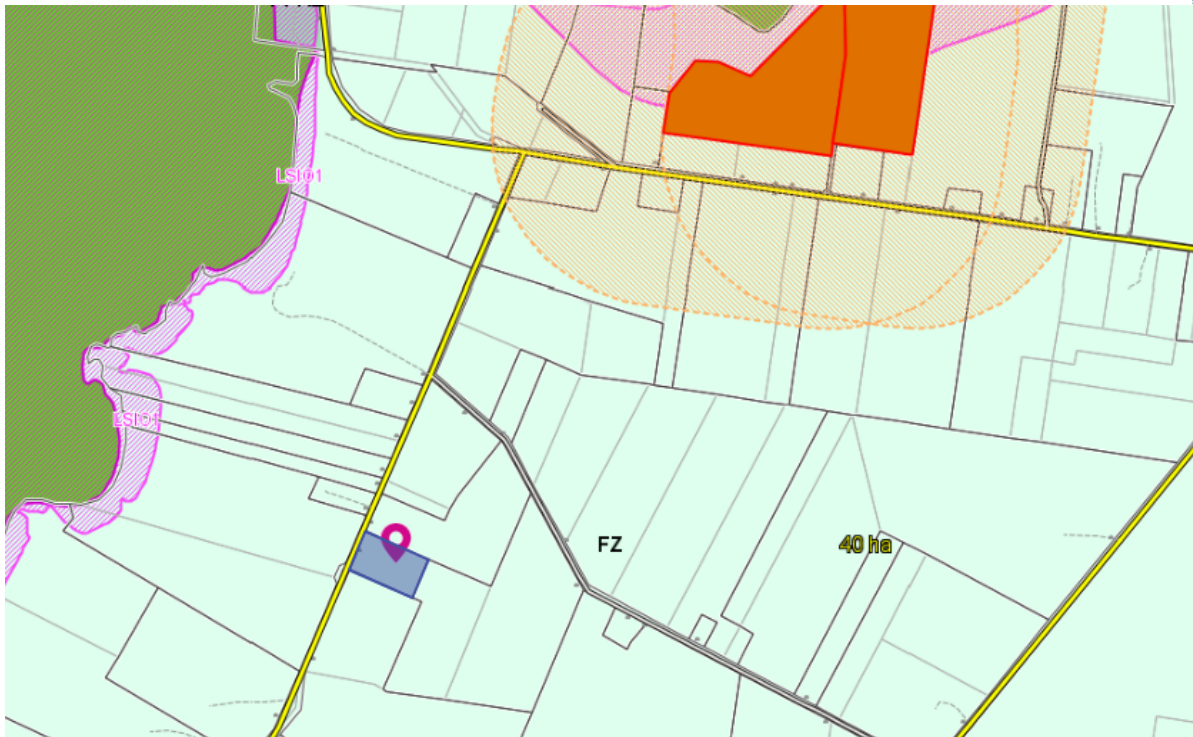
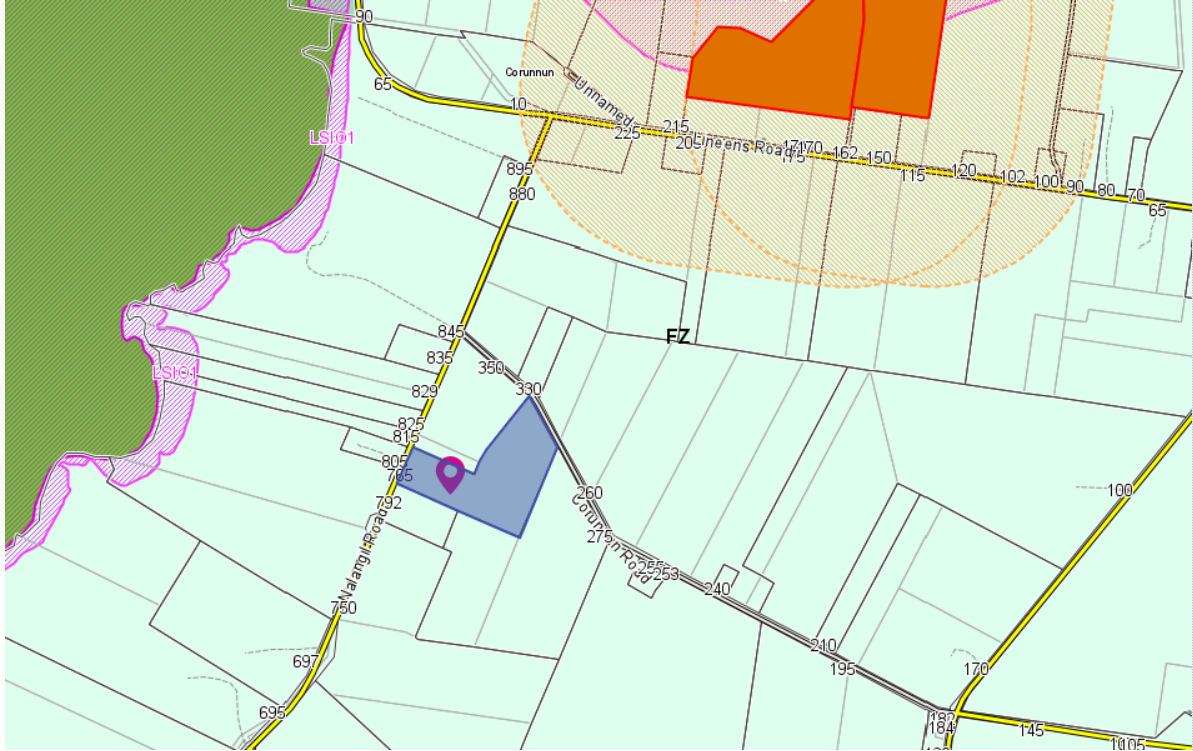
PP149/2023-1 - 765 & 792 Nalangil Road CORUNNUN - Use and Development of a Dwelling

ADDRESS AND PROPERTY DETAILS	765 and 792 Nalangil Road CORUNNUN Lots 1 and 2 TP166314 V/F:09231/789 Parish of Warrion	APPLICATION NUMBER	PP149/2023-1
PROPOSAL	Use and Development of a Dwelling		
PERMIT TRIGGERS	Clause 35.07-2 – Use of Land for a Dwelling – FZ Clause 35.07-4 – Buildings and Works – FZ		
TRIGGER FOR DETERMINATION BY COMMITTEE	Application for dwelling in the Farming Zone recommended for refusal.		
ZONE	Farming Zone	OVERLAYS	Nil
COVENANTS	Nil		
CULTURAL HERITAGE	Yes - northern boundary of 765 Nalangil Road (Lot 2) only.		
OFFICER	Ian Williams	CEO	Anne Howard
DIVISION	Executive		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Plans [9.5.1 - 7 pages] 2. Farm Management Plan [9.5.2 - 23 pages] 3. Land Ownership in Area [9.5.3 - 1 page] 4. VCAT Decision - Kennedy v Baw Baw SC [2022] VCAT 787 (12 July 2022) [9.5.4 - 22 pages] 5. VCAT Decision - Strachan v Latrobe CC [2022] VCAT 35 (14 January 2022) [9.5.5 - 25 pages] 6. Planning History of Area [9.5.6 - 1 page] 		

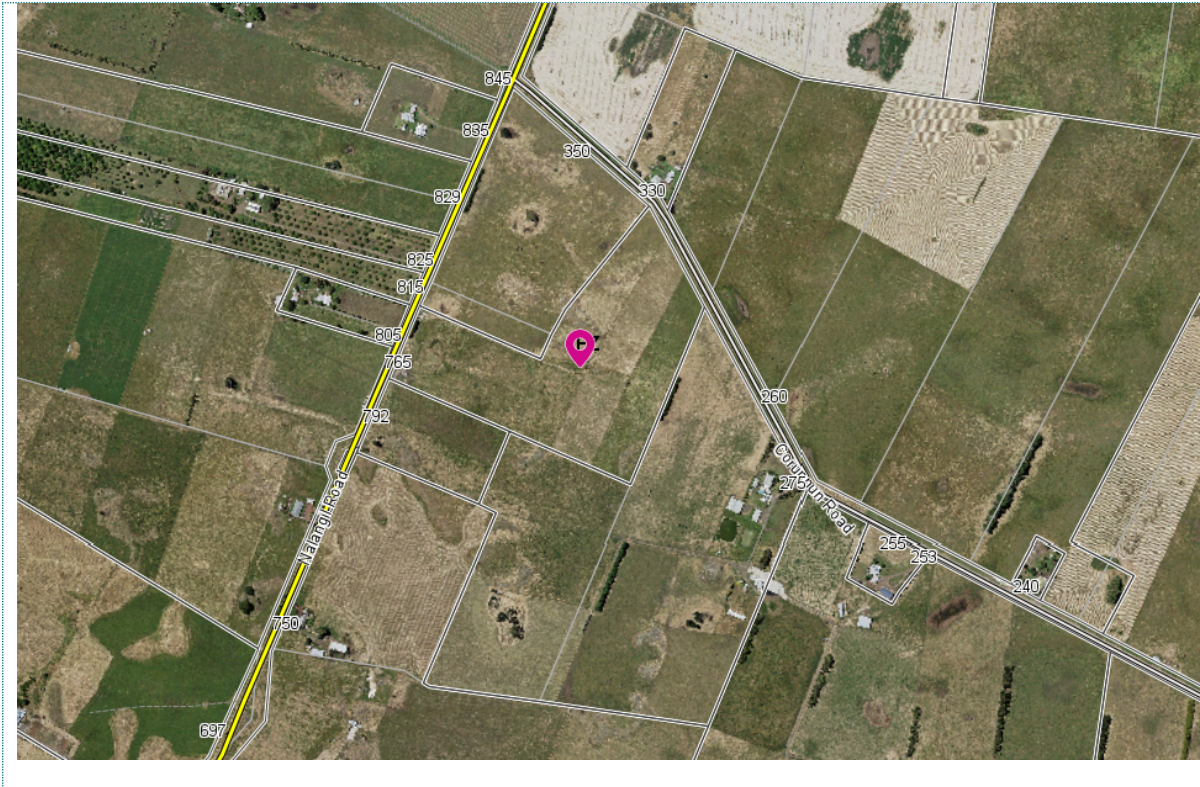
1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN

The site comprises two lots, as shown below:



AERIAL PHOTO



2. RECOMMENDATION

That the Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the Use and Development of the Land for a Dwelling at 765 and 792 Nalangil Road CORUNNUN (Lots 1 and 2 TP166314 V/F:09231/789 Parish of Warrion), on the following grounds:

- 1. The proposed dwelling is contrary to clauses 02.03-4 (Natural Resource Management), 02.04 (Strategic Framework Plans), 14.01-1S and 14.01-1L (Protection of Agricultural Land) and 16.01-3S (Rural Residential Development) of the Colac Otway Planning Scheme, which seek to protect high quality agricultural land and 'Farmland of Strategic Significance', and to limit rural residential development unless an application adequately demonstrates that a dwelling is genuinely required to carry out a long term agricultural activity having regard to the size of the lot, and the intensity and ongoing nature of the proposed agricultural activity.***

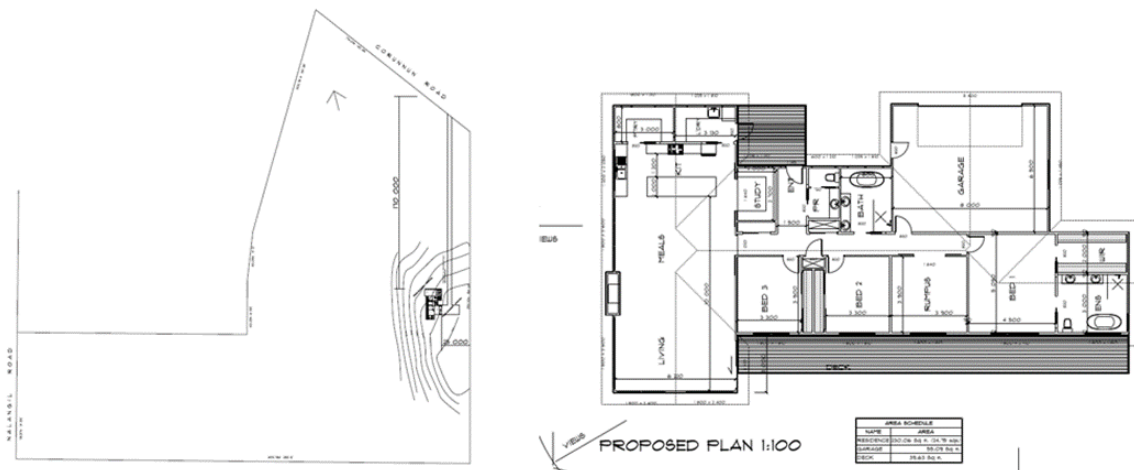
- 2. The proposed use and development of a dwelling on the land does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of the planning scheme, given that:***
 - a) It has not been adequately demonstrated that a dwelling would enhance agricultural production based upon the land unit described in the application.***
 - b) The proposal has the potential to limit the operation and expansion of adjoining and nearby agriculture uses.***
 - c) The application has not demonstrated that a dwelling would not lead to a concentration or proliferation of dwellings in the area, which would impact on the use of the land for agriculture.***

3. *The proposed dwelling does not accord with Council’s adopted Rural Land Strategy 2007 or its Rural Living Strategy 2011, not being within an area nominated in these documents for rural living purposes.*
4. *The proposed siting of the dwelling would fail to minimise the loss of productive agricultural land and would be detrimental to the character and appearance of the area, contrary to the purpose and decision guidelines of the Farming Zone.*

3. PROPOSAL

Planning permission is sought for the use and development of the land with a three-bedroom, single-storey dwelling. The applicant has advised that the dwelling is required to support the use of the land for grazing animal production, calf rearing, weaning and beef cattle grow out.

The proposed dwelling would be located 160.2m from Corrunnun Road, 25m from the eastern property boundary and 156m from the western boundary. The proposed dwelling would contain three bedrooms, a rumpus room, an open plan living/dining/kitchen area and a double garage. The proposed dwelling would be 26.8m by 16m, and 5.4m high.



The external façade would be finished in spotted gum vertical cladding and Scyon-Axon walls in ‘Monument’, with aluminium windows (‘Nightsky’). The dwelling would have a dark grey Colorbond roof (‘Windspray’),



The applicant has advised that no native vegetation removal is proposed or required for the proposed dwelling and associated works, which would be contained within existing cleared areas.

During the processing of the application, the applicant was asked whether consideration had been given to siting the dwelling closer to Corunnun Road or Nalangil Road, where the location and associated infrastructure would result in the loss of less agricultural land. The applicant advised that the proposed location is the only part of the property that allows monitoring of the entire site, in a location that is close to a power pole for electrical connection and adjacent to the established trees on the site.

Background

The applicant has advised that the owner is a farmer, who also has had a long teaching career at Alvie Primary School. The applicant also advised that, if permitted, the dwelling would be open to visiting student teachers from the city as part of a program to attract teachers to rural areas, showing both the appeal of a rural school and a farming lifestyle. The owner verbally advised Planning Committee, at the meeting held on 1 November 2023, that student teachers would be able to stay at the property, and also advised that she would be residing in the proposed dwelling. In the event a planning permit is issued and it is intended to provide accommodation for non-residents at the dwelling, detail would be required of how such accommodation would be provided to establish whether further planning permission would be required.

The applicant also advised that the farm could be used for educational programs for the children at the school, allowing them to adopt a calf as part of the school's agricultural program. The applicant has stated that, each year, the owner would gift two yearlings to the school as a donation.

Other land at 765 Nalangil Road (Lot CP170161), which is to the west of the subject site on the opposite side of the road, is also owned by the family. This land, which is held in a different name, does not form part of the application before Council. There is no dwelling on that land.

4. SUBJECT LAND & SURROUNDINGS

The property consists of two titles and is an irregularly shaped parcel of land with a total area of 11.5 hectares. The applicant has advised that the land is pastured and has previously been used for dairy farming and animal rearing. The topography at the property presents as typical volcanic plains with gentle undulation. The neighbouring lots are also located within the Farming Zone; some containing dwellings.

There are two existing farm buildings located towards the front of the site (adjacent to Nalangil Road) which are in poor condition. Existing access to the land is via Nalangil Road, to the western side of the site.

5. PLANNING SCHEME PROVISIONS

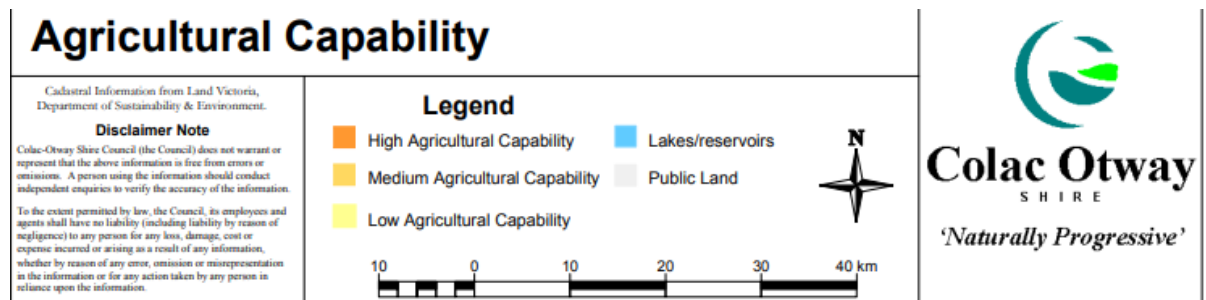
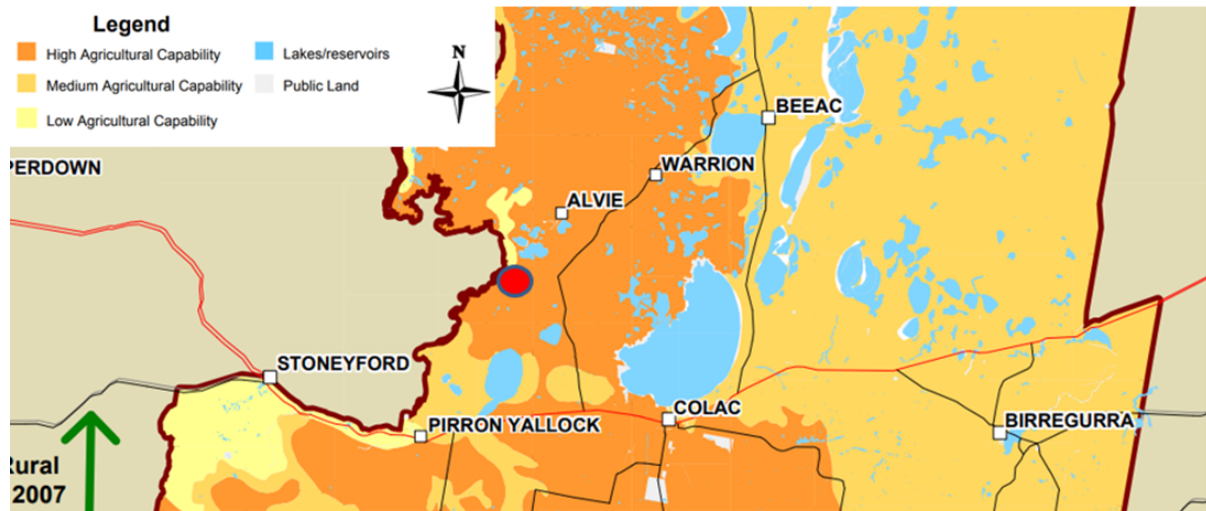
Planning Policy Framework

It is considered that the proposal does not meet the relevant objectives, strategies and policies of the Planning Policy Framework, notably LPP 02.02 (Vision), VPP 11.03-6S (Regional and Local Places), VPP 14.01-1S and LPP 14.01-1L (Protection of Agricultural Land), VPP 15.01-2S and LPP 15.01-2L (Building Design), VPP 15.01-6S and LPP 15.01-6L (Design for Rural Areas) and VPP 16.01-3S (Rural Residential Development).

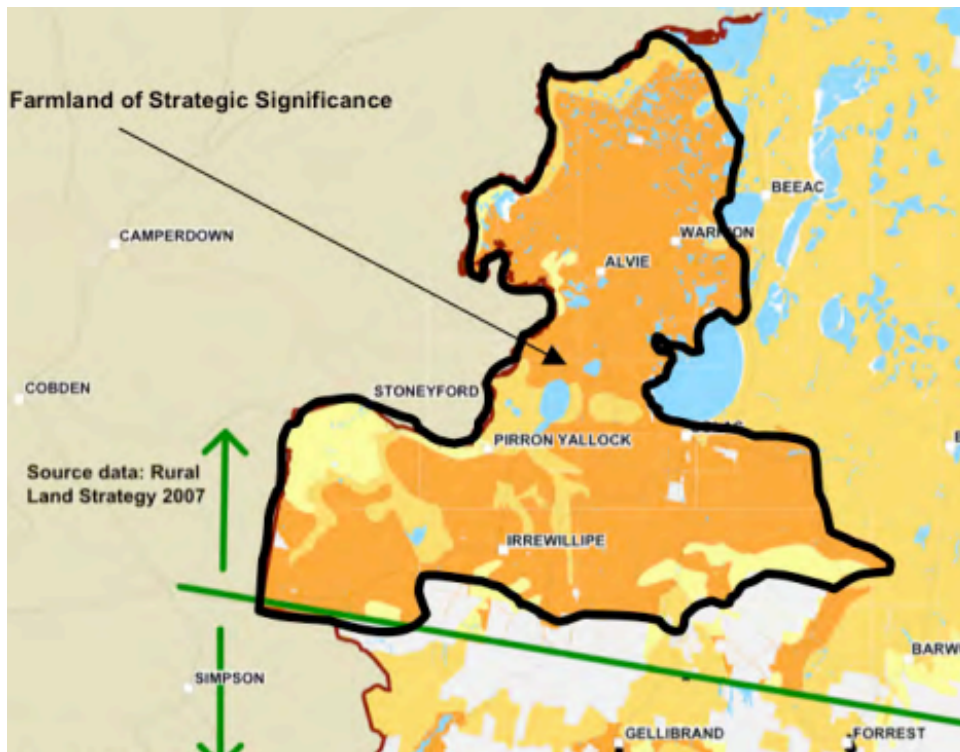
Other relevant provisions

Rural Land Strategy

The Rural Land Strategy September 2007 identifies the subject site as being land of 'high agricultural capability' (image below, with red dot) and in an area of 'Farmland of Strategic Significance' as shown in the second image below.



Farmland of Strategic Significance



Part 6.1 (Agricultural Capability) of the Rural Land Strategy defines land of high agricultural capability as follows:

“Land of high agricultural capability is generally suited to a wider range of agricultural uses than land of medium and low agricultural capability. Land of high agricultural capability can generally support more intensive uses e.g., dairying, horticulture, whereas land of medium agricultural capability is more suited to less intensive industries such as grazing and cropping and low agricultural capability land has few options other than grazing.”

The Rural Land Strategy notes that:

“The clear evidence of farm amalgamations and the need to increase farm sizes to remain economically viable indicates that policy and provisions relating to dwellings and small lot subdivisions in rural areas will require a strict interpretation of the Farming Zone provisions to ensure incompatible land uses (including dwellings) do not negatively impact on the ability to farm.”

The Rural Land Strategy has acknowledged that, to maintain viability, many farms will have to increase in size or look to more intensive, alternative enterprises. However, there are evident land use trends which pose significant threats to the consolidation and expansion of farm holdings. It is anticipated that the need to protect agricultural land within the Shire will intensify as the Shire’s significant landscapes continue to attract those seeking a rural/coastal lifestyle. It is considered that the current proposal would conflict with the direction set out within this strategy.

Rural Living Strategy

The Rural Living Strategy does not seek to have this land rezoned for rural living purposes and on page 183 recommends that land is guarded against more intense development by retaining the Farming Zone. The strategy indicates that, as the locality is situated on land identified as Farmland of Strategic Significance in the Rural Land Strategy 2007, it is important the land is preserved for farming purposes. The proposal would conflict with the direction set out within this strategy.

Relevant Planning Scheme amendments

There are no planning scheme amendments relevant to the consideration of this application.

6. REFERRALS

Internal Referrals

The application was referred internally to Council's Infrastructure Department and Health Protection Unit. No objection has been raised, subject to conditions being imposed should a planning permit be issued.

External Referrals

The application was referred externally to Agriculture Victoria, which advised:

"Agriculture Victoria generally considers that Grazing animal production and calf rearing would not give reasonable justification for a dwelling on a small lot. Grazing animal production requires regular supervision to ensure animal health and welfare but can be carried out without the requirement for a dwelling, as has been the case at this site. The proposed animal numbers of 12-15 yearlings would be considered sustainable.

Previous advice to Colac Otway SC for PP70/2022-1 (1075 Larpent Road LARPENT) dated 16 November 2022 may be worth considering. It discusses some relevant VCAT cases such as Kennedy v Baw Baw SC [2022] VCAT 787 and Strachan v Latrobe CC [2022] VCAT 35 which deal with dwellings on small lots in the Farming Zone. The response also notes Clause 14.01-1S & Clause 14.01-1L Protection of agricultural land, Clause 16.01-3S Rural residential development and Clause 02.03-4 Natural resource management."

The planning application referred to in the referral response is one refused by Planning Committee in December 2022, for a dwelling on a lot of approximately 20ha.

7. PUBLIC NOTIFICATION & RESPONSE

COMMUNICATION

The application was advertised to all surrounding landowners and a notice was displayed on site for a period of 14 days. At the end of the public notice period, two (2) letters of objection had been received from surrounding landowners. The content of the objections is summarised below.

1. The dwelling would be on land less than 100 acres in size. On rural farming and grazing land this is contrary to the legislation. Agricultural land must be protected for future generations without 'false dwellings' for 'flawed use.' A dwelling is not required to rear calves.
2. The proposed hobby farm destroys future farming opportunity and reduces available farming land for agricultural purposes.
3. There are properties in the immediate area which could be purchased instead of a new dwelling.
4. Waste from calves has not been addressed and is likely to cause a biosecurity issue on adjoining land.

5. In contrast to the applicant's statement the objector's home has a full view of the proposed house site.
6. Accommodating teachers, and having students regularly attend the proposed dwelling site, would only add to the dangers and create more traffic and dust on a road which is not suitable for this purpose. Students visiting the farm or straying onto neighbouring farmland could pose a safety concern for surrounding farmers who have stud bulls on adjoining land.

In accordance with Council's standard practice, a Consultation Meeting was offered to the applicant and objectors, but the objectors declined the offer.

8. OFFICER'S ASSESSMENT

The key issue for consideration in the determination of this application is whether the proposal is in accordance with planning policy for the Farming Zone, including whether justification has been provided to demonstrate that the proposed dwelling is reasonably required to support agricultural production on the land.

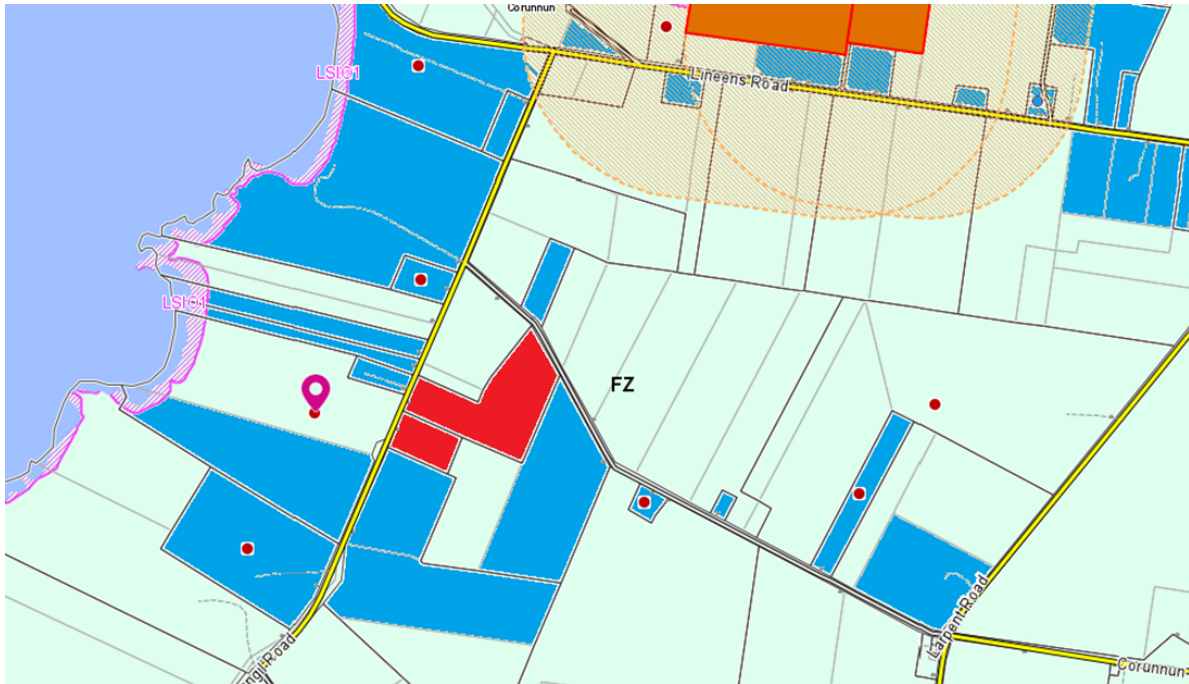
Subject Land and Surroundings

The subject site comprises two lots, with a combined area of approximately 11.5ha. The owner does not personally own any additional surrounding land; whilst noting that land to the west at 765 Nalangil Road is family-owned land, the applicant has made explicit that this land is held in a different name and does not form part of the current application.

The land is of high agricultural capability and in an area of Farmland of Strategic Significance.

The plan below shows the location of the subject site in red, with surrounding lots that contain dwellings in blue. The lots shown blue either contain existing dwellings or have the benefit of planning permission for a dwelling.

It will be noted that there is a scattering of dwellings in the area, most of which have been on the land for a considerable time. There are also approximately 30 vacant lots surrounding the subject site that are of comparable size to the subject site. Whilst any proposal for a future dwelling on a vacant surrounding lot would be considered on its merits, it is considered that allowing a dwelling on the subject site may lead to similar proposals for dwellings on other small vacant lots in the area, which ultimately would not protect productive farmland of strategic significance in the local or regional context.



A plan has also been attached to this report that provides further detail about the land ownership pattern in this area. It will be noted from that plan that some of the existing dwellings are associated with landholdings comprising several lots.

Planning Policy

The current proposal is considered to conflict with planning policy which aims to direct housing towards existing settlements, such as the township of Cororooke which is approximately 2.8km to the east. It is considered that allowing a dwelling on the subject land would be harmful to the purpose and decision guidelines of the Farming Zone, being on a site which is little over 11ha and significantly below the desired 40 hectares.

Clause 14.01-1S (Protection of Agricultural Land) applies to all land in the Farming Zone. It seeks “to protect the state’s agricultural base by preserving productive farmland”. Strategies designed to assist in the achievement of that objective include, inter alia, to:

- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*

- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*

Clause 14.01-1L (Protection of Agricultural Land) is a local policy that applies to all land in the Farming Zone. Relevant strategies include:

- *Discourage dwellings that do not meet the minimum lot area of the zone or relevant schedule unless it is required for an intensive agricultural activity on the land or to achieve the environmental protection of the land.*
- *Avoid localised concentration of dwellings in agricultural areas.*
- *Ensure that small lot subdivisions or excisions facilitate sustainable rural production and do not prejudice surrounding rural activities.*

Clause 16.01-3S (Rural Residential Development) includes the following as strategies:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.*
- *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

As noted above, the subject site is within that part of the shire identified as being Farmland of Strategic Significance. It is land of high agricultural capability.

As identified by the Rural Land Strategy, the number of farms is decreasing; however the size of existing farms is increasing. This consolidation of farms is generally dependent on the land value reflecting its agricultural nature rather than 'hobby farm' status. A concern is that as dwellings are constructed on lots smaller than the prescribed 'as of right' size, the land value of those properties increases making potential consolidation unviable.

Clause 14.01-1L (Protection of Agricultural Land) discourages dwellings on lots that do not meet the minimum lot area of the zone and relevant schedule unless it is required for an intensive agricultural activity on the land or to achieve the environmental protection of the land. Neither appears relevant to this case.

The application was referred to Agriculture Victoria, as an objective body that provides advice to Councils on planning applications for agriculture related proposals, for guidance on whether the proposed agricultural use of the 11.5ha site is one for which a dwelling on the land is required. As noted above, the referral response from Agriculture Victoria does not support allowing a dwelling on the subject land.

In its response Agriculture Victoria mentioned a number of VCAT cases. These include VCAT cases *Kennedy v Baw Baw SC [2022] VCAT 787* and *Strachan v Latrobe CC [2022] VCAT 35*, in which consideration was given to proposals for dwellings on small lots in the Farming Zone (copies of the VCAT decisions are attached to this report). Concerns were expressed by the Tribunal Members in those cases about any proposed dwelling performing the function of supporting a rural lifestyle rather than being a necessity in the operation of a commercially viable business, and about proposals being

attempts to have a rural living arrangement masked as an agricultural use within a Farming Zone. Amongst other policies, the Tribunal Members drew attention to Clause 14.01-1S (Protection of Agricultural Land) which seeks to limit new housing development in rural areas by directing housing growth into existing settlements and discouraging the development of isolated small lots in rural zones from use for dwellings. In addition, the Members noted that Clause 16.01-3S (Rural Residential Development) discourages development of small lots in rural zones for residential use and encourages consolidation of existing isolated small lots in rural areas. Agriculture Victoria, and Council officers, consider that the findings of the Tribunal in those cases are relevant to this case.

Farming Zone Decision Guidelines

As well as considering planning policy compliance and the purposes of the Farming Zone when assessing a planning application for a dwelling in the Farming Zone, the provisions of the zone set out a range of decision guidelines that must be considered, as appropriate, when determining an application. These are discussed below.

General Issues

The decision guidelines in this section require consideration of matters such as the the Municipal Planning Strategy and the Planning Policy Framework (as discussed above); the capability of the land to accommodate the proposed use or development, including the disposal of effluent; how the use or development relates to sustainable land management; whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses; and how the use and development makes use of existing infrastructure and services.

Council's Health Protection Unit has considered the proposal. As the subject site has a low sensitivity rating as specified within the *'Domestic Wastewater Management Plan,'* a Land Capability Assessment (LCA) was not requested. Council's Health Protection Unit did not raise any objection to the proposal, subject to conditions in the event a planning permit is issued. On this basis, it is considered that the site would be capable of accommodating the proposed use and development in terms of the disposal of effluent and wastewater.

Agricultural access to the property exists via Nalangil Road. As part of this proposal, access to the property would be created via Corrunun Road. The application was referred to Council's Infrastructure Department, which has not raised any objection subject to conditions if a permit is issued.

The applicant has advised that electricity has previously been connected to the site, with an accessible power pole located near the proposed dwelling site. Mains water connection is already available, with water proposed to be harvested from roof areas of the house and shedding (with it being anticipated that 400,000 litres would be harvested annually in an average rainfall year). Should a planning permit be issued for the dwelling, it is recommended that a condition require the provision of services to the dwelling.

As discussed elsewhere in this report, and in response to the matters to be considered under the 'General Issues' heading, it is not considered that the site is suitable for the use or development of a dwelling, or that the proposal would be compatible with adjoining and nearby land uses.

Agricultural issues and the impacts from non-agricultural uses

The applicant has advised that the proposed dwelling is required to facilitate the ongoing agricultural use on the land, which includes calf rearing, weaning and beef cattle grow out. As noted earlier in this report, the applicant has also advised that the dwelling would be used to accommodate student teachers and that children from the local school would visit the site. The applicant has stated that

properties within a 500-metre radius are utilised for grazing animals or are lifestyle properties which generate minimal dust, odour, noise and chemical spray activity. The applicant also stated that the proposed dwelling would permanently remove a small portion of the land from agricultural production but would facilitate agricultural use over the remainder of the land. Having regard to the advice received from Agriculture Victoria, Council officers are of the view that the proposed agricultural use could be undertaken on the land without the need for a dwelling.

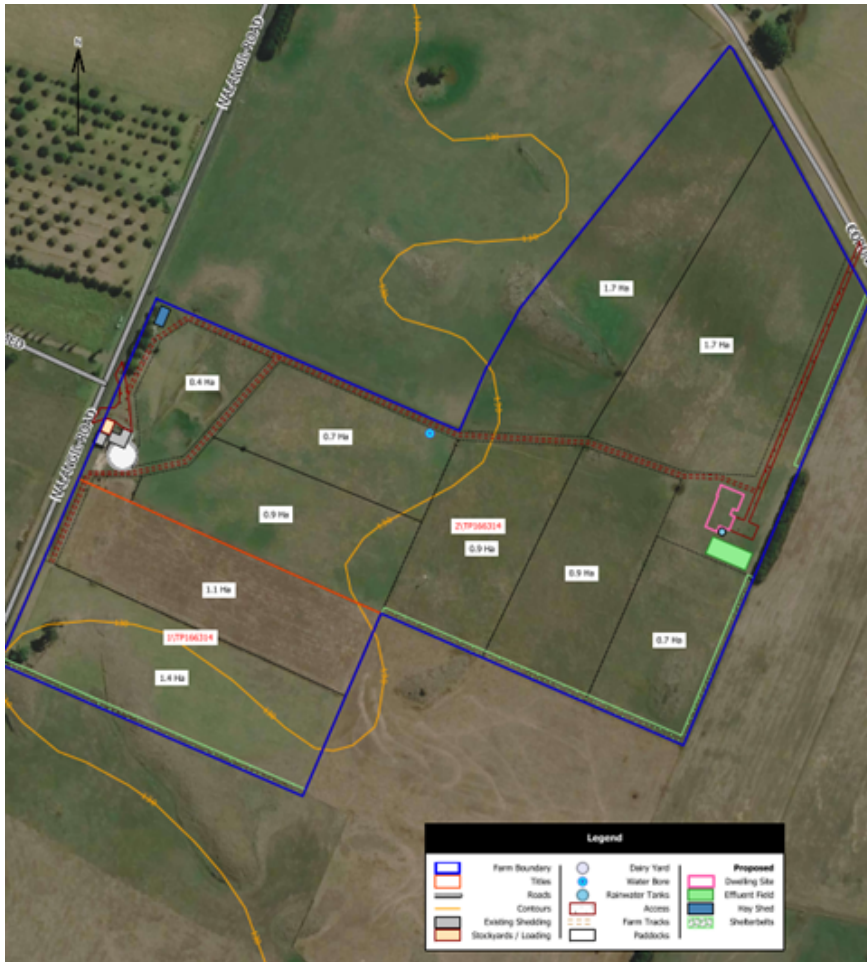
As part of the supporting information submitted with the application, the applicant has provided a Farm Management Plan (dated 5 June 2023), the details of which are summarised below:

- *This property is 11.5 hectares, with farming activity over 30 hectares of land to the immediate west at 765 Nalangil Road (Lot CP170161). This land is held in a different name and does not form part of the subject site. The applicant adds that the acquisition of that land will be part of the family succession plan.*
- *The Meat and Livestock Association's Stocking Rate Calculator suggests a productive capacity of 12 – 15 yearlings at a very conservative daily pasture growth rate.*
- *A dwelling on the property would assist with improving the land and increasing production value.*
- *The agricultural return from the cattle produced on the property is expected to be \$46,000 a year in calf and cattle sales, and there is scope to increase the calf rearing numbers or contract dairy calf rearing.*
- *This property was a dairy farm and retains that infrastructure, however due to the local climate change and water salinisation issues this is no longer viable.*

The Farm Management Plan states that a dwelling is specifically justifiable on this lot for the following reasons:

- *Biosecurity: Nationally mandated requirements mean all visitors, vehicles and new stock to the property must be screened and, if necessary, disinfected. This needs to be monitored constantly.*
- *Monitor Animal welfare: (typical daily routine) listen and watch the stock for illness and lameness, identify downed stock and identify the issue, check for broken legs or injuries (calves are boisterous, and this happens often), birthing complications (any time of the day or night), animals trapped in fences etc.*
- *Stock monitoring: during rearing for audible and visual signs of distress, for escape, routine checks for water, fences, feed, pasture availability.*

A farm map is contained within the Farm Management Plan, an extract of which is provided below:



- The farm is proposed to have ten grazing paddocks allowing rotational grazing and stock management of different sizes and ages with higher ground suitable for wetter seasons, and the lower ground the most usable during drier seasons.
- Hay is proposed to be harvested from 2 or 3 paddocks each spring. The effluent dams will be filled in, allowing the recovery of that area for grazing. Rotational grazing will be introduced, which involves moving livestock through the paddocks and optimising feed growth.
- The plan notes that the property will rear at least 40 calves yearly, mainly Friesian and Friesian-cross bobby calves, with calves supplied from two local dairy farms. Most calves will be reared to weaning and sold on to others for grow out, and 12 will be retained for grow out on the farm to market size.
- The plan notes that calf facilities have been designed in response to the requirements and experience with an open shed provided for young calves, where they will be hand-fed for milk replacement and then weaned to solid pellets. As they reach a suitable age and get larger, they will be transferred to weaning paddocks, where they will continue to be hand-fed calf pellets. Two of these paddocks will hold a relocatable 2.4 X 4-metre livestock shelter for the welfare of the calves. When they are capable of grazing, they will be moved to pasture until they are three months old.
- The plan notes that this property has previously been part of a dairy farm, and most of the required infrastructure for handling stock is already on site, although it is becoming run-down with age and will require refurbishment. The stockyards are functional but need repairs, although they remain adequate for handling stock movements. There is no shedding for fodder storage which is currently held across the road or under trees, and a new hay shed will be

constructed. Most internal fencing is in place, and the watering network is installed and functional.

- In time the owner will purchase an additional 12 hectares from her family across Nalangil Road and use that for cattle rearing.
- The proposal requires an investment in farm infrastructure and pastoral improvement of \$25,000 and an investment in a dwelling and shedding of over \$400,000. The enterprise revenue is expected to be over \$46,000 a year in calf and yearling sales.
- Three new shelterbelts are proposed to be planted for wind and weather protection and to provide ecological habitat.
- There is not expected to be any major change to the amenity of the adjacent land from the agricultural enterprise. Some animal odours or noise may be generated occasionally, but the same as any agricultural enterprise in a farming zone.
- The proposed dwelling site is shown below by the blue arrow (view from Nalangil Road):



It is accepted that a dwelling on a farm can be considered to be more than a place where people reside, as it is often required to serve an essential and ancillary purpose as a farm office, administrative centre, meeting room, first aid shed, animal pharmacy, security and biosecurity checkpoint, tea room, toilet block and monitoring post for a 24 hours a day, 365 days a year business. However, consideration must also be given as to whether a dwelling is reasonably justifiable and in line with planning policy, to support an agricultural use over a land area of 11.5 hectares.

The subject site is small in terms of landholdings within the Farming Zone and, even if the land can be used for agriculture, it needs to be considered whether a dwelling is 'reasonably required' on the land.

The Farm Management Plan states that the proposal calls for a total investment in agricultural infrastructure and productivity improvements of \$25,000 and an investment in a dwelling of over \$400,000. After the initial development period, the enterprise return is expected to be over \$46,000 a year. It is noted that the information provided within the Farm Management Plan states that the site has capacity to sustain an ongoing agricultural use and Agriculture Victoria has advised that the proposed animal numbers of 12-15 yearlings would be considered sustainable on the land. This is also reaffirmed in the Rural Land Strategy September 2007 which identifies the subject site as being land of 'high agricultural capability'. As such, the subject site is considered to have capacity to sustain the agricultural use as described.

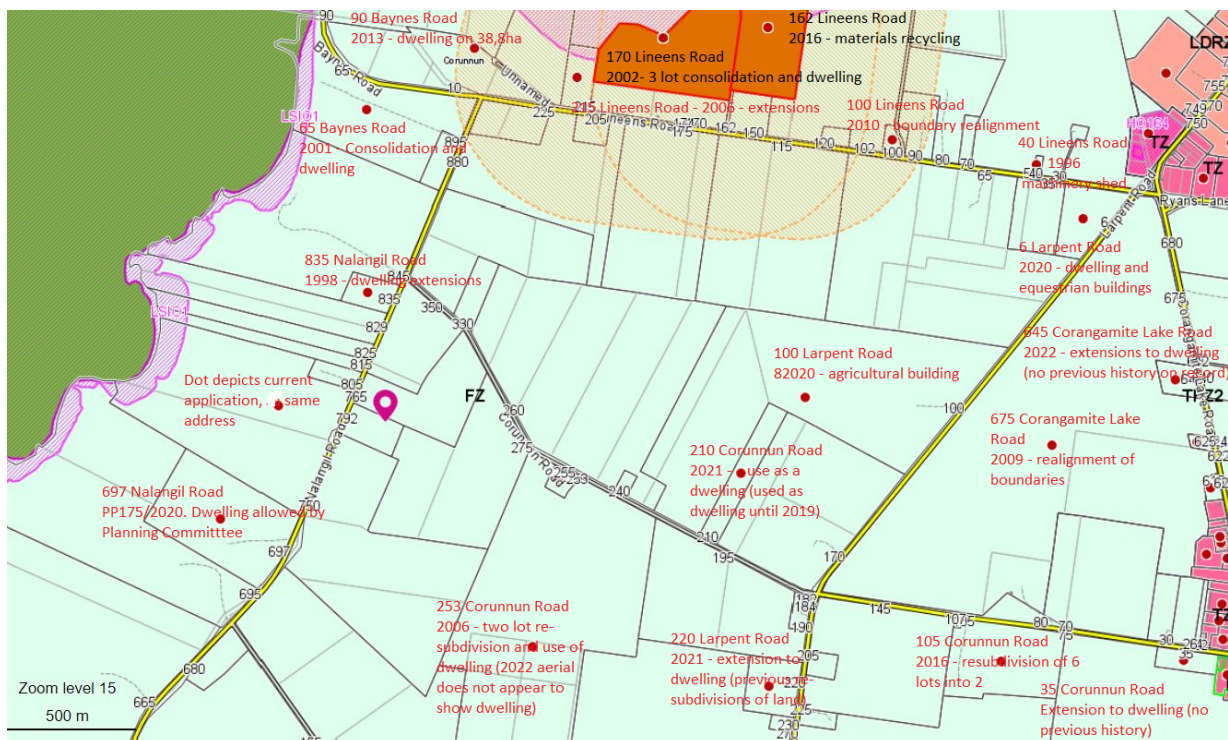
However, whilst noting that the land could sustain 12-15 yearlings, Agriculture Victoria has advised that it considers that grazing animal production and calf rearing does not provide reasonable justification for a dwelling on a small landholding such as this. The referral response noted that grazing animal production requires regular supervision to ensure animal health and welfare but that this can be carried out without the requirement for a dwelling, as has been the case previously at this site.

It could also be considered that the proposed dwelling location and associated infrastructure would permanently remove more land from agricultural production than a siting closer to Nalangil Road. As proposed, the dwelling would be located 160.2m from Corrunun Road. In the proposed location, there is potential for the dwelling to limit the operation and expansion of adjoining and nearby agricultural uses on land to the immediate east. The applicant has declined to consider alternative options on the site, stating that the proposed location is the most appropriate to allow monitoring of the entire site.

In relation to the ‘*agricultural issues and the impacts from non-agricultural uses*’ it is considered that the centralised location proposed is not the optimal one to maintain as much land as possible on the site in agricultural use, and that it has the potential to adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Accommodation issues

In relation to the potential for the proposal to lead to a concentration or proliferation of dwellings in the area, it is noted that there are several existing dwellings within the immediate and surrounding area. Whilst it is also acknowledged that some of the dwellings in the surrounding area are on small lots, which appear to have been excised from larger lots, any subdivisions or boundary realignments to create these small lots appear to be historic. Red dots on the plan below (a copy of which is also attached to this report) show properties in the vicinity of the subject site where planning applications have been submitted – details are included on the plan of the most recent applications on those sites, and of any applications for dwellings:



If a site is identified as containing a dwelling in the earlier plan in this report (i.e. that plan showing lots with dwellings in the vicinity of the application site), but no reference is made to a planning application for a dwelling in the plan immediately above, it indicates that there is no history of a planning permit having been issued for the dwelling on that site. Such dwellings would therefore have been on the land for a considerable period of time.

The following are recent planning permits in the area for dwellings:

- 697 Nalangil Road, Corunnun (14.9ha) – purchased for \$183,965 (real estate website site information) in February 2020 – dwelling permitted February 2021 by Planning Committee against officer recommendation
- 210 Corunnun Road, Corunnun (4.1ha) – use of land for dwelling permitted November 2021 under delegation - dwelling on site occupied until 2019; existing use rights had expired
- 6 Larpent Road, Corunnun (4.5ha) – permit issued in January 2020 under delegation – dwelling associated with equestrian use of land, which has been established

Slightly to the south of the area shown on the plan above, a permit was also granted for another dwelling:

- 321 Larpent Road, Cororooke (13.5ha) – dwelling permitted June 2022 by Planning Committee against officer recommendation

The planning history outlined above shows that few planning permits have been issued for dwellings in the recent past in this area. The area contains a range of lot sizes, including many vacant lots of a relatively small size in the zone. Whilst each application must be assessed on its merits, it is considered that allowing a dwelling at 765 and 782 Nalangil Road as proposed would have potential to create any undesirable precedent for future dwelling applications, particularly on vacant lots to the northeast.

Environmental issues

It is not expected that the development of a dwelling on the subject land would affect soil quality. A Land Capability Assessment (LCA) was not required to be submitted. Council's Health Protection Unit raised no objection, subject to permit conditions which would be included should this proposal be allowed.

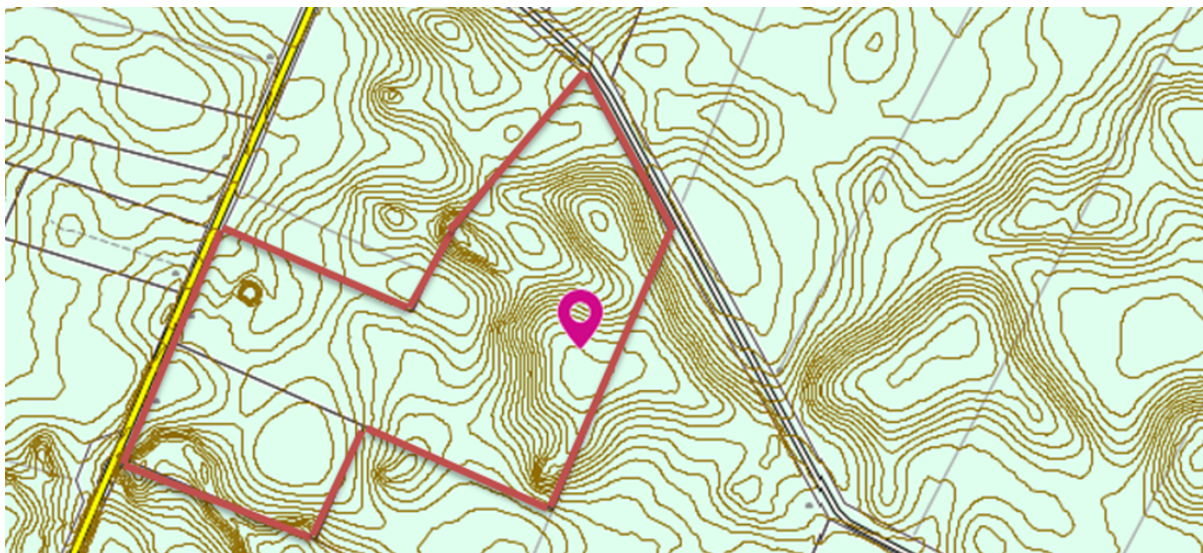
No trees are required to be removed to facilitate this proposal. The applicant has advised that shelter belt planting is proposed in three locations on the site, as shown in the Farm Management Plan (eastern side boundary adjacent to the dwelling and southern boundaries).

Design and siting issues

The proposed dwelling would be located on one of the highest parts of this site. Whilst there is no 'Significant Landscape Overlay' over this land, built form should still be located where it avoids contrast with the natural environment and scenic beauty of the area. Any siting should also avoid adverse impacts on surrounding agricultural uses, to minimise the loss of productive agricultural land.

In this case, and notwithstanding the fact that it is considered that the principle of a dwelling on this small site is contrary to policy, a location closer to Corunnun Road or Nalangil Road would better achieve this outcome, being less prominent on the landscape setting and minimising any adverse impacts. It is considered that the proposed location of the dwelling would be materially detrimental to character and appearance of the immediate and surrounding area.

The dwelling is proposed to be located at approximately 139m AHD, with the contours of the land to the north at 137.5m AHD. The applicant has advised that the proposed location was selected as it would allow monitoring of the entire site, and would be close to a power pole, adjacent to the established trees on the site and the least limiting location of the entire property. For information purposes, the contours of the site are presented below, with the proposed dwelling location marked by the pink pointer.

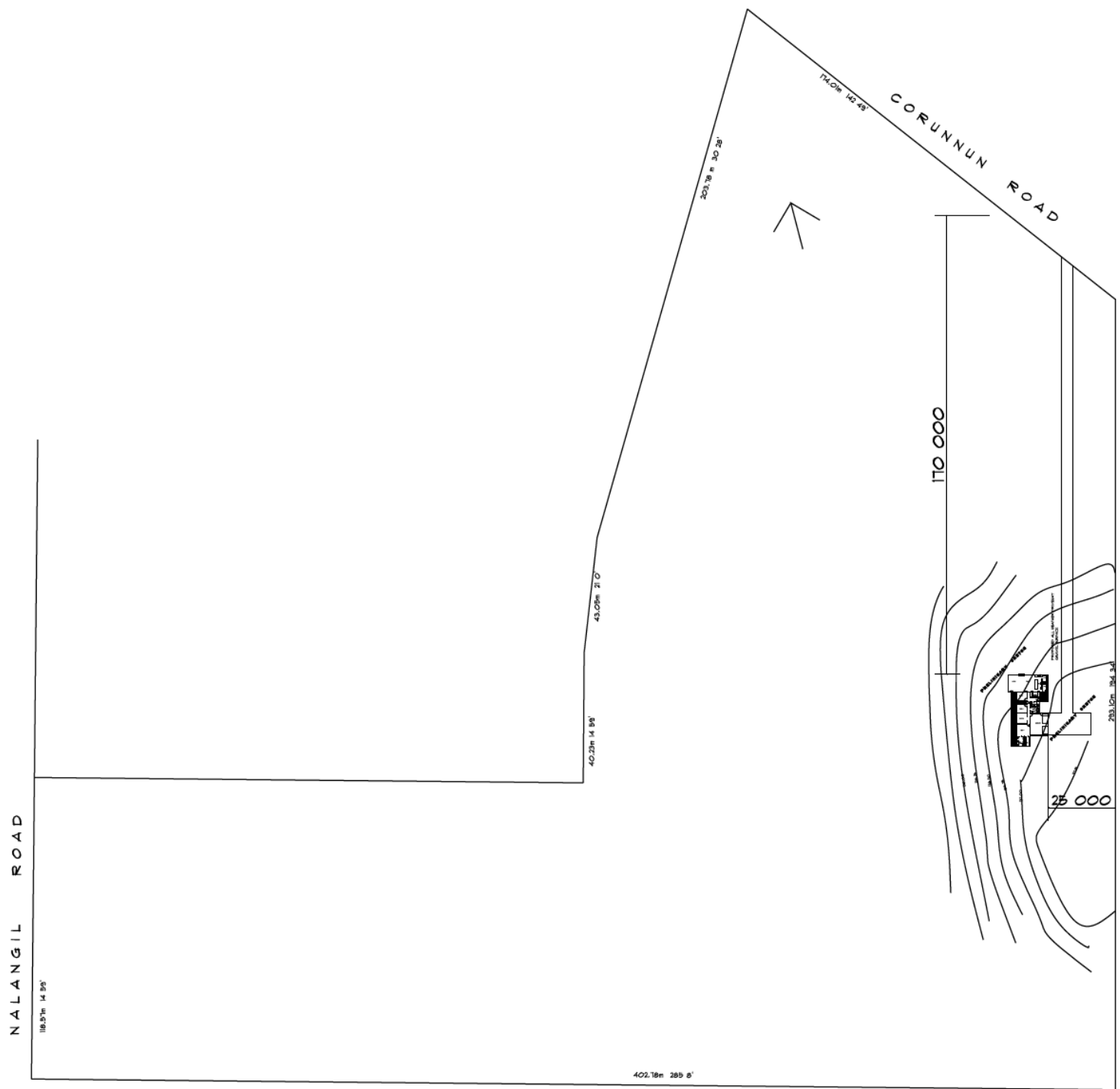


For the reasons given in this report, the proposed siting is not considered to be appropriate and would result in permanently removing land from agricultural production, with the potential to limit the operation and expansion of adjoining and nearby agricultural uses. It is not considered that the proposed siting of the dwelling would minimise the loss of productive agricultural land, as sought under the provisions of the Farming Zone. The proposal is therefore considered to negatively respond to the 'design and siting issues' decision guideline.

For the reasons outlined above, it is considered that the proposal is contrary to policy and therefore recommended that the application be refused.

9. OFFICER DIRECT OR INDIRECT INTEREST

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

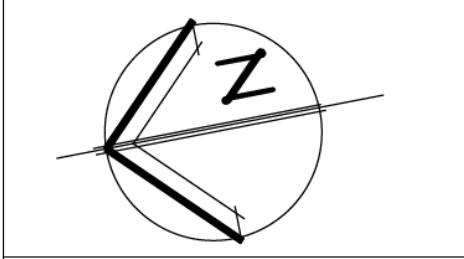


SITE PLAN 1:2000

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AMENDMENTS:



PRELIMINARY DRAWINGS

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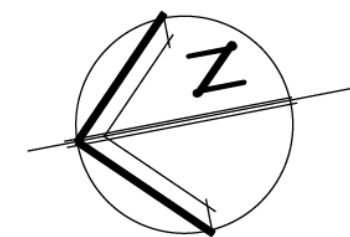

date: MAY 2023	scale: 1:2000
drawn by: Rhonda F Gard	ref no: AD DP 1711
sheet no: 01	drawing no: SKETCH 22.2

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AMENDMENTS:



PRELIMINARY DRAWINGS



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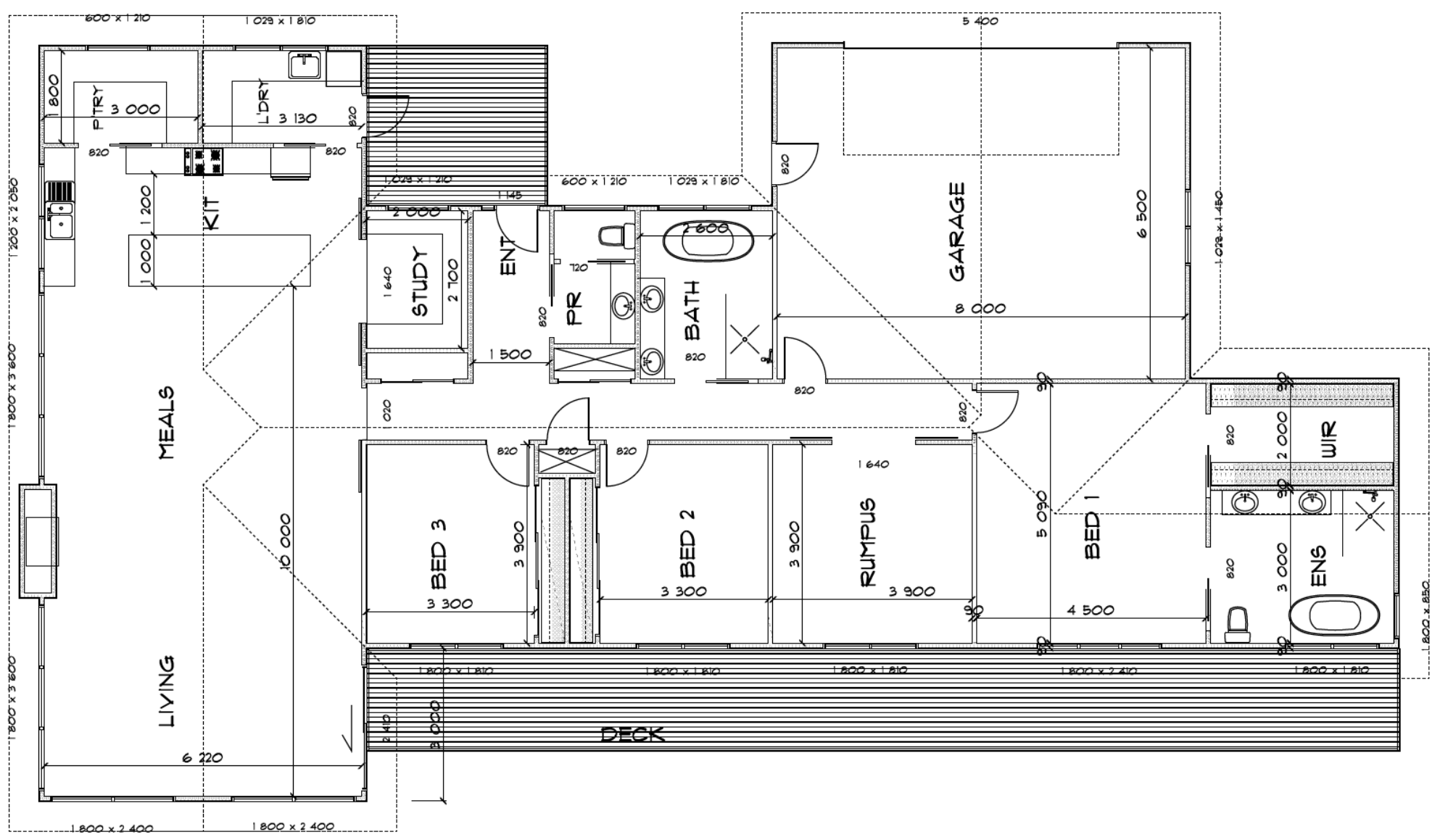


date: MAY 2023 scale: 1:100

drawn by: Rhonda F Gard rfp no: AD DP 1111

sheet no: 03 drawing no: SKETCH 22.2

DRIVEWAY



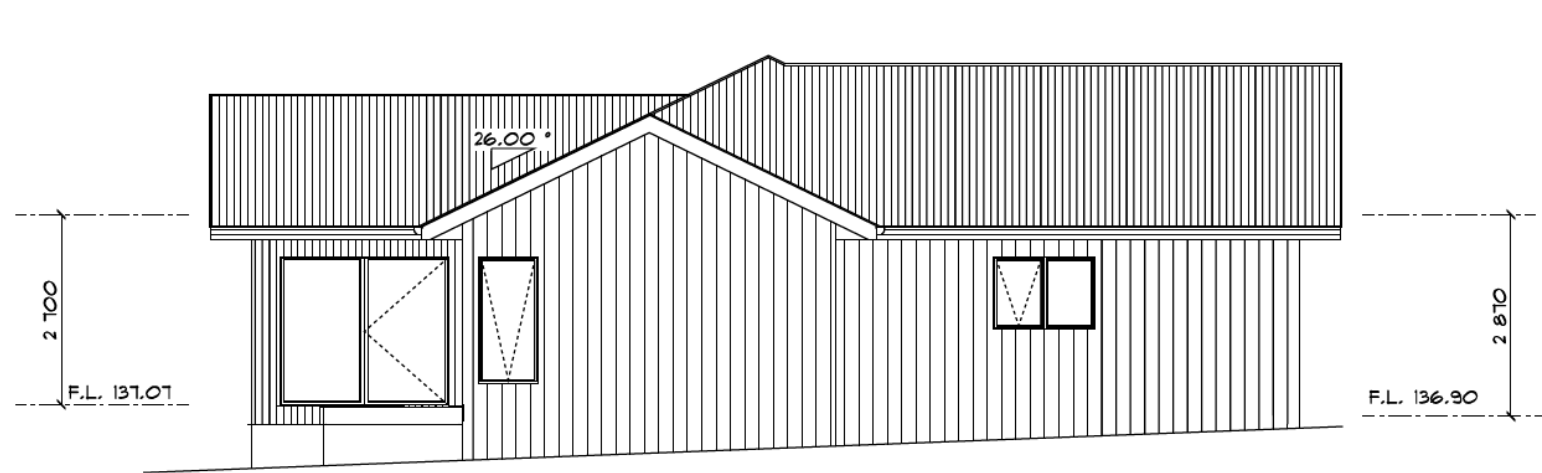
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VIEWS

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VIEWS

PROPOSED PLAN 1:100

AREA SCHEDULE	
NAME	AREA
RESIDENCE	230.06 Sq m. (24.75 aqs.)
GARAGE	55.09 Sq m.
DECK	39.63 Sq m.

↑
VIEWS



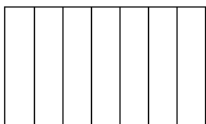
SOUTH ELEVATION 1:100

 COLORBOND CUSTOM ORB
ROOF SHEETING, FASCIA & GUTTER
'WINDSPRAY'

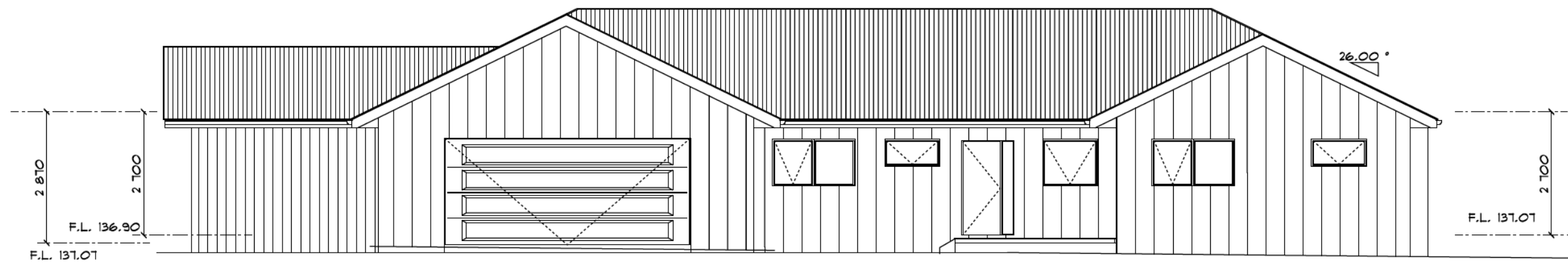
 SPOTTED GUM VERTICAL
CLADDING
'STAINED NATURAL'

 HARIDES 'SCYON-AXON'
PAINTED 'MONUMENT'

 PANEL LIFT DOOR
'CLASSIC CEDAR'

 COLORBOND
STANDING SEAM
'MONUMENT'

 ALUMINIUM WINDOWS
AND DOORS
COLORBOND 'NIGHTSKY'



EAST ELEVATION 1:100

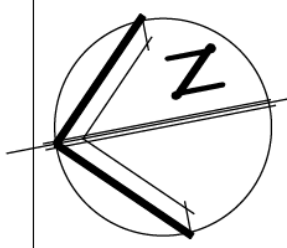
TORONGA BAYVIEW
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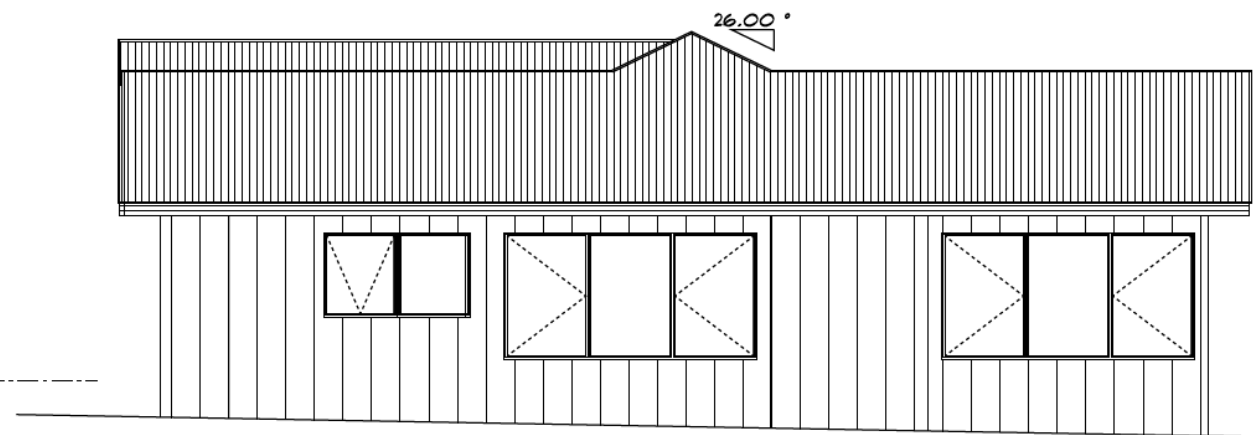
PRELIMINARY DRAWINGS

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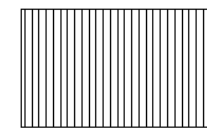
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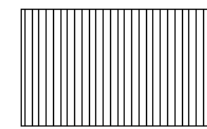
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sheet no:	03	drawing no:	SKETCH 22.2



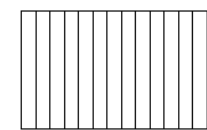
NORTH ELEVATION 1:100



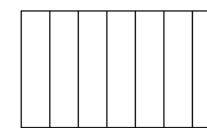
COLORBOND CUSTOM ORB
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SPOTTED GUM VERTICAL
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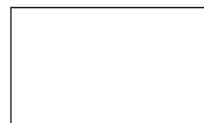
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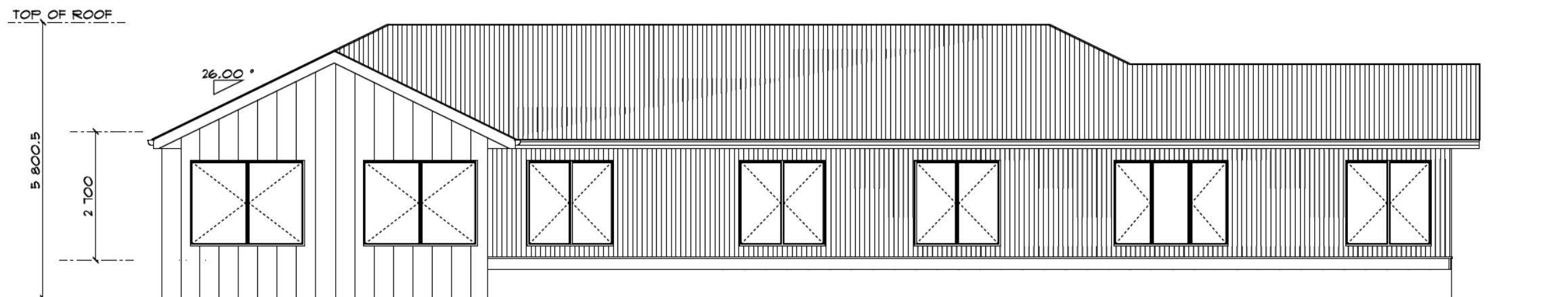
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PANEL LIFT DOOR
'CLASSIC CEDAR'



ALUMINIUM WINDOWS
AND DOORS
COLORBOND 'NIGHTSKY'



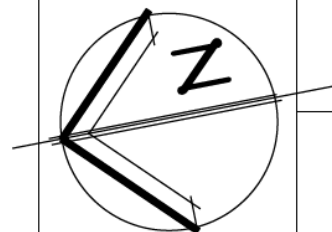
WEST ELEVATION 1:100



6 ROSE DRIVE
ELLIMINYT VIC 3250
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Rhonda F Gard

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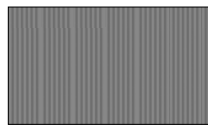
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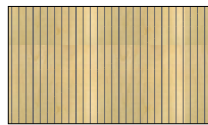
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SKETCH 22.2

COLOR SCHEDULE:



COLORBOND CUSTOM ORB
ROOF SHEETING, FASCIA & GUTTER
'WINDSPRAY'



SPOTTED GUM VERTICAL
CLADDING
'STAINED NATURAL'



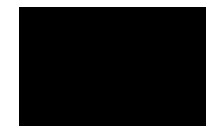
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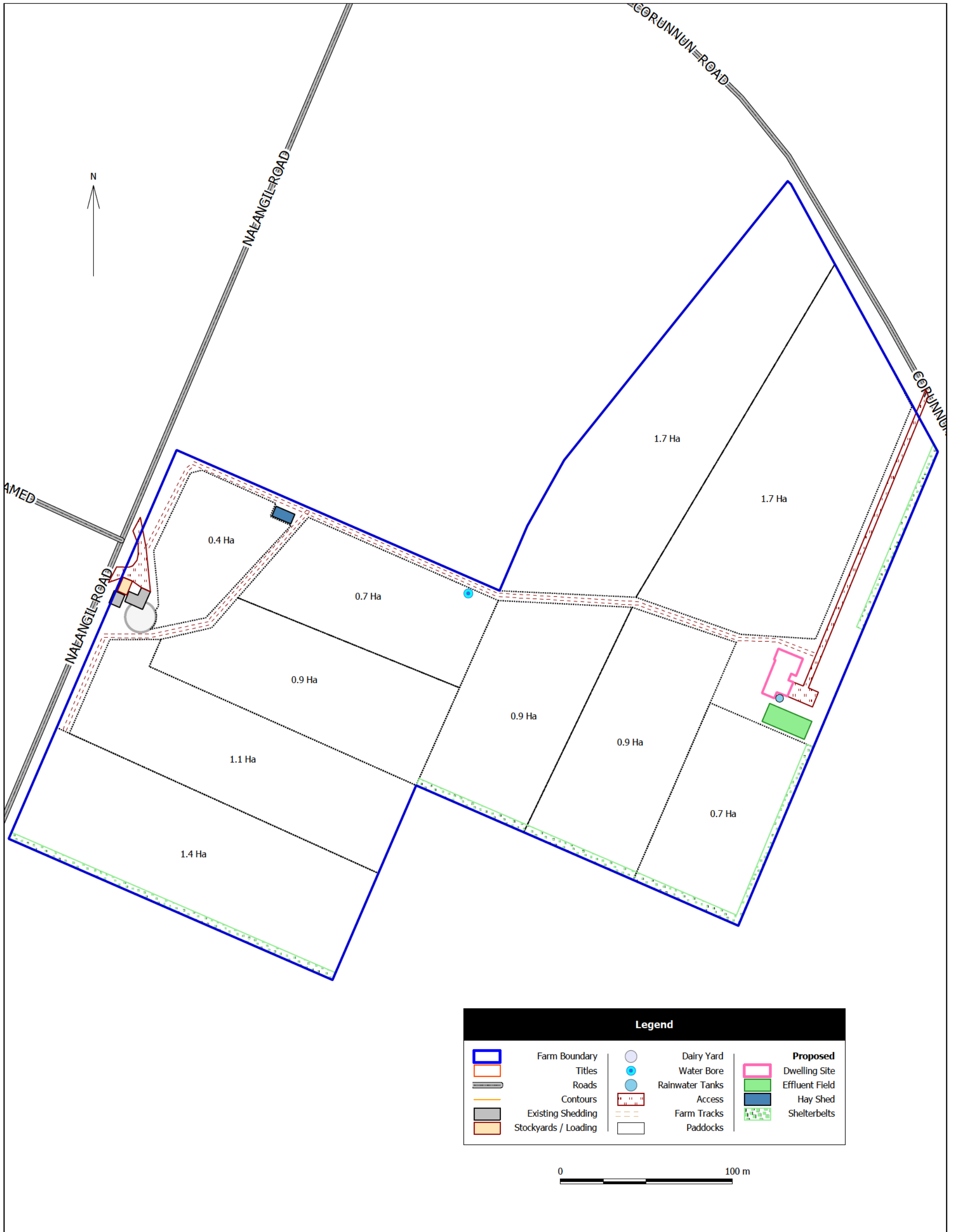
COLORBOND
STANDING SEAM
'MONUMENT'



PANEL LIFT DOOR
'CLASSIC CEDAR'

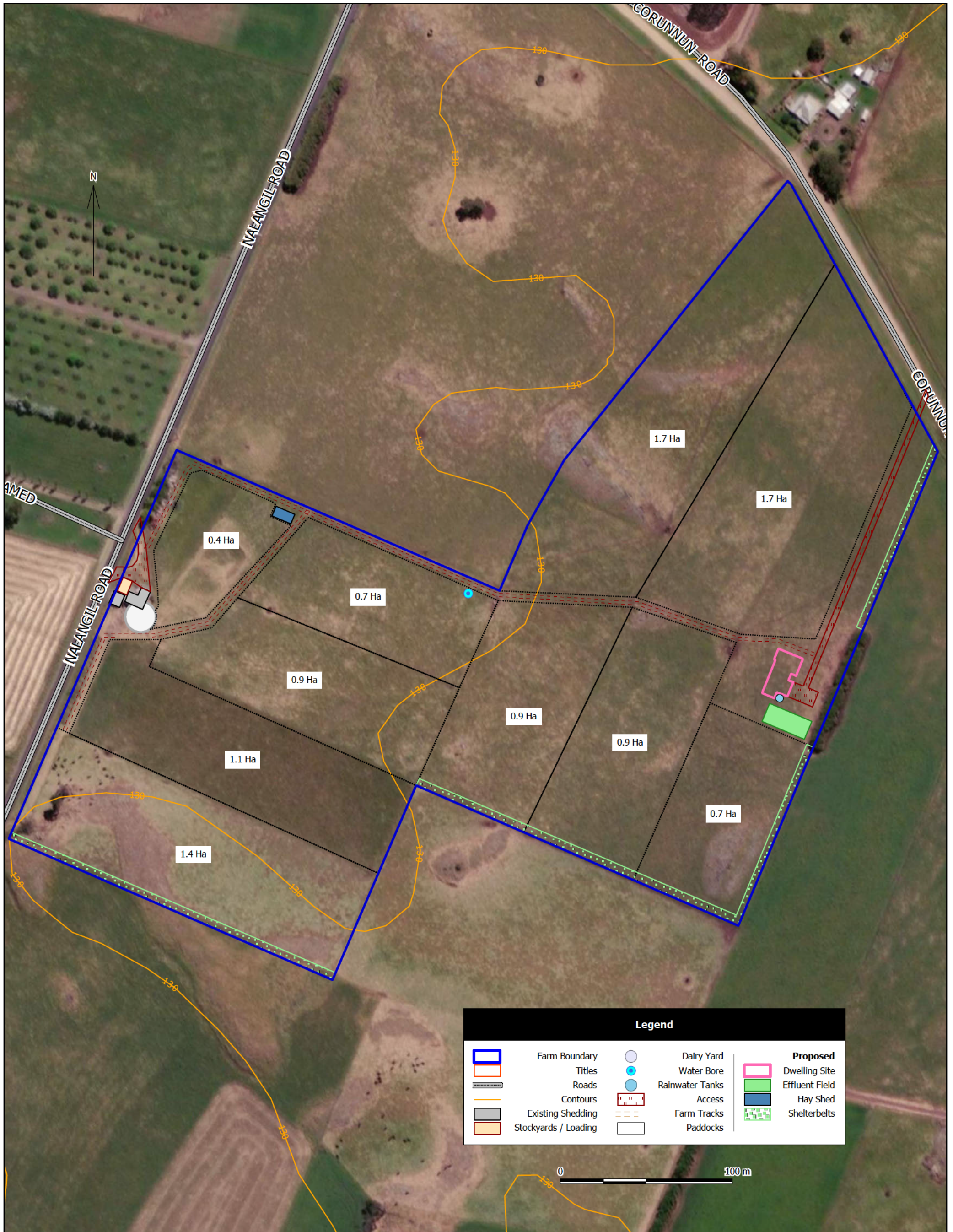


ALUMINIUM WINDOWS
AND DOORS
COLORBOND 'NIGHTSKY'



765 & 792 Nalangil Road Corunnun

Mercator
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 Printed at: 28/08/2023
 Scale: 1:1900



765 & 792 Nalangil Road Corunnun

Mercator
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 Printed at: 28/08/2023
 Scale: 1:1900

Farm Management Plan

765 Nalingil Road
Corunnun

Calf rearing and
weaning and beef
cattle production

Report Prepared by
Dean Suckling
Enprove Pty Ltd

Report Revision Date:
28th August 2023



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Plan Objective:

This Farm Management Plan is drawn to assess current agricultural issues, identify future improvements that will benefit the agricultural production values of the property, and identify the benefits of the proposed dwelling at 765 Nalangil Road, Corunnun.

This plan is for the rearing and weaning of calves for sale and the grow-out of yearling cows for market. [REDACTED] owns the property, and the further agricultural improvements proposed will be completed contingent on the issuing of a planning permit for the construction of a dwelling.

Site Details:

Address: 765 & 792 Nalangil Road, Corunnun 3248

Property Description(s): Lot 1 & 2 TP166314

Area: 11.5 Hectares

Local Authority : Colac Otway

Zones / Overlays: Farming Zone
Schedule to Farming Zone

Current Use: Grazing Animal Production (Dairy Calves)

Proposal Overview:

This proposal calls for the rearing of dairy calves to be reared as beef restockers or grown out for sale as yearlings. [REDACTED] was born and bred in this area, and finally, she has secured her piece of land in this area to complete her farming ambitions. This property is 11.5 hectares, but her farming activity includes over 30 hectares. As farming families go, it's not easy to untie land connections, and her parents own the farm across Nalangil Road, and she is already assisting in managing that farm and vice versa.

As well as being a farmer, [REDACTED] is dedicated to a long teaching career at the [REDACTED]. She will open her house to visiting student teachers from the city as part of a program to attract teachers to rural areas, showing both the appeal of a rural school and a farming lifestyle. [REDACTED] has been missing out as there is no accommodation in this area, and the school is generally missing out on attracting and retaining teaching staff. The farm will also be used for educational programs for the kids at the school, allowing them to effectively adopt a calf as part of the school's agricultural program. Each year, she will gift two yearlings to the school as a donation as well.

The proposed land is 11.5 hectares and retains an effective grazing area of about 10.5 hectares. The Meat and Livestock Association's Stocking Rate Calculator suggests a productive capacity of 12 – 15 yearlings at a very conservative daily pasture growth rate. Fully utilised and with the proposed improvements, the farm has that capacity, and this appears to be a conservative value and will allow fodder production in springtime. The family has another 30 acres across the road, and part of that land is also available for standoff and fodder production.

The farm is already used for some poddy calves, and the plan is to rear more calves and keep at least 12 for grow-out. The property is currently used for open grazing, and a move to rotational grazing will increase grass production and the land's productive capacity.

Siting a dwelling on the property means that the property can be confidently improved, knowing that those improvements can be effectively utilised to increase production value. A resident also means that stock, particularly young calves, can be monitored for health and welfare and regularly rotated through the paddocks to ensure maximum feed utilisation. The improved beef prices also allow increased use of imported feeds to further increase production. [REDACTED] can also help her parents maintain their farming at a more productive level.

After the initial development period, the agricultural return from the cattle produced on the property is expected to be \$46,000 a year in calf and cattle sales, and there is good scope to increase the calf rearing numbers or contract dairy calf rearing.

This property was a dairy farm and retains that infrastructure, but it won't be that again due to the local climate change and water salinisation issues, and these types of small farms are an excellent contribution to agriculture, the environment and the community.

This enterprise is seen as an excellent example of high-value grazing animal production with substantial community benefits contained within the Farming Zone that would not be suitable for any other planning zone.

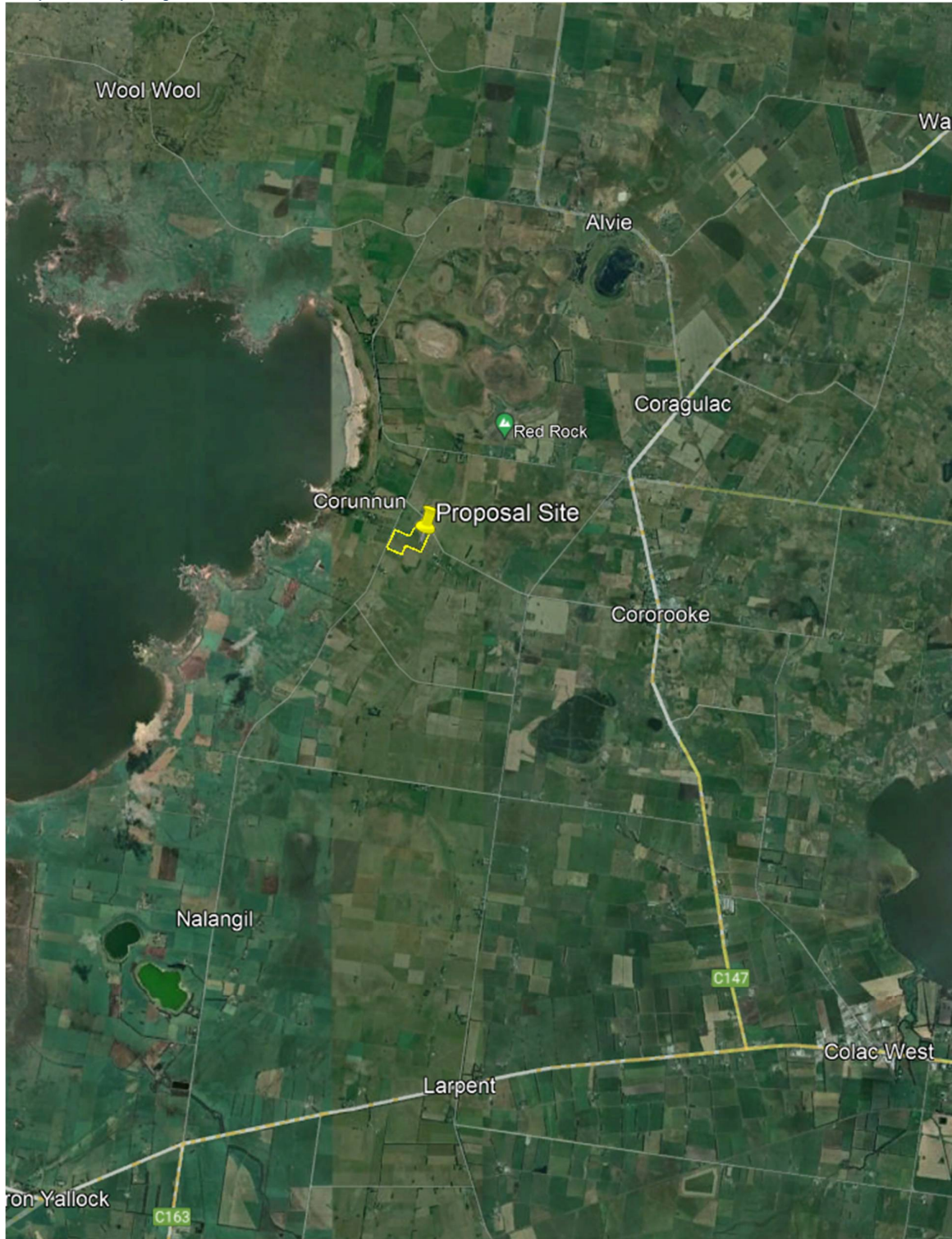
The justifications for a dwelling on a small lot farm are the same as justifications for any farm. The management times and tasks can be similar:

- Biosecurity: New nationally mandated requirements mean all visitors, vehicles and new stock to the property should be screened and, if necessary, disinfected. This needs to be monitored constantly. This is
- Monitor Animal welfare: (typical daily routine) listen and watch the stock for illness and lameness, identify downed stock and identify the issue, check for broken legs or injuries (calves are boisterous, and this happens often), birthing complications (any time of the day or night), milk fever or grass tetany (needs quick treatment or death will result), staggers, scours (scours in calves spreads in hours if the animal is not isolated and treated or culled), animals trapped in fences, gates, feeders bullying.
- As with any stock rearing, the requirement for someone to be nearby to monitor audible and visual signs of animal distress for animal health and welfare is very important.
- Road safety: stock escape, young stock are particularly good at this. Monitoring stock and identifying and relocating potential rogues will prevent this and may save a passing motorist's life.
- Daily Farm management routine: check water, check fences, feed stock, check pasture availability, fix things (say 10 hours a week for a resident without the corrective works).
- Agricultural Improvement: Remotely operated farms are always understocked and undermanaged as the above tasks cannot be completed in a timely manner. This activity level is nearly impossible to manage remotely; in winter, when it's dark more than 12 hours a day, this monitoring will not occur for over half the time.
- Pastoral use maximisation: Paddocks can be constantly monitored for growth rates, fertiliser requirements, pest attacks, growth rates, and animals relocated as required.
- Occupational Health and Safety: This property will have visitors who may not be familiar with farming and associated risks, and extended care and supervision will be required.

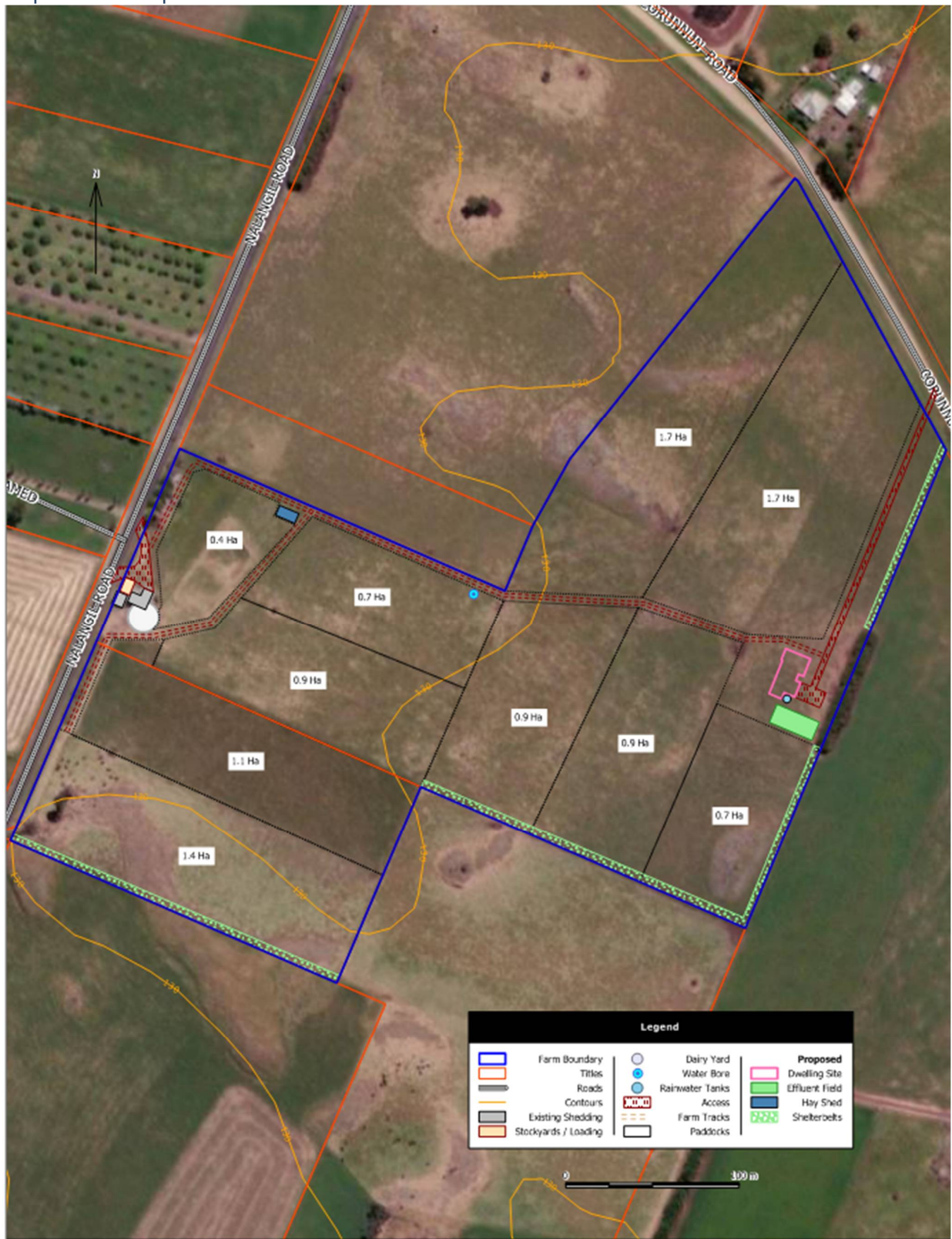
A dwelling on a farm is a lot more than a place where people reside. It is the administrative centre, office, meeting room, first aid shed, pharmacy, security and biosecurity checkpoint, tea room and monitoring post for a 24-hour-a-day, 365 days a year business.

Property Maps:

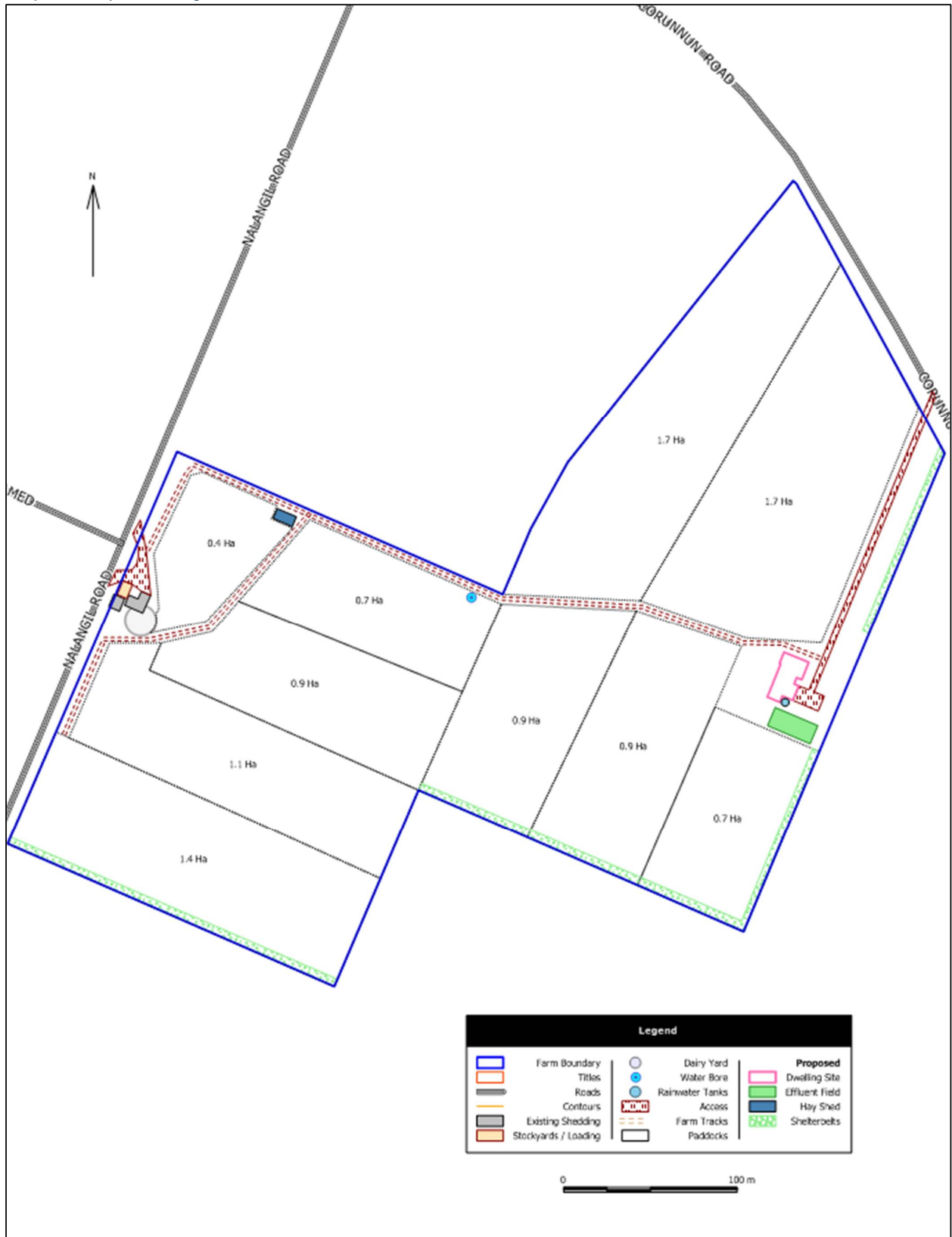
Map 1: Property Location



Map 2: Farm Map



Map 3: Proposed Layout



Map 4: Property Dimensions



Source: <https://mapshare.vic.gov.au/mapsharevic/>

Farming Factors:

Site Terrain:

The terrain at the property is gentle undulation with a general fall from east to west with a total elevation change of about 10 metres giving an average gradient of 2.5% but steeper in some parts. There are no other outstanding topographical features on the site, including rocky outcrops and permanent waterways, although several exposed stony banks are on the site.

Climate:

Corunnun climate statistics:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
Mean Max (°C)	25.7	26.0	23.5	19.3	15.8	13.1	12.5	13.7	15.8	18.3	20.8	23.4	19.0
Mean Min (°C)	10.7	11.2	10.1	8.0	6.2	4.5	3.9	4.5	5.8	6.8	8.3	9.4	7.4
Mean Rain (mm)	32.4	31.0	35.9	45.6	51.8	54.9	58.2	64.5	60.5	57.3	47.7	39.6	583.4
Mean Rain Days	5.0	4.3	5.8	8.0	10.7	11.9	12.8	13.5	11.9	10.4	8.0	6.5	108.8

Climate BOM Colac 090147; Rainfall BOM Warrion 090080

The climate is the typical Mediterranean type of warm, dry summers and cool, wet winters. The climate is well suited for the chosen agricultural activity.

Water Supply:

The property is well served for water with mains water already connected, and tanks will be connected to the dwelling and the new shed. An existing irrigation bore is on the site, and irrigation will be considered in the future. Groundwater quality is good for stock (1000-3500 ppm) at 5-10 metres depth.

Weed and Pest Management:

The property is not subject to major noxious or declared environmental pest and weed issues. It will be subject to common pastoral weed issues. Standard farm management methods such as sprays and/or physical removal will control any environmental and agricultural pests and weeds.

There are signs of minor rabbit scratchings, but no major warrens were found; this will be subject to ongoing monitoring. Foxes can be expected to be present, which can be an issue for young calves, particularly sick ones, requiring monitoring.

Soils:

The property land class is typical of the region, productive well-structured deep sandy loams. The soils may be prone to waterlogging during wet periods and drying and cracking during dry periods but generally retain productivity.

A representative soil test was collected to determine soil fertility and quality.

Paddock observations (soil test at rear):

- Low soil pH CaCl₂ (5.1) range indicates minor soil acidity.
- Excellent phosphorus levels (Olsen P 44.5 mg/Kg).
- Elevated potassium levels (Colwell K 933 mg/Kg)
- Good sulphur levels (8.4 mg/Kg)
- Good Organic Carbon (4.5 %)
- Good nitrogen levels at the time of testing (seasonally variable).
- Fair copper levels (maintaining copper is important for calf health)
- Fair zinc levels (zinc is important for animal health and plant growth)
- Good boron levels, boron is important for plant growth and protein synthesis
- Good iron levels
- Cation ratios indicate a fair soil structure, although calcium is low, creating elevated magnesium levels (makes a sticky soil and elevated magnesium in pasture can affect behavioural issues in young stock).
- Low electrical conductivity and low exchangeable sodium show no salinity impact.

Recommendations:

An agronomy program will be created to improve soil fertility and condition. This typically takes place over several years as soil improvement takes time. No potassium (potash) or phosphorus fertiliser is required; those levels should be good for several years.

The main issue here is the low calcium level in soils which is causing the acidity issue and should be corrected with agricultural lime. Acidity in soils releases aluminium which is toxic to most agricultural grasses and encourages weeds. Low calcium in soils reduces the calcium in plants and indirectly in stock, which reduces plant growth and can impact animal health and growth.

For fodder production, a fertiliser containing only sulphur and nitrogen would be required to maximise yield.

Trace elements benefit plant growth but are even more important for stock health. Copper and zinc levels are slightly low, which may improve calf health and growth rates, although this can also be provided in supplementary feed.

Regular soil testing should be conducted to ensure that soil chemical parameters are maintained in the optimum range for production values.

Lab soils test results:

Customer:	792 Nalingil Rd	Sample Date:	24/02/23
Sample Name:	Paddocks	Lab. No.:	TJS23134
Test Depth (cm):	0-10	Soil Colour:	Dark Brown
Gravel %:	0%	Assessed Texture:	Sandy Clay Loam
	Unit	Level Found	Good Range
Phosphorus Olsen	mg/Kg	44.5	14 - 25
Phosphorus Colwell	mg/Kg	189	30 - 63
Potassium Colwell	mg/Kg	933	140 - 250
Sulphur	mg/Kg	8.4	10 - 20
Organic Carbon	%	4.5	3 - 6
Ammonium Nitrogen	mg/Kg	24	
Nitrate Nitrogen	mg/Kg	40	
Conductivity	dS/m	0.16	< 4.0
pH Level (H ₂ O)	pH	6.0	5.6 - 6.4
pH Level (CaCl ₂)	pH	5.1	5.0 - 6.0
Aluminium (CaCl ₂)	mg/Kg	0.5	< 5.0
DTPA Copper	mg/Kg	1.09	> 1.5
DTPA Iron	mg/Kg	257	100 - 400
DTPA Manganese	mg/Kg	33	> 10
DTPA Zinc	mg/Kg	2.7	> 3
Boron (Hot CaCl ₂)	mg/Kg	1.5	> 1.5
	Unit	Level Found	Good Range
Cations			
Cation Exchange Capacity	meq/100g	27.38	10 - 20
Exchangeable Calcium	meq/100g	14.74	
	BSP %	53.84	70 - 85
Exchangeable Magnesium	meq/100g	8.72	
	BSP %	31.85	10 - 20
Exchangeable Potassium	meq/100g	3.40	
	BSP %	12.42	3 - 8
Exchangeable Sodium	meq/100g	0.47	
	BSP %	1.72	< 5
Exchangeable Aluminium	meq/100g	0.05	
	BSP %	0.16	< 2.0
	Unit	Level Found	
MIR Particle Sizing			
Sand	%	52.42	
Silt	%	17.57	
Clay	%	30.01	
Classification		Sandy Clay Loam	

Laboratory Analysis CSBP Labs (Wesfarmers), Bibra Lake WA

Pastoral Improvement:

Currently, the pastoral coverage is fair. It has a higher-than-average number of agricultural weeds that will need to be managed (weeds account for about 15 % of plant coverage). The estimation is that the property is currently producing 2.5 tonnes of grass dry matter per hectare per annum. Following the soil and pastoral program should allow this level to be increased to a conservative 3.5 tonnes of dry matter.

A mixture of grass species is often the best way forward for cattle grazing. A selection of species that have activity at different times of the year can allow for the constant grazing required. It should also contain a high ryegrass content to allow for the production of hay in springtime. A mixture of 70% perennial ryegrass (e.g., Vic rye and AR150), 15% fescue and 15% clover is ideal.

For hay production, the best strategy would be the control of undesirable plants, the ability to lock away a production area, and 100 kilograms of nitrogen fertiliser (or fodder boost) applied during growth. 30-50 tonnes (wet weight) of hay is the target for production from the fodder production area.

Improving pasture production is important as it will allow for stock to grow quickly and allow fodder production for feed out in the drier months. Fodder production areas will need to be secured to exclude stock during spring.

Paddock Layout:

The farm will have ten grazing paddocks keeping the dairy farm layout mainly, allowing rotational grazing and stock management of different sizes and ages. The higher ground will be most suitable for wetter seasons, and the lower ground will be most usable during drier seasons. It will also allow hay to be harvested from 2 or 3 paddocks each spring. The effluent dams will be filled in, allowing the recovery of that area for grazing.

Rotational grazing will be introduced, which involves moving livestock through the paddocks and optimising feed growth. Rotations are often organised around the plant growth cycles and aim to optimise pasture utilisation. The main benefit of a rotational grazing system is the focus on the plant growth phase. Grasses reach their best growth rate about 35 days after grazing, and higher yields are achieved by allowing paddocks to be ungrazed for more than 35 days. More paddocks mean a more extended, ungrazed period is possible in paddocks.

Livestock:

The property will rear at least 40 calves yearly, mainly Friesian and Friesian-cross bobby calves, with calves supplied from two local dairy farms. Most calves will be reared to weaning and sold on to others for grow out, and 12 will be retained for grow out on the farm to market size.

Bobby calf management has been a poorly managed animal welfare issue for the dairy industry; dairy farmers do not want to retain bobby calves on their properties as they do not contribute to their dairying. Support businesses like this benefit the dairy industry, and the managed care for bobby calves should be regulated (like in other countries already).

Calf Rearing Facility and Management:

The calf facilities have been designed in response to the requirements and experience of the proponent. An open shed will be provided for young calves, where they will be hand-fed for milk replacement and then

weaned to solid pellets. As they reach a suitable age and get larger, they will be transferred to weaning paddocks, where they will continue to be hand-fed calf pellets. Two of these paddocks will hold a relocatable 2.4 X 4-metre livestock shelter for the welfare of the calves. When they are capable of grazing, they will be moved to pasture until they are three months old.

The young calves are bedded on wood chips or shavings, and this can be periodically cleaned out and spread onto paddocks as a soil conditioner. This ensures the fertility in this area does not build up, and low risk of nutrient loss. Water will not be used for manure management, so liquid effluents will not be generated.

Nutrition management is imperative in the successful rearing of calves. The greater part of their early diet will be imported commercial feeds hand-fed to each calf as per their dietary requirements. This continues until they can be weaned onto pasture grass.

Fencing should be suitable for the containment of calves and constructed of materials that contain no toxic materials as they like to chew fencing materials, although electric fences can be installed to stop this from occurring.

Infrastructure and Business Management:

Infrastructure Investment:

The property has previously been part of a dairy farm, and most of the required infrastructure for handling stock is already on site, although it is becoming run-down with age and will require refurbishment. The stockyards are functional but need repairs, although they remain adequate for handling stock movements. There is no shedding for fodder storage which is currently held across the road or under trees, and a new hay shed will be constructed. Most internal fencing is in place, and the watering network is installed and functional. A new all-weather track will be constructed for the house site.

Opportunity Cost:

The property is best assessed alone as it is hemmed in by lifestyle and small farm lots and is unlikely to be joined to or with another property. Grazing is the principal activity of the area, and the property is well suited to that, and this plan is about maximising that activity. The property's design doesn't preclude conversion to another type of higher returning farming like horticulture in the future.

Staffing:

The property will be managed by [REDACTED] with help from her family, who have many years of land and cattle management experience. [REDACTED] has grown up in this area and is the fourth generation of farmers here; she knows how to make the farm productive.

Allowance for possible future expansion:

Initially, the proponent is not looking at significant growth beyond the proposed improvements, and the proposed calf numbers will be sustainable for the property. In time she will purchase an additional 12 hectares from her family across Nalangil Road and use that for cattle rearing.

Financial Projections:

The proposal calls for an investment in farm infrastructure and pastoral improvement of \$25,000 and an investment in a dwelling and shedding of over \$400,000.

After the initial development period, the enterprise revenue is expected to be over \$46,000 a year in calf and yearling sales.

Indicative Farm Profit/Loss (excluding dwelling, shedding and machinery costs and not adjusted for CPI):

Income/Cost Item	Year 1	Year 2	Year 3	Year 4	Year 5 +
Yearling Sales (~\$1500)	\$15,000	\$18,000	\$18,000	\$18,000	\$18,000
School Yearlings (No Charge)		\$0	\$0	\$0	\$0
Restockers @ months (~\$1000)		\$28,000	\$28,000	\$28,000	\$28,000
Total Revenues	\$15,000	\$46,000	\$46,000	\$46,000	\$46,000
Calf Purchases (40 x \$250 per calf)	-\$10,000	-\$10,000	-\$10,000	-\$10,000	-\$10,000
Stock Health (Vet, vaccinations etc.)	-\$2,000	-\$2,000	-\$2,000	-\$2,000	-\$2,000
Feed Costs (milk substitutes)	-\$5,000	-\$5,000	-\$5,000	-\$5,000	-\$5,000
Pasture Costs	-\$2,000	-\$2,000	-\$2,000	-\$2,000	-\$2,000
Apportioned Rates, Insurance, Utilities	-\$2,000	-\$2,000	-\$2,000	-\$2,000	-\$2,000
Variable Costs ~7%	-\$1,050	-\$3,220	-\$3,220	-\$3,220	-\$3,220
Net Return	-\$7,050	\$21,780	\$21,780	\$21,780	\$21,780

Notes:

Uses a very conservative current market value, which is extremely variable at the time.

Assumes 40 calves reared but 50-60 is achievable.

Infrastructure, equipment and land costs are excluded.

Environmental Factors:

Natural Resource Management:

The property has no major natural resource features, including waterways, bushland areas and landscape features. Three new shelterbelts are to be planted for wind and weather protection and to provide ecological habitat. This area has uncertain endemic vegetation classification, and Oztrees or another native nursery will provide the selection of those native trees.

Remnant Vegetation:

There are no remnant vegetation assets on the property. There are no identified endemic trees to this area.

Erosion and Compaction:

The property generally has a low erosion risk. It is gently sloping, has no high-velocity drainage channels and is well-established with pasture. The proposed activity is not an intensive one and does not require the use of heavy machines beyond a tractor.

The soil has a high sand content which is resistant to compaction, and most vehicle activity will be on formed tracks, particularly during wetter seasons.

Fire Management:

The land use is not seen to contribute any fire risk to the area. The land is in a designated bushfire prone area, although not of any greater risk than normal farmland. Fire management plans should be drawn for the property. Firewater supply is available from tanks attached to the house and proposed to be attached to the arena roof with minimum water supply held as per recommended conditions.

Groundwater:

Groundwater is at a depth of 5-10 metres and is at low risk of exposure to any form of nutrients infiltrating from the surface. Maintaining plant coverage will assist in keeping soil nutrient levels lower to minimise further risk.

Drainage:

The property has no constructed drainage relying on soil infiltration and landfall for water clearance.

Adverse impacts on adjacent land:

There is not expected to be any major change to the amenity of the adjacent land from the agricultural enterprise. Some animal odour or noise may be generated occasionally, but the same as any agricultural enterprise in a farming zone. Truck transport would need to access the property occasionally, which would be less than once a week.

Animal Welfare and Biosecurity:

Animal welfare, in this instance, will be very good. Calf rearing is almost entirely about animal welfare in that it closely monitors animals and provides constant and ongoing care.

A list of best practice animal welfare guidelines is available from <http://animalwelfarestandards.net.au/>. This is a comprehensive, common-sense approach to caring for farm animals driven largely by the buyer's expectations and contagious disease control and prevention.

Biosecurity is about preventing and containing disease and negative issues that could impact the farm and agriculture.

Recommended by Meat and Livestock Authority (not compulsory) Procedures for Biosecurity

- The farm should have a documented Farm Biosecurity Plan
- All livestock movements onto the farm have known health status (e.g. Livestock Health Statement/Declaration or equivalent)
- All introduced livestock are inspected for signs of ill health or disease on arrival at the property and kept in isolation for a period
- Livestock are regularly inspected for ill health and disease, and appropriate action is undertaken.
- The risk of livestock straying onto or from the property is minimised.
- If an unusual disease, illness, or mortality is observed, there are systems to notify a veterinary practitioner or animal health officer.
- Where reasonable and practical, the movement of people, vehicles and equipment entering the property are controlled and, where possible, movements recorded.
- Any other procedures or practices that contribute to minimising the risk or spread of disease.

The property has the required Property Identification Code (PIC).

Site Photos:

Image 1: Looking east over the property from Nalingil Road, showing the boundary and house site.

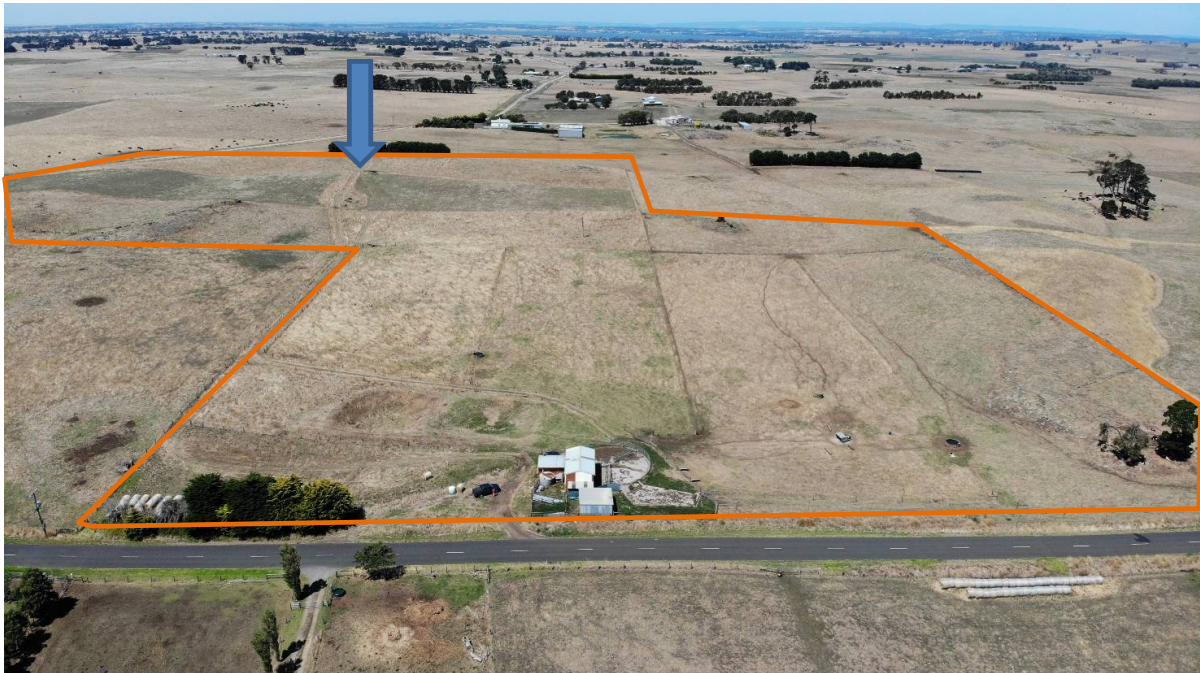


Image 2: Nalingil Road frontage



Image 3: Looking south-west over the farm from Corunnun Road



Image 4: Corunnun Road and proposed dwelling access point



Image 5: Looking north over the property



Image 6: Proposed house site



Images 7 & 8: Old dairy, yards, shed and loading yards on Nalingil Road.



Images 9 & 10: A small number of calves are already kept onsite



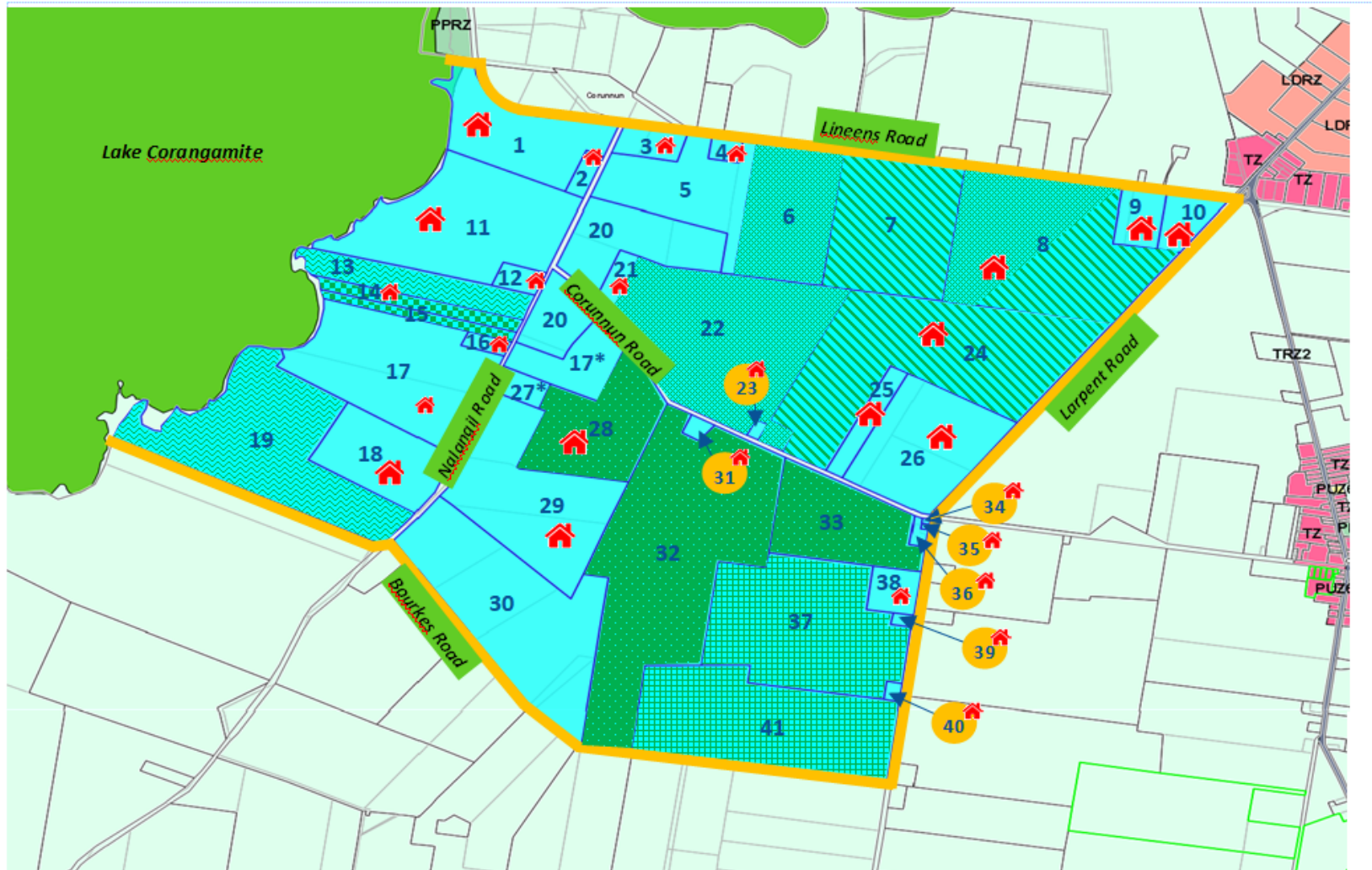
Image 11: There are rocky banks that are restrictive for grazing use






Image 12: Hay and equipment under trees, a new shed is proposed to cut weather deterioration.



PP149/2023-1 - 765 Nalangil Road CORUNNUN - Map A - Numbering



Ownership note: Properties 6, 8 and 22 under same ownership. Properties 7, 8 and 24 under same ownership. Properties 13 and 19 under same ownership. Properties 14 and 15 under same ownership. Properties 28, 32 and 33 under same ownership. Properties 37 and 41 under same ownership.

Key			
	Study Outline	Subject Site	Dwelling on property

Signed by AustLII

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P11242/2021
PERMIT APPLICATION NO. PLA0233/20

CATCHWORDS

Application under section 77 of the *Planning and Environment Act 1987*; Baw Baw Planning Scheme. Farming Zone; Use of land for dwelling and construction of buildings and works. Land subject to inundation; Nature of proposed agricultural activity in conjunction with dwelling; Flood hazard.

APPLICANT	Edmund and Francesca Kennedy
RESPONSIBLE AUTHORITY	Baw Baw Shire Council
REFERRAL AUTHORITY	West Gippsland Catchment Management Authority
SUBJECT LAND	1 Rhodes Road, DARNUM VIC 3822
HEARING TYPE	Hearing
DATE OF HEARING	23 March 2022
DATE OF ORDER	12 July 2022
CITATION	Kennedy v Baw Baw SC [2022] VCAT 787

ORDER

- 1 Pursuant to section 127 of the *Victorian Civil and Administrative Tribunal Act 1998* the name of the applicant is amended to be:
 - Edmund and Francesca Kennedy.

No permit granted

- 2 In application P11242/2021 the decision of the responsible authority is affirmed.
- 3 In planning permit application PLA0233/20 no permit is granted.

Shiran Wickramasinghe
Member

Signed by AustLII

APPEARANCES

For applicant

Ben Mckenna, town planner of CS Town Planning Services

He called the following witnesses:

- Mr Warwick Bishop, senior principal engineer of Water Technology
- Mr Dean Suckling, agricultural and environmental consultant of EnProve – Ag & Environment

For responsible authority

Ms J Power, consultant planner

For referral authority

Mr A Dunn, Executive Manager Statutory Planning of West Gippsland Catchment Management Authority

Signed by AustLII

INFORMATION

Description of proposal	Use and development of a dwelling and development of an agricultural shed and associated works
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Baw Baw Planning Scheme (Planning Scheme)
Zone and overlays	Farming Zone (FZ) Land Subject to Inundation Overlay (LSIO) Development Contribution Plan Overlay (DCPO1)
Permit requirements	Clause 35.07-1, permit is required for the use of a dwelling on a lot less than 40 hectares in area. Clause 35.07-4, permit is required to construct a building or to construct or carry out works associated with a section 2 use. Clause 44.04, permit required to construct a building to construct or carry out works.
Key scheme policies and provisions	02, 13.01, 13.03-1S, 14.01-1S, 14.01-1L, 14.01-2S, 35.07, 44.04 and 65.01

Signed by AustLII

Land description

The site is located at the eastern side of Rhodes Road, on the corner of Silbys Road and north of the Gippsland Railway reserve and Princess Freeway.

The site is approximately 3.9 hectares in size, with road frontage of 108 metres to Rhodes Road and 247 metres to Silbys Road. There is a natural dam near the south eastern corner of the property.

There are two existing access points to the property, and these are to be retained. The access point on Rhodes Road is to be upgraded as the main entrance to the property. Silbys Road and Rhodes Road are well-formed gravel roads with no footways or street lighting.

Land directly adjoining the site to the east is agricultural land used for grazing. Land abutting to the north is a lot of approximately 4.3 hectares that has been developed with a dwelling with the remainder of the land used for agricultural purposes. The broader area comprises of lots in the Farming Zone that vary in size from 4 hectares to 21 hectares. The majority of these lots have a dwelling on the land.

Tribunal inspection

An unaccompanied site inspection was conducted on 17 June 2022.

REASONS¹

WHAT IS THIS PROCEEDING ABOUT?

- 1 This is an application for a review of the Baw Baw Shire Council's refusal to grant a permit for the use and development of the land with a dwelling and development of an agricultural shed and associated works. The dwelling is to be located in proximity to the north-east corner of the site, set back 8.0 metres from the north and eastern boundary respectively. The dwelling is single storey comprising four bedrooms, two bathrooms and a double garage.



Source: Council submission

- 2 The application was referred to West Gippsland Catchment Management Authority (**WGCMA**) pursuant to section 55 of the Planning and Environment Act 1987 (the Act). The WGCMA, as a recommending referral authority under the LSIO, objected to the application on the following grounds:
 1. The proposal is not consistent with the objective of the Planning Policy Framework (PPF) Clause 13.01-1S - Natural hazards and climate change - to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

2. The proposal is not consistent with the objective of the Planning Policy Framework (PPF), Clause 13.03-1S- Floodplain management - to assist the protection of life, property and community infrastructure from flood hazard; the natural flood carrying capacity of rivers, streams and floodways; the flood storage function of floodplains and waterways; and floodplain areas of environmental significance or of importance to river health.
 3. The proposal is not consistent with the objectives of the Local Planning Policy Framework (LPPF), Clause 21.06-4 – Objective 1 – To ensure development proposals demonstrate a positive contribution to the environment in terms of soil stability, erosion, flood and drainage management and the retention of native vegetation.
 4. The proposal is not consistent with the purpose of the Land Subject Inundation Overlay, Clause 44.04, which seeks to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
 5. The proposal is not consistent with the Principles and Objectives from the West Gippsland Catchment Management Authority's Flood Guidelines, 'Guidelines for development in floodprone areas' (2013).
 6. The proposal is not consistent with the decision guidelines in the Victorian Planning Provision Practice Note PNP11 'Applying for a Planning Permit Under the Flood Provisions – A guide for councils, referral authorities and applicants', in that:
 - a. It is not consistent with the Planning Policy Framework (PPF).
 - b. It is not consistent with the Local Planning Policy Framework (LPPF).
 - c. It is likely to result in danger to the life, health and safety of the occupants due to flooding of the site.
 - d. It relies on low-level access to and from the site.
 - e. It is likely to increase the burden on emergency services and the risk to emergency personnel.
- 3 Council's grounds of refusal relate to the proposal being inconsistent relevant clauses under the State and Local Planning Policy Framework including, Clause 13.01-1S- Natural hazards and climate change, Clause 13.03-1S- Floodplain management, Clause 14.01-1 – Protection of Agricultural Land, Clause 14.01-2 – Sustainable Agricultural Land Use, Clause 16.02-1 – Rural Residential Development, Clause 21.06-4 – Natural Resource Base Clause 21.06-6 – Farmland and Soil Quality, Clause 22.01 – Rural Zones Policy.

- 4 Further, the proposal was considered to be inconsistent with the Rural Zones Policy, the purpose of the LSIO, the Principles and Objectives of the West Gippsland Catchment Management Authority's Flood Guidelines, 'Guidelines for development in flood prone areas' (2013) and the decision guidelines in the Victoria Planning Provision Practice Note PNP11 'Applying for a Planning Permit Under the Flood Provisions – A guide for councils, referral authorities and applicants'.

WHAT ARE THE KEY ISSUES?

- 5 The key issues to be considered in this proceeding for review are:
- Is the proposal an acceptable response to planning policy and floodplain management?
 - Is the dwelling reasonably required to support the farming activity?
- 6 Having considered the submissions and evidence with regard to the relevant policies and provisions of the Planning Scheme, assisted by my inspection, I have determined to affirm Council's decision and not grant a permit. My reasons are as follows.

WHAT IS THE RELEVANT PLANNING CONTEXT?

- 7 The Planning Scheme was revised through Amendment C139bawb and VC216 after the Tribunal hearing. consideration of this application. An interim order was subsequently issued on 15 June 2022 requesting submissions from the parties regarding the implications of the amendments in relation to this proceeding. Parties including the applicant advised Amendment C139bawb comprised a policy neutral translation of the Planning Scheme's policy framework with no loss of policy direction and that VC216 does not impact the proposal.
- 8 The amendments are relevant to consideration of this matter as Council's reasons for refusal of the proposal refer to clause 21.06-4, 21.06-6 and 22.01 as it was prior to the approval of Amendment C139bawb. These clauses have been transferred with some change in formatting to clause 2.03-3, 14.01-1L, 14.01-2L-01. In this context my decision must be made based on the Planning Scheme as it exists at the time of the decision.²
- 9 The review site is zoned FZ where the purpose is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To provide for the use of land for agriculture.
 - To encourage the retention of productive agricultural land.

² *Unger v City of Malvern* (1979) VR 259

- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision; and
- To provide for the use and development of land for the specific purposes identified in schedule to this zone.

10 Clause 35.07-6 of the FZ includes the following relevant decision guidelines:

General Guidelines

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- Any integrated land management plan prepared for the site.

Accommodation issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

11 Pursuant to clause 44.04 the purpose of the LSIO are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect any declaration under Division 4 of Part 10 of the *Water Act, 1989* where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and floodplain health.

12 Relevant decision guidelines at clause 44.04-8 include:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- Alternative design or flood proofing responses.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.

- The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

13 Clause 13.03-1S Floodplain management has the objective:

- To assist the protection of:
 - Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
 - The natural flood carrying capacity of rivers, streams and floodways.
 - The flood storage function of floodplains and waterways.
 - Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

Relevant strategies include:

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.

14 The objective of Clause 14.01-1S Protection of Agricultural Land is “To protect the state’s agricultural base by preserving productive farmland”. Strategies listed to achieve this objective include:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability.
 - Balance the potential off-site effects of a use or development proposal (such a degradation of soil or water quality and land salinisation) against the benefits of the proposal.
- 15 Clause 14.01-1L, Dwellings and subdivision in rural areas includes the following relevant objective:
- To ensure that the development of dwellings and subdivision, including the creation of small lots for existing dwellings, minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production.
- 16 Relevant strategies and policy guidelines at clause 14.01-1L include:
- Strategies
- Discourage the development of a dwelling on land that is used for small-scale grazing animal production unless there are special management requirements relating to the grazing of stock.
 - Discourage the development of a dwelling unless it is required for a commercial farming purpose or for an approved tourism business to the satisfaction of the Responsible Authority.
 - Discourage dwellings on lots where wastewater cannot be retained and treated within the lot.
 - Limit the area associated with a dwelling and ancillary buildings and facilities so that the area for agriculture or rural purposes is maximised.

- Encourage consolidation of vacant lots within the property (being lots in the same ownership which adjoin each other or are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve) on which the dwelling is proposed.

Policy guidelines

Consider as relevant:

- A business plan or farm management plan clearly demonstrates that a dwelling is required for a commercial farming purpose (including small scale grazing animal production) or an approved tourism business on the land.
 - Limiting a dwelling and ancillary buildings and facilities, to within a 2000 square metre envelope.
 - Setting dwellings back at least 100 metres from a neighbouring dwelling or a farming activity node.
 - An agreement under Section 173 of the Act, that ensures that the lot cannot be subdivided to create an additional lot and cannot be used for any further dwelling.
 - That a proposal for a new dwelling adjacent to two or more existing dwellings constitutes a 'concentration' or 'proliferation' of dwellings in the area when considering the Dwelling Decision guidelines under clause 35.07.
- 17 Clause 14.01-2S Sustainable agricultural land use states the policy objective as being *'To encourage sustainable agricultural land use'*. Relevant Strategies include:
- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources;
 - Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices
- 18 Clause 02-03-1 in relation to Settlement recognises Baw Baw is influenced by its proximity to Melbourne and its access to pristine natural areas, agriculture and lifestyle opportunities. As a peri-urban municipality, within 100 kilometres of Melbourne's CBD, it offers attractive lifestyle choices in urban and rural settings. Due to its location Baw Baw has been experiencing some of the highest growth rates in Victoria and faces growth pressures.

- 19 Darnum is identified under the heading Small towns and rural settlements – Limited growth that says the following:

Darnum provides a ‘country town’ lifestyle with a variety of lot sizes for residents. Due to a lack of infrastructure, future growth will be limited to taking up land within the Township Zone rather than expanding beyond.

- 20 Clause 02.03-3 in relation to ‘Natural Resource Management’ recognises that most rural land in Baw Baw is highly suitable for both intensive horticultural and broadacre pasture based farming due to its fertile soils, high rainfall, temperate climate, varied topography and proximity to markets. Therefore a majority of the Shire’s agricultural land is said to be able to support a wide range of agricultural enterprises to a high production level.

- 21 Relevant strategic directions for ‘Natural Resource Planning at clause 02.03-3 include:

- Maintain the integrity of the land resource and its protection from unplanned urban and residential encroachment.
- Protect and develop the Shire’s resources relating to dairying, horticulture, grazing, timber production, tourism and high quality water.
- Protect agricultural uses by minimising land use conflicts between agricultural and sensitive uses.
- Restrict dwellings and small lots that would result in the loss of productive agricultural land or that prejudice agricultural production.

- 22 Clause 65.01 provides the following relevant matters to be considered before deciding on an application.

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

PLANNING SCHEME AMENDMENT C144 – BAW BAW FLOOD MAPPING UPDATE

- 23 I was advised Council has prepared Amendment C144 to the Planning Scheme. The amendment proposes to update flood maps for the Floodway Overlay (FO) and LSIO throughout the municipality. The relevant maps are said to reflect new flood information held by the WGCMA and Melbourne Water. The amendment would delete the current FO and LSIO maps and replace them with the updated mapping. The amendment was undergoing exhibition at the time of the hearing and scheduled to conclude on 6 May 2022. Council submitted the amendment is considered to be seriously entertained.
- 24 Given the stage it has reached in the process, the amendment cannot be considered to be a seriously entertained planning proposal. Any submissions received are yet to be considered by a panel and the amendment has not been adopted by Council and submitted to the Minister for Planning for approval.

IS THE PROPOSAL AN ACCEPTABLE RESPONSE TO PLANNING POLICY AND FLOODPLAIN MANAGEMENT?

- 25 The site is located in a LSIO and it is common ground the site is subject to flooding. With respect to floodplain management Council in its grounds of refusal says the proposal is inconsistent with a number of State and Local policies and the provisions of the LSIO.
- 26 The WGCMA acknowledges there is a sufficient flood-free building envelope on the site, however they oppose the proposal having regard to the depth of flooding over the proposed vehicle egress and evacuation route from the site via the driveway to Rhodes Road. The extent of flooding is said to represent an extreme flood hazard which could be avoided by the relocation of the driveway.
- 27 In support of this submission the WGCMA refer to flood modelling undertaken that indicates during a 1 in a 100 year flood level³ (1:100 year ARI⁴ flood event). The site is said to be affected as follows:
- The low-lying parts of the subject site are flooded, including areas in addition to what is currently covered by the LSIO.
 - The 1% AEP flood level at the property is 93.8m AHD.

³ Flood modelling of the Moe River and tributaries completed by the WGCMA for the catchment upstream of the Princess Highway at Yarragon in 2017.

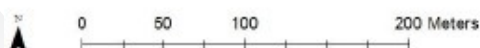
⁴ Annual Recurrence Interval.

Signed by AustLII

- Flood depth over the southern portion of the property is likely to reach 2.9 metres during a 1% AEP flood event.
- The northeast corner of the property, at the site of the proposed dwelling, is likely to remain flood free in a 1% AEP flood.
- Rhodes Road and Silbys Road, and the proposed driveway to Rhodes Road are subject to flooding during a 1% AEP flood event.
- The 1% AEP flood depth on the proposed driveway to Rhodes Road is likely to reach 2.7 metres.
- 1% AEP flood depth on Rhodes Road and Silbys Road are likely to reach 2.5 and 2.6 metres respectively
- Flood velocity on Rhodes Road is likely to reach 0.7m/s during a 1% AEP flood event.
- Silbys Road at the south eastern corner of the property is not likely to be subject to inundation from the Moe River.

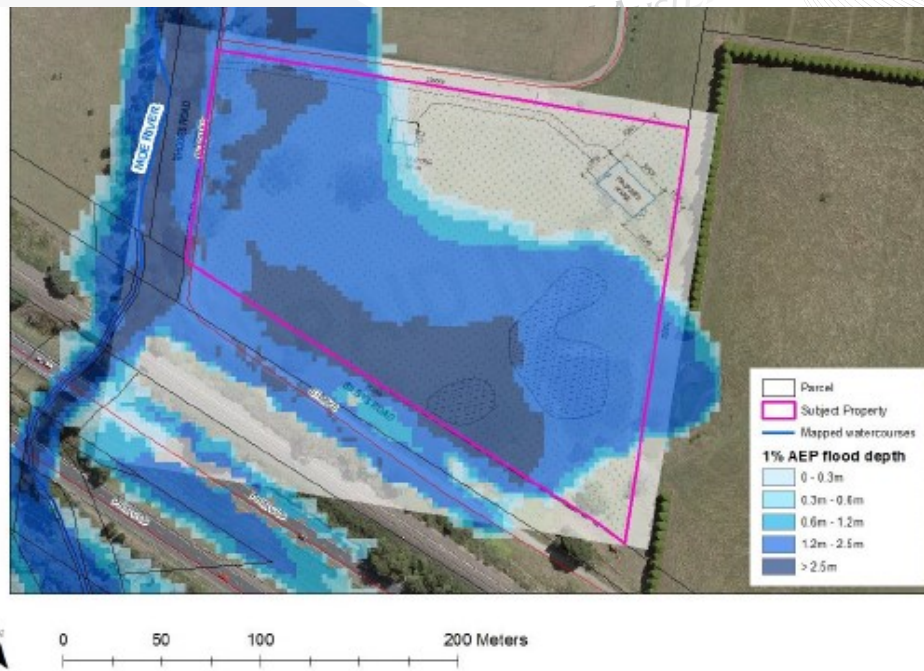
28 The WGCMA says the proposed dwelling would rely on low level access and safe access would not be possible during a 1% AEP flood event. This would pose a risk to life of both any future occupants of the proposed dwelling and emergency personnel, as safe access could not be provided.

29 The WGCMA provided the diagrams shown below that show the extent and depth of flooding of the property and Rhodes Road when the 1% AEP flood level is 93.8m AHD.



Extent of Flooding

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Depth of Flooding

- 30 The WGCMA however goes on to say it would support the proposed development if an alternative driveway route was proposed, that followed the eastern property boundary and connected directly to Silbys Road. It should be noted the applicant opposed any upgrade of the driveway to Silbys Road and the proposal does not include an alternative driveway route along the east boundary as suggested by the WGCMA.
- 31 The applicant submits the Council and the WGCMA have taken an 'in principle' position based on an isolated view of the flood risk and ignored the broader context of the site which can allow for egress at a flood level of 93.8m AHD. The applicant in support of the proposal states:

It is our contention that Council and GWCMA [sic] have taken an 'in principal' [sic] position based on an isolated view of the flood risk and ignored the broader context of the site which can allow for egress at a flood level of 93.8m AHD.

The proposed development includes an access way affected by the Land Subject to Inundation Overlay. The proposed dwelling is not affected by the Land Subject to Inundation Overlay.

It is our contention that Council and GWCMA's [sic] concerns have been overstated, and while there is a risk to human life, the proposal does present an acceptable outcome when a balanced assessment of the planning controls and site context is undertaken.

It is our contention that the proposed dwelling falls within the realm of acceptable risk. Councils [sic] position calls for an absence of risk but this is at odds with what the overlay and the state policy framework states.

While floods can occur rapidly and their effects present potential catastrophic consequences, this site could be easily and quickly evacuated. The risk to human life is somewhat mitigated by advanced warning of the risk of flooding and any potential flood emergency, compared to a situation where there is little or no warning of an impending threat to human life.

- 32 Having considered all relevant matters I am not persuaded by the applicant's submissions and expert evidence. There are relevant policies and decision guidelines that seek to protect life and property from flood hazard and seek site development to minimise risk to life from natural hazards such as flood. In this context access to the site is a relevant matter to consider in determining whether or not to grant a permit. I find this application is not supported by the policies in the Planning Scheme and the purpose of the LSIO and the relevant decision guidelines which require the avoidance of developments in areas where access is subject to flooding.
- 33 Relevantly the purpose of the LSIO seeks to minimise the potential of flood risk to life, health and safety⁵, whilst the decision guidelines require consideration of matters relating to the potential flood risk to life, health and safety, the susceptibility of the development to flooding and alternative design or flood proofing responses⁶. Further, clause 65.01 of the Planning Scheme requires consideration of consideration of the degree of flood associated with a location of the land and the use or development so as to minimise any such hazard.
- 34 The WGCMA '*Flood Guidelines - Guidelines for development in flood prone areas*' (2020) (the **Guidelines**) include objectives relevant to the application.
- Objective 2: Site Access states that "Development must not be located where the depth and flow of floodwaters along the access to or from the property is hazardous"
- 35 Further, the Guidelines state that where flood depth during a 1% AEP flood event is likely to exceed 0.3 metres over the development site or 0.3 metres over the vehicle route from the property, a proposal for a new single dwelling on land not zoned for residential purposes is not supported as it would increase the amount of people and property exposed to the flood hazard.
- 36 Decision guidelines at clause 44.04-8 state any comments of the relevant floodplain management authority are a relevant consideration when determining an application. The WGCMA flood modelling shows the flood depth on the driveways to Rhodes Road and Silbys Road is likely to reach 2.7 metres. This modelling clearly demonstrates that in a 1% AEP flood

⁵ At clause 44.04

⁶ At clause 44.04-8

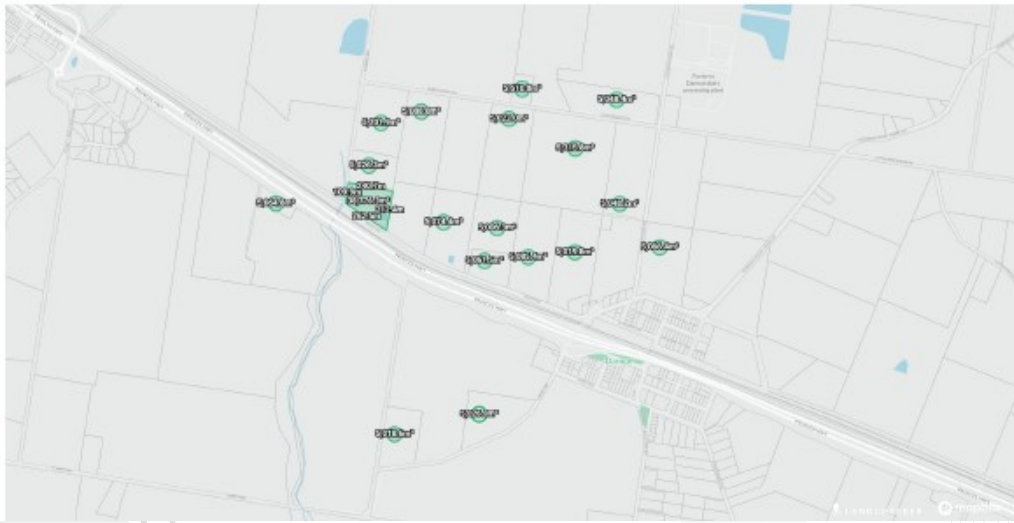
- event the depth of floodwaters will exceed the safe depth of no greater than 0.3 metres.
- 37 Mr Bishop in his evidence stated that based on the current plan, the development does not comply with WGCMA's safety requirements. However his evidence was that risk can be mitigated through the implementation of a flood risk management plan for the site.
- 38 He stated the risk to residents could be managed as the dwelling is above flood the level. He acknowledged that access to the site would potentially be cut-off, however the residents could stay safely on site (and within the dwelling), even during prolonged isolation, with the necessary level of provisions.
- 39 He also recommended the proposed development should allow for an emergency raised egress route to Silbys Road or have access to an inflatable watercraft as has previously been considered appropriate by the Tribunal as a last resort form of contingency in *No. 8 River Street Pty Ltd v Stonnington CC* [2019] VCAT 2058 (*No. 8 River Street Pty Ltd*).
- 40 I am not persuaded by Mr Bishop's evidence. I find that creating an outcome that exposes occupants of the proposed dwelling to flood risk where the only means of access to the site is subject to significant flood hazard is unacceptable and contrary to the Planning Scheme policies and provisions that seek to protect life and property from flood hazard. Further, with respect to his recommendation of an emergency raised access route from the site I note this does not form part of the proposal and therefore has not been considered or assessed by either the Council or the WGCMA. In such circumstances, it would not be appropriate to consider this potential option in determining the application. Regarding his reference to the use of inflatable watercraft, I was not made aware of the facts or circumstances of the *No. 8 River Street Pty Ltd* case which led to the Tribunal to identify such a solution as potentially being acceptable, or how comparable they are to what is before me. I have no basis to conclude that such a response is acceptable in the circumstances of this proposal.
- 41 The potential risk created by a flood event is exacerbated by the lack of flood warning available in this location. Mr Dunn submitted that the nearest surface water gauge is approximately 4km downstream of the property, known as Moe River @ Darnum (226209). There is no gauge upstream of the property and while observed river height data can be viewed on the Bureau of Meteorology webpage during a flood event, the Bureau of Meteorology does not provide a flood warning prediction service for the Moe River. The lack of a warning system further creates an unacceptable potential flood risk to life and safety associated with development.

- 42 Whilst the dwelling is to be sited above the flood level, occupants will have no 'formal' warning of a potential flood event and may be unable to leave the site, leaving them isolated in a flood event. I do not consider a proposal that creates this outcome that has the potential to create a flood risk to life, health and safety by stranding residents on site and creating a circumstance where residents may try to navigate flood water to be orderly planning. In addition, it creates an unnecessary and unacceptable risk to emergency personnel who may be called upon to evacuate the stranded occupants.
- 43 Further, I do not find that the potential alternative access through adjoining properties as suggested by Mr McKenna to be sufficiently developed to be contemplated as part of this proposal. There is no evidence of a formal agreement to allow access, no easement of way and I was not advised of any gates that would allow easy access over adjoining private property.
- 44 Mr McKenna made submissions there are other nearby sites occupied by dwellings that experience the similar flood risk and the site, if undeveloped, will remain 'orphaned'. I do not find these submissions justify supporting a proposal that has the potential to put additional people at risk during a flood event in circumstances where that risk cannot be acceptably managed, which is the case here. Further, I note the site has existed since 1968. In that context it is not clear to me what is meant by the term 'orphaned' if a permit is not granted.
- 45 Having regard to the above I do not consider the proposal that is opposed by the relevant floodplain management authority and inconsistent with the purpose of the LSIO that seeks to minimise the potential flood risk to life, health and safety associated with development to be acceptable.

IS THE DWELLING REASONABLY REQUIRED TO SUPPORT THE FARMING ACTIVITY?

- 46 The provisions of the FZ require a permit for use of land for a dwelling where the lot is less than 40 hectares. The purpose of the zone and the decision guidelines set out matters that must be considered in deciding if a permit should be granted. These include reference to State and local policies.
- 47 The applicant says the proposal that includes a dwelling, an agricultural shed to house farm machinery, 60 chickens, paddock fencing to preserve wetland areas and allow rotational grazing of 10 sheep meets the requirement of the zone.
- 48 The applicant also submitted that while the site is not zoned primarily for residential purposes, more weight should be given to the context of the site as 75% of surrounding lots (the properties bordered by Rhodes, Silbys, Parkinsons and Darnum Parks Roads) have a dwelling on the land and are generally used for grazing as shown in the diagram below.

Signed by AustLII



Source: Applicants submission.

- 49 In support of the application for the dwelling pursuant to policy guidelines at clause 14.01-1L, a farm management plan was submitted with an indicative budget to show expected net return from the farming activity as shown below.

Indicative Budget (excluding dwelling and land costs, not CPI-adjusted):

Income/Cost Item	Year 1	Year 2	Year 3	Year 4	Year 5+
Market Garden	0	15,000	15,000	15,000	15,000
Dorper Sales (10 per year)	0	2,800	2,800	2,800	2,800
Egg Sales (6 Dozen per day)	6,000	13,100	13,100	13,100	13,100
Market Garden Costs	-1,200	-1,200	-1,200	-1,200	-1,200
Lamb Purchases	-1,000	-1,000	-1,000	-1,000	-1,000
Chicken Costs					
Pasture Costs	-500	-500	-500	-500	-500
Apportioned Rates, Insurances Utilities	-2,000	-2,000	-2,000	-2,000	-2,000
Infrastructure Maintenance	-2,000	-2,000	-2,000	-2,000	-2,000
Net Return	-700	24,200	24,200	24,200	24,200

Source: Farm Management Plan (EnProv Ag & Environment)

- 50 Further, in his evidence, Mr Suckling stated the following:

The proposed enterprise's estimated amount of annual work is 800-1000 hours per year (~15 hours per week). Chickens and eggs require 1-2 hours per day, every day. The land management could be expected to be 3-4 hours per week (grass and weed control, tree management, maintenance etc.). This amount of time for a single paddock is not viable for a large farmer.

- 51 The Council opposes the proposal and says the proposed use and development of the site is inconsistent with the PPF and the Municipal Planning Strategy as it would detrimentally impact agricultural land and the flow and storage of floodwaters. It says the proposed dwelling is being sought to enable the applicant to reside on the property and manage a relatively small number of chickens, sheep and grow a market garden.
- 52 The submitted farm management plan is said to be optimistic in relation to the potential success of the yields and the earning potential of the proposed operations. The scale of the agricultural is said to be more akin to a hobby farm and as such any dwelling would perform the function of supporting a rural lifestyle rather than being a necessity in the operation of a commercially viable business.
- 53 I am not persuaded the use of the land for a dwelling on a 3.9 hectare site is consistent with the provisions of the FZ and is necessary having regard to the nature of the farming use. The decision guidelines of the FZ require consideration of whether the dwelling will result in loss or fragmentation of productive agricultural land and the potential for the proposal to lead to a concentration or proliferation of dwellings. I find the use and development of the site will result in an unacceptable loss of productive agricultural land as the dwelling will occupy land that is not affected by flooding on a site where less than half its area is usable during the wet season.
- 54 I am not satisfied that any particular management requirements have been identified to substantiate a continual presence on the site in the form of a dwelling. I agree with Council the 15 hours of work per week associated to the agricultural use of tending 10 sheep, 60 chickens and a market garden do not require a 24 hour a day, 7 day a week presence on the site.
- 55 As stated in Mr Suckling's evidence the site is currently owned by a larger farmer and it has been used for a farming purpose previously. In this context the fact the current owner is not using the land to "any great effect" as suggested by Mr Suckling does not justify the construction of a dwelling on the site in association with proposed small scale agricultural use. There is not sufficient nexus between the proposed dwelling use and the farming activity to support the proposal having regard to the relevant strategy at clause 14.01-1L that discourages development of a dwelling unless it is required for a commercial farming purpose. A further strategy is to discourage the development of a dwelling on land that is used for small-scale grazing animal production unless there are special management requirements relating to the grazing of stock. No special management requirements have been demonstrated here.

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- 56 It therefore follows that I am not persuaded by submissions that the size of the site and use of other land in this area must result in the site being developed with a dwelling. The site can still be put to some productive use whether on its own or by incorporation into a larger property holding. The size of the site should not raise expectations that it is suitable only for a rural lifestyle dwelling.

CONCLUSION

- 57 For the reasons given above, the decision of the responsible authority is affirmed. No permit is granted.

Shiran Wickramasinghe
Member

Signed by AustLII

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P803/2021
PERMIT APPLICATION NO. 2020/259

CATCHWORDS

Section 82 of the *Planning and Environment Act 1987*; Latrobe Planning Scheme; Farming Zone – Schedule 2; Bushfire Management Overlay; dwelling

APPLICANT	Stuart Strachan
RESPONSIBLE AUTHORITY	Latrobe City Council
RESPONDENT	Ronald and Rae Manestar
REFERRAL AUTHORITIES	AusNet Services CFA Department of Jobs, Precincts and Regions - Traralgon
SUBJECT LAND	94 Neaves Road CALLIGNEE VIC 3844
HEARING TYPE	Hearing
DATE OF HEARING	6 September, 11 & 12 October 2021
DATE OF ORDER	14 January 2022
CITATION	Strachan v Latrobe CC [2022] VCAT 35

ORDER

No permit granted

- 1 In application P803/2021 the decision of the responsible authority is set aside.
- 2 In planning permit application 2020/259 no permit is granted.

Juliette Halliday
Member

Signed by AustLII

APPEARANCES

For Stuart Strachan

Mr Strachan appeared in person.

For Latrobe City Council

Ms Mimi Marcus, lawyer, Marcus Lane Group.
She called the following witness:

- Mr Stuart McGurn, Director, Urbis Pty Ltd

For Ronald and Rae Manestar

Mr Tim Radisich, town planner, Associated Town Planning Consultants

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INFORMATION

Description of proposal	To use and develop the land for a dwelling and outbuilding.
Nature of proceeding	Application under section 82 of the <i>Planning and Environment Act 1987</i> – to review the decision to grant a permit.
Planning scheme	Latrobe Planning Scheme
Zone and overlays	Farming Zone, Schedule 2 (FZ2) Bushfire Management Overlay (BMO)
Permit requirements	Clause 35.07-1 to use the land for a dwelling in the FZ2 Clause 35.07-4 buildings and works associated with the construction of a dwelling in the FZ2 Clause 44.06-2 to construct a building and carry out works associated with accommodation in the BMO
Land description	The land is on the east side of Neaves Road, approximately 25 kilometres south of Traralgon. It is generally rectangular in shape with a frontage to Neaves Road of approximately 107.88 metres, a depth of approximately 294.96 metres and an area of approximately 3.145 hectares. It is encumbered by an 11 metre electricity easement running diagonally through the centre of the land. The land has a fall of approximately 40 metres from north-west to south-east. The land is vacant except for a structure in the north-east area of the land. A dam on the southern boundary is shared with the adjoining property to the south. There are stands of vegetation in the south-west part of the land; along the northern boundary and there is a small patch of vegetation in the eastern part of the land. Vehicular access is available to the land via an unsealed crossover located to the north of the Neaves Road frontage.

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Tribunal inspection

An unaccompanied inspection of the land, and parts of the property at 95 Neaves Road, Callignee (including the shed and stock runs) was undertaken after the hearing.

REASONS¹

BACKGROUND

- 1 The application is brought by Stuart Strachan (**applicant**) under s 82 of the *Planning and Environment Act 1987 (Act)* seeking a review of the decision of the Latrobe City Council to grant a permit for the land at 94 Neaves Road, Callignee (**land**).
- 2 The proposal is to use and develop the land for the purpose of a dwelling and outbuilding. Ronald and Rae Manestar (**permit applicants**) propose a miniature cattle hobby farm with a cattle yard, a loading race and vegetable growing.
- 3 The applicant submits that the proposal is inconsistent with policies and provisions in the Latrobe Planning Scheme (**Scheme**) regarding agriculture and rural dwellings in the Farming Zone; rural residential development and rural living (amongst other things).
- 4 The Council submits that:
 - a. The proposal is appropriate having regard to the zoning of the land and the relevant policy context;
 - b. The proposal can be carried out in a sustainable manner with good land management practices; and
 - c. The bushfire risk to the land can be properly managed.
- 5 The permit applicants submit that the proposal is consistent with the State and local planning policies; that it is an appropriate use of the land; that it is consistent with the purposes of the FZ2 and the BMO (amongst other things).
- 6 Having considered the submissions of the parties, the evidence of the permit applicant, and having inspected the land and its surrounds, I conclude that the proposal does not achieve an acceptable planning outcome. My reasons follow.

SITE CONTEXT AND PROPOSAL

- 7 The land is described at page 3 of this decision. The adjoining and nearby properties are described as follows:
 - a. To the north (known as 164 Neaves Road) is land with a dwelling and outbuilding that is used for farming purposes. Further north, the land at 226 Neaves Road is also developed as a dwelling with associated outbuildings and it is used for farming purposes;

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing, and the statements of grounds filed; have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

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- b. To the south at 90 Neaves Road is land used for farming which has a dwelling, outbuilding and a swimming pool. The two lots further to the south at 60 and 50 Neaves Road are both used for farming, with the land at 50 Neaves Road containing a dwelling;
 - c. To the west (across Neaves Road, which is an unpaved road) is 95 Neaves Road which is the applicant's land. It is used for sheep, beef and horticultural production and is improved with a dwelling; a shed; stockyards; sheep runs and other farming equipment;
 - d. To the east is a large parcel of land that is used for farming purposes.
- 8 More broadly, the land is located approximately two kilometres south of the Callignee Hall, cricket ground and car park which I understand from the permit applicant's submissions were reconstructed after existing infrastructure in Callignee was destroyed in the 2009 bushfires. There are extensive tree plantations located to the south and south-east of the land. The Tarra Bulga National Park is located approximately 7 kilometres to the south of the land.
- 9 The site and surrounds are shown in the aerial photograph at Figure 1 below.

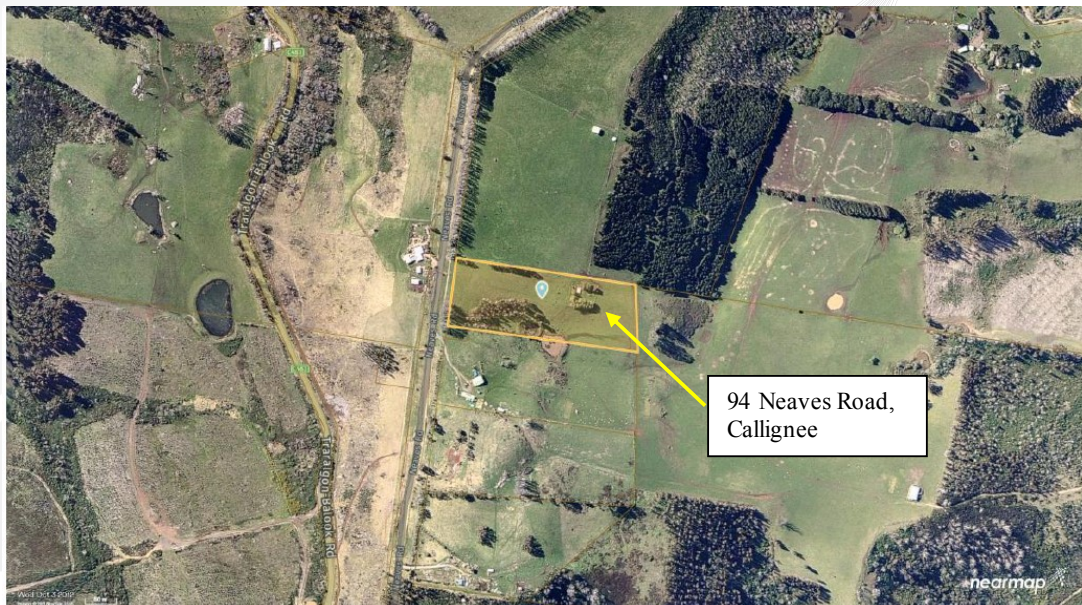


Figure 1

- 10 It is proposed to construct a two-storey dwelling with an associated outbuilding, the key features of which are as follows:
- a. The proposed dwelling:
 - i. has three bedrooms; two bathrooms; an open plan kitchen, dining and living area; a retreat and a carport with balcony above;

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- ii. has an overall height of 6.2 metres and a total floor space of 154.68 square metres;
 - iii. will have a Colourbond roof (Shale Grey colour) and Colourbond wall cladding (Ironstone colour);
 - iv. is proposed to be set back 30 metres from the western boundary; 40 metres from the northern boundary and 55.95 metres from the southern boundary;
- b. The proposed outbuilding will have a height of approximately 4.183 metres; a total floor space of 36 square metres (being 6 metres in length and width) and will have a Colourbond roof and wall cladding.
- 11 Other works proposed include:
- a. A new sealed crossover from Neaves Road located 46 metres from the southern boundary;
 - b. New vehicular access to the proposed garage;
 - c. Two, 10, 000 litre water tanks located on the eastern side of the outbuilding;
 - d. A stock yard in front of the house; loading race and additional fences.
- 12 An extract from the plans showing the western elevation of the proposed dwelling (facing Neaves Road) is at Figure 2 below.

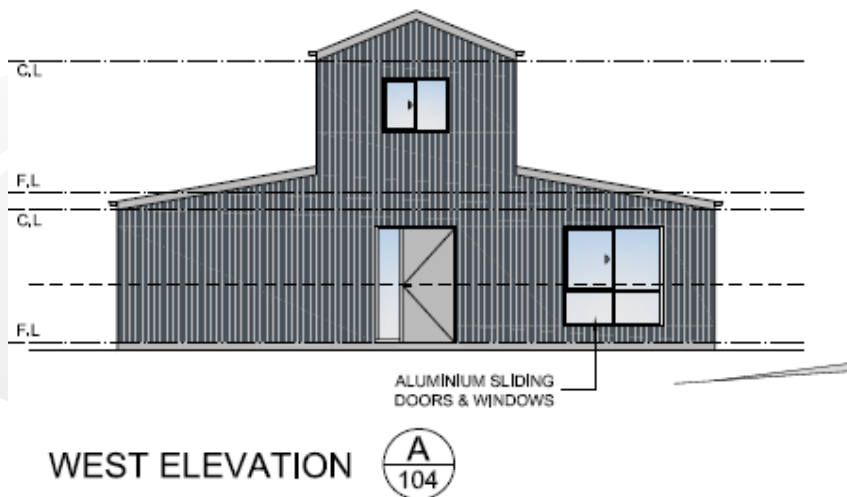


Figure 2

- 13 The permit applicant's submission states that they propose a boutique fattening and breeding enterprise using a mix of Highland and Lowland Angus cattle. The permit applicant's submission states that:

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- a. the aim is to produce around five to eight young steers each year, fatten them on the property to be butchered at 12-18 months for personal consumption and to be sold to a local butcher and to grow vegetables;
- b. there is very high demand in this area with few beef producers supplying small cuts to commercial outlets.

14 A Farm Management Plan (**FMP**)² was submitted with the permit application which I have considered in reaching my conclusions in this matter.

STRATEGIC CONTEXT

15 The land is located within the FZ2 and is affected by the BMO. The purposes of the FZ2 include the following:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

...

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

16 In the FZ2, a permit is required:

- a. To use the land for a dwelling because the size of the lot is less than the area specified in the schedule to the zone which is 40 hectares. The application must meet the requirements of clause 35.07-2 regarding vehicular access; wastewater management; water and electricity supply; and
- b. For the building and works associated with the use of the land for a dwelling under clause 35.07-4.

17 The purposes of the BMO are as follows:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

² *Farm Management Plan for Ron and Rae Manestar, 94 Neaves Road, Callignee* prepared by Ag-Challenge Consulting Pty Ltd dated 27 September 2020.

To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

- 18 A permit is required to construct the dwelling under the BMO. An application under the BMO must be accompanied by a bushfire hazard site assessment; a bushfire hazard landscape assessment; a bushfire management statement and it must meet the requirements of Clause 53.02.
- 19 The purposes of Clause 53.02 include implementing the Municipal Planning Strategy and the Planning Policy Framework and ensuring that the location, design and construction of development appropriately responds to the bushfire hazard.
- 20 The *Latrobe City Municipal Bushfire Management Plan 2018* (Latrobe City Council, 2018) is referred to at Clause 13.02-1L Planning in the Bushfire Management Overlay and is a background document referred to at Clause 72.08 of the Scheme.
- 21 The application was referred to the Country Fire Authority (CFA) who had no objection to the application, subject to the inclusion of a condition on any permit issued requiring endorsement of a bushfire management plan.
- 22 Relevant policies in the Scheme include the following:
 - a. Clause 02.03-4 (Agriculture) which states that highly fragmented rural areas provide opportunities for rural residential living, tourism, niche rural industry and small scale farming, and which seeks to facilitate non-agricultural related use and development that respects existing settlement patterns, landscape, amenity and adjacent land uses in highly fragmented rural areas (Farming Zone Schedule 2) (amongst other things):
 - b. Clause 13.01-1S (Natural hazards and climate change) which seeks to direct population growth to low risk locations (amongst other things);
 - c. Clause 13.02-1S (Bushfire planning) which seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life through strategies which (amongst other things) seek to give priority to human life by:
 - i. Prioritising the protection of human life over all other policy considerations; and
 - ii. Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire;
 - d. Clause 13.02-1L (Planning in the Bushfire Management Overlay) which has the strategy to set back development in the FZ2 from any bushfire hazard to achieve a bushfire attack level (**BAL**)

- construction standard no higher than BAL-29, unless there are significant siting constraints, where land is affected by the BMO;
- e. Clause 14.01-1S (Protection of agricultural land) which seeks to protect the state's agricultural base by preserving productive farmland through strategies such as limiting new housing development in rural areas by directing housing growth into existing settlements and discouraging development of isolated small lots in the rural zones from use for dwellings and encouraging consolidation of existing isolated small lots in rural areas (amongst other strategies);
 - f. Clause 14.01-1L (Dwelling in the Farming Zone Schedule 2)) which supports the development of land only if:
 - i. No detriment is likely to result to adjoining agricultural activities;
 - ii. It will result in improved land management; all wastewater can be retained onsite and any risk from bushfire is reduced to an acceptable level and any bushfire protection measures can be implemented;
 - g. Clause 14.01-1L-1PAL (Protection of agricultural land) applies to land in the Farming Zone and contains strategies which seek to ensure that the siting of a building does not compromise the operation of nearby commercial agricultural enterprises, including impacts on noise, odour, sight lines and infrastructure and livestock movements (amongst others). This policy discourages accommodation within 100 metres of any agricultural production infrastructure; any activity node (such as stock yards and intensive animal production);
 - h. Clauses 15.01-6S (Design for rural areas) which seeks to ensure that development respects valued areas of rural character through strategies such as ensuring that the siting, scale and appearance of development protects and enhances rural character (amongst other things);
 - i. Clause 15.01-6L (Design for rural areas) which encourages buildings to locate away from ridgelines and hilltops and to be designed so that they blend into the landscape;
 - j. Clause 16.01-1S (Housing supply) which seeks to facilitate well-located integrated and diverse housing that meets community needs;
 - k. Clause 16.01-3S (Rural residential development) that seeks to identify land suitable for rural residential development through strategies which include managing development in rural areas to protect agriculture and avoid inappropriate rural residential development; discouraging development of small lots in rural zones

for residential use; and encouraging consolidation of existing isolated small lots in rural areas (amongst others);

1. Clause 16.01-3L (Rural residential development) which encourages rural living where there will be minimal negative environmental impact or conflict with commercial agriculture and which supports rural living in low bushfire risk locations or where bushfire risk can be reduced to an acceptable level (amongst other strategies).
- 23 Relevantly, Clause 71.02-3 (Integrated decision making) states that:

...

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

...

- 24 The Council's submissions set out details of two recent amendments to the Scheme, as discussed below.

Amendment C105

- 25 On 21 November 2019, Amendment C105 was introduced into the Scheme. Relevantly, I understand from the submissions of the parties that Amendment C105:

- a. Introduced two new schedules to the Farming Zone being Schedule 1 – Commercial Agriculture and Schedule 2 – Mixed Use Farming;
- b. Changed the zoning of the land from the Farming Zone to the FZ2;
- c. Introduced new policies into the Scheme at Clause 22.02 including a policy regarding 'Rural Dwelling and Subdivision in the Farming Zone' (subsequently reformatted to Clause 14.01-1L 'Dwelling in the Farming Zone Schedule 2');
- d. Introduced the *Live Work Latrobe Housing Strategy*³ (**Housing Strategy**) and the *Live Work Latrobe Rural Land Use Strategy*⁴ (**RLU Strategy**) as 'Background documents' in the schedule to Clause 72.08 of the Scheme.

- 26 The Housing Strategy includes the settlement of Callignee (not including the land which is the subject of this application) as a 'rural living precinct, which is described as 'a cluster of housing located on smaller than average rural sized allotments within non-urban zones'⁵ (amongst other things).

³ Latrobe City Council. MacroPlan Dimasi, RMCG and Planisphere, May 2019.

⁴ Latrobe City Council, C105 MacroPlan Dimasi, RMCG and Planisphere, May 2019).

⁵ Housing Strategy at page 19.

- 27 Amongst other things, the RLU Strategy:
- a. Has, as its purpose the provision of a framework to support rural and agricultural enterprise as well as providing opportunities for rural living;
 - b. Has, as a strategic objective the protection of productive agricultural land⁶;
 - c. Includes Callignee within a 'mixed farming' area on the 'Live Work Latrobe Strategy Map' and on the 'Rural Framework Plan';
 - d. Identifies land in Callignee as 'Class 2' agricultural land with 'good' agricultural capability and moderate limitations to agricultural productivity (where 'Class 1 is the highest level of productive agricultural land and 'Class 5' is very poor agricultural land),⁷
 - e. Recommends that the FZ2 should be applied to locations where smaller scale mixed farming is undertaken;
 - f. Indicates that the FZ2 seeks to recognise areas where rural land use is a mix of commercial agriculture, hobby farming and rural residential;
 - g. Has an objective to introduce schedules to the Farming Zone that will identify areas where land use on Schedule 2 is mixed farming being a mix of commercial and niche agriculture, large scale hobby farms and rural lifestyle; and
 - h. Indicates that land in the FZ2 will play an important part in providing a transition between urban centres and commercial agriculture and forestry, protecting the rural landscape, providing opportunities for rural tourism; maintaining separation between industrial and sensitive land uses and promoting efficient development of zoned Rural Living estates.
- 28 Whilst the RLU Strategy indicates that a more flexible approach will be adopted with respect to allowing dwellings in the FZ2, it also recognises that the extent of rural residential development is not considered justification for unfettered dwelling development, as this will compromise efficient development of zoned Rural Living estates and established commercial agricultural enterprises.⁸
- 29 The RLU Strategy is a 'Background document' under the Schedule to Clause 72.08 of the Scheme. It does not form part of the Scheme. It is referred to at Clause 14.01-1L (Dwelling in the Farming Zone Schedule 2) to be considered 'as relevant'. In reaching my conclusions in this matter I

⁶ RLU Strategy at p 18.

⁷ RLU Strategy at pages 26-27.

⁸ Rural Land Use Strategy at p 87.

have considered the RLU Strategy, which serves as background to understanding the provisions in the Scheme.

- 30 Although I do not set them out here, I have considered the comments of the Panel regarding Amendment C105 to the Scheme that were referred to in the submissions of the Council and the permit applicant.

Amendment C122

- 31 On 28 May 2021, Amendment C122 was introduced into the Scheme. Relevantly, it replaced the Municipal Strategic Statement and the Local Planning Policy Framework at clauses 21 and 22 with a Municipal Planning Strategy, local policies within the Planning Policy Framework and revised local schedules to zones and overlays (amongst other things), consistent with the structure introduced by Amendment VC148.

PREVIOUS TRIBUNAL DECISION

- 32 A proposal to develop and use the land for a dwelling was the subject of an application to the Tribunal for review of a grant of a permit in 2012. It was put to the Tribunal in that matter that the permit applicant intended to run a beef herd with 10 weaner cattle being fattened on the site at any one time. The Tribunal set aside the Council's decision and a permit was not granted.⁹ The Tribunal found that the proposal was an attempt to have a rural living arrangement masked as an agricultural use within a Farming Zone. It said that Callignee provides areas zoned rural living for those rural living purposes. The Tribunal was not persuaded that the proposed dwelling was reasonably required as part of the proposed grazing activities proposed for the land. It found that as the proposal presented, it failed to meet the purposes of the Farming Zone.

- 33 The Tribunal has established principles to determine how a proposal responds to a previous decision. Relevant factors to consider when reviewing an application that is similar to a proposal that has been the subject of previous Tribunal findings are:

- a. significant changes in the application itself;
- b. changes in the circumstances of the land and its surrounds;
- c. changes in planning policy; and/or
- d. changes in the interpretation of the facts or law relevant to the Tribunal's consideration.¹⁰

- 34 In *Sprut v Stonnington CC*¹¹ the Tribunal distinguished between a 'classic repeat appeal' and a 'correcting' repeat appeal - that is, where the Tribunal has refused an earlier application but indicated a modified form of

⁹ *Strachan v Latrobe CC* [2012] VCAT 414.

¹⁰ *K & B Reichert v City of Banyule & Ors* (Appeal No. 1996/38819); *Zumpano v Banyule City Council* [2016] VSC 420.

¹¹ [2012] VCAT 1675.

development or changes that might be acceptable, and the repeat appeal comprises a genuine attempt to address those issues.¹² Relevant to my consideration is what was said in *Sprut* regarding the Tribunal's role in repeat appeals:

...irrespective of whether the repeat appeal is in the nature of a 'classic' or 'correcting' repeat appeal, the role of the Tribunal is not to determine whether the proposal before it would have satisfied the earlier (and perhaps differently constituted) Tribunal, nor to summarily determine the matter solely by reference to the *Reichert* principles. This is a sometimes misunderstood notion. As *Amoco* itself indicated, the role of the Tribunal is to still consider the new application before it on its merits but, in doing so, to give great weight to the Tribunal's decision on the earlier application having regard to the usual principles that have evolved for this purpose.¹³

35 I must decide the application on its merits and give appropriate weight to the previous decision of the Tribunal in doing so.

36 I now turn to my findings regarding the key issues in relation to this matter.

KEY ISSUES

37 In my view the key issues for consideration in this application are:

- a. Is the proposal appropriate having regard to the relevant policies and provisions in the Scheme?
- b. Is the risk to human life from bushfire acceptable?

IS THE PROPOSAL APPROPRIATE HAVING REGARD TO THE RELEVANT POLICIES AND PROVISIONS IN THE SCHEME?

38 Amongst other things, the applicant submits that:

- a. If the purpose of the proposed beef raising enterprise is to justify a dwelling then it is likely to become a rural living use, and the provision of a dwelling will remove the land from agricultural use, which is likely to occur when the land is sold;
- b. The provision of a dwelling on the land will compromise its use for agriculture and a hobby farm does not require a dwelling. The inability of the permit applicants to reside on site does not restrict the use of the land for a hobby farm;
- c. The development should be located in a Rural Living Zone as farming is incidental to the dwelling rather than the prime activity;
- d. The land is classed as 'Class 2' in Swan and Volum,¹⁴ and it should be preserved as it is the most valuable agricultural production land

¹² Ibid at [16].

¹³ Ibid at [18].

¹⁴ *Assessment of Agricultural Quality of Land in Gippsland* (Ian R Swan and Andrew G Volum, August 1984) which is a Background document under the schedule to Clause 72.08 of the Scheme.

in Latrobe City. Quality agricultural land such as this should be protected from dwelling development;

- e. The land is surrounded by productive commercial farms, with the exception of the two lots to the south;
- f. The proposal is for a residential use adjacent to commercial farms and it will adversely affect the use of surrounding land for agriculture. The proposed dwelling is about 70 metres from the stockyards, shearing shed and agricultural infrastructure on the property to the west at 95 Neaves Road associated with fat lamb production. This is likely to cause conflict between occupiers of the proposed dwelling due to agricultural activities on the land to the west; and
- g. The amenity of the existing dwelling to the west will be affected by the proposed stockyards, which will be located about 53 metres from the existing dwelling.

39. In essence, the Council submits that:

- a. The strategic context (both zoning and policy) has significantly changed since 2012;
- b. The proposal achieves a high level of compliance with the policy framework including the Farming Zone, and the activities proposed are consistent with the nuanced zoning now applying;
- c. The design and siting of the proposed dwelling is sensitive to the location and will not detrimentally impact the character of the area and it is one of the very few small allotments on Neaves Road not having a dwelling;
- d. The proposal meets the specific guidance provided in Clause 14.01-1L; and
- e. Permanent occupancy is required to adequately manage the business and the land is suited to breeding and fattening of small beef cattle and vegetable production.

40. It is Mr McGurn's evidence that there have been significant zoning and policy changes since 2012 such that the proposal is now an acceptable proposition for the land, and that the proposal achieves a high level of compliance with the policy framework. He notes that the land is well removed from larger agricultural enterprises located in Schedule 1 to the Farming Zone and there will be negligible impact on existing agricultural activities within the vicinity of the land. Mr McGurn also gave evidence that:

- a. The proposal performs well against the policy at Clause 14.01-1L (Dwelling in the Farming Zone Schedule 2) and the decision guidelines in the Farming Zone;

- b. The closest property with agricultural use is at 95 Neaves Road. This property is used for beef farming and will not be impacted by the proposed dwelling on the small rural lot, noting that the proposed dwelling is well separated from this site and the activities carried out;
- c. The design and siting of the dwelling is sensitive to the location and will not detrimentally impact on the character of the area, and all wastewater can be retained on site;
- d. The use of the land can be carried out in a sustainable manner with good land management practices, and the proposal will assist in improved land management; and
- e. The land, and number of the sites surrounding it are fragmented in terms of ownership, small in size and not capable of developing significantly broad or intensive scale rural businesses. The activities proposed are consistent with this categorisation.

41 Amongst other things, the permit applicants submit that:

- a. The decision guidelines in the Farming Zone no longer require consideration of 'whether the dwelling is reasonably required for the operation of the agricultural activity on the land';
- b. The thrust of Municipal Planning Strategy and the Planning Policy Framework recognises that some highly fragmented rural areas (within the FZ2) provide opportunities for rural residential living and can support small scale farming;
- c. The land can support sustainable agriculture and a dwelling will enhance the agricultural use and farm management;
- d. The proposed dwelling will better enable the review site to be used for an agricultural activity and it will not adversely affect the operation of adjoining and nearby agricultural uses;
- e. All wastewater can be retained on site;
- f. The proposed dwelling has been sited to avoid adverse impacts on surrounding agricultural uses;
- g. A dwelling on the land will result in improved land management and will contribute to the management and sustainability of the proposed agricultural activity;
- h. The proposed dwelling will not conflict with commercial agriculture. The amenity of the land is not likely to be impacted by agricultural land uses, and the agricultural activity at 95 Neaves Road is not an intensive use of the land nor a high amenity impact activity. It appears that activities associated with this agricultural

use may be conducted in the road reserve, outside the property boundary of 95 Neaves Road;¹⁵ and

- i. The land is in a highly fragmented rural area where mixed use farming, niche or hobby farming may be supported alongside rural living, and there is specific policy support for the establishment of a dwelling on the land.

- 42 I recognise that there have been changes to the Farming Zone to apply Schedule 2 of the Farming Zone to the land (as well as other relevant changes to policies in the Scheme) since 2012, and I have carefully considered these changes in reaching my conclusions in this matter.
- 43 Amongst other technical requirements, Schedule 2 to the Farming Zone contains technical requirements regarding the minimum subdivision area (40 hectares) and the minimum area for which no permit is required to use land for a dwelling (40 hectares). There is nothing else in Schedule 2 to the Farming Zone which provides criteria for consideration regarding the issue of whether the use of land for a dwelling is appropriate in the FZ2. In this context and having regard to the decision guidelines in the Farming Zone at Clause 35.07-6, I have not been persuaded that the proposed dwelling is consistent with the purposes of the FZ2 and the relevant policies in the Scheme for the reasons discussed below.
- 44 The proposed dwelling is located within approximately 70 metres of agricultural infrastructure at the nearby property at 95 Neaves Road, which includes an existing stockyard (located behind several shipping containers); stock runs, and a shed.
- 45 According to Mr Strachan's submissions, the shed and stockyards and associated agricultural infrastructure on his property are used fortnightly (on average) for activities including sheep shearing, crutching, sheep drenching, fixing the hooves of the sheep and treating fly infestations associated with the management of approximately 110 sheep.
- 46 The RLU Strategy indicates that a more flexible approach will be adopted with respect to allowing dwellings in the FZ2. However, this should not be to the detriment of the existing farming practices of adjoining and nearby properties. I have not been persuaded that the proposal is consistent with the purpose of the FZ2 which seeks to ensure that non-agricultural uses (including dwellings) do not adversely affect the use of land for agriculture.
- 47 I consider that the proposed dwelling is very likely to be affected by the agricultural activities occurring on the nearby land at 95 Neaves Road which I have described above, and that the location of the dwelling within approximately 100 metres of the existing agricultural operations is not

¹⁵ I observe that the question of whether activities at 95 Neaves Road are carried out on land within the road reserve is not a matter that is before me in this application and I make no finding about it.

compatible with the existing use of the land at 95 Neaves Road for sheep farming, for the reasons discussed below.

- 48 When non rural, sensitive land uses such as dwellings are established in rural areas, issues can arise due to noise, dust and hours of operation where there is an interface between a dwelling and agricultural uses. In the face of complaints about these issues, there can be pressure for restrictions on farm use.
- 49 Although the agricultural activities on the nearby land at 95 Neaves Road occur on a fortnightly basis (on average), I consider that complaints from the occupants of the proposed dwelling are likely to arise due to the noise, odours, dust and the hours of operation associated with approximately 110 sheep being kept and managed within approximately 100 metres of the proposed dwelling during the day (and occasionally overnight in the stockyards).
- 50 I consider that the proposed dwelling has not been located to minimise the potential for conflict with the existing agricultural activities at 95 Neaves Road. The location of the proposed dwelling within approximately 100 metres of the existing agricultural operations at 95 Neaves Road has the potential to limit or inhibit the operation of the existing sheep farming activities because there is a risk of conflict with the occupants of the proposed dwelling, primarily due to the impacts of noise, odour, dust and hours of operation associated with the sheep farming activities at 95 Neaves Road.
- 51 The proximity of the proposed dwelling to the existing agricultural activities at 95 Neaves Road is inconsistent with:
- a. The policy at clause 14.01-1L (Dwelling in the Farming Zone Schedule 2) which supports the use and development of dwelling only if no detriment is likely to result to adjoining agricultural activities;
 - b. The strategy at Clause 14.01-1L (Protection of agricultural land) which seeks to ensure that the siting of a building does not compromise the operation of nearby commercial agricultural enterprises, including impacts on noise, odour and livestock movements;
 - c. The policy guideline at Clause 14.01-1L (Protection of agricultural land) which seeks to discourage accommodation within 100 metres of any agricultural production infrastructure and any activity node such as stock yards; and
 - d. Clause 16.01-3L (Rural residential development) which encourages rural living where there will be minimal impact or conflict with commercial agriculture.
- 52 Even though the permit applicants are aware that these types of off-site amenity impacts (being the noise, odour, hours of operation and dust

associated with approximately 110 sheep) are part of a rural land use, there is no guarantee that future owners will share the same attitude and will not complain about the amenity impacts of about 110 sheep located within 100 metres of the dwelling as I have described above.

- 53 The Council submits that the FMP concludes that the land is well suited to the breeding and fattening of small beef cattle and producing vegetables once it is rehabilitated in accordance with the recommendations set out in the FMP. The timing of the agricultural undertakings referred to in the FMP is relevant to the question of whether the proposed dwelling is consistent with the purposes of the FZ2, which seek to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and which encourage the use and development of land based on comprehensive and sustainable land management practices.
- 54 In terms of the timing of the agricultural activities associated with the hobby farm, conditions 7 and 8 in the notice of decision require:
- a. the FMP to be endorsed and to form part of a permit, and to be implemented and maintained for five years after the initial occupation of the dwelling (condition 7); and
 - b. the owner/occupier to demonstrate commencement of the FMP before occupation of the dwelling (or such other time as approved in writing by the responsible authority) (condition 8).
- 55 The FMP contains a 'loose timeframe' for each major agricultural undertaking, which includes stock being brought on to the property after the construction of the house is complete and 'someone is on the property 24/7' (which I understand to mean permanently living in the dwelling). In a practical sense, this means that it is possible that after the house is constructed, an occupant could live in the dwelling for a period of time that is less than '24/7' and reside somewhere else for some of the time and arguably there would then be no requirement to bring any stock onto the land at all. Alternatively, permission can be granted by the Council for the extension of the time to demonstrate 'commencement of' the FMP (condition 8).
- 56 At the hearing during a discussion regarding condition 7, the permit applicants representative indicated that condition 7 could be amended so that it could apply 'in perpetuity' (not just for five years). The Council submitted that condition 7 is not necessary but that it would accept its imposition. Council's position is that five years is acceptable and that the Council does not want to have to monitor compliance with the condition after 5 years.
- 57 I have not been persuaded by the submissions of the permit applicants or the Council that the requirements at conditions 7 and 8 regarding the FMP will be effective in ensuring the proposed hobby farm associated with the dwelling will be sustained in the long term for the following reasons:

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- a. Condition 7 purports to limit the time within which the endorsed FMP is to be maintained and implemented to five years, because the Council does not want to bear the time and costs associated with monitoring and enforcing compliance with condition 7 after five years;
- b. The FMP does not make it clear what will happen if the agricultural use ceases after the house is constructed. Is the use of the land for a dwelling to cease?;
- c. I accept the Council's submission that it is not reasonable for the Council to incur the time and expense of monitoring and enforcing compliance with condition 7 if it is required to be implemented on an ongoing basis;
- d. Even if the permit was granted with a requirement for the FMP to be implemented for five years, the likelihood that the agricultural activities will cease (if they ever commence) increases at the end of the five year period. Although there will be an endorsed FMP under the permit, in my view there is not a great deal of motivation for the agricultural activities to be sustained in the long term if the owner is aware that the Council does not wish to monitor or enforce compliance with condition 7 beyond five years. In that case, the agricultural use may cease.

58 On this basis, I have not been persuaded that if the hobby farm operation is started, it will sustainably persist in the long term. The FMP makes no provision for what is to occur if the hobby farm operation ceases, after the dwelling is constructed. In my view, once the dwelling is constructed, there is real risk that if the proposed hobby farming activity commences, it will not be sustained. After the five year period referred to in condition 7, there is not a great deal of motivation for the agricultural activities to be sustained in the long term, particularly if a subsequent owner has no interest in rearing cattle. I consider that this is inconsistent with:

- a. the purposes of the FZ2, which seek to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and which encourage the use and development of land based on comprehensive and sustainable land management practices;
- b. Clause 14.01-1S (Protection of agricultural land) which seeks to limit new housing development in rural areas by directing housing growth into existing settlements; discouraging development of isolated small lots in rural zones from use for dwellings;
- c. Clause 16.01-3S (Rural residential development) which discourages development of small lots in rural zones for residential use and encourages consolidation of existing isolated small lots in rural areas; and

- d. The efficient development of zoned Rural Living estates and established commercial agricultural enterprises, which are issues that are raised in the RLU Strategy.

- 59 The Tribunal's decision in *Jordan v Baw Baw Shire*¹⁶ was relied upon by the permit applicants in support of their position. I distinguish this case on the facts. The land in that matter was located approximately 615 metres south from the edge of the township of Longwarry. In that matter no issue was raised regarding the impact of the proposed dwelling on existing agricultural activities, and the land was not affected by the BMO.
- 60 On balance, I have not been persuaded that the proposed dwelling is appropriate having regard to the relevant policies and provisions in the Scheme.

IS THE RISK TO HUMAN LIFE FROM BUSHFIRE ACCEPTABLE?

- 61 Mr Strachan made submissions regarding bushfire risk. I am unable to consider these submissions because an application under the BMO is exempt from third party review rights under Clause 44.06-7 of the Scheme.
- 62 At the hearing of this matter, I raised a number of issues with the permit applicants and the Council regarding whether the risk to human life from bushfire associated with the proposal is acceptable. The permit applicants and the Council made submissions regarding bushfire risk at the hearing. I set out my findings in this regard below.
- 63 Amongst other things, the permit applicants submit that:
- a. A Bushfire Report and statement has been prepared which addresses the requirements of Clause 53.02. The Statement specifies a BAL-29, with a larger defendable space area to BAL-12.5 standards. A 10,000 litre water tank is provided for firefighting, in addition to a water tank for the dwelling;
 - b. The CFA has consented to the grant of the permit subject to mandatory conditions requiring the Bushfire Management Plan to be endorsed as part of the permit;
 - c. The proposal prioritises the protection of human life through the response to the bushfire hazard landscape assessment and the bushfire hazard site assessment detailed in the Bushfire Management Plan which shows that the risk to life and property from bushfire can be reduced to an acceptable level; and
 - d. Egress is available from the land via Neaves Road to Callignee and then to Traralgon South and beyond that to Traralgon. Leaving early in the event of a bushfire is fundamental. A reasonable person would make the call to leave the land well before a fire gets bad.

¹⁶ [2021] VCAT 903.

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- 64 Information that was submitted with the permit application included a Bushfire Planning Report and Statement (**BPRS**).¹⁷
- 65 The bushfire hazard site assessment in the BPRS describes the vegetation within 150 metres of the proposed dwelling as grassland to the north, east and west of the site and a small section of woodland to the south-east:
- 66 In summary, the bushfire hazard landscape assessment in the BPRS:
- a. describes the bushfire hazard in the general locality more than 150 metres from the site as including:
 - i. a mixture of woodland, forest and grassland with areas of densely vegetated forest to the east, south and west, including the Tarra Bulga National Park to the south; and
 - ii. grassland to the north;
 - b. States that the land has previously experienced landscape scale fire scenarios, including the 2009 Black Saturday bushfires, which also affected an extensive area to the north, south, east and west of the land;
 - c. Indicates that the land is in a high risk area due to previous bushfire history and its location in close proximity to surrounding National Park areas;
 - d. Indicates that the grazing areas to the north would ensure that there would be some protection for the residents to evacuate in the case of a bushfire;
 - e. Indicates that the worst case scenario is a bushfire approaching from the north-west which could destroy the majority of vegetation and dwellings in the area and there is a possibility that the fire may block egress from the site;
 - f. States that with early warning, the road to the north of the property is the quickest and safest route to exit the heavily landscaped area surrounding the land, and that early evacuation is advised for all residents in the area;
 - g. A grassfire may approach the site which may approach from the north and cut egress from the site;
 - h. Fires can be expected to approach from the north-west and south-west, where there is dense vegetation;
 - i. There are no nearby designated Neighbourhood Safer Places, however the site is within 11 kilometres of Traralgon South;
 - j. No private bushfire shelter is proposed;

¹⁷ Prepared by Latrobe Valley Drafting dated October 2020.

- k. The dwelling is to be constructed to a rating of BAL-29, and will have a larger defendable space to BAL-12.5 standard to ensure that the dwelling will be protected at a higher standard;

- 67 The BPRS indicates that the site is considered to be 'Landscape Type 3' which is defined as:

The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.

Bushfire can approach from more than one aspect.

The site is located in an area that is not managed in a minimum fuel condition.

Access to an appropriate place that provides shelter from bushfire is not certain.¹⁸

- 68 The Council submits that:

- a. Any risk from bushfire is reduced to an acceptable level and bushfire measures can be implemented;
- b. The proposed dwelling will be constructed to a BAL rating of BAL-29, and will benefit from a larger defendable space to BAL-12.5 standard; and
- c. The BPRS demonstrates that appropriate bushfire measures can be implemented to manage bushfire risk.

- 69 It is Mr McGurn's evidence that any risk from bushfire is reduced to an acceptable level and any bushfire measures can be implemented. A Bushfire Management Assessment has been carried out and demonstrates that appropriate bushfire measures can be implemented to appropriately manage bushfire risk.

- 70 The BPRS states that with early warning, the road to the north of the property is the quickest and safest way to exit the heavily landscaped area surrounding the land, and early evacuation is advised. The alternative route to the south is through bush, plantation forest and the Tarra Bulga National Park which I understand from the submissions of the parties is not safe egress in the event of a bushfire.

- 71 Egress from the land for evacuation purposes is available to the north via Neaves Road, past the Callignee Hall and on to the Traralgon-Balook Road which heads north-west towards Traralgon South, and then continuing north on to Traralgon. Part of this egress route adjoins the Traralgon South Flora and Fauna Reserve. The egress route from the site towards Traralgon South heads north and north-west, and the worst-case scenario for the land is a bushfire approaching from the north-west. The BPRS states that a bushfire approaching from the north-west could block egress from the site and

¹⁸ *Planning Permit Applications Bushfire Management Overlay, Technical Guide*, September 2017, Department of Land Water and Environment.

- destroy the majority of vegetation and dwellings in the area. There is no information before me that safe access is available to an area assessed as having a BAL-Low rating.
- 72 My inspection of the land confirms that egress from the land to Traralgon South involves travelling along roads which have fringing vegetation located within a landscape which is heavily vegetated in sections.
- 73 It is well-understood that evacuation under threatening bushfire conditions can involve thick smoke and potentially fire spotting in advance of the main fire front. This can present a danger to human life during evacuation. Evacuation on the roads to the north and north-west of the land could expose evacuees to an approaching bushfire from the north-west and to risks from poor road conditions due to smoke and blocked road egress from trees fallen across the road.
- 74 I acknowledge that in this case, there is technical compliance with the defensible space requirements and other measures referred to within Clause 53.02 and the policy at Clause 13.02-1L to achieve a BAL construction standard of BAL-29. However, the purposes of the BMO and the provisions of Clause 53.02 require consideration of the risk to life and property from bushfire; of whether development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape, and of whether the risk from the broader landscape can be mitigated to an acceptable level.
- 75 Based on the facts and circumstances of this matter, I have not been persuaded that the risk to life and property from the bushfire risk from the broader landscape can be mitigated to an acceptable level due to the vulnerability of occupants of the land to bushfire unless early evacuation is taken. This is particularly the case on days where there is a risk of the worst-case bushfire scenario, being a fire approaching from the north-west which could block egress from the land and destroy the majority of vegetation and dwellings in the area.
- 76 Based on the material before me, I am not satisfied that the reference in the BPRS to a nearby paddock where residents could take refuge would provide an area where human life could be protected from bushfire, particularly from the worst-case bushfire scenario described in the BPRS.
- 77 Based on the facts and circumstances of this matter, I consider that the landscape and egress conditions present a high safety risk to human life and property from circumstances such as poor driving conditions due to smoke caused by an approaching bushfire (which in the worst-case scenario will approach from the north-west) and the risk of fallen trees blocking egress and preventing evacuation from the land. On this basis, I find that the use of the land for a dwelling is not consistent with policies at Clause 13.02-1S of the Scheme which seek to:
- a. give priority to the protection of human life by:

Signed by AustLII

- i. prioritising the protection of human life over all other policy considerations; and
- ii. directing population growth to low risk locations and ensuring the availability of, and safe access to areas where human life can be better protected from the effects of bushfire.

RESPONSE TO THE PREVIOUS TRIBUNAL DECISION

78 In terms of the response of the proposal to the Tribunal's previous decision, I have considered the following matters:

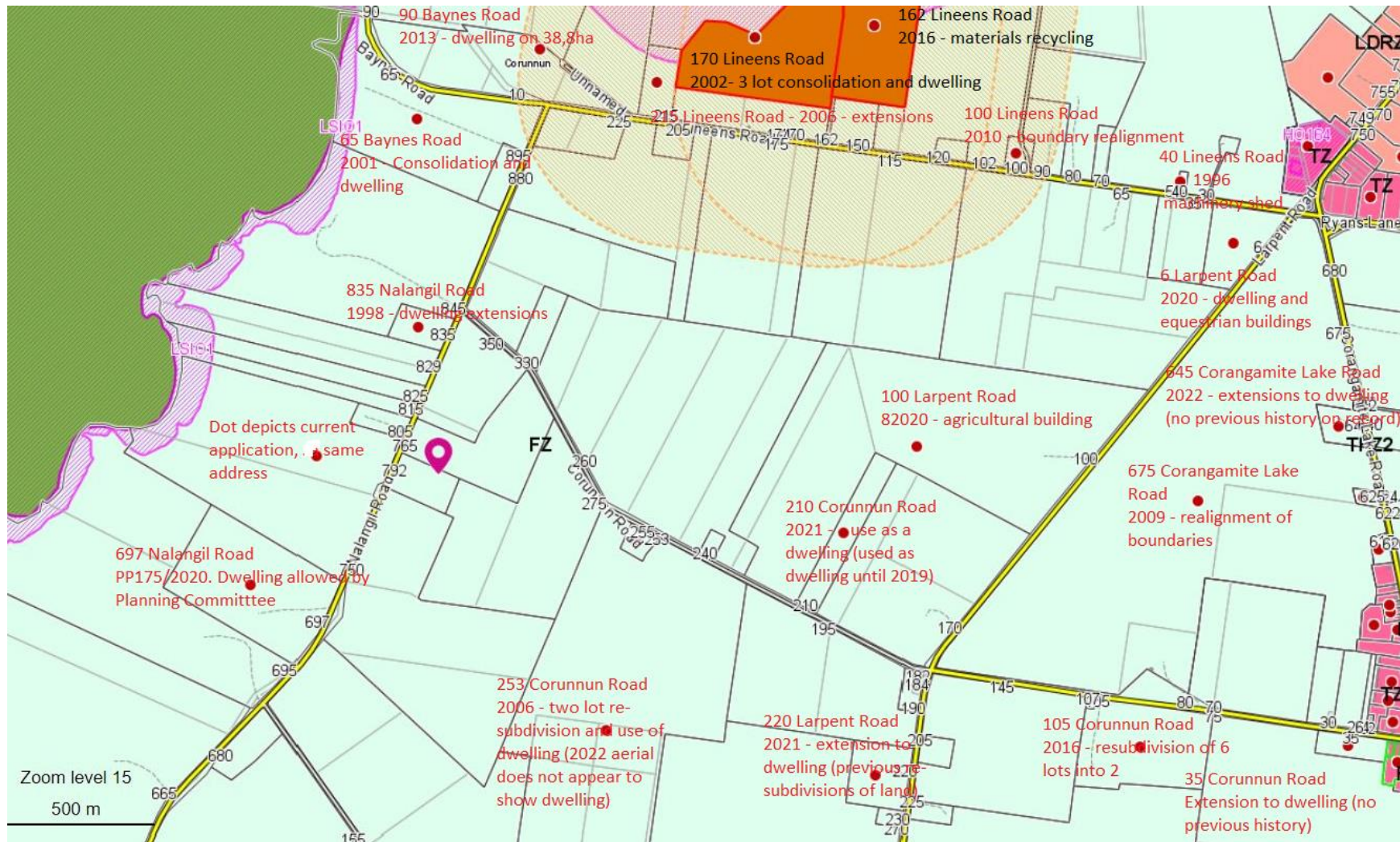
- a. The permit application itself is broadly similar to that which was considered by the Tribunal in the previous decision;
- b. There have not been material changes in the circumstances of the land and the surrounds since the previous decision that I have been made aware of;
- c. There have been material changes to the zone which affects the land and the relevant planning policies in the Scheme since the previous decision. I have set these out in my reasons and I have given them significant weight in reaching my conclusion in this matter; and
- d. Apart from the material changes to the zone affecting the land and the relevant planning policies referred to above, I have not been made aware of any changes in the interpretation of the facts or law relevant to my consideration.

79 Whilst I have given some weight to the previous decision, I have placed significant weight on the provisions of the Scheme as they apply to the land now, which are materially different to those which applied when the Tribunal made the previous decision. Based on the facts and circumstances of this matter, I have concluded that the proposal is not appropriate having regard to the relevant policies and provisions in the Scheme, and that it does not reduce the risk to human life from bushfire to an acceptable level.

CONCLUSION

80 For the reasons given above, the decision of the responsible authority is set aside. No permit is granted.

Juliette Halliday
Member



Item: 9.6

Appointments to Committees and external organisations

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

To appoint Councillor representatives to:

- Council's Audit and Risk Committee.
- The South West Victoria Alliance Board.
- The G21 Region Alliance Board.

2. EXECUTIVE SUMMARY

Traditionally, Council appoints representatives to Council Committees and External Organisations in November each year.

Appointments to the following committee/organisations have been prioritised due to the timing of scheduled meetings (prior to the December Council meeting) and to allow sufficient lead time for onboarding and induction of members:

- Council's Audit and Risk Committee.
- South West Alliance Board.
- G21 Region Alliance Board.

The Mayor, by convention, is the Councillor representative appointed to both the G21 Region Alliance Board and the South West Victoria Alliance Board.

The remaining Councillor appointments will be presented to the Council meeting scheduled to be held on 13 December 2023.

3. RECOMMENDATION

That Council:

1. **Appoints Councillors and to Council's Audit and Risk Committee.**
2. **Appoints Councillor to the G21 Region Alliance (Board).**
3. **Appoints Councillor to the South West Alliance (Board).**
4. **Notes that all Councillors are appointed to the Planning Committee, Submissions Committee and Chief Executive Officer Employment Matters Advisory Committee as set out in their respective Terms of Reference.**
5. **Endorses the General Manager Community and Economy as Council's representative on the board of Great Ocean Road Regional Tourism Ltd. (GORRT), replacing the Chief Executive Officer.**

4. KEY INFORMATION

The *Local Government Act 2020* acknowledges the need for various committees to enable Council to conduct its business effectively.

Council has Councillor and officer representation on a number of committees associated with a variety of interests. This includes managing Council owned or managed facilities, advising Council on issues and representing Council views on regional and state-wide matters.

A number of the committees are not managed by Council and operate under their own charter and determine their procedures, policies and practices. Council involvement is to participate and influence the activities of those external groups where those activities are in the public's interest.

5. CONSIDERATIONS

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

The Overarching Governance Principles that are applicable to the contents of this report are:

- Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- Collaboration with other Councils and Governments and statutory bodies is to be sought.
- The transparency of Council decisions, actions and information is to be ensured.

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

Council Committees Policy
Audit and Risk Committee Charter
Local Government Act 2020.

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)

The appointments of Councillors to the various committees occurs at a Council meeting that is open to the public.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

Objective 3: We are a safe, equitable and inclusive community

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)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Following the 22 November Council meeting, officers will advise the relevant committee (where appropriate) of the Council representative.

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 – Endorses the appointments to committees and external organisations as outlined in the recommendation. This option is recommended by officers, as meetings for these committee/organisations need will occur before the 13 December 2023 Council meeting.

Option 2 – Do not endorse the appointments to committees and external organisations as outlined in the recommendation. This option is not recommended by officers, as meetings for these committee/organisations are scheduled to take place before the 13 December 2023 Council meeting.

Item: 9.7

Appointment of Independent Members to the Audit and Risk Committee

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

To appoint suitably qualified independent members to Council's Audit and Risk Committee.

2. EXECUTIVE SUMMARY

Following the resignation of Brian Keane (Independent Member of the Audit and Risk Committee and former Chairperson), an Expression of Interest process commenced in early October 2023 to identify candidates suitable to recommend to Council for appointment as the third Independent Member of the Audit and Risk Committee.

The next Audit and Risk Committee meeting is scheduled for 6 December 2023, and it is important the vacancy is filled prior to this meeting.

The start date of the new Independent Member is 1 December 2023.

3. RECOMMENDATION

That Council:

- 1. Appoints Candidate A (named in the confidential Attachment to this report) as the third Independent Member to the Audit and Risk Committee for a term of three years commencing 1 December 2023, in accordance with the requirements of Council's Audit and Risk Committee Charter.***

2. ***Appoints Candidate B (named in the confidential Attachment to this report) as a fourth Independent Member to the Audit and Risk Committee for a term of two years commencing 1 December 2023.***
3. ***Authorises the Manager Governance making the necessary minor amendments to the Audit and Risk Committee Charter to reflect the revised membership of the Audit and Risk Committee (addition of a fourth Independent Member).***

4. KEY INFORMATION

Section 53(1) of the Act stipulates that a Council must establish an Audit and Risk Committee (ARC).

Further, section 53(3) of the Act states that:

“An Audit and Risk Committee must—

- (a) include members who are Councillors of the Council; and*
- (b) consist of a majority of members who are not Councillors of the Council”.*

The Colac Otway Shire ARC consists of two Councillors and three independent members, in accordance with the Council’s ARC Charter.

The Act specifically requires ARC members to collectively have expertise in financial management and risk and experience in public sector management. In addition, ARC members should collectively possess sufficient knowledge of audit, specific industry knowledge, IT, law, governance, and control.

Brian Keane, former ARC Chair and Independent Member, submitted his resignation to the Chief Executive Officer on 10 August 2023, and finished in the role on 30 September 2023.

At its meeting held on 27 September 2023, Council resolved to:

- Appoint Melissa Field as the Chairperson of the ARC for a period of one year, commencing on 1 October 2023.
- Reappoint Richard Trigg as an Independent ARC Member for the further three years, commencing 1 December 2023.

Expression of Interest process

Council advertised in the Colac Herald, Warrnambool Standard and the Geelong Advertiser on 13 and 14 October 2023, calling for Expressions of Interest from suitably qualified candidates to fill the position of Independent ARC member. Applications closed at 5pm on Monday 30 October 2023.

Six formal applications were received in response to the EOI process.

All applications were assessed by the Candidate Selection Panel comprising:

- ARC Independent Members, Melissa Field (Chair) and Richard Trigg
- Councillor Margaret White
- Chief Executive Officer, Anne Howard.

Two candidates were selected for interview and interviews were held on Tuesday 14 November 2023.

Possessing exceptional professional qualifications and a varied career background, along with extensive experience as an ARC independent member and chairperson, Candidate A demonstrated a highly proficient alignment with the Key Selection Criteria and is recommended by the Candidate Selection Panel for appointment by Council, for a term of three years.

Fourth Independent Member

While the current membership of Council's Audit and Risk Committee includes three Independent Members, there is nothing precluding Council from appointing a fourth member. This approach is consistent with a number of other Councils, namely Eash Gippsland, Surf Coast Shire, Glenelg and Moira.

The Candidate Selection Panel has recommended the appointment of a fourth Independent Member for a two year term.

5. CONSIDERATIONS

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

The relevant overarching Governance Principles are:

- Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- Innovation and continuous improvement is to be pursued.
- The ongoing financial viability of the Council is to be ensured.

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

Audit and Risk Committee Charter
Local Government Act 2020

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. In accordance with the *Local Government Act 2020* and the Audit and Risk Committee Charter, the ARC is required to recommend appointment of the Independent Member to Council.

Public Transparency (s58 LGA 2020)

The appointment of the Independent Member to the Audit and Risk Committee is by resolution of Council at an open Council meeting.

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

Objective 4: We support and invest in our people.

Financial Management (s101 *Local Government Act 2020*)

Fees for three Independent Audit and Risk Committee member are included in the 2023-24 budget.

The appointment of a fourth Independent Member is unbudgeted and would equate to approximately \$7,680 per annum (inclusive of GST).

Service Performance (s106 *Local Government Act 2020*)

Not applicable.

Risk Assessment

Brian Keane's resignation leaves the ARC with only two Independent Members (the Charter specifies three). Furthermore, section 53(3) of the Act prescribes that an Audit and Risk Committee "*must consist of a majority of members who are not Councillors of the Council*".

The next ARC meeting is scheduled for 6 December 2023, and it is important the vacancy is filled prior to this meeting so that Council meets its legislative obligations. The start date of the new Independent Member is 1 December 2023.

Communication/Implementation

On confirmation of appointment, all unsuccessful applicants will be notified of Council's decision.

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 Selection Panel's recommendation to appoint Candidates A and B as an Independent Members to the Audit and Risk Committee

This option is recommended by the Candidate Selection Panel, as a robust evaluation and selection process has been undertaken and the recommended candidates adequately addressed all the Key Selection Criteria and offer a range of skills and experience which enhances the existing knowledge on the Committee and provides continuity moving forward.

Option 2 – Do not endorse the Selection Panel's recommendation and only appoint Candidate A as the third Independent Member to the Audit and Risk Committee

This option is not recommended. While the Candidate Selection Panel has recommended appointing Candidate A as the third Independent Member, it has also recommended the appointment of a fourth Independent Member for a two year term. This has been recommended to provide a broader range of skills, views and experience on the Committee and provide continuity moving forward.

Option 3 – Do not endorse the Selection Panel's recommendation to appoint Candidates A and B as Independent Members to the Audit and Risk Committee

This option is not recommended by the Selection Panel as Council has a legislative obligation to ensure the Audit and Risk Committee comprises a majority of independent members (currently three). It currently has two Councillor members and two independent members.

Item: 9.8

Old Beechy Rail Trail - Road Deviation and Land Exchange

OFFICER	Mark McLennan
GENERAL MANAGER	Andrew Tenni Ian Seuren
DIVISION	Community and Economy Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Old Beechy Rail Trail - Road Deviation and Land Exchange - Plan of Road Exchange Marked Up with Image [9.8.1 - 1 page] 2. Old Beechy Rail Trail - Road Deviation and Land Exchange - Plan of Road Exchange - For Victorian Government Gazette [9.8.2 - 13 pages] 3. Old Beechy Rail Trail - Road Deviation and Land Exchange - Plan of Crown Land - Allotments 11J1 & 13F1 Parish Olangolah [9.8.3 - 1 page] 4. Old Beechy Rail Trail - Road Deviation and Land Exchange - LE06_309_0_1 - Plan of Crown Land - Allotments 11J1 & 13F1 Parish of Olangolah [9.8.4 - 1 page] 5. Old Beechy Rail Trail - Road Deviation and Land Exchange - LE09_206_0_1 - Plan of Crown Land - Allotments 11J1 (Road) Parish of Olangolah [9.8.5 - 1 page] 6. Old Beechy Rail Trail - Road Deviation and Land Exchange - Copy of Titles - Freehold Allotments 11K & 13F Parish of Olangolah - Redacted [9.8.6 - 7 pages] 7. Colac Otway - 62.04 Subdivisions not requiring a Permit [9.8.7 - 1 page]

1. PURPOSE

To seek Council approval to commence the public notice of intention process relating to a road deviation and land exchange which will secure public ownership for a section of the Old Beechy Rail Trail known as the 'Ditchley Gully'.

2. EXECUTIVE SUMMARY

The Old Beechy Rail Trail (OBRT) is a 50km walking and cycling trail located between Colac and Ferguson. The existing trail is located on a combination of Council-owned land, private land and Crown land.

In the early 2000s, Council and the former OBRT Committee began negotiations with a private landowner between Dinmont and Ditchley to establish an agreement for the construction of an off-road option for the trail through their private property. In determining that the former railway alignment through their property was not available, Council officers, in consultation with the landowner and the government department now known as the Department of Energy, Environment and Climate Action (DEECA), determined an alternative trail alignment. A land exchange arrangement to ensure the constructed trail became public (Crown/Council) land was proposed, with discussions progressing with the relevant State Government Department to undertake the proposed road deviation and land exchange process.

The land exchange proposal has progressed to a point where Council can now consider a formal road deviation and land exchange process which will secure public ownership for this land where the existing OBRT has been constructed. Currently the Ditchley Gully section of the OBRT near Beech Forest is closed because it requires minor works to complete improvements to ensure the safety of users. These works have not been carried out while the future land exchange is being worked through. As a result of the trail closure in this section, users of the trail are required to walk along the roadside of the Old Beech Forest Road from Dinmont to Ditchley. In supporting the land exchange and road deviation, this section of trail could be re-opened following minor works once the road deviation and land exchange process has been finalised. These minor works will be completed using the existing recurrent budget allocated to completing maintenance along the OBRT.

This report seeks Council approval to consider the road deviation and land exchange proposal and to progress the next stages of the process. If approved, the next step in this process requires Council to give public notice of its intention to proceed with the proposed OBRT road deviation and land exchange by advertising its intention and calling for any public submissions.

3. RECOMMENDATION

That Council:

- 1. Resolves to give Public Notice of its intention to enter into a road deviation and land exchange pursuant to the provisions of Section 207B (2A) and Clause 2(2) of Schedule 10 under the Local Government Act 1989, which will secure public ownership for parcel or parcels of the Old Beechy Rail Trail known as the Ditchley Gully.***
- 2. Notes that the road deviation and land exchange process will involve:***
 - Council gaining the freehold land as listed below, which is the area that Council requires to operate and maintain the section of the Old Beechy Rail Trail which is already constructed on the following parcels of land:***
 - Part of Crown Allotment 13F1 (road)***
 - Freehold Crown Allotment 13N***
 - Freehold Crown Allotment 11K***
 - Part of Crown Allotment 13F***

- ***The landowner gaining Crown Land (road) as listed below to be transferred to freehold land:***
 - ***Part of Crown Allotment 13F1 (road)***
 - ***Crown Allotment 11J1 (road)***
- 3. Notes that the full particulars of the proposed road deviation and land exchange will be advertised for a period of at least six (6) weeks in accordance with Council's Community Engagement Policy, seeking submissions from the community.***
- 4. Hears any verbal presentations relating to submissions received as a result of the exhibition process at a future Submissions Committee Meeting, noting that the date and location of a Submissions Committee meeting is still to be determined.***
- 5. Following the public exhibition period, receives a future report in relation to the Old Beechy Rail Trail Road Deviation and Land Exchange process to seek a Council decision as to whether to proceed with this process.***

4. KEY INFORMATION

Background

The establishment of the Old Beechy Rail Trail (OBRT) was the culmination of 16 years' work by the Old Beechy Rail Trail Committee and the Council, which brought together interested groups from Colac, Gellibrand, Beech Forest and Lavers Hill to make the construction of trail a reality.

The OBRT is a 50km walking and cycling trail located between Colac and Ferguson. The trail is located on a combination of Council-owned land, private land and Crown Land. The then Department of Sustainability and Environment (now Department of Energy, Environment and Climate Action – DEECA) appointed the Council as Committee of Management over sections of the trail that traverse Crown Land. Council retains management responsibility for the full length of the OBRT.

In the early 2000s, Council and the then OBRT Committee began negotiations with a private landowner between Dinmont and Ditchley to establish an agreement for the construction of an off-road option for the trail through their private property. In determining that the former railway alignment through their property was not available, Council officers, in consultation with the landowner and the relevant government department, determined an agreed alternative trail alignment. A road deviation and land exchange arrangement was proposed to ensure the constructed trail became public (Crown/Council) land, with the Council officers at the time commencing discussions with the then Department of Sustainability and Environment (DSE), now known as DEECA, to undertake a road deviation and land exchange process.

On advice from the Department that a road deviation and land exchange process was possible, prior to the Ditchley Gully section of OBRT being constructed, Council commenced the process of determining a trail alignment for future construction by entering into a road deviation and land exchange negotiation with the private landowner to swap some parcels of private land with some parcels of leased Crown land in order for Council to secure community (Crown) ownership of this section of trail, thus eliminating the need to have a licence agreement to pass over private property. A Heads of Agreement was entered into by the parties agreeing to this proposal. This Heads of Agreement is what governed public use of the trail when the off-road sections were in operation.

Other sections of the OBRT which traverse private property are supported by licence agreements. Fencing works were completed in 2011 in preparation for the land exchange and construction of trail through this property known as the 'Ditchley Gully'. The trail was subsequently constructed on private land, however the road deviation and land exchange process has yet to be finalised. Currently the Ditchley Gully section of the OBRT (which is subject to this proposed road deviation and land exchange) is closed, with users of the trail in this section required to walk along the roadside of the Old Beech Forest Road from Dinmont to Ditchley. Minor works to re-open this section of the OBRT will be completed using the existing recurrent operational budget allocated to maintain the OBRT.

This report seeks Council approval to initiate the proposed road deviation and land exchange and to progress the next stages of the process. The next stage requires that Council gives public notice of its intention to proceed with the proposed Road Deviation and Land Exchange by advertising its intention and calling for submissions and/or comment. It is recommended that the public notice be advertised for a period of six (6) weeks in accordance with Council's Community Engagement Policy. At the conclusion of the public consultation period, a Submissions Committee hearing would be held to allow any person wishing to speak to their submission be heard. Following the public consultation process, a report would then be presented back to a future Council meeting to determine whether to proceed with the road deviation and land exchange process.

Old Beechy Rail Trail 'Ditchley Gully' Proposed Land Swap Summary

As depicted in the following image, the road deviation and land exchange proposes the following:

- Within Crown Allotment 13F1 (former road title) 3 parcels will be transferred into the ownership of the landowner (as per number 2 in the following image and also refer to Attachment 1).
- The Crown (Council) will retain 3 parcels within this Crown Allotment 13F1 to be used as the Old Beechy Rail Trail as already constructed (refer to Attachment 1).
- Land within Crown Allotment 13F (currently in ownership of the landowner) is to become government (Council) land for the rail trail purposes as already constructed (as per number 5 in the following image).
- There is also the 'land swap' between Crown Allotment 11J1 (number 1 in the below image – currently leased by the landowner from the Crown to be transferred into ownership of the landowner) for Crown Allotments 11K (number 3 in the following image – to become government (Council) freehold land) and 13N (number 4 in the following image – to become government (Council) freehold land).

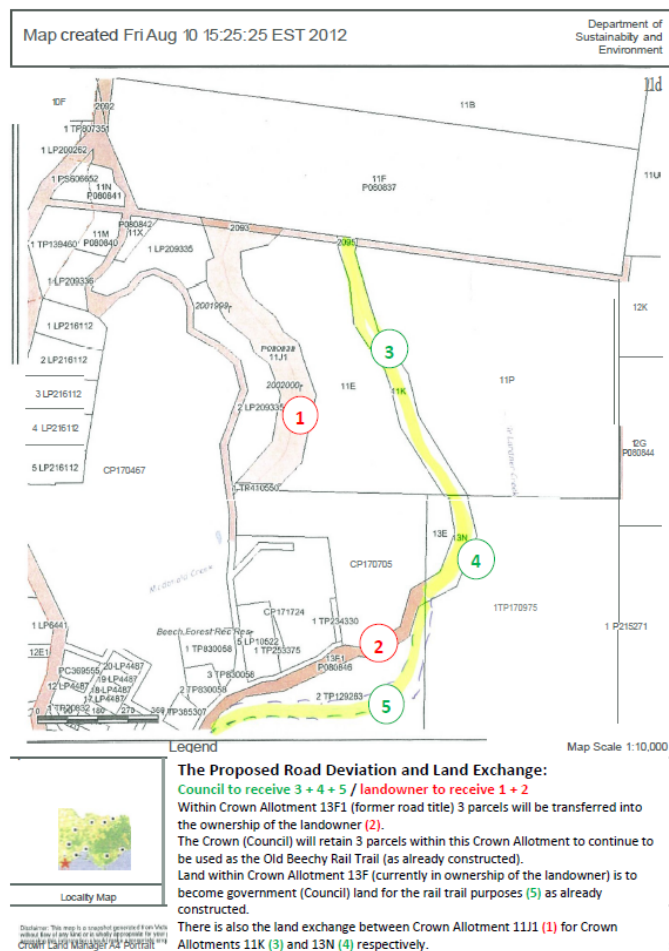


Image of proposed Road Deviation and Land Exchange ('land swap')

None of the land subject to the road deviation and land exchange is currently owned by Council.

In total Council will receive 9.4857 hectares of freehold land; with the landowner receiving 13.0012 hectares of Crown land to be transferred to freehold land.

Old Beechy Rail Trail 'Ditchley Gully' Proposed Land Swap Detailed Information

To finalise the documentation required for the proposed road deviation and land exchange, officers were required to confirm exactly the parcels of land identified previously for the 'land swap' and complete surveys for those parcels. Throughout the discussions with the landowner, officers have been open and transparent ensuring that they were aware of the process required to finalise the proposed 'land swap' agreement. Officers have kept the landowner updated through the discussions and the process being followed to finalise the previously agreed proposed 'land swap' arrangement.

Following advice from DEECA officers, fully dimensioned survey plans have been prepared indicating both the areas of Government Road to be discontinued and the areas of the landowner's freehold property on which the new road will be created (refer to Attachment 2). The survey plans are required for the road deviation and land exchange notice in the Victorian Government Gazette and the final exchange of titles.

Dimensions have been added for the three small portions of Allotment 13F1 that Council wishes to retain as Government Road (refer to Attachment 2). Freehold Allotments 11K and 13N have complete

dimensions, survey detail has been provided for the portion of Freehold Allotment 13F (now Lot 2 on TP129263) required by Council (Refer to Attachments 2, 3, 4, 5 and 6).

The Plan shows the land which is to have road status removed and to be exchanged with the landowner within Crown Allotment 13F1, along with the land which is to become road for the purposes of the Old Beechy Rail Trail within the private landowner's land, known as Crown Allotment 13F.

The Crown land parcels (Allotments 11J1 & 13F1 Parish of Olangolah) have legal status of Government Road. This legal land status has been verified in Landata. The plans associated with these two Crown land parcels are attached. This land status was facilitated by DEECA a number of years ago so that Council could pursue a road deviation pursuant to the provisions of the *Local Government Act 1989* to resolve this issue. The advantage of a road deviation process is that Council will not need to pay for the freehold land required.

The developed 'Plan of Road Exchange' attached, has been reviewed and discussed by Council officers, the private landowner and the surveyor in detail. Land exchange calculations as provided by the Surveyor are:

"We advise that within Crown Allotment 13F1 (former road title) 3 parcels will be swapped into the ownership of landowner having areas of 8627m², 3565m² and 2.602ha respectively, totalling 3.821ha to become freehold title. The Crown (Council) will retain 3 parcels within this Crown Allotment with areas of 8717m², 2775m² and 1490m², totalling 1.298ha being used as the rail trail (the Old Beechy Rail Trail). Land within Crown Allotment 13F (in ownership of the private landowner) that is to become government (Council) land for the rail trail purposes has an area of 1.711ha. There is also the land swap between Crown Allotment 11J1 for Crown Allotments 11K and 13N respectively."

All parties agreed with the developed plan and also requested that this be provided with aerial image format to show the alignment of the Old Beechy Rail Trail and plan of road exchange (see Attachment 1 'Plan of Road Exchange Marked Up with Image').

As per DEECA's advice, the process to initiate and proceed with the road deviation is as follows:

- Fully dimensioned survey plans have been prepared (see attachments) indicating both the areas of Government Road to be discontinued and the areas of the private landowner's freehold property on which a new road will be created to accommodate the OBRT. The survey plans will be required for the final exchange of titles. Dimensions have been added for the three small portions (bordered yellow) of Allotment 13F1 that Council wishes to retain as Government Road.
- With the plan(s) finalised, DEECA will require a formal letter (and the accompanying survey plans as attached) from Council advising that Council has resolved to proceed with the road deviation and land exchange pursuant to the provisions of Section 207B (2A) and Clause 2(2) of Schedule 10 of the *Local Government Act 1989* –

2. Power to deviate roads

- (1) A Council may deviate a road through private land, Crown land or land held by licensees under the *Land Act 1958* (whether or not the land is subject to any rights of way)

Sch. 10 cl. 2(2) substituted by No. 99/1994 s. 16(2)

(2) However, in the case of a proposed deviation—

(a) through Crown land; or

(b) which would result in the vesting of land in a Council under section 207B(2A)—this power may only be exercised after the Council has obtained the consent of the Minister administering the *Land Act 1958*.

(3) Before starting any work to give effect to a deviation, the Council must publish a notice in the Government Gazette describing the deviation.

- Once DEECA receives the formal letter and Council resolution, DEECA will then obtain the consent of the Minister for Energy, Environment and Climate Change (or delegate) to the formal exchange as required under the Act. DEECA is supportive of the proposal however the correct timing for seeking the formal consent is when the final survey plans are available, and a Council resolution has been made and provided to the Department.
- Subject to Ministerial consent, Council will then be required to publish the road deviation notice in the Victorian Government Gazette as required by the provisions of Clause 2(3) of Schedule 10 of the Act. The survey plans are required to be included in the notice.

The Old Beechy Rail Trail ‘Ditchley Gully’ Road Deviation and Land Exchange Process

DEECA has advised Council that the road deviation and land exchange process still needs to happen under the *Local Government Act 1989* due to the road functions (road deviation) sections of the Act remaining as a remnant in the 1989 Act which were not carried over to the new 2020 Act.

If Council adopts the recommendation as outlined in this report, the following steps would be required to proceed with the proposed road deviation and land exchange process:

- Council to give public notice of its intention to proceed with the proposed road deviation and land exchange by advertising its intention and calling for feedback from the community (November 2023)
- Public Notice to be for a period of six weeks as per Council’s Community Engagement Policy (December 2023/January 2024).
- At the conclusion of the public consultation period, in the event submissions are received and submitters wish to speak to their submission, a Submissions Committee meeting would be held (March 2024).
- A report to be presented to a future Council meeting to consider whether to proceed with the road deviation and land exchange (April/May 2024).
- If supported by Council, write to DEECA advising that Council has made a resolution agreeing to the proposed road deviation and land exchange (May 2024).
- DEECA to obtain consent of the Minister for Energy, Environment and Climate Change (or delegate) to the formal road deviation and land exchange (as required under the Act).
- Subject to Ministerial consent, Council will then be required to publish the road deviation notice in the Victorian Government Gazette as required by the provisions of Clause 2(3) of Schedule 10 of the Act. The survey plans are required to be included in the notice.

Upon the approval of DEECA and the Minister’s Delegate, it is expected that the legal process could be finalised within approximately four months.

Council officers, surveyors, planners, Victorian Government department representatives including the Surveyor General, and the private landowner have collaborated on this road deviation and land exchange process since the early 2000s. The landowner has attended many meetings with Council and has worked with officers to find a mutually advantageous road deviation and land exchange. The landowner is comfortable with the proposals before Council and has a full understanding of the impact on their property / farm. Whilst taking a significant effort, discussions have resulted in a mutually favourable agreement that has been referred to DEECA to understand the process of finalising the 'land swap' process.

Planning Matters

Attached to this report is an extract from the Colac Otway Shire Planning Scheme relating to Exemptions from Planning processes. It is confirmed that the proposal in this report is exempt from the Planning process as Council is an Authority and there are no extra lots being proposed in the final setout.

Benefits

The road deviation and land exchange process offer the following benefits to Council and the landowner:

Benefits to Council:

- Council will gain freehold land meaning this section of trail will be in public ownership in perpetuity.
- No ongoing landowner negotiations for a licence agreement to pass over private property will be required for this section of trail, providing security of tenure.
- Council will not have to purchase the land, and only has to provide funding for the legal transfer process.

Benefits to the landowner:

- Land currently leased by the landowner from DEECA will become their (private) land.
- Process provides clarity on exactly where the OBRT is located adjacent to their (private) land.
- The road deviation and land exchange provides better land for farming, whilst transferring land suitable for a walking trail to Council.

5. CONSIDERATIONS

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

This report aligns with the following Governance Principles:

- Council decisions are to be made and actions taken in accordance with the relevant law.
- priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- collaboration with other Councils and Governments and statutory bodies is to be sought – Council officers have been working with DEECA in pursuing the proposed road deviation and land exchange process that secures the future of the Old Beechy Rail Trail.
- regional, state and national plans and policies are to be taken into account in strategic planning and decision making – the request to pursue this land exchange is strategically supported.

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

The road deviation and land exchange is pursuant to the provisions of Section 207B (2A) and Clause 2(2) of Schedule 10 of the *Local Government Act 1989* –

2. Power to deviate roads

(1) A Council may deviate a road through private land, Crown land or land held by licensees under the *Land Act 1958* (whether or not the land is subject to any rights of way)

Sch. 10 cl. 2(2) substituted by No. 99/1994 s. 16(2)

(2) However, in the case of a proposed deviation—

(a) through Crown land; or

(b) which would result in the vesting of land in a Council under section 207B(2A)—this power may only be exercised after the Council has obtained the consent of the Minister administering the *Land Act 1958*.

(3) Before starting any work to give effect to a deviation, the Council must publish a notice in the Government Gazette describing the deviation.

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

The OBRT is a regionally recognised trail which provides 50km of walking and cycling links from Colac to Ferguson for both residents and visitors to the region. The trail offers a range of heritage, cultural and environmental features as part of the trail experience.

The OBRT travels through some significant and protected landscapes within the Otways and any maintenance works or track realignments must comply with relevant state and federal legislation for the protection of native flora and fauna.

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

Extensive engagement has taken place between Council and the property landowner, as well as the former Old Beechy Rail Trail Committee, to support the proposed road deviation and land exchange process. Engagement with DEECA has also taken place to ensure key government stakeholder support for the proposed process.

Community engagement will take place pursuant to Council advertising its intention via a Public Notice of Intention to Deviate Road and Land Exchange as detailed in this report. It is proposed that Council advertises its intention for a period of 6 weeks calling for written submissions/comments from interested persons. Submitters interested in speaking to their submission would have the opportunity to do so at a future Submissions Committee meeting.

Public Transparency (s58 LGA 2020)

This report provides an opportunity for the wider community to be informed of the proposed road deviation and land exchange process and make a submission to Council in relation to this. Subject to the road deviation and land exchange progressing, details will also be published in the Victorian Government Gazette.

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 3: Protect and enhance the natural environment

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

The 2009 Barwon South West Regional Trails Master Plan has identified the Old Beechy Rail Trail as a regional trail.

The OBRT is identified as a ‘supporting trail’ in the Growing Adventure Tourism in Barwon South West Region (June 2015) strategic document. Supporting trails have a less prominent visitor offering, but nevertheless provide a quality visitor experience to support leading trails and touring routes, extend the length of stay for visitors, and offer significant recreational opportunities for regional communities.

Financial Management (s101 *Local Government Act 2020*)

The approximate cost to Council for entering into the road deviation and land exchange process are not expected to exceed \$7,000 for the registration fees, legal fees and any additional survey information required.

Once this process has been completed, Council will need to complete minor maintenance and safety improvement works in this section of the trail as per the MAV Insurance Liability Mutual Insurance Risk Assessment and Insurance Report (2018) to reopen this section of the trail. These minor works are proposed to be completed within the existing recurrent operational budget of \$60,000 used for maintaining the OBRT. Any more significant trail works/improvements will be scoped and priced for consideration in future budget processes.

None of the land identified for the road deviation and land exchange is owned by Council. The Crown land that is subject to the road deviation and land exchange is leased Crown land road reserve and unused government road reserve currently owned by the Crown. For future accounting purposes, officers will arrange for the new Council freehold land to be valued once it has been transferred to Council.

Service Performance (s106 *Local Government Act 2020*)

The road deviation and land exchange process support the continued provision for the OBRT. Much local and State Government funding and resources have gone into developing and maintaining the OBRT including the construction of this section of the trail.

Officers will need to develop a Trail Management Plan for the OBRT that will outline the service standards for maintenance of the trail. Council will adopt a Management Plan for the entire length of the OBRT. Whilst it is not anticipated that the trail will be added to the Road Register as it is not a ‘road’, it should be noted that users of the trail do utilise formal roads in some sections to then access off-road sections of the trail.

Risk Assessment

Legal risk is mitigated by the advice of Harwood Andrews Solicitors who will be lodging Titles Office documents on behalf of Council.

The OBRT is covered under Council's public liability insurance. Council undertakes regular trail inspections which identify defects and necessary maintenance works which require completion.

Communication/Implementation

Upon resolution to initiate the proposed road deviation and land exchange process, Council will provide notice of its intention to enter into the arrangements, by placing a Public Notice in the Colac Herald and on the Colac Otway Shire Council website.

Human Rights Charter

Officers have considered the Human Rights Charter in the preparation of this report and confirm that no person's human rights have been diminished in this document.

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 – Proceed with the road deviation and land exchange as proposed.

This option is recommended by officers as it secures public ownership in perpetuity of the constructed off-road section of the Old Beechy Rail Trail between Dinmont and Ditchley.

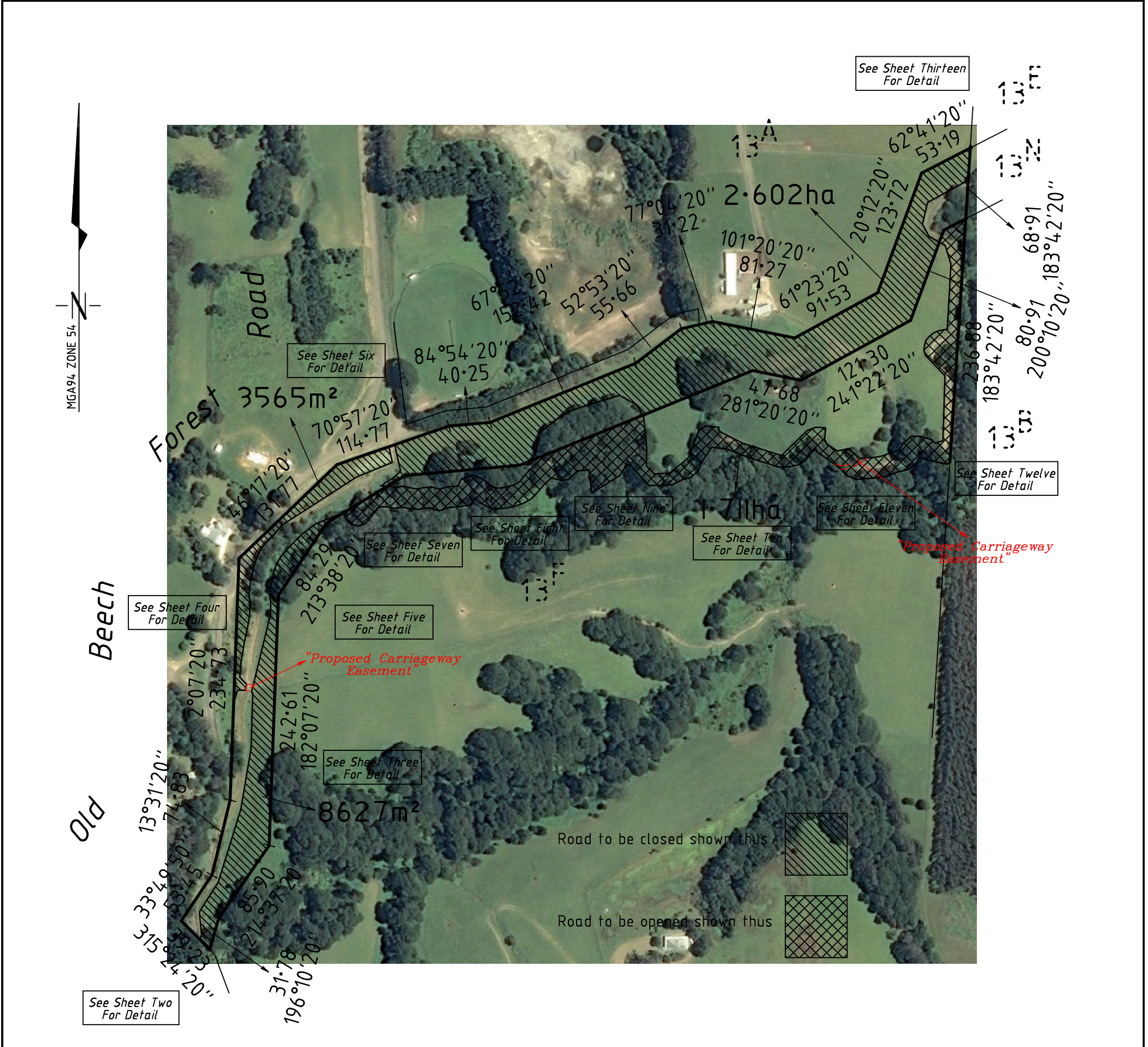
Option 2 – Do not proceed with the road deviation and land exchange as proposed.

Not proceeding with the road deviation and land exchange will result in the possible permanent loss of this section of trail between Dinmont and Beech Forest, noting that Council's insurers have a preference for the off-road section to be re-opened as it presents less risks than users walking and riding along the edge of the narrow Old Beech Forest Road.

Option 3 – Negotiate a licence agreement to enable the continuation of public access of this section of the Old Beechy Rail Trail over private land.

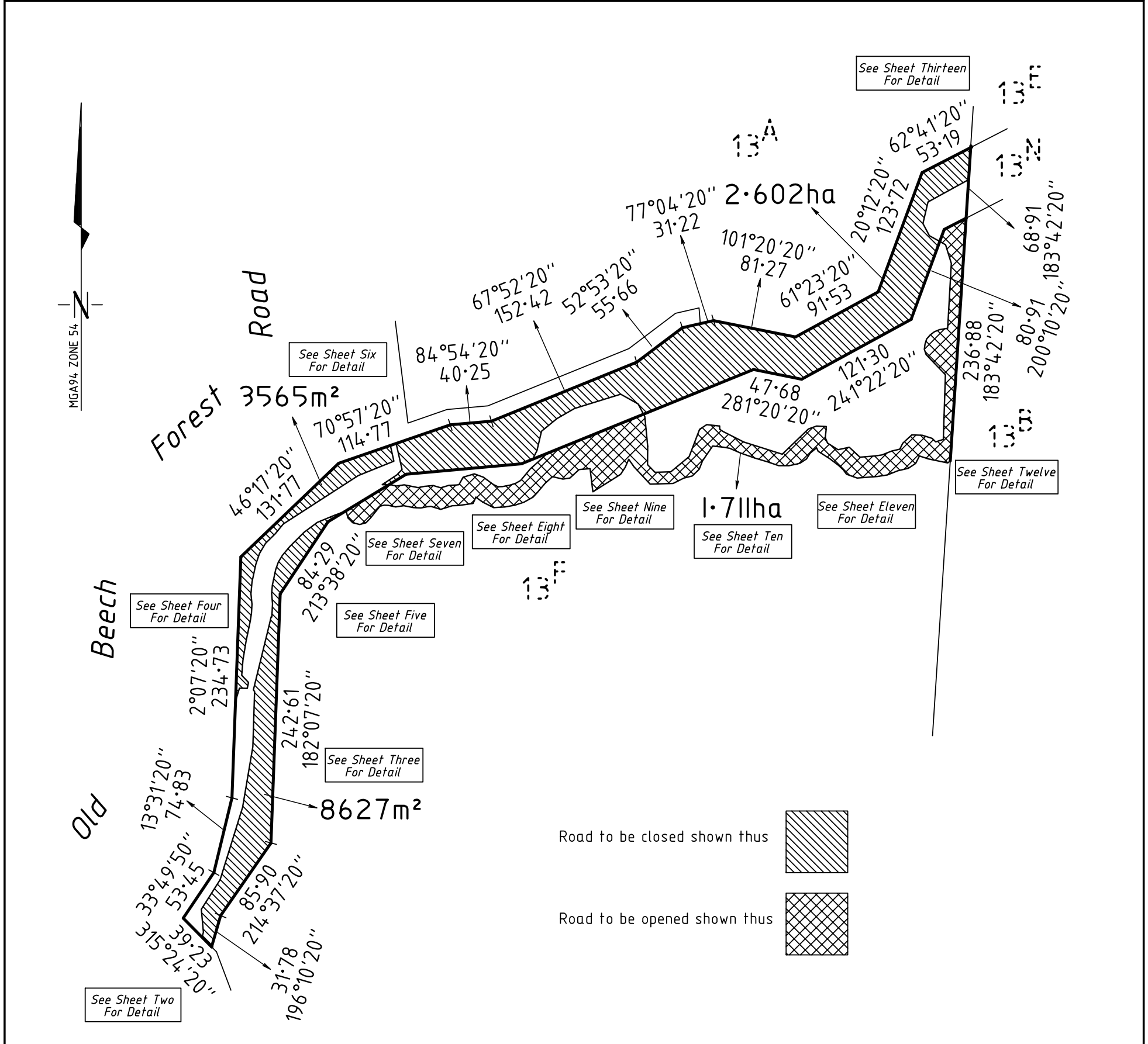
This option is not recommended by officers as the landowner has indicated that they do not intend to enter into a licence agreement to allow passage over/through their private land, should the road deviation and land exchange process not proceed.

PLAN OF ROAD EXCHANGE	
<p>LOCATION OF LAND</p> <p>PARISH: of Olangolah TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 13F (Part) and 13F1 CROWN PORTION: _____ LAST PLAN REFERENCE: Lot 2 on TP129263K TITLE REFERENCE: Vol. 9474 Fol. 306</p>	<p>NOTATIONS</p>



ORIGINAL SHEET SIZE: A3		CERTIFICATION BY SURVEYOR		SHEET 1 OF 13 SHEETS	
SCALE 1:4000		I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the <i>Surveying Act 2004</i> , and completed on <u>27/7/2019</u> , that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015. Date: 25th April 2021.		Licensed Surveyor, <i>Surveying Act 2004</i> ,	
SURVEYORS FILE REF: 02-46/16					
ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975		ANTHONY EDWARD BRIGHT, VERSION 1			

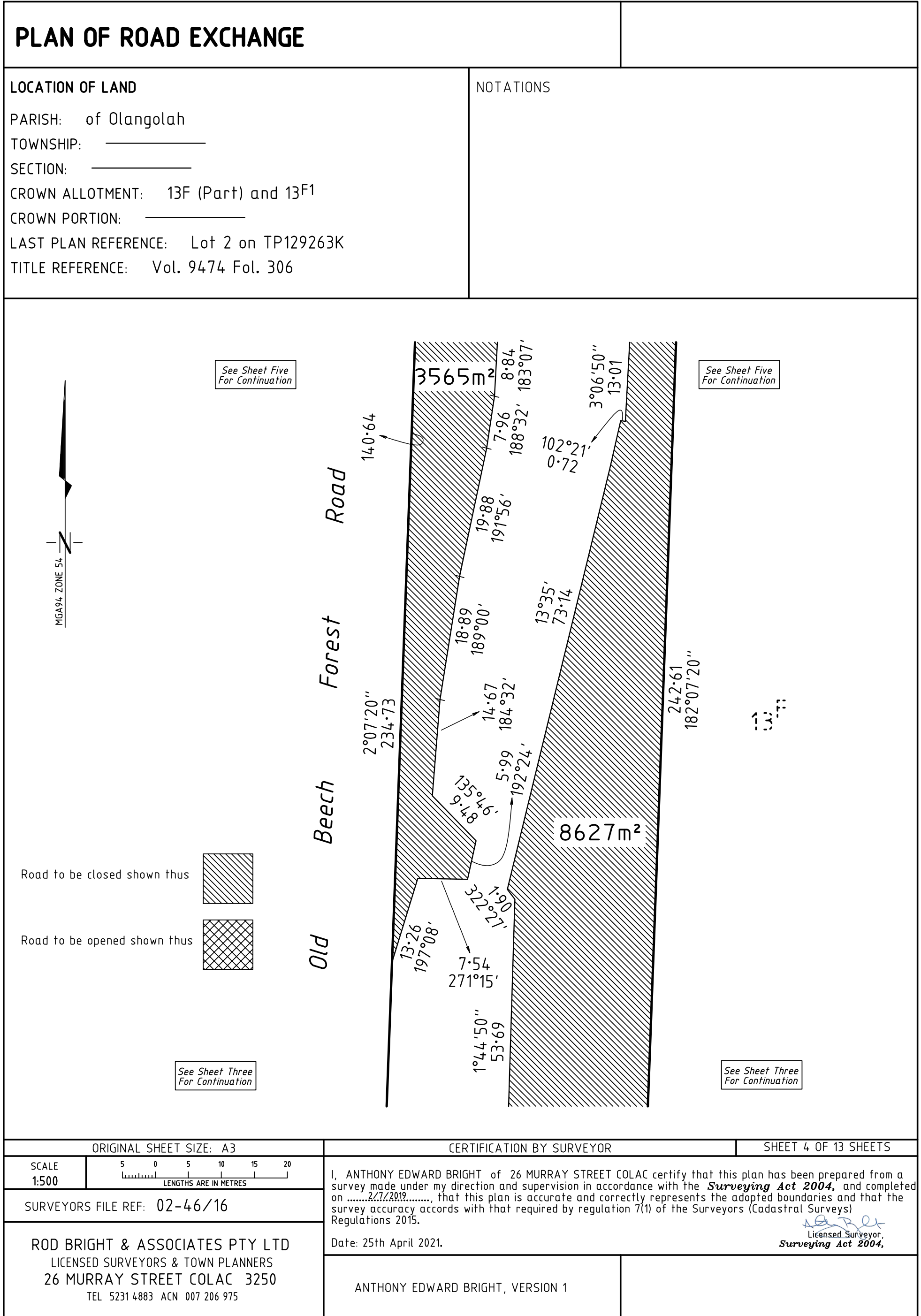
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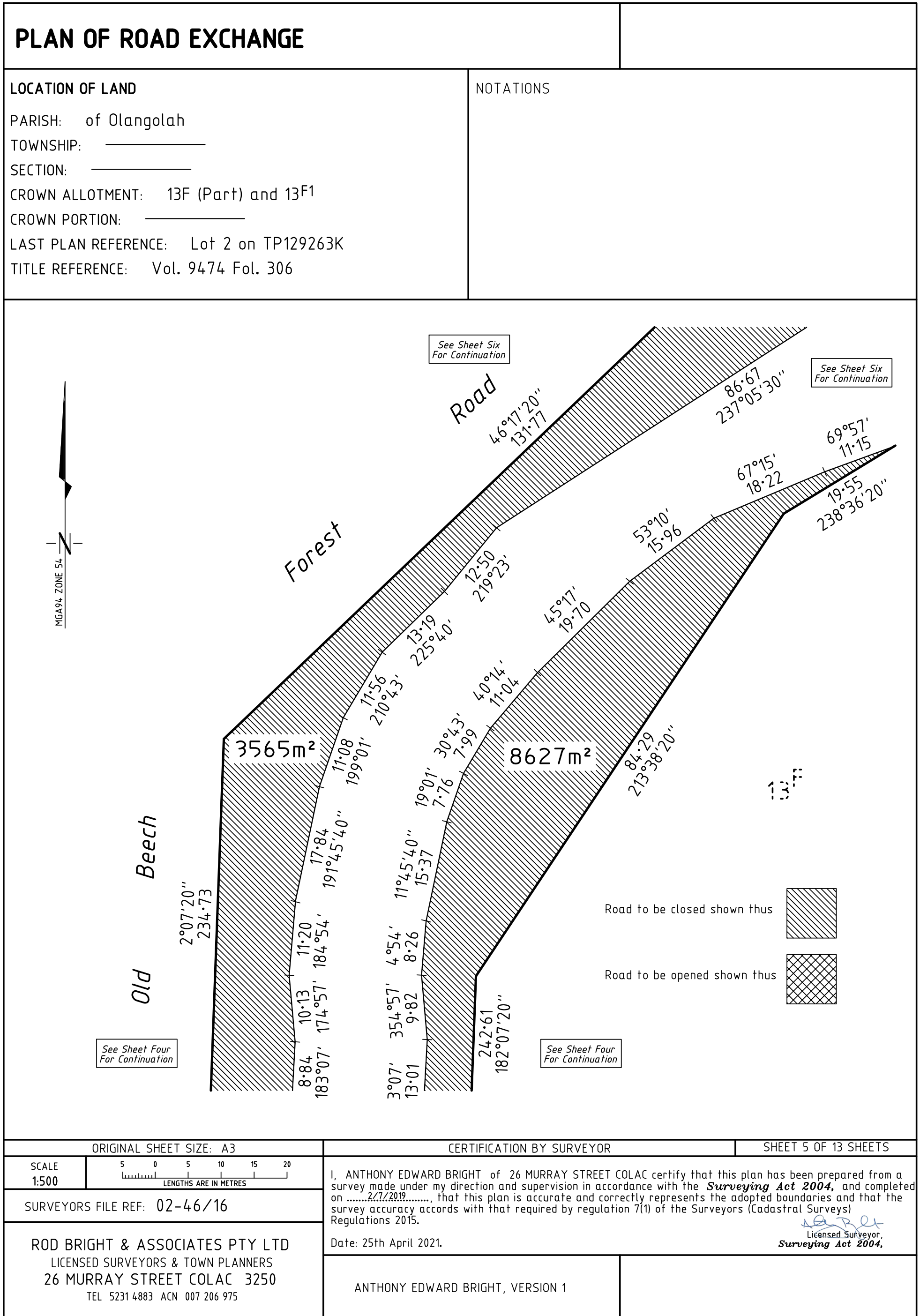


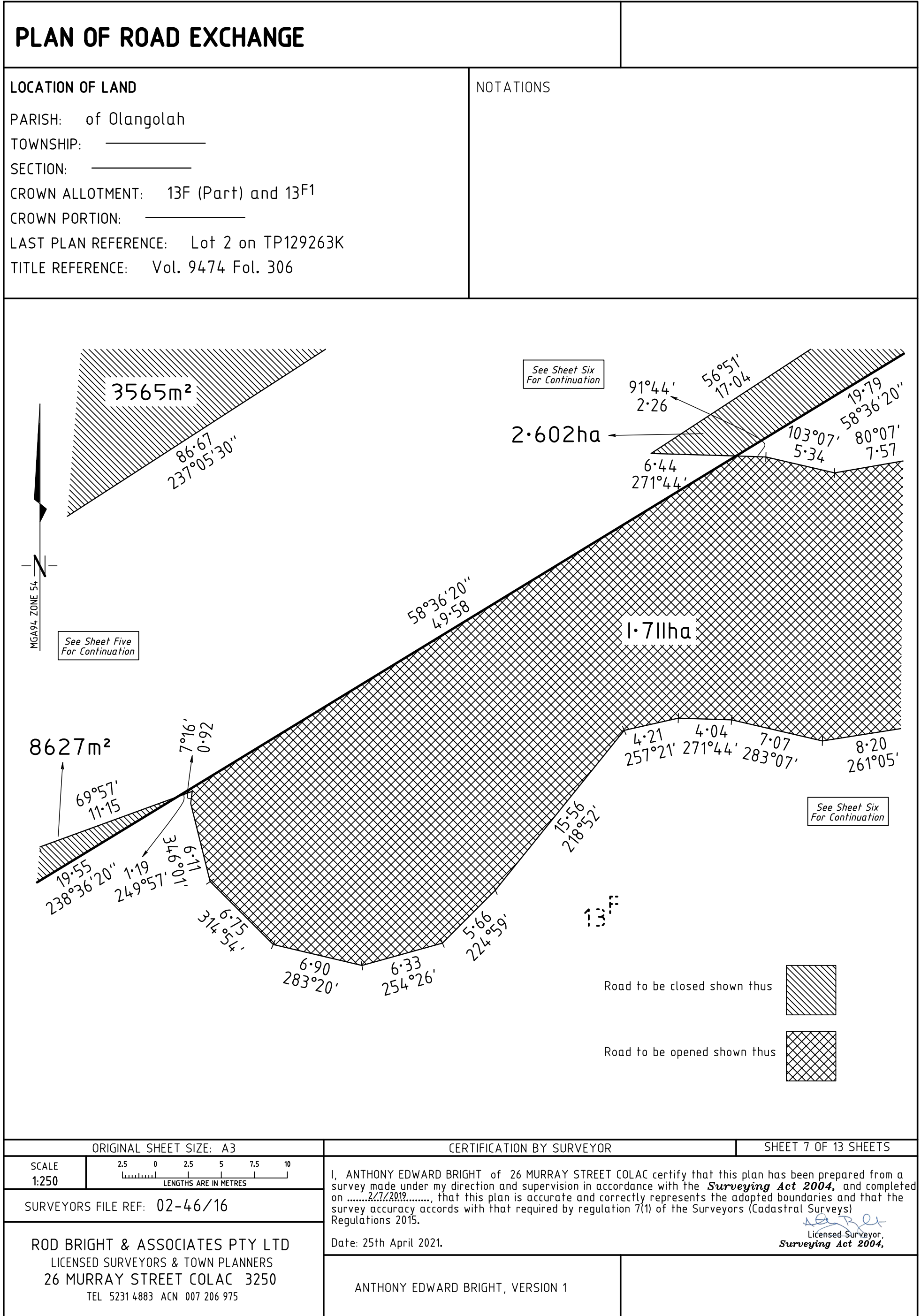
ORIGINAL SHEET SIZE: A3 SCALE 1:4000 SURVEYORS FILE REF: 02-46/16	CERTIFICATION BY SURVEYOR I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the <i>Surveying Act 2004</i> , and completed on27/7/2019....., that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015. Date: 25th April 2021. ANTHONY EDWARD BRIGHT, VERSION 1	SHEET 1 OF 13 SHEETS Licensed Surveyor, <i>Anthony Edward Bright</i> Surveying Act 2004,
ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975		

<h1>PLAN OF ROAD EXCHANGE</h1>		
<p>LOCATION OF LAND</p> <p>PARISH: of Olangolah TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 13F (Part) and 13F1 CROWN PORTION: _____ LAST PLAN REFERENCE: Lot 2 on TP129263K TITLE REFERENCE: Vol. 9474 Fol. 306</p>	<p>NOTATIONS</p>	
<p style="text-align: center;">See Sheet Three For Continuation</p> <p style="text-align: center;">See Sheet Three For Continuation</p> <p style="text-align: center;">8627m²</p> <p style="text-align: center;">13F</p> <p style="text-align: center;">MGA94 ZONE 54</p> <p style="text-align: center;">Old Beech Forest Road</p> <p style="text-align: center;">Road to be closed shown thus </p> <p style="text-align: center;">Road to be opened shown thus </p>		
<p>ORIGINAL SHEET SIZE: A3</p> <p>SCALE 1:500</p> <p>SURVEYORS FILE REF: 02-46/16</p> <p>ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975</p>	<p>CERTIFICATION BY SURVEYOR</p> <p>I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the <i>Surveying Act 2004</i>, and completed on2/7/2019....., that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015.</p> <p>Date: 25th April 2021.</p> <p style="text-align: right;"> Licensed Surveyor, <i>Surveying Act 2004</i>,</p>	<p>SHEET 2 OF 13 SHEETS</p>
<p>ANTHONY EDWARD BRIGHT, VERSION 1</p>		

<h1>PLAN OF ROAD EXCHANGE</h1>		
<p>LOCATION OF LAND</p> <p>PARISH: of Olangolah TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 13F (Part) and 13F1 CROWN PORTION: _____ LAST PLAN REFERENCE: Lot 2 on TP129263K TITLE REFERENCE: Vol. 9474 Fol. 306</p>	<p>NOTATIONS</p>	
<p>ORIGINAL SHEET SIZE: A3</p> <p>SCALE 1:500</p> <p>SURVEYORS FILE REF: 02-46/16</p> <p>ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975</p>	<p>CERTIFICATION BY SURVEYOR</p> <p>I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the <i>Surveying Act 2004</i>, and completed on2/7/2019....., that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015.</p> <p>Date: 25th April 2021.</p> <p>ANTHONY EDWARD BRIGHT, VERSION 1</p>	<p>SHEET 3 OF 13 SHEETS</p> <p style="text-align: right;"> Licensed Surveyor, <i>Surveying Act 2004</i> </p>





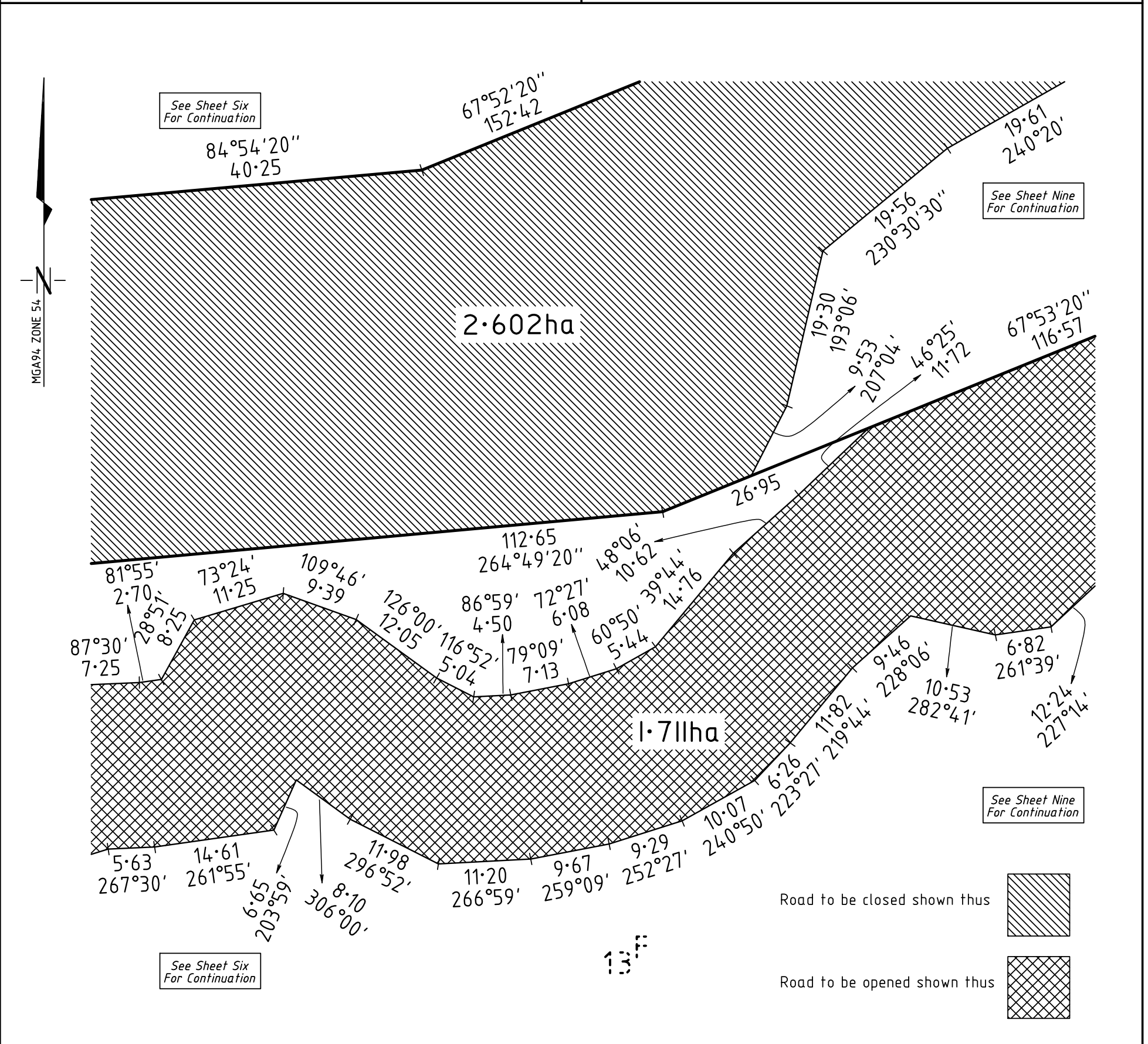


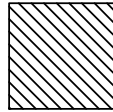
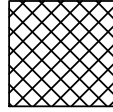
PLAN OF ROAD EXCHANGE

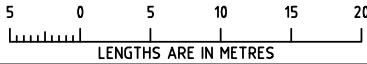

LOCATION OF LAND

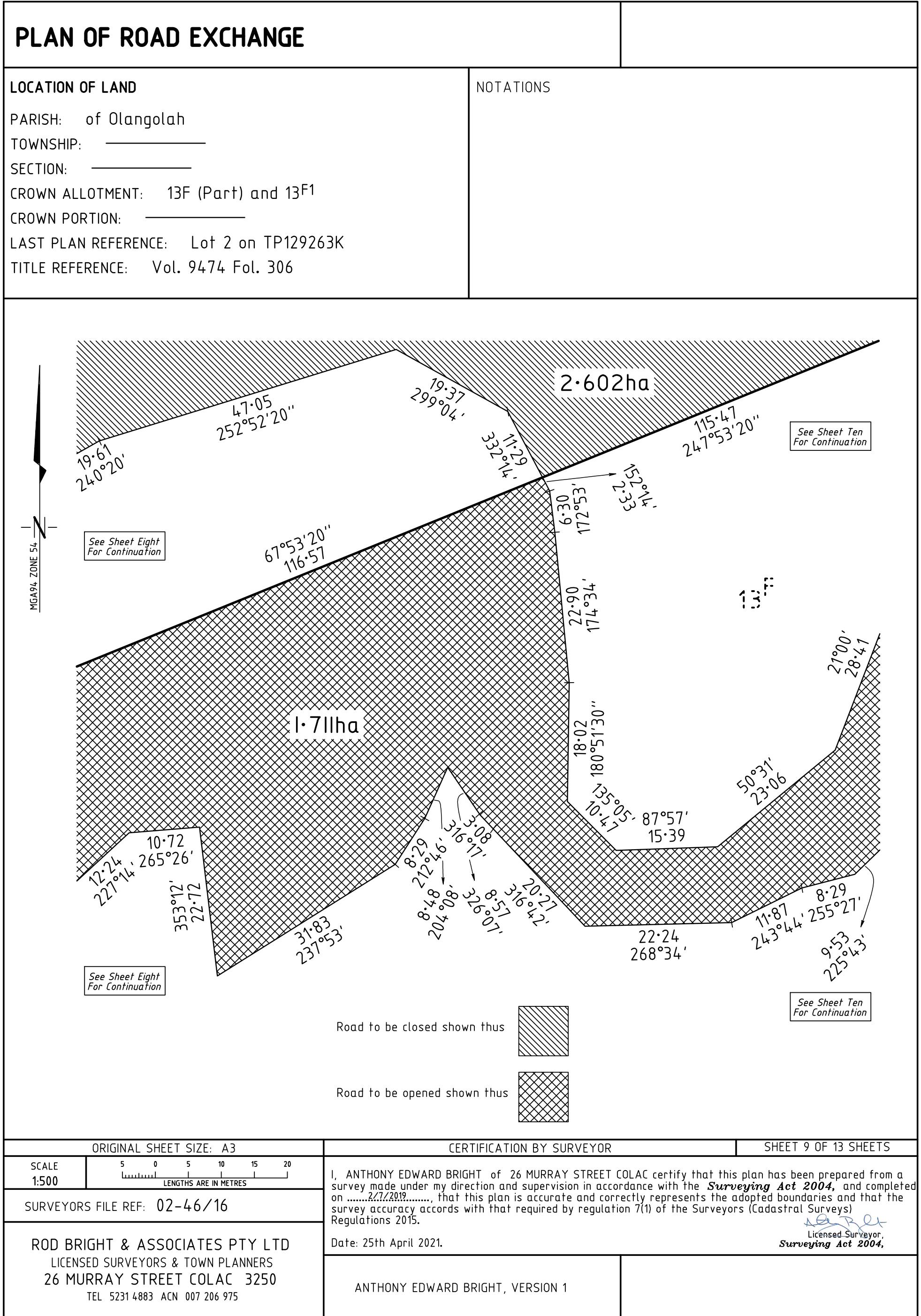
PARISH: of Olangolah
 TOWNSHIP: _____
 SECTION: _____
 CROWN ALLOTMENT: 13F (Part) and 13F1
 CROWN PORTION: _____
 LAST PLAN REFERENCE: Lot 2 on TP129263K
 TITLE REFERENCE: Vol. 9474 Fol. 306

NOTATIONS



Road to be closed shown thus 
 Road to be opened shown thus 

ORIGINAL SHEET SIZE: A3		CERTIFICATION BY SURVEYOR		SHEET 8 OF 13 SHEETS		
SCALE 1:500		I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the Surveying Act 2004 , and completed on2/7/2019....., that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015.				
SURVEYORS FILE REF: 02-46/16		Date: 25th April 2021.		 Licensed Surveyor, Surveying Act 2004 ,		
ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975		ANTHONY EDWARD BRIGHT, VERSION 1				

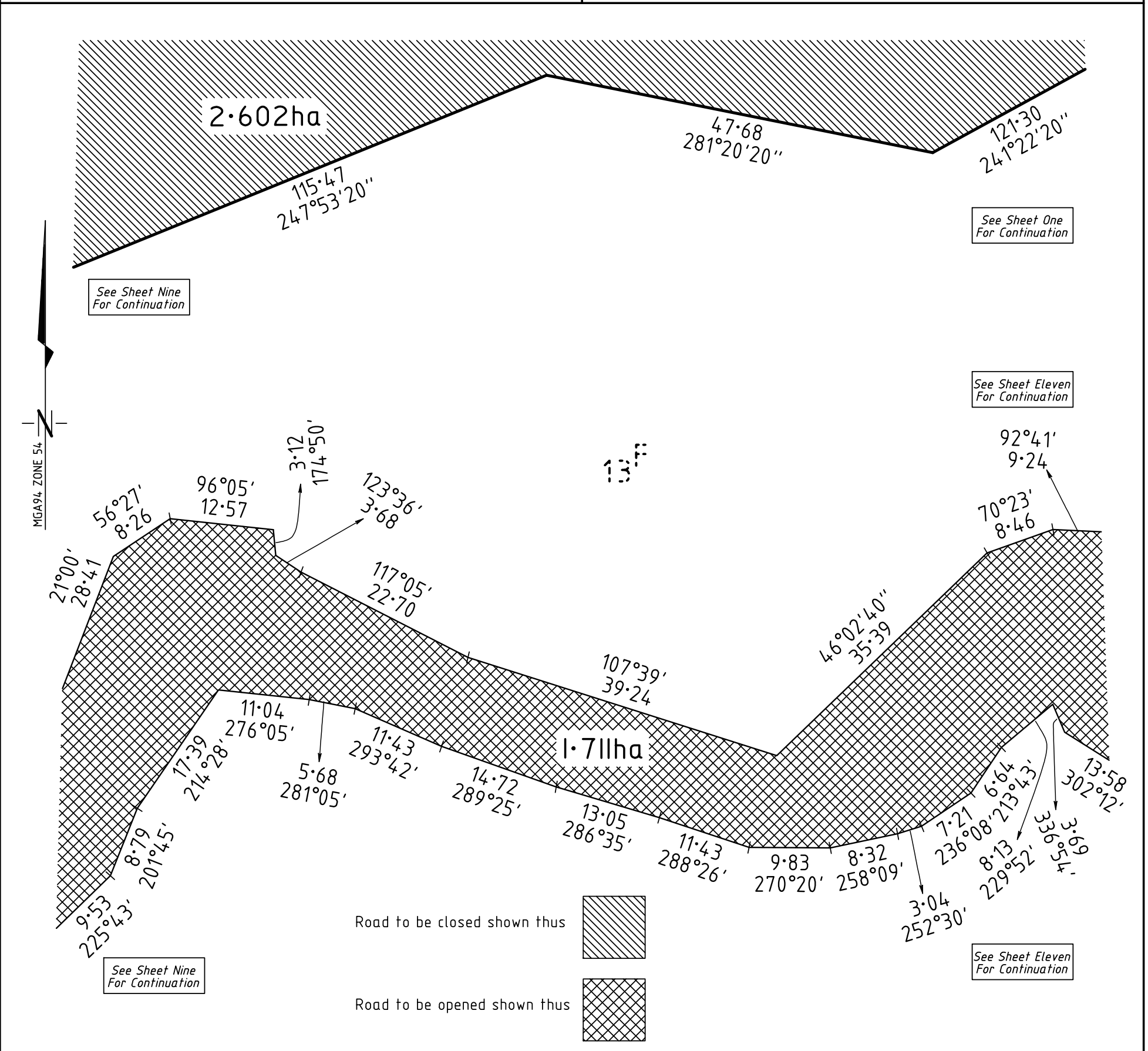


PLAN OF ROAD EXCHANGE

LOCATION OF LAND

PARISH: of Olangolah
 TOWNSHIP: _____
 SECTION: _____
 CROWN ALLOTMENT: 13F (Part) and 13F1
 CROWN PORTION: _____
 LAST PLAN REFERENCE: Lot 2 on TP129263K
 TITLE REFERENCE: Vol. 9474 Fol. 306

NOTATIONS



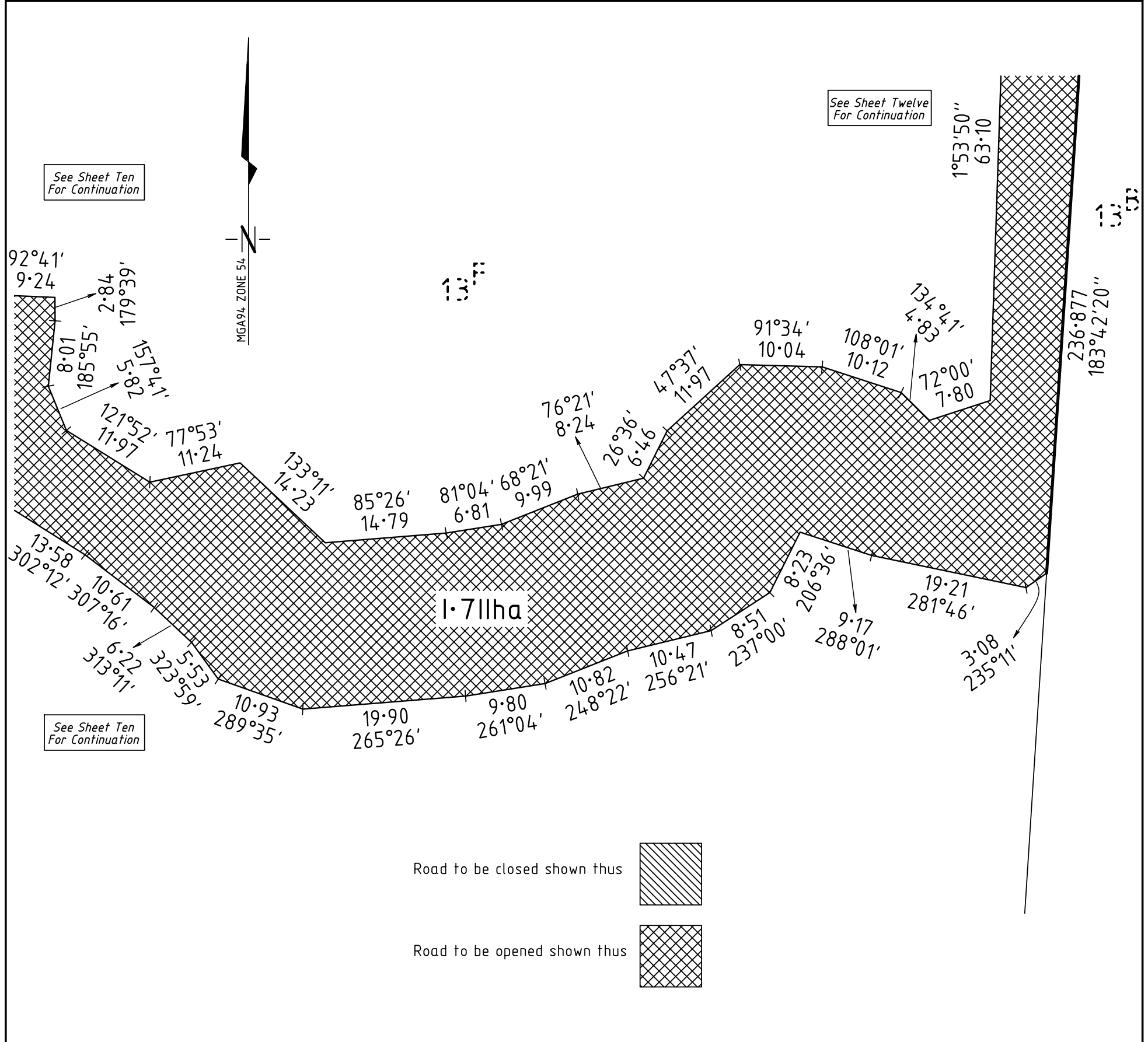
ORIGINAL SHEET SIZE: A3		CERTIFICATION BY SURVEYOR		SHEET 10 OF 13 SHEETS	
SCALE 1:500		I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the <i>Surveying Act 2004</i> , and completed on2/7/2019....., that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015.			
SURVEYORS FILE REF: 02-46/16		Date: 25th April 2021.		 Licensed Surveyor, <i>Surveying Act 2004</i> ,	
ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975		ANTHONY EDWARD BRIGHT, VERSION 1			

PLAN OF ROAD EXCHANGE

LOCATION OF LAND

PARISH: of Olangolah
 TOWNSHIP: _____
 SECTION: _____
 CROWN ALLOTMENT: 13F (Part) and 13F1
 CROWN PORTION: _____
 LAST PLAN REFERENCE: Lot 2 on TP129263K
 TITLE REFERENCE: Vol. 9474 Fol. 306

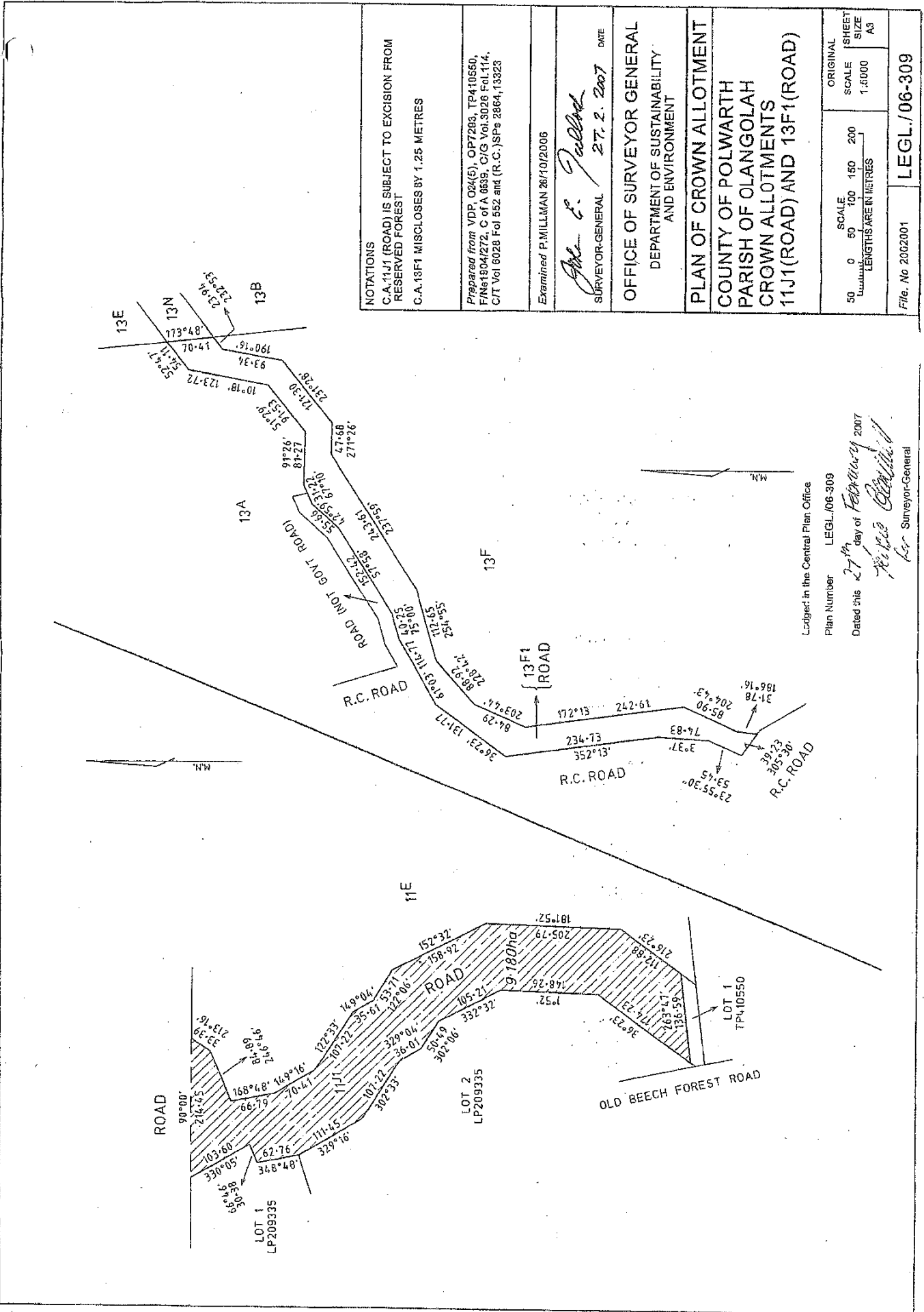
NOTATIONS



ORIGINAL SHEET SIZE: A3		CERTIFICATION BY SURVEYOR		SHEET 11 OF 13 SHEETS	
SCALE 1:500		I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the Surveying Act 2004 , and completed on27/7/2019....., that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015.			
SURVEYORS FILE REF: 02-46/16		Date: 25th April 2021.		 Licensed Surveyor, Surveying Act 2004 ,	
ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975		ANTHONY EDWARD BRIGHT, VERSION 1			

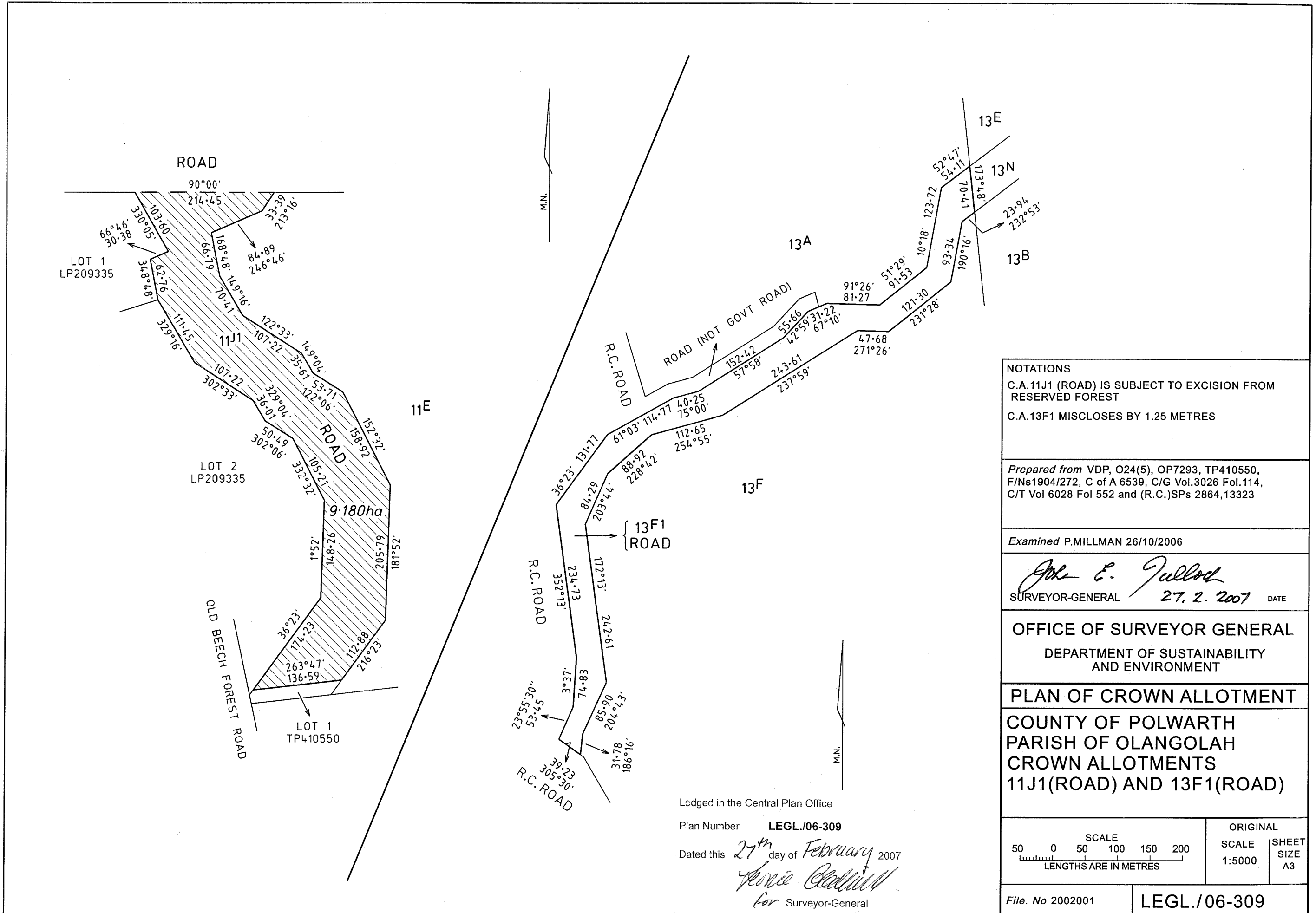
<h1>PLAN OF ROAD EXCHANGE</h1>		
<p>LOCATION OF LAND</p> <p>PARISH: of Olangolah TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 13F (Part) and 13F1 CROWN PORTION: _____ LAST PLAN REFERENCE: Lot 2 on TP129263K TITLE REFERENCE: Vol. 9474 Fol. 306</p>	<p>NOTATIONS</p>	
<p>ORIGINAL SHEET SIZE: A3</p> <p>SCALE 1:250</p> <p>SURVEYORS FILE REF: 02-46/16</p> <p>ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975</p>	<p>CERTIFICATION BY SURVEYOR</p> <p>I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the <i>Surveying Act 2004</i>, and completed on2/7/2019....., that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015.</p> <p>Date: 25th April 2021.</p> <p style="text-align: center;">ANTHONY EDWARD BRIGHT, VERSION 1</p>	<p>SHEET 12 OF 13 SHEETS</p> <p>Road to be closed shown thus </p> <p>Road to be opened shown thus </p>

<h1>PLAN OF ROAD EXCHANGE</h1>		
<p>LOCATION OF LAND</p> <p>PARISH: of Olangolah</p> <p>TOWNSHIP: _____</p> <p>SECTION: _____</p> <p>CROWN ALLOTMENT: 13F (Part) and 13F1</p> <p>CROWN PORTION: _____</p> <p>LAST PLAN REFERENCE: Lot 2 on TP129263K</p> <p>TITLE REFERENCE: Vol. 9474 Fol. 306</p>	<p>NOTATIONS</p>	
<p>ORIGINAL SHEET SIZE: A3</p> <p>SCALE 1:500</p> <p>5 0 5 10 15 20</p> <p>LENGTHS ARE IN METRES</p>	<p>CERTIFICATION BY SURVEYOR</p> <p>I, ANTHONY EDWARD BRIGHT of 26 MURRAY STREET COLAC certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the <i>Surveying Act 2004</i>, and completed on2/7/2019....., that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveyors (Cadastral Surveys) Regulations 2015.</p> <p>Date: 25th April 2021.</p> <p style="text-align: right;"> Licensed Surveyor, <i>Surveying Act 2004</i>, </p>	
<p>SURVEYORS FILE REF: 02-46/16</p> <p>ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975</p>	<p style="text-align: center;">SHEET 13 OF 13 SHEETS</p> <p style="text-align: center;">ANTHONY EDWARD BRIGHT, VERSION 1</p>	



NOTATIONS C.A. 11J1 (ROAD) IS SUBJECT TO EXCISION FROM RESERVED FOREST C.A. 13F1 MISCLOSES BY 1.25 METRES	Prepared from VDP, 024(5), OPT283, TP410550, F/Ns1904/272, C of A 6639, C/G Vol. 3026 Fol. 114, C/T Vol 6028 Fol 552 and (R.C.)SPs 2864, 13323	ORIGINAL SCALE 1:5000 SHEET SIZE A3
	Examined P. MILLMAN 26/10/2006 SURVEYOR-GENERAL 27. 2. 2007 DATE OFFICE OF SURVEYOR GENERAL DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT	PLAN OF CROWN ALLOTMENT COUNTY OF POLWARTH PARISH OF OLANGOLAH CROWN ALLOTMENTS 11J1(ROAD) AND 13F1(ROAD)
File No 2002001		LEGL./06-309

Lodged in the Central Plan Office
 Plan Number LEGL./06-309
 Dated this 27th day of February 2007
[Signature]
 Surveyor-General



NOTATIONS
 C.A.11J1 (ROAD) IS SUBJECT TO EXCISION FROM RESERVED FOREST
 C.A.13F1 MISCLOSSES BY 1.25 METRES

Prepared from VDP, O24(5), OP7293, TP410550, F/Ns1904/272, C of A 6539, C/G Vol.3026 Fol.114, C/T Vol 6028 Fol 552 and (R.C.)SPs 2864,13323

Examined P.MILLMAN 26/10/2006

John E. Jullod
 SURVEYOR-GENERAL 27.2.2007 DATE

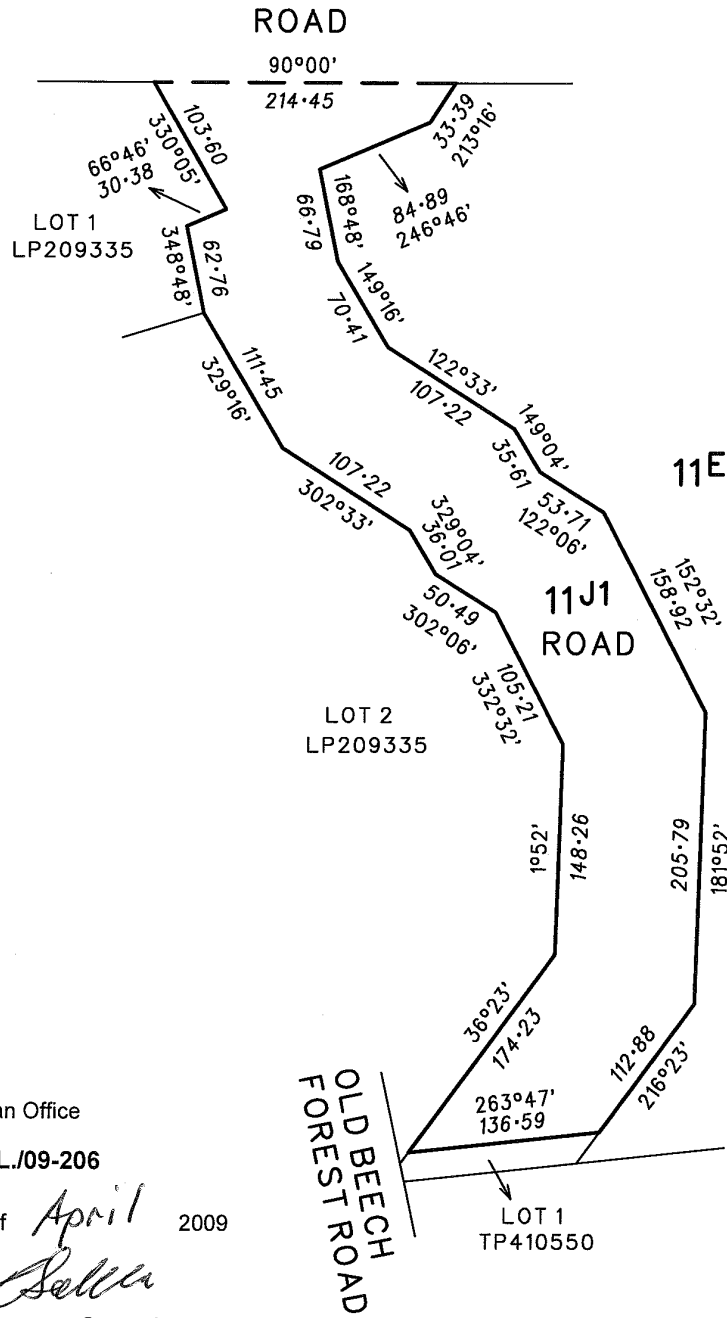
OFFICE OF SURVEYOR GENERAL
 DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

PLAN OF CROWN ALLOTMENT
 COUNTY OF POLWARTH
 PARISH OF OLANGOLAH
 CROWN ALLOTMENTS
 11J1(ROAD) AND 13F1(ROAD)

SCALE		ORIGINAL
50	0 50 100 150 200	SCALE
LENGTHS ARE IN METRES		1:5000
		SHEET SIZE A3

File. No 2002001 **LEGL./06-309**

Lodged in the Central Plan Office
 Plan Number **LEGL./06-309**
 Dated this 27th day of February 2007
Annie Clelland
 for Surveyor-General



Lodged in the Central Plan Office

Plan Number **LEGL./09-206**

Dated this *15th* day of *April* 2009

J. Baller
 Surveyor-General

NOTATIONS

Prepared from V.D.P., 024(5) & LEGL./06-309

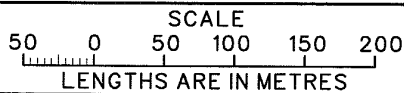
Examined V.CASSAR 8/4/2009

PLAN OF CROWN ALLOTMENT

John E. Fullock
14. 4. 2009
 SURVEYOR-GENERAL DATE

**COUNTY OF POLWARTH
 PARISH OF OLANGOLAH
 CROWN ALLOTMENT 11J1 (ROAD)**

OFFICE OF SURVEYOR GENERAL
 DEPARTMENT OF SUSTAINABILITY
 AND ENVIRONMENT



SCALE 1:5000 SHEET SIZE A4

File No. 2002001

LEGL./09-206



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 09451 FOLIO 769

Security no : 124074052457B
Produced 21/09/2018 01:12 pm

LAND DESCRIPTION

Crown Allotment 11K Parish of Olangolah.
PARENT TITLE Volume 03026 Folio 114
Created by instrument J672975 12/10/1981

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

[REDACTED]
U937256U 20/08/1997

ENCUMBRANCES, CAVEATS AND NOTICES

[REDACTED]
COMMONWEALTH BANK OF AUSTRALIA

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE [REDACTED] 7W 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)

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA
[REDACTED]

DOCUMENT END



Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	TP265157W
Number of Pages (excluding this cover sheet)	1
Document Assembled	21/09/2018 13:12

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TITLE PLAN	EDITION 1	TP 265157W
<p>Location of Land</p> <p>Parish: OLANGOLAH</p> <p>Township:</p> <p>Section:</p> <p>Crown Allotment: 11K</p> <p>Crown Portion:</p> <p>Last Plan Reference:</p> <p>Derived From: VOL 9451 FOL 769</p> <p>Depth Limitation: 15.24 m</p>	<p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>	
<p>Description of Land / Easement Information</p>		<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 10/01/2000</p> <p>VERIFIED: C.L.</p>
<p>LENGTHS ARE IN METRES</p>	<p>Metres = 0.3048 x Feet</p> <p>Metres = 0.201168 x Links</p>	<p>Sheet 1 of 1 sheets</p>



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 03172 FOLIO 250

Security no : 124074052441U
Produced 21/09/2018 01:11 pm

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 13N Parish of Olangolah.

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

[REDACTED]
U937258N 20/08/1997

ENCUMBRANCES, CAVEATS AND NOTICES

[REDACTED]
COMMONWEALTH BANK OF AUSTRALIA

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below. For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE [REDACTED] PG 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)

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA
Effective from [REDACTED]

DOCUMENT END



Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	TP524229G
Number of Pages (excluding this cover sheet)	2
Document Assembled	21/09/2018 13:12

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TITLE PLAN		EDITION 1	TP 524229G
Location of Land Parish: OLANGOLAH Township: Section: Crown Allotment: 13N Crown Portion: Last Plan Reference: Derived From: VOL 3172 FOL 250 Depth Limitation: 50 FEET		Notations SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 3172 FOL. 250 AND NOTED ON SHEET 2 OF THIS PLAN ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 07/06/2000 VERIFIED: GB	
COLOUR CODE Y = YELLOW			
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 2 sheets	

TITLE PLAN

TP 524229G

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS
 CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

All THAT PIECE OF LAND in the State of Victoria —containing five acres one rood and seven perches more or less being Allotment thirteen^N in the Parish of Olangolah County of Bawarth

delineated with the measurements and abutments thereof in the map drawn in the margin of these presents and therein coloured yellow. PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any spring or springs of water upon or within the boundaries of the said land for any and for all purposes as though they held the land without limitation as to depth. EXCEPTING however unto us our heirs and successors all gold and silver and auriferous and argentiferous earth or stone and all mines seams lodes and deposits containing gold silver copper tin antimony coal and other metals and minerals and mineral ores in upon and under and within the boundaries of the land hereby granted. AND ALSO reserving to us our heirs and successors free liberty and authority for us our heirs and successors and our and their agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver copper tin antimony coal and all other metals and minerals and mineral ores and to extract and remove therefrom any gold silver and any auriferous and argentiferous earth or stone copper tin antimony coal and all other metals and minerals and mineral ores and to search for and work dispose of and carry away the gold silver copper tin antimony coal metals minerals and their ores lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver copper tin antimony coal and other metals and minerals and mineral ores and the working of all mines seams lodes and deposits containing gold silver copper tin antimony coal and other metals and minerals and mineral ores in upon or under the land hereby granted

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes on under and in the like terms conditions and events as the same might have been resumed for such purposes under the law in force at the date of these presents. AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a licence to search for metals or minerals or of a mining or mineral lease to enter therein and to mine for gold silver copper tin antimony coal and other metals and minerals and mineral ores and to erect and to occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which the holder of a miner's right or of a mining or mineral lease had at the time of the passing of the *Land Act 1890*

the right to mine for gold and silver in and upon Crown lands. PROVIDED THAT compensation shall be paid to the said GRANTEE their successors assigns and transferees by such person for surface damage to be done to such lands by reason of mining thereon such compensation to be determined as provided by the 179th section of the *Land Act 1901* and the payment thereof to be a condition precedent to such right of entry.

LENGTHS ARE IN LINKS

Metres = 0.3048 x Feet
 Metres = 0.201168 x Links

Sheet 2 of 2 sheets

62.04
28/03/2018
VC145

SUBDIVISIONS NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the subdivision of land does not apply to:

- A subdivision by an authority acquiring the land which does not create an additional lot.
- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of a minor utility installation. This does not apply if a permit is required to subdivide land under any overlay.
- A subdivision by an authority acquiring the land which creates additional lots if the additional lots are severed parcels of land without legal access to an existing road and the additional lots are retained by the acquiring authority or sold to an abutting land owner on the condition that the lot be consolidated with abutting land.
- A subdivision which realigns the common boundary between two lots if all the land is in one urban zone and any of the following apply:
 - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
 - There is no minimum lot area specified for the zone, the area of the smaller lot is more than 230 square metres, and the area of either lot is reduced by less than 30 square metres.
 - There is no minimum lot area specified for the zone, the area of the smaller lot is 230 square metres or less, and the area of either lot is reduced by less than 5 percent or by less than 30 square metres, which ever is lesser.
 - The new boundary coincides with a boundary fence that is more than five years old. This does not apply if all the land is in one ownership.
- A subdivision which realigns the common boundary between two lots if all the land is in one non-urban zone, the re-subdivision does not allow the number of dwellings the whole of the land could be used for under this scheme to increase, and any of the following apply:
 - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
 - There is no minimum lot area specified for the zone, and no part of the boundary is moved more than 1 metre. This does not apply if the area of the smaller lot would be less than the area specified by a condition of a planning permit.
 - There is no minimum lot area specified for the zone, the new boundary coincides with the location of a fence that is more than 5 years old, and no part of the boundary is moved more than three metres.

Item: 9.9

Hopkins Street Birregurra - Unused Government Road Issues.

OFFICER	Mark McLennan
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	Nil

1. PURPOSE

To seek Council's approval for officers to write to DEECA requesting the cancellation of the Agricultural licence 0511047 as far as it relates to the Hopkins Street Extension pursuant to section 407 (1) of the Land Act 1958.

2. EXECUTIVE SUMMARY

Council has received requests from adjoining landowners to provide rear access (via the subject unused Government Road) to the properties that are in Sladen Street Birregurra.

As an unused Government Road Reserve, DEECA has the ability to Licence (non exclusive use tenure) the land with an Agricultural Grazing Licence to Freehold property owners that share a boundary with the Road Reserve. In this case, there is a current Agricultural Licence in place.

A condition of the DEECA Agricultural Licence is that pedestrian access be provided for within the Licenced area. There is a pedestrian gate that has been installed, however access through this gate has been disabled by various means of securing it.

If Council writes to DEECA indicating that the Road Reserve is needed for public use, DEECA will give three months' notice to the Licence holder that the licence will be extinguished. At the end of the notice period the road will be returned to Council and become available for public use.

3. RECOMMENDATION

That Council approves for officers to write to DEECA requesting the cancellation of the Agricultural licence 0511047 as far as it relates to the Hopkins Street Extension pursuant to section 407 (1) of the Land Act 1958.

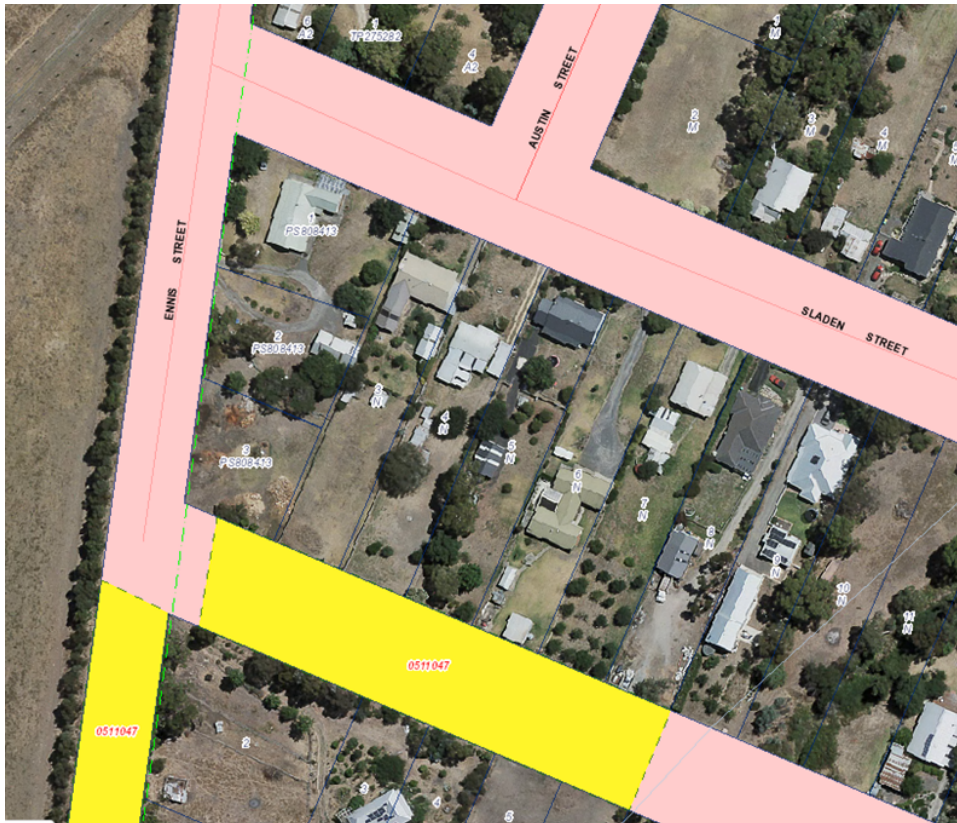
4. KEY INFORMATION

Council is the Road Manager for all Roads and unused Government (Crown) Road Reserves that are not managed by Parks Vic or Regional Roads Victoria. The subject Unused Government Road is one of the roads managed by Colac Otway Shire Council and is identified in the maps below. The Delegated Road Manager is the Manager of Assets and Engineering. Council has received requests from adjoining land owners to provide rear access (via the subject unused Government Road) to the properties that are in Sladen Street Birregurra. Initially there were two requests, however, after Council officers approached other properties that may benefit from the rear access, most of the property owners also requested access.

As an unused Government Road Reserve, DEECA has the ability to Licence (non exclusive use tenure) the land with an Agricultural Grazing Licence to Freehold property owners that share a boundary with the Road Reserve. In this case, there is a current Agricultural Licence in place.

A condition of the DEECA Agricultural Licence is that pedestrian access be provided for within the Licenced area. In this instance, a fence with a pedestrian gate has been installed, however access through this gate has been disabled by various means of securing it.

Over the years there has been disharmony between other landowners that abut the Unused Government Road and the Licence holder. Five of the eight properties that abut the Unused Government Road have back gates that, in the past, have been used to provide rear access from their properties to the Unused Government Road. It is alleged by some of the landowners that the Licence holder has used padlocks and chains to lock these gates thereby preventing these landholders from being able to access the rear of their properties.



Council has approached DEECA (who manage the Licence) and requested provision for vehicular access to the Unused Government Road that is under a non-exclusive use Agricultural Licence. DEECA has then approached the licence holders to seek such access. DEECA indicated that the licence holder declined to provide the requested access.

Further, Council has requested that the Licence holder provide vehicle access by appointment or arrangement with surrounding property owners. The Licence holder has declined to agree to this proposal.

Council officers have noted that the licenced area is being used to graze a horse.

Section 407 of the *Land Act 1958* (extract below) was amended several years ago to provide ability to vary (part cancellation) in addition to full cancellation. The subject Licence has been varied previously to remove the road to the south. The partial amendment as proposed by Council officers is therefore possible. The width of this Unused Government Road is 150 Links (30.18 metres or 30m approx.). Council would need to be exact in the s407 request to DEECA as to the dimensions of the Licence area proposed to be cancelled (e.g., 15m width) if only part of the road was to be required.

If Council writes to DEECA indicating that the Road is needed for public use, DEECA will give three months' notice to the Licence holder that the licence will be extinguished. At the end of the notice period the road will be returned to Council and become available for public use.

407 Re-opening of licensed closed road or water frontage

Comp. No.
6299 s. 911.
S. 407
inserted by
No. 6794 s. 3.

(1) If a municipal council considers that it is desirable in the public interest that a licence under Division 8 of Part I or section 138 of this Act in respect of any unused road in the municipal district of that municipal council should be varied or cancelled it shall so inform the Minister or any person authorized to grant licences and the Minister or that person, may, after three months' notice has been given to the licensee, vary or cancel the licence.

S. 407(1)
substituted by
No. 10011
s. 23(a),
amended by
Nos 13/1990
s. 41(f)(m),
96/1994
s. 33(p)(f)(ii),
40/2009 s. 32.

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 Council is adhering to the relevant sections of the Land Act 1958 to guide the actions taken in this Report.
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council Officers believe that the recommended action in this report is in the best interests of the Community in general.

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

Local Government Act 1989.

Land Act 1958

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

There is no relevant Environmental issues with the recommended actions.

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

Council Officers have conducted telephone interviews with residents whose property has rear access to the subject licence.

Public Transparency (s58 LGA 2020)

There are no transparency issues relating to this Report.

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

This section is not relevant to this Report.

Financial Management (s101 Local Government Act 2020)

Not Applicable to this Report.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Council would write to DEECA and request cancelation of the subject licence as detailed in the body of this Report.

Human Rights Charter

The writers and Council Officers have considered the Human Rights Charter in the preparation of this Report and confirm that no person's human rights have been diminished or effected.

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 for officers to write to DEECA requesting the cancellation of the Agricultural licence

This option is recommended by officers. It returns Unused Road for greater use by neighbouring properties and the community generally.

Option 2 – Approve for officers to write to DEECA requesting the part cancellation of the Agricultural licence.

This option is not recommended by officers. Based on past events, this option would possibly initiate further disharmony between the current grazing licence holder and other neighbouring properties. It would also create an obligation on the grazing licence holder to secure the licenced area at their cost.

Option 3 – Do not approve – status quo remains.

This option is not recommended by officers. This would almost certainly lead to increased animosity between adjoining property owners and the licence holder.

Item: 9.10

Proposed disposal of surplus Council property - Lot 1, 8-16 Great Ocean Road Lavers Hill

OFFICER	David Butterfield
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. Certificate of Title Volume 03571 Folio 086 [9.10.1 - 1 page]2. Lot 1, L P 005673 Plan [9.10.2 - 1 page]

1. PURPOSE

Council officers have identified Council owned property that is surplus to its needs - Lot 1, 8-16 Great Ocean Road Lavers Hill.

This report seeks to commence a Notice of Intention to Dispose of Council Property process under Section 114 of the *Local Government Act 2020* and a Community Consultation Process as detailed in the Colac Otway Shire Council Community Engagement Policy.

2. EXECUTIVE SUMMARY

The property identified is Lot 1, 8-16 Great Ocean Road Lavers Hill (part of the old Lavers Hill Pound) - vacant land. This property is heavily vegetated and steep. The land is not capable of supporting a dwelling.

A valuation was obtained from Registered Valuers Opteon Solutions. The valuation is dated 7 June 2021 and is attached to this report as a confidential attachment.

The property has been considered by internal departments at Council and subsequently determined that the property be declared surplus to Council's needs and be considered for disposal.

Approval to commence the Statutory processes under Section 114 of the *Local Government Act 2020* is sought in this Report.

3. RECOMMENDATION

That Council:

- 1. Authorises Council Officers give notice of Council's intention to dispose of Lot 1, 8-16 Great Ocean Road Lavers Hill, in accordance with Section 114 of the Local Government Act 2020.***
- 2. Prior to disposal of the property at Lot 1, 8-16 Great Ocean Road Lavers Hill, Council will seek feedback from the community for a period of 6 weeks and hears submissions regarding the proposed sale.***
- 3. Prior to any resolution for the disposal of Lot 1, 8-16 Great Ocean Road Lavers Hill, considers a further Officer report to consider any submissions received.***

4. KEY INFORMATION

Council officers have determined that there is no foreseeable strategic need for Lot 1, 8-16 Great Ocean Road Lavers Hill.

The property identified is Lot 1, 8-16 Great Ocean Road Lavers Hill (part of the old Lavers Hill Pound) - Lot 1 LP5673, Certificate of Title Volume 03571 Folio 086 (as attached) - Vacant land. This property is heavily vegetated and steep. The land is not capable of supporting a dwelling.

A valuation was obtained from Registered Valuers Opteon Solutions. The valuation is dated 7 June 2021 and is attached to this report as a confidential attachment. An updated Valuation will be provided with a Report if a Resolution to dispose of the subject property is sought.

The property has been considered by Council 's Property Advisory Committee (an internal Committee made up of various departments) and the Committee has recommended that the property be declared as surplus to the needs of Council and considered for disposed.

The property is one of three lots in the one parcel owned by the Colac Otway Shire Council. Lot 2 and 3 are required for drainage and service the septic from the Lavers Hill Public Toilet and therefore not surplus to the needs of Council.

A Council resolution to commence the Statutory processes under Section 114 of the *Local Government Act 2020* will result in a Notice being published on Council's website and in the Colac Herald that gives notice of Council's intention to dispose of the subject land and seeks community feedback by way of written submissions. The submissions period would be for six weeks. At the conclusion of the submissions period, Council will hold a Submissions Meeting where there will be an opportunity for any person who has asked to be heard to speak to their submission. A further Report will be generated for a Scheduled Council Meeting seeking a resolution to dispose of the property if appropriate.

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.

If the Resolution is made the procedures adopted will be in accordance with the *Local Government Act 2020*.

- Priority is to be given to achieving the best outcomes for the municipal community, including future generations. Council Officers have determined that there is no foreseeable strategic use for the subject property.
- The transparency of Council decisions, actions and information is to be ensured. In this instance, Council officers have determined that the Valuation of the property should be a confidential attachment as it contains information that may prejudice Councils commercial position.
- The ongoing financial viability of the Council is to be ensured. Council's land holdings should be considered regularly to ensure that the land is required for operational purposes now and into the future. Where a property has no known strategic use now or into the future, the property should be considered for disposal in the most effective way as to realise the full financial benefit for the community.

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

Local Government Act 2020

Colac Otway Shire Council Acquisition and Disposal of Council Property Policy

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

Not applicable.

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

If Council Resolves to proceed with the recommended Resolution, Council will engage in community engagement and consultation by advertising its intention to dispose of the subject property and calling for submissions relating to the intention.

Public Transparency (s58 LGA 2020)

Council decision making process must be transparent. An exception is when council is dealing with information that would prejudice Councils' commercial position. It is recommended that this matter be determined by Council in a confidential setting as debating the subject matter may result in a deleterious effect on any negotiations with adjoining land holders.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management – The disposal of assets that are not required for operational needs demonstrates strong leadership.

Financial Management (s101 Local Government Act 2020)

If Council resolves to dispose of the subject property, associated costs, of and incidental to the sale process will be derived from the sale proceeds. Council's Acquisition and Disposal of Council Property Policy requires "7.4 Allocation of Proceeds of Sale Council will identify and disclose where the proceeds of any proposed sale of property will be allocated. Council will include the allocation of any proceeds

of sale within the resolution to sell Council property.” This process would take place prior to a resolution for specific disposal of the subject property.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

All Risk is addressed by Council following the Colac Otway Shire Council Acquisition and Disposal of Council Property Policy.

Communication/Implementation

Upon Resolution, Council officers would advertise Councils intention to dispose of the subject property for a period of 6 weeks. Advertising would be undertaken in the Apollo Bay News sheet, Council's Website, and the Colac Herald. The advertisement would call for submission from interested parties to express a view on the proposal to dispose of the property. At the conclusion of the Notice of Intention process, submissions would be reviewed at a Submissions Hearing to be held on a future date. An additional Report would be provided to Council seeking a Resolution to sell the subject property (if appropriate and required)

Human Rights Charter

The Authors of this Report have considered the Human Rights Charter in the preparation of this report and declare that no persons Human Rights have been diminished within the 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/endorse/note the

This option is recommended by officers as it will progress the proposal to dispose of the surplus property. There are no further options suggested herein.



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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 03571 FOLIO 086

Security no : 124105585260R

Produced 24/04/2023 10:27 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 005673.
PARENT TITLE Volume 03362 Folio 204
Created by instrument 0674464 07/02/1912

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

COLAC OTWAY SHIRE COUNCIL of 2-6 RAE STREET COLAC VIC 3250

AS105940M 18/04/2019

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP658147K 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: 8-16 GREAT OCEAN ROAD LAVERS HILL VIC 3238

ADMINISTRATIVE NOTICES

NIL

eCT Control 09858G COLAC OTWAY SHIRE COUNCIL

Effective from 03/05/2019

DOCUMENT END

Home	Account: 325039		Authority Fee(GST exclusive): \$0.00 Service Fee(GST exclusive): \$0.00 GST Payable: \$0.00 Total: \$0.00	24/04/2023 10:27AM
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Item: 9.11

Project Budget Adjustments and Cash Reserve Transfers - November 2023

OFFICER	Paula Gardiner
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

The purpose of this report is to present the project budget adjustments and cash reserve transfers for Council ratification and approval. These budgets are for 2023-24 Capital Works and Operational projects.

2. EXECUTIVE SUMMARY

The project budget adjustments presented in this report relate to the 2023-24 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 Table 1 and 2 of this report, at a total cost to Council of \$67,000 (exc. GST), funded from;**
 - a. Unallocated Renewal Funds of \$40,000**
 - b. Unallocated Discretionary Funds of \$27,000**
- 2. Approves the project budget adjustments in Table 3a, with a net result of \$0 funds transferred.**
- 3. Approves the project budget adjustments in Table 3b.**

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, before any transfers recommended in this report are considered, are:

- Unallocated Renewal Funds: \$1,250,696
- Unallocated Discretionary Funds: \$107,025

Table 1 – New projects for Council ratification

Project name	Funding source	Basis for variation	Project allocation (exc. GST)
Nil to report			

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)
Barham River Flood Study	WO 00037918 - Operating Projects - Discretionary Funds	Opportunity has arisen for Council undertake a flood study, in partnership with CCMA and with external costs funded through a State Government grant (estimated to be in the order of \$140k-\$150k. Council needs to cover costs relating to project management, planning and peer review beyond current capacity. The request for funding is to support these activities which are not covered by the grant.	\$25,000 (expense)
Alvie Recreation Reserve – Netball Court Resurfacing	WO 00031845 - Unallocated Renewal Funds	Additional funding required to undertake required resurfacing works to ensure netball courts are fit for purpose.	\$50,000 (expense) \$10,000 (income)

Project name	Funding source	Basis for variation	Project allocation (exc. GST)
		<p>The total project expense budget required is \$60,000.</p> <p>Council has committed \$10,000 to the project through a community grant and the relevant budget sits as an operational project. It is proposed to transfer this budget directly to the Alvie netball court project via table 3b below. Council still needs to allocate a further \$50,000 to establish the full budget, which is why this table seeks this budget allocation as 'new'.</p> <p>The project will be supported by \$10,000 contribution from Alvie Football Netball Club.</p> <p>The net cost to Council to renew the courts is \$50,000 including the \$10,000 already it has committed via the community grant.</p>	
Public Health Partnership	WO 00037918 - Operating Projects - Discretionary Funds Contributions \$12,000	Partnership project to undertake strategic planning and collaborative advocacy to support future of essential services.	\$14,000 (exp) \$12,000 (inc)

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
WO 00037461 - 2021 - 2022 Emergency Response - Landslip (Storm Events)	Income to be received	WO 00037461 - 2021 - 2022 Emergency Response - Landslip (Storm Events)	Storm event recovery works funded by NDRRA. Total budget for these	\$5,230,000	\$5,230,000

Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
			recovery works will be \$6,500,000		
WO 00037783 - 2022 - 2023 Capital Works - October 2022 Storm / Flood Event Response	Income to be received	WO 00037783 - 2022 - 2023 Capital Works - October 2022 Storm / Flood Event Response	Storm event recovery works funded by NDRRA. Total budget for these recovery works will be \$1,200,000.	\$700,000	\$700,000

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

Project name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project allocation (exc. GST)	
				Expenditure	Income
2023-2024 Community Grants	WO 00038098 - 2023-2024 Operating Projects - Community Grants	New WO Alvie Recreation Reserve – Netball Court Resurfacing	Transfer of community grant budget to the capital project consolidates Council's expense budgets.	(\$10,000)	-

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	Project Allocation (Expenditure)	Actual YTD
Nil to Report			

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 – Adopt officer recommendation.

This option is recommended by officers 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 by officers as transfers are necessary to allow ongoing delivery and closure of projects, which have been through a series of governance checks.

Item: 9.12

Quarterly Performance Report against 2023-24 Annual Plan - 1 July to 30 September 2023

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Quarter 1 Report - Annual Plan 2023-24 [9.12.1 - 32 pages]

1. PURPOSE

To provide an update on progress made towards Council's 2023-24 Annual Plan, for the period 1 July to 30 September 2023.

2. EXECUTIVE SUMMARY

This report includes a progress report against the actions for the first quarter of the 2023-24 Annual Plan.

Historically, this report has been presented as part of the broader Quarterly Performance Report for the period 1 July to 30 September 2023. For various reasons the following reports are currently unavailable and will be presented to the 13 December 2023 Council meeting:

- Operational Projects Report
- Capital Works Report
- Financial Performance Report.

3. RECOMMENDATION

That Council notes the progress made towards Council's 2023-24 Annual Plan, for the period 1 July to 30 September 2023.

4. KEY INFORMATION

Council's 2023-24 Annual Plan comprises 64 actions.

Below is an update on how we are progressing against these commitments (expressed under each Council Plan theme).

Annual Actions	Not started	In progress	Completed	TOTAL
Theme 1: Strong and Resilient Economy	1	19	0	20
Theme 2: Valuing the Natural and Built Environment	1	11	1	13
Theme 3: Healthy and Inclusive Community	3	8	1	12
Theme 4: Strong Leadership and Management	6	13	0	19
TOTAL	11	51	2	64

5. CONSIDERATIONS

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

The principles relevant to this report include:

- the municipal community is to be engaged in strategic planning and strategic decision making;
- innovation and continuous improvement is to be pursued; and
- the transparency of Council decisions, actions and information is to be ensured.

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

Local Government Act 2020

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

Not applicable.

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

Comprehensive community consultation and engagement was undertaken during the development of the Council Plan 2021-2025 and 2023-24 Budget. The 2023-24 Annual Plan was also presented to and endorsed at an open Council meeting held on 28 June 2023.

Public Transparency (s58 LGA 2020)

Council information on Council Plan progress is scheduled to be reported quarterly to an open Council meeting.

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
Objective 4: We support and invest in our people.

Financial Management (s101 *Local Government Act 2020*)

2023-24 Annual Plan actions are budgeted for in the endorsed 2023-24 Budget.

Service Performance (s106 *Local Government Act 2020*)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

This report has been presented to a Councillor Briefing on 15 November 2023.

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 – Note the Quarterly Performance Report against the 2023-24 Annual Plan for the period 1 July to 30 September 2023

This option is recommended by officers as this report meets Council's reporting requirements.

Option 2 – Note the Quarterly Performance Report against the 2023-24 Annual Plan for the period 1 July to 30 September 2023

This option is not recommended by officers as it would be inconsistent with the intent of the reporting requirements.



Performance Report against 2023-24 Annual Plan

First Quarter

1 July to 30 September 2023

Council Plan 2021-2025

Council formally adopted the Council Plan 2021-25 at a Council meeting held on 27 October 2021. The Council Plan is a document developed in partnership with the community to guide Council's strategic direction over the next four years.

The key issues faced by our community, identified through the development of the Community Vision 2050, informs the choice of major projects and activities that Council identifies as its highest priorities.

Community Engagement

Development of the Council Plan 2021-25 included a comprehensive community engagement process, which conducted alongside development of the Community Vision 2050. The engagement process included:

- Regional roadshows at 12 community locations
- Online community sessions
- Community survey
- Stakeholder interviews
- Youth summit
- Community panel sessions
- Councillor workshops
- Exhibition of draft Community Vision 2050 and Council Plan 2021-25.

The Community Vision 2050 and Council Plan 2021-2025 is available for download from Council's website, or hard copies are available for viewing at Council offices in Colac and Apollo Bay.

Council Plan 2021-25 Strategic Themes

There are four themes in the Council Plan:

Theme One: Strong and Resilient Economy

We are committed to expanding our diverse industries, vibrant arts community, world-renowned tourism, and professional health services. A healthy, growing economy will provide sustainable industries and jobs, and opportunities for all ages.

Theme Two: Valuing the Natural and Built Environment

We will protect our natural environment and communities, by maintain and providing resilient infrastructure, and being leaders in sustainable living, modelling innovation and best practice.

Theme Three: Healthy and Inclusive Community

We will continue to be a great place to live. We embrace our diverse community, take care of our older community, and prepare our children for success. We care for each other, are friendly and welcoming, and enjoy a vibrant and active lifestyle. We are a small population with big hearts.

Theme Four: Strong Leadership and Management

We will be leaders in good governance, transparency and strive for ongoing improvement.

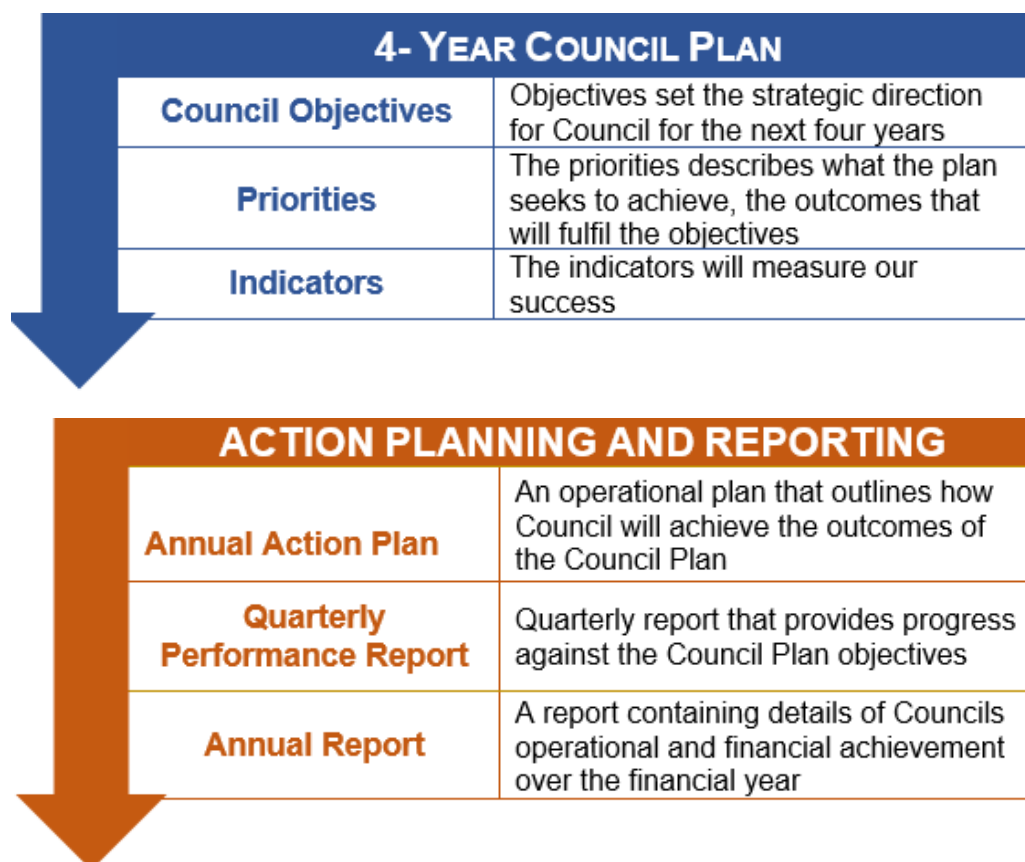
Annual Plan 2023-24

The Annual Plan is an operational plan that outlines how Council will achieve the outcomes of the Council Plan 2021-25.

As part of the Council Plan 2021-25, Council commits to generating an annual action plan to demonstrate how we will deliver on our commitments, evaluating our own performance, and publishing results within the annual report each October.

Each quarter, Council will produce a quarterly report showing progress against each of the actions in the annual plan, in addition Council produces an Annual Report, which outlines the work undertaken for the financial period.

Integrated Planning Framework



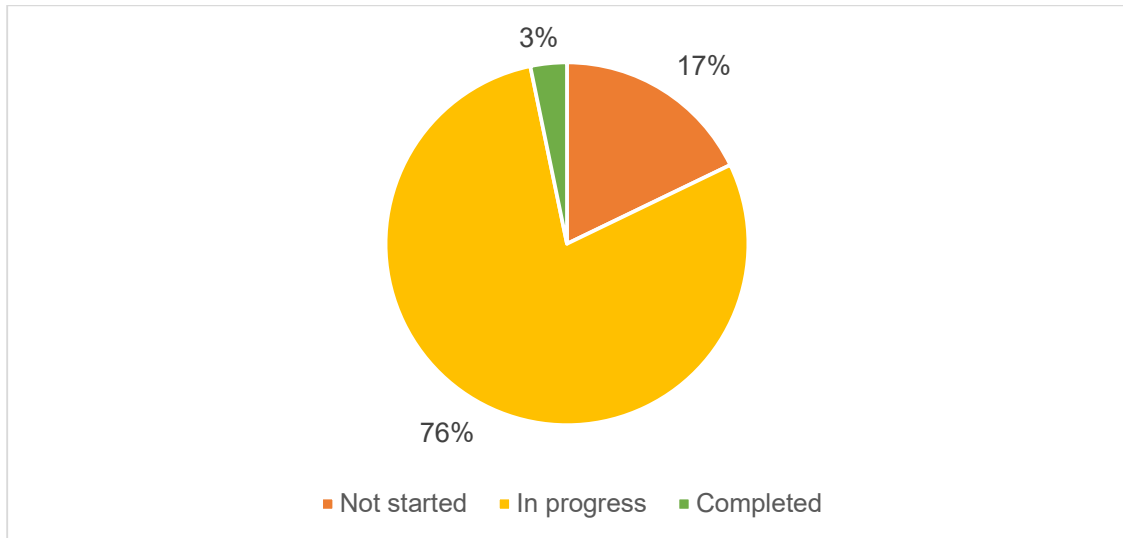
Links to the Public Health and Wellbeing Plan

The following legend indicates actions that are linked to the Public Health and Wellbeing Plan

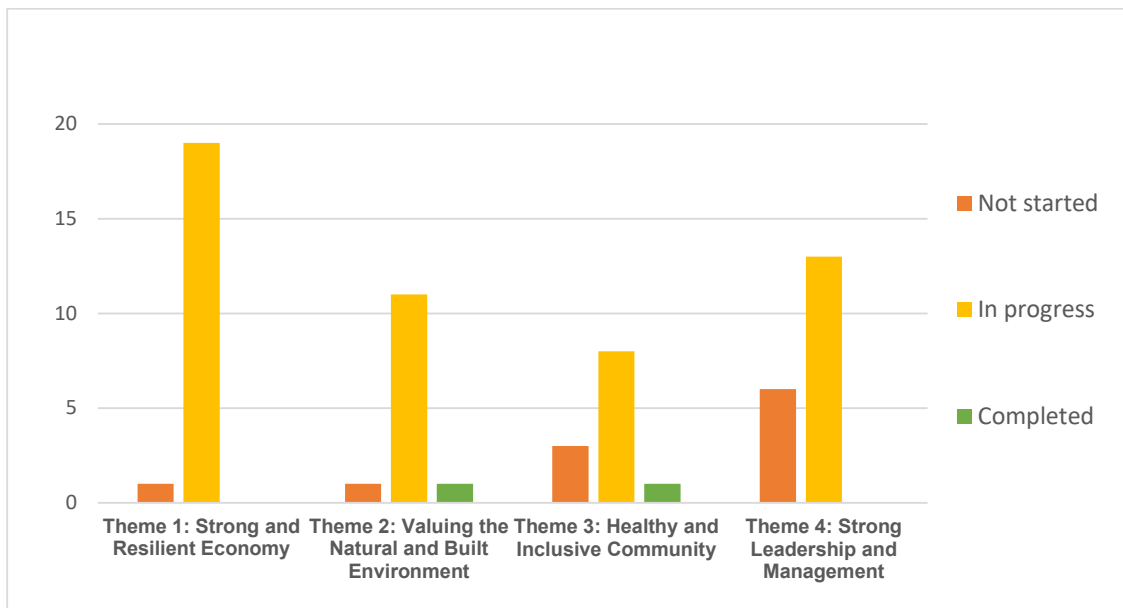
Preventing Violence	Climate Change	Active Living	Mental Health Wellbeing	Gender Equity	Panel Recommendation
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Annual Plan 2023-24

Progress of Actions for Quarter 1







Progress of Actions by Theme for Quarter 1



Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
1.1 Affordable and available housing will support our growing community and economy						
1.1.1	Deliver a strategic growth plan for the shire and settlement strategy for all small towns and rural living areas ●	<ul style="list-style-type: none"> Strategic Growth Plan and Settlement Strategy developed Relevant Planning Scheme Amendments adopted 	Commence Birregurra structure plan review ●	Project planning completed and request for quote process commenced to appoint a consultant	25%	In progress
			Commence Northern Towns Growth Plan projects ●	Project planning completed and request for quote process commenced to appoint a consultant	25%	In progress
1.1.2	Deliver a refreshed Apollo Bay Structure Plan ●	<ul style="list-style-type: none"> Refreshed Apollo Bay Structure Plan delivered by 2022-23 Relevant Planning Scheme Amendments adopted 	Prepare information for Council to consider funding this as a 2024-25 project	Development of budget business case to commence in Quarter 2.	0%	Not started
1.1.3	Facilitate the delivery of more diverse housing stock in Colac and Apollo Bay ●●	<ul style="list-style-type: none"> Increase land supply by 200 new lots annually Increased availability of affordable housing Levels of housing stress including rental and mortgage stress 	Continue to work with Developers to promote greater diversity in housing stock, particularly developers of Great Ocean Road subdivision at Apollo Bay, Bruce Street in Colac and the two sites being rezoned at Elliminyt in Irrewillipe Road and Harris Road/Colac Lavers Hill Road ●●	<p>Negotiations have occurred with developers of land being rezoned at Elliminyt for provision of social housing within new developments.</p> <p>Officers have worked with the developer of the Bruce Street subdivision to finalise arrangements for provision of social housing in accordance with the contract of sale obligations.</p>	25%	In progress

Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
1.1.4	Increase residential land supply in Colac 	<ul style="list-style-type: none"> • Number of hectares rezoned • Number of residential lots approved by planning permits 	Continue to progress the Deans Creek Precinct Structure Plan 	<p>Technical assessments are continuing to take place prior to the co-design phase early in 2024. Consultants have been engaged to undertake a cultural heritage assessment, land capability assessment and integrated water management plan (including stormwater and flooding).</p> <p>Nominations have been sought for establishment of a Community Reference Group for the project, and progress made in reaching an agreement with a major landowner for third party funding to complete the project.</p>	25%	In progress
			Finalise the Colac West Development Plan 	<p>A private landowner has submitted a new Development Plan for review after acquiring a significant portion of land in the precinct and is finalising technical assessment of stormwater and cultural heritage. Work has progressed in respect of a Shared Infrastructure Funding Plan. These are expected to be placed on public exhibition early in 2024.</p>	25%	In progress
			Progress Planning Scheme Amendments for rezoning land to residential in Colac 	<p>An amendment to rezone land for residential purposes at Irwillippe Road in Elliminyt was approved by the Minister for Planning and gazetted in August. A second amendment to rezone land on Colac Lavers Hill Road is close to being finalised by the Minister.</p>	50%	In progress

Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
1.1.5	Deliver a Social Housing Strategy ●●●●	<ul style="list-style-type: none"> Number of dwellings made available for social housing Social Housing Strategy completed and implemented 	Continue to work with Homes Victoria to advocate for social housing projects in the Shire	As part of its Housing Statement released in September 2023, the Victorian Government announced that they are undertaking detailed due diligence, feasibility and design work for at least 50 new public housing dwellings on government land in Pound Road, Colac.	25%	In progress
1.1.6	Increase access to affordable accommodation for essential workers ●●	<ul style="list-style-type: none"> Level of rental and mortgage stress More accommodation options are available in towns including Apollo Bay, Birregurra, Forrest and Colac, specifically for workers 	Commence Stage 1 exploration of Key Worker Housing Feasibility on Council owned land at Nelson Street Apollo Bay' ●●	Discussions have taken place with State Government representatives to identify potential funding streams.	25%	In progress
			Continue to advocate to State and Federal Government for funding support towards provision of key worker accommodation	Discussions have taken place with State Government representatives to identify potential funding streams.	25%	In progress

Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
1.2 Attract, retain and grown business in our Shire						
1.2.1	Deliver Economic Development Strategy	<ul style="list-style-type: none"> At least 80% of actions from Strategy completed Community satisfaction with business and tourism increases annually from current result of 59% Increased level of investment in the region by 2025 Number of commercial and industrial lots approved by planning permits 	Prepare targeted accommodation investment prospectus for Colac and present to industry stakeholders	Information prepared and provided to potential accommodation developers.	50%	In progress
1.2.2	Attract and retain a diverse range of businesses and industries, particularly those with green credentials ●●	<ul style="list-style-type: none"> Gross Regional product increased Greenfield industrial land in Colac developed 	No year 3 action planned			
1.2.3	Deliver City Deals project in Colac Otway Shire's coastal towns ●	<ul style="list-style-type: none"> All three City Deals projects delivered on time and on budget 	NOTE: Council no longer has a delivery responsibility but will continue to support the implementation of the City Deals projects to achieve the community's aspirations			

Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
1.2.4	Develop the Apollo Bay Harbour precinct for community activity, commerce and tourism ●●	<ul style="list-style-type: none"> Doubled berthings for recreational and commercial boats (currently 33 combined) Funding secured from private sector or government for commercial development of the harbour waterfront 	Support GORCAPA/s delivery of Great Ocean Road City Deal projects ●●	Council has supported GORCAPA in the delivery of the City Deals projects by attending Project Control Group meetings and providing information and feedback where requested.	25%	In progress
1.3 Key infrastructure investment supports our economy and livability						
1.3.1	Attract investment to implement key master plans and projects that will drive economic growth including but not limited to Lake Colac Foreshore Masterplan, Public Toilet Strategy, CBD and Entrances Plan, Apollo Bay, Marengo and Skenes Creek CIP, Murray Street upgrades, township masterplans, Colac Civic Health and Rail Precinct, Memorial Square Masterplan Tourism Traffic and Parking Strategy ●●●●	<ul style="list-style-type: none"> Number of projects that have attracted funding \$ funding received 	Complete Memorial Square Toilets project ●●●●	Tender awarded for the construction of the Memorial Square toilets at the September 2023 Council meeting.	10%	In progress

Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
1.3.2	Deliver improvements to Colac and Apollo Bay CBD's to support their role as a hub for commerce, tourism and the community	<ul style="list-style-type: none"> Grant funds secured for Colac and Apollo Bay CBD streetscape upgrades 	Finalise the Colac Civic Precinct Master Plan	Negotiations have occurred with the project consultant to refine the scope of works, with a draft plan to be finalised for public exhibition early in 2024.	25%	In progress
1.3.3	Advocate to relevant authorities for new and upgraded infrastructure to support business growth e.g. roads, utilities, NBN	<ul style="list-style-type: none"> Priority upgrades are achieved (e.g. mobile black spots) 	Seek grant funding to upgrade Mooleric Road	Funding application is ready to be submitted to Heavy Vehicle Safety and Productivity Program funding.	75%	In progress
1.3.4	Advocate for implementation of the Forrest Wastewater scheme	<ul style="list-style-type: none"> Funding secured to deliver Wastewater Scheme in Forrest 	Support efforts by Barwon Water to introduce reticulated wastewater to Forrest ●	Planning and Health Protection staff have provided ongoing support to Barwon Water through advice on the design and location of various facilities forming part of the proposed sewer network.	25%	In progress
1.3.5	Include consideration of arts and culture in strategic processes and projects	<ul style="list-style-type: none"> Arts and culture groups are actively engaged as part of consultation processes for relevant strategic projects 	Engage with arts groups as the Civic Precinct Plan progresses ●	Arts groups have been engaged earlier in the project and will be further engaged when the plan is placed on public exhibition early in 2024.	25%	In progress

Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
1.4 Colac Otway Shire is a destination to visit						
1.4.1	Promote the Shire as a destination, not a gateway ●	<ul style="list-style-type: none"> Increased visitor spend and stay 	Continue to participate with GORRT promotions ●	Council continues to work with GORRT and our regional partners on promotion of the region.	25%	In progress
1.4.2	Maximise our key tourist attractions	<ul style="list-style-type: none"> Increased total visitor overnight stays 	Forrest Mountain Bike trails ●●●	<p>Trail works complete and preparation for a launch event well progressed.</p> <p>New merchandise to promote Forrest Mountain Bike Trails has been developed.</p>	90%	In progress
1.4.3	Work with our community to promote our towns as places to stop, visit and explore	<ul style="list-style-type: none"> Delivery of Destination Actions Plans In partnership with GORA, achieve Ecotourism Certification 	Consult with community stakeholders to complete the visitor servicing review ●	A local business and community survey for the visitor servicing review has been created and is scheduled to be released in Quarter 2.	25%	In progress
1.4.4	Facilitate development of sustainable visitor infrastructure and accommodation	<ul style="list-style-type: none"> Increased availability of visitor accommodation Public Toilet Strategy completed and 60% of actions delivered by 2025 	No year 3 action planned			

Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
1.5 Grow the Colac Otway Shire's permanent population by at least 1.5%						
1.5.1	Support business growth through population attraction and retention ●	<ul style="list-style-type: none"> • Increase total population of working-aged people and young families • 1.5% annual population growth achieved • Reduced seasonality impacts on businesses by having stable permanent population 	NOTE: Council is not actively promoting population growth as this is currently self-driven but constrained by accommodation access			

Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
2.1 We mitigate impacts to people and property arising from climate change						
2.1.1	Deliver a Climate Change Action Plan in partnership with other organisations ●●●●	<ul style="list-style-type: none"> Action Plan completed by 2022 	Finalise the Climate Change Action Plan for Council Adoption ●●●●	Climate Change Action Plan finalised for consideration at October Council meeting.	95%	In progress
2.1.2	Green our streets and public places ●●●●●	<ul style="list-style-type: none"> Number of trees planted in public spaces (open space and streetscape) Development of an urban cooling strategy and canopy target as part of the reviewed environmental strategy Review the quality of street trees and streetscapes when planting appropriate trees in the future 	Deliver Council's Street Tree planting program to identified candidate streets ●●●●●	The planting program for 2023-24 is planned, candidate streets identified, appropriate species have been selected and this is to be delivered in autumn 2024.	25%	In progress
			Complete the Colac Botanic Gardens Master Plan ●●●●●	The review of the Colac Botanic Masterplan commenced in September 2023, scheduled for completion in 2024.	25%	In progress

Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
2.1.3	Minimise the effects of climate change and extreme weather events on our community ●●	<ul style="list-style-type: none"> Emergency Management Plan regularly reviewed Community satisfaction with emergency and disaster management increases annually from current result of 71% Upgrades completed in vulnerable locations 	Finalise the Climate Change Action Plan for Council Adoption ●●●	Climate Change Action Plan finalised for consideration at October Council meeting.	95%	In progress
2.2 We operate sustainably with a reduced carbon footprint						
2.2.1	Improve Council's sustainability practices through the reduction of Council's carbon emissions and/or need to pay for carbon offsets ●●●	<ul style="list-style-type: none"> Maintain Council's net zero carbon emissions and reduce dependence on carbon offsets through implementation of emission education projects Community satisfaction with environmental sustainability increases annually from current result of 61% 	Investigate further the electrification of heat pumps and other plant at Bluewater Leisure Centre including exploration of external funding programs ●●	Yet to commence.	0%	Not started

Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
2.2.2	Council supports the community to reduce carbon emissions ●●	<ul style="list-style-type: none"> Raised awareness of whole-of-community climate change mitigation/adaptation focused activities Reduction in CO2 emissions for Colac Otway (Source: Victorian Greenhouse Gas Emissions Report) Council has considered opportunities for regional partnerships in relation to climate change 	Progress actions prioritised in the adopted Climate Change Action Plan (duplicate of action against priority 2.1.1) – will be subject to funding ●●●	Climate Change Action Plan finalised for presentation to the October 2023 Council meeting.	25%	In progress
			Support community initiated environmental projects through the Colac Otway Shire Grant Program	For the 2023-24 financial year, Council's community grants program funded approximately \$65,000 for a number of environmental, sustainability and climate change related programs and projects (under its three existing streams - events, environmentally sustainable business grants and general community grants). The funded projects include: solar installations; energy efficient appliance upgrades; environmental education, events and forums; invasive species reduction and biodiversity protection enhancement.	100%	Completed
2.2.3	Educating and assisting our community to act on climate change by reducing waste, emissions and water usage ●	<ul style="list-style-type: none"> Reduced waste to landfill, emissions and water usage in the community 	No year 3 action planned			

Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
2.3 Protect and enhance the natural environment						
2.3.1	Environment Strategy reviewed ●	<ul style="list-style-type: none"> Reviewed Environment Strategy adopted by Council and implementation commenced by 2022 	Finalise and adopt an Environmental Sustainability Strategy 2023-2033 ●	Environmental Sustainability Strategy finalised for presentation to the October 2023 Council meeting.	95%	In progress
2.3.2	Protect native vegetation, ecosystems, flora and fauna ●	<ul style="list-style-type: none"> Number of community activities and education initiatives that promote stewardship of the natural environment 	Finalise and adopt an Environmental Sustainability Strategy 2023-2033 ●	Environmental Sustainability Strategy finalised for presentation to the October 2023 Council meeting.	95%	In progress
2.3.3	Undertake pest plant and animal management control programs and community education to target and reduce invasive species in natural systems ●	<ul style="list-style-type: none"> Connecting and supporting Landcare and environmental interest groups Kilometres or hectares of roadside weed control conducted 	No Year 3 actions planned beyond BAU			

Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
2.4 We will satisfy our community's reasonable expectations to reduce waste going to landfill, increase resource recovery and minimise waste charges						
2.4.1	Increase community satisfaction by community education, phone apps, reducing waste to landfill, pursuing joint waste contracts and other innovative approaches in partnership with our community and business sectors ●	<ul style="list-style-type: none"> Community satisfaction survey (waste management components) Waste management charges 	Support the roll out of the Victorian Government reforms including the Container Deposit Scheme	From July to September, waste dashboards are showing a reduction in waste to landfill by 3.6% from same time last year. Organics have increased by 15.2% with an additional 636 tonnes received from same time last year.	On going	In progress
2.4.2	Reduce the % of food and organic (FOGO) waste in the landfill waste stream (red bin) by awareness raising and innovative approaches ●	<ul style="list-style-type: none"> % of FOGO waste diverted from landfill stream and composted 	Finalise the Events in a Public Place Policy	Draft Events Policy placed on public exhibition seeking feedback from event organisers and the community. The feedback is currently being reviewed, with the final Policy to be presented to the November 2023 Council meeting.	90%	In progress
2.4.3	Reduce the % of contamination of the recycling waste stream (yellow bin) by awareness raising and innovative approaches ●	<ul style="list-style-type: none"> % of contamination in recycling stream 	No year 3 action planned			

Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
2.4.4	Divert glass from landfill by rollout of glass recycling bins (purple bin) and public awareness raising and innovative approaches ●	<ul style="list-style-type: none"> % of glass diverted from landfill stream 	No year 3 action planned			
2.4.5	Trial a hard waste collection service	<ul style="list-style-type: none"> Trial conducted, evaluated and recommendations made to Council 	No year 3 action planned			
2.5 Provide and maintain an attractive and safe built environment						
2.5.1	Maintain road and drainage assets to ensure they are safe and reliable	<ul style="list-style-type: none"> Community satisfaction with sealed roads increases annually from current result of 50% Community satisfaction with unsealed roads increases annually from current result of 44% Development of a Road Safety Strategy Road safety funding attracted and priority improvements implemented Road Management Plan compliance 100% 	No Year three actions planned beyond BAU			

Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
2.5.2	Deliver a relevant Capital Works Program	<ul style="list-style-type: none"> Complete 85% or more of capital projects annually against allocated budget Greater than 85% of renewal work for sealed and unsealed roads annually 	<p>No Year 3 actions planned beyond BAU</p> <p><i>(Note, Capital Works progress is reported separately)</i></p>			
2.5.3	Council meets annual infrastructure renewal gap	<ul style="list-style-type: none"> Asset Management Plans completed Capital funding allocated annually in accordance with levels identified in AMPs 	Update Buildings AMP based on new condition data	The procurement process is to be commenced to select a building assessor to undertake condition assessments for each building that the Council owns and manages and the valuations of the buildings.	5%	In progress
2.5.4	Ensure planning processes and policies for new developments meet the intent of this objective	<ul style="list-style-type: none"> Landscape Guidelines for developers completed Conditions relating to quality landscape, open space, streetscape and urban design outcomes developed and enforced 	Consider the principles of the Safer Design Guidelines for Victoria and other relevant guidance documents when assessing planning application for new developments	Guidelines being considered in the assessment of planning permit applications	25%	In progress

Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
3.1 All people have the opportunity to achieve and thrive in our Shire						
3.1.1	Advocate for access to and provision of education, employment and lifelong learning opportunities ●●●	<ul style="list-style-type: none"> Reduced youth unemployment rate Reduced total unemployment rate Links facilitated between employers and educators to ensure workforce skills meet community needs Increase Year 12 or equivalent completion rate to at least the Victorian average (43.5% as at the 2016 census) 	No year 3 action planned			
3.1.2	Create environments where children can be happy, healthy, supported, educated and safe ●●●●	<ul style="list-style-type: none"> Funding for early years infrastructure secured (\$) Increased childcare options/availability Partner with agencies to decrease 23.3% children developmentally vulnerable in more than one domain Increase in 3 and 4-year-old kindergarten participation rates 	Continue to work towards securing long-term childcare solutions for Apollo Bay and Colac ●	Council continues to advocate to the Victorian Government for a State-run childcare centre in Apollo Bay.	25%	In progress
			Complete Early Years Infrastructure Plan to guide facility maintenance and investment decisions across the shire ●	Council is working with the Department of Education to develop Colac Otway Shire's Kindergarten Infrastructure Services Plan. The data and outcomes from this plan will feed into Council's Early Years Infrastructure Plan.	10%	In progress

Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
3.1.3	<p>Provide services to enable lifelong health and wellbeing from the early to senior years ●</p> <p>●●</p>	<ul style="list-style-type: none"> Community satisfaction for Family Support Services increases annually from current result of 66% Community satisfaction for Elderly Support Services increases annually from current result of 68% Participation rates in Maternal and Child Health checks 	<p>Complete Community Care Best Value Review</p>	<p>Review on track. Progress report developed. Councillors briefed on progress of review.</p>	70%	In progress
<p>3.2 People are active and socially connected through engaging quality spaces and places</p>						
3.2.1	<p>Provide safe, inclusive, accessible and integrated transport networks that support active transport</p> <p>●●●</p>	<ul style="list-style-type: none"> New or upgraded priority footpath, trail and cycling connections and improvements delivered annually (meters) Review strategic footpath plans for Apollo Bay and Colac 	<p>No Year 3 actions planned beyond BAU</p>			

Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
3.2.2	Plan for and supply quality public open space to meet community needs ●●●	<ul style="list-style-type: none"> Council-managed open space provision aligns with standards for development outlined in the Public Open Space Strategy 	Complete Birregurra Play Space redevelopment project ●●	Project plan completed, community engagement to commence in Quarter 2.	5%	In progress
			Complete Donaldson's Play Space renewal works ●●	Project plan completed, community engagement to commence in Quarter 2.	5%	In progress
3.2.3	Provide fit for purpose accessible and well-utilised recreation, arts and community facilities and services ●●●●	<ul style="list-style-type: none"> Colac Otway Playspace Strategy developed and adopted Community satisfaction for recreation facilities increases annually from current result of 68% Community satisfaction for arts, centres and libraries increases annually from current result of 73% Increased participation rates at libraries; and increased visitation to COPACC programs All new and upgraded Council facilities are universally accessible 	Undertake Birregurra Hall and streetscape works ●	Works to be completed in Quarter 3 as agreed with the Community Asset Committee.	5%	In progress
			Undertake Kitchen renewal at Colac Central Bowling Club ●●	Project plan completed. Works to commence in Quarter 2.	0%	In progress
			Undertake key renewal works at Lavers Hill Hall ●	Project to be scoped in Quarter 2, with works to be undertaken in Quarters 3 and 4.	0%	Not started

Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
3.2.4	Plan, design and maintain attractive and safe public spaces in partnership with our community and key agencies ●●●	<ul style="list-style-type: none"> Community satisfaction for appearance of public spaces increases annually from current result of 70% Perceptions of safety during the day greater than 97.6% and after dark greater than 65.5% 	No year 3 action planned			
3.2.5	Increase participation in physical activity throughout the shire through direct service provision and partnerships with health services and the wider community ●●●	<ul style="list-style-type: none"> Increased visitation and memberships at Bluewater Leisure Centre and Apollo Bay Aquatic Centre Level of community grants funding directed to projects that encourage physical activity 	Community grants process scheduled for review in 2024-25, to encourage projects that encourage physical activity ●●	Commence scoping review in Quarter 4 for the 2024-25 year.	0%	Not started
3.2.6	Promote and demonstrate gender equity ●●●	<ul style="list-style-type: none"> Gender Equity Plan for Council adopted and implemented New and upgraded community facilities accommodate gender neutral design principles Community facility fees and charges structures encourage facility users to embrace gender equity 	Report GEAP implementation to Gender Equality Commissioner ●●●	Discussions held with Leisure Networks to partner in the roll out of the State Government's Fair Access Policy Roadmap. Colac Otway Shire Council Draft Fair Access Policy developed and to be released for public exhibition in Quarter 2. Sporting club information sessions relating to Fair Access (Gender Equity) to be conducted in Quarter 2.	5%	In progress

Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
3.3 We are a safe, equitable and inclusive community						
3.3.1	Support stakeholders such as Colac Area Health, Great Ocean Road Health, Barwon Health, Hesse Rural Health, Headspace and other community groups to improve mental health and wellbeing in our community ●	<ul style="list-style-type: none"> • Accessibility of services that lead to reduced rates of: <ul style="list-style-type: none"> ➢ Suicide and self-inflicted injuries (101 per 100,000 people) ➢ Psychological distress (20.3%) ➢ Anxiety or depression (31.7%) 	No year 3 action planned			
3.3.2	Support relevant stakeholders to improve healthy eating and living in our community ●	<ul style="list-style-type: none"> • Reduced rates of diet-related chronic disease • Community facility fees and charges structures encourage facility users to embrace healthy eating, reduced tobacco, alcohol and other drug use • Increased partnerships and advocacy with relevant organisations 	No year 3 action planned			

Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
3.3.3	Diversity is embraced ●●●	<ul style="list-style-type: none"> Greater than 45% of residents support multiculturalism as measured by Department of Health data Contribute to greater than 57% of residents feel valued by society Key council documents and communications are provided in accessible formats and multiple languages Increase in number of community events that celebrate diversity 	Install Ceremonial/ Recognition Flagpole at Civic Precinct Colac ●●●	Project to be scoped in Quarter 2.	0%	Not started
3.3.4	Deliver a Reconciliation Action Plan in consultation with Eastern Maar Aboriginal Cooperative ●●	<ul style="list-style-type: none"> Reflect level Reconciliation Action Plan delivered by 2022 	No year 3 action planned			
3.3.5	Provide community safety services that enhance the liveability of our shire ●●●	<ul style="list-style-type: none"> Community satisfaction for enforcement and local laws increases annually from current result of 64% Local Law reviewed by 2023 	Complete General Local Law review ●●●●	The General Local Law was completed and adopted by Council on 23 August 2023.	100%	Completed

Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
3.3.6	Support health, enforcement and other services to support initiatives to reduce all forms of violence ●●●	<ul style="list-style-type: none"> Decrease family violence incident rates 	No year 3 action planned			
3.3.7	Reduce gambling-related harm in the Colac Otway Shire ●●	<ul style="list-style-type: none"> Gambling Policy developed for inclusion in the planning scheme 	No year 3 action planned			

Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
4.1 We commit to a program of best practice and continuous improvement						
4.1.1	Identify and embrace best practice and modernise systems to realise efficiencies	<ul style="list-style-type: none"> Community satisfaction for Councils overall performance increases annually from current result of 58% 	Undertake an internal audit relating to cybersecurity controls	A specification has been developed and has been released to the Victorian Auditor General's appointed Auditor or quote.	5%	In progress
4.1.2	Digital transformation to improve customer experience and interactions with community	<ul style="list-style-type: none"> Number of services that can be accessed by customers online 	No year 3 action planned			
4.1.3	Building and Planning services are customer and solution focussed	<ul style="list-style-type: none"> Community satisfaction for Planning and Building services greater than 50% by 2025 85% of planning applications, and 100% of Vic Smart applications determined in 60 days 	Undertake service specific feedback activity to identify opportunities to improve community perception	Survey responses from planning permit applicants are being used to source feedback on improvement opportunities, and this is informing service improvements.	25%	In progress
4.1.4	Undertake a rolling program of service reviews	<ul style="list-style-type: none"> Conduct at least two service reviews annually and implement decisions made by Council, with a view to saving at least \$250,000 per year 	Complete Best Value Review of Community Care Review	Review on track. Progress report developed. Councillors briefed on progress of review.	70%	In progress
			Complete a service review of Colac Regional Saleyards	The service review is scoped and ready to commence.	5%	In progress

Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
			Complete a service review of Services and Operations	Light Fleet Management is the first area to be reviewed from service and operations. The review is in the draft final report stage.	75%	In Progress
			Complete visitor servicing review	Benchmarking and background research commenced. A local business and community survey has been created and is scheduled for release in Quarter 2.	25%	In progress
4.2 We are a financially robust organisation						
4.2.1	Plan for sustainable portfolio of assets to deliver the services the community needs within our financial constraints ●	<ul style="list-style-type: none"> Asset Management Policy reviewed to address asset decommissioning and divestment Asset Management Strategy and Plans adopted 	Implement Asset Management Strategy actions ●	Terms and references for the Asset Management Steering Committee have been prepared and reviewed.	5%	In progress
4.2.2	Adopt a policy and approach to guide the disposal of assets no longer required ●	<ul style="list-style-type: none"> Asset Management Plans include strategic service planning recommendations Capital Funds Allocation and Prioritisation Policies adopted 	No year 3 action planned			

Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
4.2.3	Manage procurement to get best value for the community	<ul style="list-style-type: none"> Agreed audit recommendations are implemented within defined timelines Rolling internal audit program implemented 	Implement Internal Audit into Procurement	Procurement training package has been developed and training is to be completed by the end of December 2023. A new draft Procurement Policy has been developed and is currently under review for comment prior to going to Audit and Risk Committee.	30%	In Progress
4.2.4	Council businesses maximise community utilisation and minimise council subsidy ratios	<ul style="list-style-type: none"> Reduced subsidy ratio for Council businesses (airports, saleyards, COPACC, Bluewater and Visitor Information Centres) 	Undertake strategic fee review for COPACC and Bluewater	To commence in Quarter 2.	0%	Not Started
4.2.5	Financial and risk management practices are responsible and sustainable	<ul style="list-style-type: none"> Deliver ten-year financial plan VAGO LGPRF financial sustainability measures 	Develop Statutory and Discretionary Reserve Policy	To commence in Quarter 2.	0%	Not Started
			Review Council's Borrowing Policy	To commence in Quarter 2.	0%	Not Started

Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
			Review Council's Investment Policy	To commence in Quarter 2.	0%	Not Started
4.3 We provide exceptional customer service						
4.3.1	Council service delivery is efficient, accessible, solution-focused and responsive to the needs of the community	<ul style="list-style-type: none"> Community satisfaction for Customer Service increases annually from current result of 68% Seek to understand factors contributing to the community's perception of Council's performance in Apollo Bay and surrounds 	Establish Customer Experience improvement program	<p>Monthly reporting to the Executive Team analyses compliments and complaints received, as well as opportunities for improvement. Initiatives to have arisen from this work include a review of planning information on the Council website and development of improved content for Council's Intranet to enhance the capacity of staff to respond to customer enquiries.</p> <p>A Customer Experience Strategy is currently being developed, and a Customer Experience Core Team established from across key business functions.</p>	25%	In progress

Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
			Review Complaints Policy	The Complaints Policy has been reviewed and is due for Audit and Risk Committee feedback prior to Council consideration. Work has also commenced on a review of the Complaints Handling Procedure.	25%	In progress
4.4 We support and invest in our people						
4.4.1	We respect and invest in our employees and continue to strengthen our workplace culture ●● ●	<ul style="list-style-type: none"> Employee satisfaction and engagement 	Develop action plan based on People Matters Survey results ●●	The key actions include further training in sexual harassment and bullying prevention to increase awareness and review and relaunching of policies to create awareness on processes and procedures if instances of unacceptable behaviour is experienced.	25%	In progress
4.4.2	We commit to safe work practices and take a positive approach to our work ●	<ul style="list-style-type: none"> Delivery of targets and measures as outlined in the OHS Strategic Plan 	Implement actions from Internal Audit into WHS systems ●	A proposed OHS Management System is planned to be implemented in early 2024. This system is a planned and structured flow of documented processes that creates and describes an intentional way that Council will manage health and safety within our organisation.	25%	In progress

Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 1 (July to September)	% Complete	Status (Not started, In progress or Completed)
4.4.3	Develop a skilled and diverse workforce by investing in training and development ●●●	<ul style="list-style-type: none"> Attraction and retention of skilled workforce Number of secondments within the organisation Number of internal promotions Number of hours of training Number of traineeships/apprenticeships Development of a Workforce Plan 	Develop an organisation wide training program for mandatory and compliance training ●●●	A blended learning approach to mandatory and compliance training is being progressed. This is a combination of traditional face-to-face training and e-learning. By adding online training, a scalable approach to compliance training that automates tracking and reporting is being utilised. The Council manages e-learning compliance training programs with Blueprint Learning Management System.	30%	In progress
4.4.4	Council provides clear, accessible communication and opportunities for the community to participate in decisions that affect them in line with the Community Engagement Framework	<ul style="list-style-type: none"> Community satisfaction for Consultation and Engagement increases annually from current result of 54% Rolling program of Community Conversations implemented 	Conduct two 'community conversations' in small towns	The first community conversation will be scheduled in Quarter 3.	0%	Not started
4.4.5	Council decisions are open and transparent and the public has access to relevant Council information	<ul style="list-style-type: none"> Number of decisions made in closed Council meetings Community satisfaction for Council's community decision making increases annually from current result of 54% Compliance with Public Transparency Policy 	Review decisions made in closed Council meetings and develop further guidance to maximise public decision-making	This action will commence in Quarter 3.	0%	Not started

Item: 9.13

Council and Committee Meeting Dates 2024

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

To set the dates, times and venue for meetings of the Council, Planning Committee and Submissions Committee for 2024.

2. EXECUTIVE SUMMARY

The Governance Rules require Council to fix the date, time and place of its Council and Delegated Committee meetings. Unscheduled meetings may also be called by the Mayor, or at least three Councillors, as required.

Typically Planning Committee meetings are scheduled on the second Wednesday of the month and Council meetings are scheduled on the fourth Wednesday of the month (commencing at 4pm). It is proposed that this timing continues in 2024.

Throughout 2023, Submissions Committee meetings were scheduled on the first Wednesday of the month (where possible), commencing at 4pm. It is proposed that Submissions Committee meetings be scheduled in 2024, for the second Wednesday of the month, commencing at 3pm (prior to Planning Committee meetings).

Consistent with the practice in recent years, rather than schedule meetings in the month of January, it is recommended unscheduled meetings be called if/when the need arises.

3. RECOMMENDATION

That Council:

- 1. Approves the schedule of Council, Planning Committee and Submissions Committee meetings for 2024 as detailed below:**

February 2024	
Submissions Committee and Planning Committee	Wednesday, 14 February
Council	Wednesday, 28 February
March 2024	
Submissions Committee and Planning Committee	Wednesday, 13 March
Council	Wednesday, 27 March
April 2024	
Submissions Committee and Planning Committee	Wednesday, 10 April
Council	Wednesday, 24 April
May 2024	
Submissions Committee and Planning Committee	Wednesday, 8 May
Council	Wednesday, 22 May
June 2024	
Submissions Committee and Planning Committee	Wednesday, 12 June
Council	Wednesday, 26 June
July 2024	
Submissions Committee and Planning Committee	Wednesday, 10 July
Council	Wednesday, 24 July
August 2024	
Submissions Committee and Planning Committee	Wednesday, 14 August
Council	Wednesday, 28 August
September 2024	
Submissions Committee and Planning Committee	Wednesday, 11 September
Council	Wednesday, 18 September
November 2024	
Council meeting to elect Mayor and Deputy Mayor	Wednesday, 6 November
Submissions Committee and Planning Committee	Wednesday, 13 November
Council	Wednesday, 27 November
December 2024	
Submissions Committee and Planning Committee	Wednesday, 4 December
Council	Wednesday, 11 December

- 2. Schedules a Council meeting on Wednesday 6 November 2024, for the sole purpose of the electing a Mayor and Deputy Mayor (including establishing the term of office for each) and determines that public question time will be restricted to questions relevant to the purpose of the meeting.**
- 3. Notes that all Council meetings will commence at 4pm.**
- 4. Notes that all Submissions Committee meetings and Planning Committee meetings will commence at 3pm and 4pm respectively, unless otherwise advertised.**

5. *Notes that all Council meetings, Planning Committee and Submission Committee meetings will be held at Colac Otway Performing Arts and Cultural Centre (COPACC), Colac and livestreamed, unless otherwise advertised.*
6. *Will take all reasonable steps to hold at least one meeting every six months in 2024 at a suitable location in Apollo Bay.*

4. KEY INFORMATION

September Council meeting

The Election (Caretaker) Period runs from midday on 24 September 2024 until 6pm on Saturday 26 October 2024. As the fourth Wednesday of the month falls on 25 September, it is proposed to schedule the September Council meeting the week prior, on 18 September 2024.

October meetings

During the Election (Caretaker) Period Council must not make decisions of the following nature:

- Appointment or remuneration of the Chief Executive Officer.
- Committing Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year.
- Decisions that the Council considers could be reasonably deferred until the next Council is in place.
- Decisions that the Council considers should not be made during an Election Period.

The second and fourth Wednesdays of October fall within the Election Period. Therefore, no meetings have been scheduled in October. If a Council decision is required on a matter that does not fall into the above categories (ie Annual Report), an *Unscheduled Council meeting* will be called.

December 2024 Council, Planning Committee and Submissions Committee meetings

Council meeting - to facilitate Council business prior to the office closure over the Christmas/New Year period, the December meeting has been scheduled for the second Wednesday of the month (11 December 2024).

Submissions Committee and Planning Committee meetings - due to the Council meeting being scheduled on the second Wednesday of the month in December 2024, it is proposed that the Submissions and Planning Committee meetings be scheduled for the first Wednesday of the month (4 December 2024).

Meeting venue

Holding meetings at COPACC enables Council to hold hybrid meetings (in person and virtual), if required. The technical capability of the facility at COPACC also enables meetings to be live streamed.

The ability to hold hybrid meetings and livestream is dependent on both the internet capability and set up of the meeting venue. As such, there is no assurance meetings held at locations other than COPACC can be livestreamed and/or provide the option for Councillors to attend electronically.

5. CONSIDERATIONS

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

The Overarching Governance Principles that relate to the content of this report are:

- Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- Innovation and continuous improvement is to be pursued.
- The transparency of Council decisions, actions and information is to be ensured.

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

Governance Rules.

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)

In accordance with the Governance Rules, Council is required to provide to the public reasonable notice of each Council and Planning Committee meeting. The Council's consideration of meeting dates for the calendar year ahead provides certainty and transparency for the community about decision making at Colac Otway Shire Council.

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)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

The dates, times and locations of Council and Committee meetings will be published in the local press and on Colac Otway Shire Council's website.

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 – Approves the schedule of Council and Committee meetings for 2024

This option is recommended by officers as meeting dates for scheduled Council and Planning Committee meetings are required to be set by Council resolution.

Option 2 – Does not approve a schedule of Council and Committee meetings for 2024

This option is not recommended by officers as meeting dates should be set 12 months in advance to provide transparency to members of the public.

Item: 9.14

Instrument of Appointment and Authorisation - Alex Broomfield and Instrument of Appointment and Authorisation Revocation - Heidi Robinson

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Unsigned S 11 A - Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - [9.14.1 - 1 page] 2. Unsigned - Revoked - Instrument of Appointment and Authorisation - Heidi Robinson - Planning & Envir [9.14.2 - 1 page]

1. PURPOSE

The purpose of the report is for Council to:

- Appoint Alex Broomfield as an Authorised Officer under section 147(4) of the *Planning and Environment Act 1987*; and
- Revoke the Instrument of Appointment and Authorisation to Heidi Robinson who is no longer employed by Council.

2. EXECUTIVE SUMMARY

The *Planning and Environment Act 1987* (the Act) establishes a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.

Various staff members are required to undertake assessments, give advice or investigate various issues in relation to the Act. In order to undertake these assessments legally, particularly during issues of non-compliance, authorisation under the Act is required.

Instruments of Appointment and Authorisation to Council officers under the Act are required to be signed under resolution of Council. When an employee resigns, Council is required to revoke the Instrument.

3. RECOMMENDATION

That Council:

1. **Appoints Alex Broomfield as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987 (refer Attachment 1).**
2. **Authorises the use of the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 - 2020.**
3. **Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revokes it.**
4. **Revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to Heidi Robinson, dated 25 February 2021 (refer Attachment 2).**

4. KEY INFORMATION

Council is required to appoint Alex Broomfield under the Act because:

- The *Planning and Environment Act 1987* regulates enforcement and is reliant on authorised officers acting on behalf of the Responsible Authority.
- Legal advice recommends that authorised officers be appointed by Council using an instrument to address specific authorisation provisions of section 147(4) of the *Planning and Environment Act 1987*, versus the broader authorisations of section 224 of the *Local Government Act 1989*.

It is important to note that the broader Instrument of Appointment and Authorisation by the Chief Executive Officer pursuant to section 224 of the *Local Government Act 1989* must also be retained as it appoints the officer as an authorised officer for the administration and enforcement of other acts.

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)

Planning and Environment Act 1987

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

Authorisation is required for officers to investigate and enforce planning and land use issues as outlined in this report and serve to protect the wider environment in line with the requirements of the planning scheme and *Planning and Environment Act 1987*.

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)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

The attached Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Alex Broomfield will come into force immediately upon affixation of the common seal. The revoked Instrument of Appointment and Authorisation to Heidi Robinson, will be sent to the Chief Executive Officer for sign off.

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.

Option 1

Appoint the officer as an Authorised Officer (Alex Broomfield)

This option is recommended by officers as various staff members are required to undertake assessments, give advice or investigate various issues in relation to the Act. In order to undertake these assessments legally, particularly during issues of non-compliance, authorisation under the Act is required.

Revokes the Instrument of Appointment and Authorisation (Heidi Robinson)

This option is recommended by officers as the officer is no longer employed by Council and therefore should not continue to be an Authorised Officer of Council.

Option 2

Not Appoint the officer as an Authorised Officer (Alex Broomfield)

This option is not recommended by officers as the staff member will be unable to undertake various aspects required of the position.

Does not endorse the Revocation of the Instruments of Authorisation and Appointment (Heidi Robinson)

This option is not recommended by officers as the Instrument needs to be revoked to cease its currency and to have the powers under the Act removed.

Colac Otway Shire Council
Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)

In this instrument "**officer**" means –

ALEX BROOMFIELD

By this instrument of appointment and authorisation Colac Otway Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Colac Otway Shire Council on 22 November 2023.

THE COMMON SEAL of Colac Otway Shire)
Council was hereunto affixed in accordance)
With Local Law No 4)

Anne Howard
Chief Executive Officer

Date



INSTRUMENT OF APPOINTMENT AND AUTHORISATION

(Planning and Environment Act 1987)

In this Instrument "officer" means –

HEIDI ROBINSON

By this Instrument of Appointment and Authorisation Colac Otway Shire Council –

1. Under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

It is declared that this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked

This Instrument is authorised by a resolution of the Colac Otway Shire Council on 24 February 2021.

THE COMMON SEAL of Colac Otway Shire Council was hereunto affixed in accordance with Local Law No 4




.....
Chief Executive Officer

Dated 25/2/2021

Revoked by Anne Howard, Chief Executive Officer

Signed:

Date:

Item: 9.15

Audit and Risk Committee - Unconfirmed Minutes - 13 September 2023

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Unconfirmed Minutes - Audit and Risk Committee Meeting - Minutes 13 September 2023 [9.15.1 - 10 pages]

1. PURPOSE

To provide for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 13 September 2023.

2. EXECUTIVE SUMMARY

The Audit and Risk Committee Charter (revised version adopted by Council on 28 September 2022), requires that the draft minutes of each meeting be presented to the next practicable Council meeting as 'unconfirmed minutes'.

If the Audit and Risk Committee (which meets quarterly) determines that changes are required to the unconfirmed minutes (i.e., changes other than minor administrative changes), then the final minutes will be re-presented to Council.

The unconfirmed minutes of the Audit and Risk Committee meeting held on 13 September 2023 are presented at Attachment 1.

3. RECOMMENDATION

That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 13 September 2023.

4. KEY INFORMATION

The Audit and Risk Committee (ARC) plays an important role in providing oversight of Colac Otway Shire Council's governance, risk management, internal control practices, internal and external audit functions. This oversight mechanism also serves to provide confidence in the integrity of these practices.

Section 53(1) of the *Local Government Act 2020* stipulates that a Council must establish an ARC. The Colac Otway Shire ARC consists of two Councillors and three independent members. The ARC meets at least four times per year.

The ARC Charter states that the draft minutes of Committee meetings will be prepared and circulated to Committee members within ten working days of each meeting. These draft minutes will then be presented as 'unconfirmed minutes' to the next practicable Council meeting to ensure that Council receives the Committee's advice in a timely manner.

The ARC will confirm its minutes at its next meeting scheduled on 6 December 2023 and will become the 'final minutes'. Final minutes will only be represented to a Council meeting if there are significant changes to the unconfirmed minutes by the ARC (ie changes other than minor administrative changes).

5. CONSIDERATIONS

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

The Overarching Governance Principles that are most applicable to the work of the Audit and Risk Committee are:

- 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
- e) innovation and continuous improvement is to be pursued
- g) the ongoing financial viability of the Council is to be ensured.

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

Audit and Risk Committee Charter
Local Government Act 2020

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)

Whilst the meetings and agendas of the Audit and Risk Committee are confidential, the outcomes/recommendations from the meeting are reported to the next practicable open Council meeting.

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)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Not applicable.

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 – Receive for information the Colac Otway Shire Audit and Risk Committee Unconfirmed minutes dated 13 September 2023

This option is recommended by officers as the Audit and Risk Committee Charter requires that the 'unconfirmed minutes' be presented to the next practicable Council meeting.

Option 2 – Do not receive for information the Colac Otway Shire Audit and Risk Committee Unconfirmed minutes dated 13 September 2023

This option is not recommended by officers as the Audit and Risk Committee Charter requires that the 'unconfirmed minutes' be presented to the next practicable Council meeting.



AUDIT AND RISK COMMITTEE MEETING

MINUTES

Wednesday 13 September 2023

at 9:00 AM

COPACC

95 - 97 Gellibrand Street, Colac

COLAC OTWAY SHIRE AUDIT AND RISK COMMITTEE MEETING

Wednesday 13 September 2023

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COLAC OTWAY SHIRE AUDIT AND RISK COMMITTEE MEETING

MINUTES of the **AUDIT AND RISK COMMITTEE MEETING OF THE COLAC OTWAY SHIRE** held at COPACC on
Wednesday 13 September 2023 at 9:00 AM

MINUTES

1 DECLARATION OF OPENING OF MEETING

2 PRESENT

Brian Keane (Chair)
Richard Trigg
Melissa Field (Via video call)
Cr Margaret White

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Heath Chasemore, General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance (Video call)
Xavier Flanagan, Manager Financial Services
Natasha Skurka, Risk and Insurance Officer
Blessing Muncan, RSD Audit (Video call)
Wilson Tang, Director Moore Australia (Video Call)

3 APOLOGIES

Cr Kate Hanson
Nick Bell, RSD Audit

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES

Recommendation

That the Audit and Risk Committee confirm the minutes from the Audit and Risk Committee meeting held on Wednesday 16 August 2023.

RESOLVED UNANIMOUSLY

6 BUSINESS ARISING FROM THE PREVIOUS MEETING

Nil

Item: 7.1

Financial Reporting - Review annual financial and performance statement 2022-23

OFFICER	Xavier Flanagan
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. DRAFT 2022 - 2023 Colac Otway Shire Financial Statements [7.1.1 - 48 pages]2. Report of Operations, Performance Statement and Governance Management Checklist (as at 4 Sept 2023) [7.1.2 - 7 pages]3. Closing Report - Colac Otway Shire Council 30 June 2023 [7.1.3 - 18 pages]

OUTCOME/ACTION

That the Audit and Risk Committee recommends Council:

1. *Approves in principle the 2022-23 Financial Statements and Performance Statement for Colac Otway Shire Council, subject to any changes that are recommended or agreed by the Auditor in accordance with Section 98(2) of the Local Government Act 2020.*
2. *Makes provision, that if there is any significant change prior to certification of the 2022-23 Colac Otway Shire Council Financial Statements and Performance Statement, they be referred to the Audit and Risk Committee for endorsement; and*
3. *In accordance with section 98 of the Local Government Act 2020, Nominates and authorises Councillors Kate Hanson and Margaret White to certify and approve the 2022-23 Financial Statements and Performance Statement in their final form, after any changes recommended or agreed with the Auditor, have been made on behalf of Council and have been endorsed by the auditor and Audit and Risk Committee.*

RESOLVED UNANIMOUSLY

Item: 7.2

Financial Reporting - Review significant accounting and reporting issues - Port of Apollo Bay Special Purpose Statements

OFFICER	Xavier Flanagan
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	1. Draft Port of Apollo Bay Special Purpose Report 2022 - 2023 [7.2.1 - 15 pages]

OUTCOME/ACTION

That the Audit and Risk Committee notes the 2022-23 Port of Apollo Bay Special Purpose Financial Report, subject to any changes that are recommended or agreed by the auditor to be used to meet the reporting requirements of the Port of Apollo Bay Management Agreement.

RESOLVED UNANIMOUSLY

Item: 7.3

Review Plan for Operational and Strategic Risks

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Plan for Review of Operational Risks and Strategic Risks [7.3.1 - 4 pages]

OUTCOME/ACTION

That the Audit and Risk Committee notes the Organisational and Strategic Review Plans (refer Attachment 1).

RESOLVED UNANIMOUSLY

Item: 7.4

Fraud and Corruption Awareness Training

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

OUTCOME/ACTION

That the Audit and Risk Committee notes the proposed plan for raising awareness of Fraud and Corruption throughout the organisation.

RESOLVED UNANIMOUSLY

Item: 7.5

Reporting Responsibilities: Chair Report on Audit and Risk Committee Activities to Council

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Draft Report of Colac Otway Audit and Risk Committee Activities - September 2023 [7.5.1 - 5 pages]

OUTCOME/ACTION

That the Audit and Risk Committee:

- 1. Receives for information the Colac Otway Shire Audit and Risk Committee biannual report dated September 2023.*
- 2. Requests the Chief Executive Officer table the Colac Otway Shire Audit and Risk Committee biannual report dated September 2023, at the Council meeting scheduled for 27 September 2023 in accordance with the requirements of the Local Government Act 2020.*

RESOLVED UNANIMOUSLY

Item: 7.6

**Recommended Appointment of Audit and Risk Committee
Chairperson**

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

OUTCOME/ACTION

That the Audit and Risk Committee recommends to Council the appointment of Melissa Field as the Chairperson of the Audit and Risk Committee for a period of 12 months, commencing on 1 October 2023 to 30 September 2024.

RESOLVED UNANIMOUSLY

The meeting was declared closed at 10.19AM

CONFIRMED AND SIGNED at the meeting held on 6 December 2023.

.....CHAIR

Unconfirmed

Item: 9.16

Report of Informal Meeting of Councillors

OFFICER	Carmen Lawrence
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Record of Informal Meeting of Councillors PP75 2023 1 71 75 Main Street Bi (2) [9.16.1 - 1 page] 2. Informal Meeting of Councillors - Councillor Briefing - 18 October 2023 [9.16.2 - 2 pages] 3. Informal Meeting of Council - Council Meeting Preparation - 25 October 2023 [9.16.3 - 2 pages] 4. P P 119 2023-1 - 9 Dennis Street COLAC - Record of Councillor Attendance at Consultation Meeting [9.16.4 - 1 page] 5. Informal Meeting of Councillors - Councillor Briefing - 1 November 2023 [9.16.5 - 2 pages] 6. Informal Meeting of Councillors - Planning Meeting Preparation - 1 November 2023 [9.16.6 - 2 pages]

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; and*
- *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 are reported herewith:

- | | |
|--|------------------------|
| 1. Consultation Meeting - Birregurra | 16 October 2023 |
| 2. Councillor Briefing | 18 October 2023 |
| 3. Council Meeting preparation | 25 October 2023 |
| 4. Consultation Meeting - Colac | 31 October 2023 |
| 5. Councillor Briefing | 1 November 2023 |
| 6. Planning Committee meeting preparation | 1 November 2023 |

4. KEY INFORMATION

The following Informal Meetings of Councillors have been held and are attached to this report:

- | | |
|---|-----------------|
| 1. Consultation Meeting - Birregurra | 16 October 2023 |
| 2. Councillor Briefing | 18 October 2023 |
| 3. Council Meeting preparation | 25 October 2023 |
| 4. Consultation Meeting - Colac | 31 October 2023 |
| 5. Councillor Briefing | 1 November 2023 |
| 6. Planning Committee meeting preparation | 1 November 2023 |

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

This form must be completed by the attending Council Officer and the completed form must be provided to 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: PP75/2023-1 – 71-75 Main Street, Birregurra – Consultation Meeting

Date: 16/10/2023 **Time:** 2.00 pm

Meeting Location: COPACC, 2-6 Rae Street, Colac

Matter/s Discussed: Objections received to planning permit application PP75/2023-1 relating to use of the land for a Place of Assembly which is due to be considered for a decision in the coming months by the Shire's Planning Committee. The applicant, objectors and Council officers attended the meeting.

In Attendance:

Councillors:
Cr Max Arnott and Cr Chris Potter
Officers:
Blaithin Butler and Ravi Ayyagari

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
None	Choose an item.	am / pm	am / pm
	Choose an item.	am / pm	am / pm
	Choose an item.	am / pm	am / pm

Completed by: Doug McNeill

Informal Meetings of Councillors Records



Informal Meeting of Councillors Record

Councillor Briefing

Date: 18 October 2023

Time: 2.30pm

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, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt
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, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt, Natasha Skurka, Carolyn Trowell(videoconference), Fiona Maw
External attendees:
Managing Partner - Lake Advisory Communities(videoconference)
Apologies:
Nil
Absent:
Nil

Meeting Commenced at: 2.41pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Cr Tosh-Jake Finnigan	Material	1.3 – Community Care Services Review	A family member works within OPASS.
Cr Max Arnott	Material	1.3 – Community Care Services Review	Family member receives services.
Ian Seuren	Material	1.3 – Community Care Services Review	Family member works within the OPASS area.



Councillor Briefing Preparation 18 October 2023		
Time	Item	Attendees
2.41pm – 2.47pm	Fraud and Corruption Framework	Marlo Emmitt
2.47pm – 3.01pm	Risk Management Framework Cr Kate Hanson attended meeting at 2.55pm.	Marlo Emmitt Natasha Skurka
3.01pm – 3.09pm	Community Care Services Review Having declared a conflict of interest for this item Cr Finnigan, Cr Arnott and Ian Seuren left the meeting at 3.01pm before discussion took place on this item and returned to the meeting at 3.09pm after the item had finished.	Carolyn Trowell (videoconference) Managing Partner - Lake Advisory Communities (videoconference)
3.09pm – 3.44pm	<u>General Business</u> CEO attended meeting at 3.32pm. Christmas Activation Fire Season Planting on nature strips Bruce Street Sale Social Housing	Fiona Maw
3.44pm	Meeting Closed	



Informal Meeting of Councillors Record

Council Meeting Preparation

Date: 25 Oct 2023

Time: 2.00pm

Meeting Location: Apollo Bay Bowls Club

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, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt
Attendees:
Cr Graham Costin, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt, Dora Novak, Doug McNeill, James Myatt, Liza Kennedy
External attendees:
Nil
Apologies:
Cr Kate Hanson
Absent:
Nil

Meeting Commenced at: 2.04pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Council Meeting Preparation – 25 Oct 2023 (continued)		
Time	Item	Attendees
2.04pm – 2.46pm	Council Meeting Preparation	Dora Novak Liza Kennedy Doug McNeill
2.46pm	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 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: PP119/2023-1 – 9 Dennis Street, Colac – Consultation Meeting

Date: 31/10/2023 **Time:** 1.00 pm

Meeting Location: COPACC, 2-6 Rae Street, Colac

Matter/s Discussed: Objections received to planning permit application PP119/2023-1, which proposes the construction of a three-storey mixed use building with basement parking. The proposed building would contain a hotel and ancillary gym, offices, a medical centre, a café and a function room. A reduction in parking is also proposed. A report will be put to Planning Committee for a decision in the coming months. The applicant, objectors and Council officers attended the meeting.

In Attendance:

Councillors:
Cr Chris Potter (in person) and Cr White (online)
Officers:
Bláithín Butler and Ian Williams

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
None	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 Meetings of Councillors Records



Informal Meeting of Councillors Record

Councillor Briefing

Date: 1 November 2023

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, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt
Attendees:
Cr Graham Costin, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott (videoconference), Anne Howard, Andrew Tenni, Doug McNeill(videoconference), Ian Seuren, Marlo Emmitt, Fiona Maw, Maddy Harty, Nicole Frampton, Lyndal McLean, Erin Sonego, Blaithin Butler, Ian Williams, Ravi Ayyagari
External attendees:
Nil
Apologies:
Cr Kate Hanson, Cr Stephen Hart, Heath Chasemore
Absent:
Nil

Meeting Commenced at: 12.45pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing Preparation 1 November 2023 (continued)		
Time	Item	Attendees
12.45pm – 1.12pm	Events Policy Review	Maddison Harty Fiona Maw
1.12pm- 1.17pm	Community Awards Event	Maddison Harty Fiona Maw
1.17pm- 1.45pm	2023-24 Local Sports Infrastructure Fund	Nicole Frampton Lyndal McLean
1.45pm - 1.55pm	Council and Committee Meeting Dates 2024	Marlo Emmitt
1.55pm- 2.09pm	Council Committees	Marlo Emmitt
2.09pm- 2.23pm	Deans Creek PSP Project - Community Reference Group Appointment	Doug McNeill(videoconference) Erin Sonogo Blaithin Butler
2.23pm – 2.30pm	Break	
2.30pm	Meeting Closed	



Informal Meeting of Councillors Record

Pre-Planning Meeting Preparation

Date: 1 November

Time: 3.00pm

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, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt
Attendees:
Cr Graham Costin, Cr Kate Hanson, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott (via videoconference), Anne Howard, Andrew Tenni, Ian Seuren, Marlo Emmitt, Doug McNeill, Blaithin Butler, Ian Williams
External attendees:
Nil
Apologies:
Cr Stephen Hart, Heath Chasemore
Absent:
Nil

Meeting Commenced at: 4.00pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Cr Tosh-Jake Finnigan	Material	8.3 - PP149/2023-1 - 765 & 792 Nalangil Road - Use and Development of Land for a Dwelling	One of objectors to item is a family member



Councillor Briefing - <<insert date>> (continued)		
Time	Item	Attendees
4.00pm -	Planning Committee Preparation	Doug McNeill Blaithin Butler Ian Williams
5.40pm	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:

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on << day month year >></i>	This matter deals with <<reason>>	Section 3 <<subsection>>
<i><<Topic for discussion>></i>	This matter deals with <<reason>>	Section 3 <<subsection>>