



# Council Meeting Minutes

29 April 2025 at 1pm

Apollo Bay Bowls Club



# COLAC OTWAY SHIRE COUNCIL MEETING

Tuesday 29 April 2025

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## COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at  
COPACC on Tuesday 29 April 2025 at 1:00 PM.

### MINUTES

#### 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 ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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

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

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



### **3 MEETING ADMINISTRATION**

#### **3.1 Present**

Cr Jason Schram (Mayor)  
Cr Phil Howard (Deputy Mayor)  
Cr Chris Potter  
Cr Charlie Buchanan  
Cr Mick McCrickard  
Cr Chrissy De Deugd

Anne Howard, Chief Executive Officer  
Andrew Tenni, General Manager Corporate Services  
Doug McNeill, Acting General Manager Infrastructure and Operations  
Ian Seuren, General Manager Community and Economy  
Steven O'Dowd, Manager Governance, Customer and Communications  
Matilda Hardy-Smith, Coordinator Council Business  
Kendrea Pope, Senior Governance Advisor

#### **3.2 Apologies and Leaves of Absence**

Cr Zoe Hudgell

#### **3.3 Confirmation of Minutes**

##### **RESOLUTION**

*Moved Cr McCrickard, Seconded Cr Potter*

*That Council confirm the minutes of the Council Meeting held on 25 March 2025.*

**CARRIED 6 : 0**

#### **3.4 Declarations of Interest**

Cr Schram	General	Item 6.1 – Planning Scheme Anomalies	In relation to properties on Polwarth Street.
Andrew Tenni (General Manager Corporate Services)	Material	Item 9 – Urgent Business	Appointment of Acting CEO

#### 4 QUESTION TIME

A maximum of 30 minutes was allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Question time is not a forum for public debate or statements.

#### **QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING**

**Karlijn Sas**

Many years ago, the Apollo Bay Senior Citizens, (represented by Apollo Bay Probus, which was disbanded in April of 2019) donated the hall to the community. The name was changed to the 'Apollo Bay Community Hall' to better reflect the hall's committee and users, as the hall is used by the whole community, and the committee members are of all ages.

Would it be possible for the council to officially change the name to Apollo Bay Community Hall? This would merely be a change to reflect the name used by the community when referring to this hall.

#### ***Response from General Manager Community and Economy***

Considering the history of the facility, it would be important to undertake community consultation when considering a name change of the Apollo Bay Senior Citizens Centre. Council has resolved to include this as an action in its 2025-26 Annual Plan.

**James Judd**

1. Has the Colac Otway Shire Council considered the bite in the tail of the state Governments cap on certain Council charges?
2. Under the current state regulations could the Colac Otway Shire council continue to exist if we had a marked property devaluation and land holders found the costs too high to pay council rates and charges?

#### ***Response from General Manager Corporate Services***

***Yes, council could continue to operate. If rate payers found that they were having difficulty paying their rates, there are measures currently in place to help if they contact Council to discuss.***

**Stanley Kennett**

1. Will the Colac Otway Shire Council Introduce LAWS that DOG WALKING is to be prohibited within 20 metres of the Colac Hospital, prohibited within 20 metres of all Schools in Colac, Prohibited within 20 metres of the Colac Central Business District.

#### ***Response from General Manager Infrastructure and Environment***

***Council does not have an intention to introduce these restrictions at the current time. Councils are responsible for developing a Domestic Animal Management Plan (DAMP) which promotes responsible pet ownership and the welfare of dogs and cats in the***



*community. These Plans also aim to protect the community and the environment from nuisance dogs and cats. The Plan is currently being reviewed, with a new updated Plan to be approved by Council no later than December 2025. We would encourage you to take advantage of opportunities for public feedback into the development of this plan, which is the appropriate forum for Council to consider any concerns about dog behaviour.*

#### **Graham Costin**

Mr Costin has written several paragraphs (which has been summarised) drawing attention to the environmental values of the Barham River Paradise Picnic Reserve, noting that Council has recently undertaken some improvements at the reserve. Mr Costin has also noted that on a recent plant identification walk arranged by the *Apollo Bay U3A* a number of environmental weeds were identified at the reserve. His question is:

1. Noting the draft 2025-26 Budget proposes \$3.3 million for the management of Council's parks, gardens and reserves, will Council commit to using some of that proposed budget allocation to:
  - Repair the walking path to the platypus pool? and
  - Undertake an annual weed control program?

#### ***Response from General Manager Infrastructure and Environment***

**Thank you for raising these concerns with Council. Our Environment and Sustainability team will consider whether the weeds at Paradise would be candidates for its annual weed management program and our Services and Operations team will assess the need for maintenance of the walking path to the Platypus Pool.**

Mr Costin has made several statements regarding a proposed trail between Apollo Bay and Skenes Creek including the original feasibility study undertaken in 2018, the project funded through the City Deal program and funds set aside previously in reserve by Council to support development of the trail.

Mr Costin has asked the following questions:

My questions relate to a trail link on the landward side of the Great Ocean Rd from Skenes Creek to link to the existing ocean side Apollo Bay coastal trail just south of Wild Dog Creek:

2. Was the full background above provided to Councillors before Council resolved to reallocate the \$200,000 reserve in February 2025
3. Why wasn't that decision made more openly and specifically per Council's Feb 2019 resolution?
4. Why weren't the community trail advocates and local residents consulted before the decision?
5. Noting the trail is not listed in Council's published list of Federal election advocacy priorities, is Council actively advocating in any way to Federal election candidates for this trail link?
6. If Council is advocating for the trail, what is it advocating for? i.e. what conceptual design is proposed, is sufficient road reserve available to build a trail and what level of funding is being requested?

7. Will Council include an amount in its 2025-26 Budget to progress planning for the trail per its past commitments and increase the chances of a successful outcome to its advocacy?

***Response from General Manager Community and Economy***

***Council had maintained an allocation for the Apollo Bay to Skenes Creek trail in reserve for many years, without a clearly defined purpose for use of the funds. Funds held in discretionary reserves should have an intended purpose and use. The funds previously held in reserve since 2018 for the Apollo Bay to Skenes Creek trail had no clear intended purpose and therefore Council determined to utilise these funds for other needs. Councillors were provided with sufficient information for it to consider this matter and didn't consider there to be a requirement to undertake community consultation in this instance. The reallocation of the \$200,000 was undertaken in an open Council meeting to ensure transparency about the consideration and decision.***

***Council continues to advocate for a pedestrian and cycling link between Apollo Bay and Skenes Creek in accordance with the resolutions at its March 2023 and December 2024 meetings. Council has written to relevant State and Federal Government Ministers and local Members of Parliament to advocate for safe pedestrian and cycling links (either shared or separate) to connect Skenes Creek to the existing off-road pathway from Wild Dog Creek to Apollo Bay.***

**Jane Gross**

Question 1

The Colac Herald recently asked the council for its wish list of priority projects ahead of the forthcoming Federal election.

The list includes around \$15m for infrastructure in Colac and around \$2 million in Apollo Bay for reconstruction of three residential streets.

The Apollo Bay Community Voice (ABCV) understands the importance of Council Road refurbishments. However, given that over the past 2 years ABCV has highlighted the two main issues facing the Apollo Bay community's sustainability as affordable housing for key workers and childcare to complete the Early Years Hub, why is Council not seeking Federal assistance for these much-needed projects?

***Response from General Manager Community and Economy***

***Council continues to advocate for outcomes relating to affordable housing and is confident that our sustained advocacy efforts, particularly to the Victorian Government, will result in a greater level of affordable housing for our coastal communities including Apollo Bay.***

***In regard to childcare, Council continues to work with its partners in the South West Victoria Alliance to advocate for improved childcare outcomes in the lead up to the Federal election. Childcare has been a priority for the Alliance and through this partnership, solutions to childcare access across the region have been highlighted to candidates in the upcoming Federal election.***



## Question 2

The Apollo Bay Community Voice is grateful for the opportunity to comment on the 2025-2029 Draft Revenue and Rating Plan and has sent a detailed submission for your consideration.

There is concern in the community that although the increase in the overall general rate is within the 3% cap, the Council's proposal to reduce the Rural Farm rate will mean a significant increase in the Residential and the Commercial/Industrial rates for the Shire.

We therefore ask how many Residential, Commercial/Industrial rateable properties are located along the Great Ocean Road (dependent on tourism, not agriculture) that will be negatively impacted by a farm rate reduction; and more broadly, given that Council currently receives 30% of its rate revenue from the coast, how much more in both % and \$ terms will be collected from the coast if the proposed change is adopted?

### ***Response from General Manager Corporate Services***

***It is not possible to determine how many Residential, Commercial/Industrial rateable properties, located along the Great Ocean Road and dependent on tourism, (not agriculture) will be negatively impacted by a farm rate reduction.***

***The draft 2025-26 budget has the proposed rating differentials in to, so it outlines the dollar amount that will be collected from the balance of shire if the proposed rating differentials are adopted.***

## **Bill Gross**

My question is regarding the Community Emissions Profile (2020/21) in the Colac Otway Shire Council Climate Change Action Plan which derives its figures from the organisation Snapshot Climate. Snapshot Climate calculates and publishes nation-wide emissions profiles, and is supported by the environment departments of the Vic, NSW, and Q'land governments, as well as the Local Government Association of NT. It is also supported by the Global Covenant of Mayors for Climate and Energy. According to its website, Snapshot profiles have been developed in accordance with the Greenhouse gas Global Protocol for Community-Scale Greenhouse Gas Emission Inventories (GPC). Snapshot's latest figures (2022/23) show farming emissions at 46%, down from 48% in the 2021 figures upon which the Action Plan is based.

Is it logical to assume that the farming proportion is now likely to have since increased significantly, given the reduced domestic, industrial and commercial carbon outputs in the Shire resulting from the huge uptake in solar, wind and battery storage since the 2021 calculation, and that this increase in the farming proportion is likely to continue with future growth in renewable energy sources?

What possible reason could Council provide to justify removing this well-evidenced statistic from the Climate Change Action Plan 2023 – 2033?



### ***Response from General Manager Infrastructure and Environment***

***It is likely that emissions from the farming and other sectors of the economy) will have changed since 2022-23. These are the most recent figures on the Snapshots web site.***

***The Notice of Motion has been proposed by a Councillor and will be debated by Council at today's Council meeting. It is not appropriate for officers to comment on the merit of the motion.***

### **James Judd**

*James Judd submitted a number of questions that were inter-related. One combined response was provided.*

1. Is the Colac Otway Shire Council in its proposal to release the Councils budget for 28 days from when notice is given. Going to again cut this short by counting days from when Councillors voted to release these papers and not from when notice is given and details made available.

This Council authorised release of the rating strategy for 2025-2029 for four weeks to lodge submissions but by the time the Council gave notice in the press it was under three weeks that included a number of public holidays.

When you have given no date that submissions must be received by and the date of a Submissions Committee Meeting follows a public holiday when the Council offices are closed.

Notice is not given once Councillors vote to release papers but when Council gives notice in the press and the papers are available to be studied.

2. Will the Colac Otway Shire Council carry out a serious review into why Council officers are persistently late in providing details on matters that call for a public submission on. No more pushing matters through so you can finalise a matter by 30<sup>th</sup> June each year. Times for submissions does not start until Council has given notice in the press and provided details to be studied. Not from the date Councillors voted to release the papers for comment.

60 days means you must give 60 days from when documents are available to study.

No more counting days that elapse when no details are available to the public.

With the 2025-2029 Council plan we had days counted before the Council gave any notice or provided any details. Plus, by the time notice was given under three weeks remained to lodge a submission.

3. As it is proposed to release the Councils budget for 2025-2026 year at the Council Meeting at 1.00pm on Tuesday 29<sup>th</sup> of April 2025. Plus submissions on the rating strategy do not close until 5.00pm on Tuesday 29<sup>th</sup> April 2025.

Then a Submissions meeting must be scheduled at least prior to the Council meeting to accept these proposals or make any adjustments at the Council meeting in May 2025. Is the Council going to throw out the proposed budget and prepare a valid one once the rating strategy if any changes made is settled.

Do not forget some very big adjustments are proposed in the rating strategy for 2025-2029 and none of them are yet authorised.

### ***Response from General Manager Corporate Services***

**The recommendation today is for the public consultation period will be no less than 28 days from the initial public notice. The public notice will be on council's website, local papers and on social media. If adopted, an appropriate closing date for submissions will be put in place to give effect to this.**



Officers will continue to ensure that the appropriate amount of time is provided for the community to make submissions on those matters that are exhibited, starting from when notice is given.

The submissions made in relation to the Revenue and Rating plan will be provided to a Submissions Committee meeting on 13 May 2025. The decision in relation to the Revenue and Rating plan will be made at the May Council Meeting, in advance of the decision in relation to the 2025-26 budget. The proposed rating differentials have been incorporated in the draft budget at this stage.

**Jeff Cooke**

I refer to the Notice of Motion by Cr Buchanan. Firstly, has there been new information available to Council that means that the statement that 48% of total emissions for the Shire comes from Agriculture is no longer a fact? Secondly, could removal of this fact from the Climate Change Action Plan potentially hinder Council being successful in funding opportunities for farmers wishing to reduce their emissions? Thirdly why should a small grant program to undertake tree planting only be available to farmers and not the broader community who may wish to plant trees in parks, playgrounds and community facilities?

***Response from General Manager Infrastructure and Environment***

***The Snapshot Climate website which was used to source the agriculture emissions figures for the Council's Climate Change Action Plan in 2023 have been updated with figures relevant to 2022-23 which indicate agricultural emissions represented 46% of community emissions in that year, down from 48% the previous year.***

***The Notice of Motion has been proposed by a Councillor and will be debated by Council at today's Council meeting. It is not appropriate for officers to comment on the merit of the motion.***

**Irene Pagram**

Given that our Citizenship ceremony and community awards are held on other dates at recognised Community Events such as Kana, why would Councillors wish to change to holding these events "on Australia Day 2026 and each year following on Australia Day"?

Why would Council seek to use rate revenue to compel Events Officers and/or other Council Staff to hold an event at the Lake Colac foreshore such as, but not limited to, a festival, market, music event, community barbeque when it is clear that key stakeholder groups and many community members, regardless of their personal ancestry, do not choose to celebrate on 26 January? What would happen if all affected staff chose to take their Leave Entitlement on that gazetted Public Holiday, rather than be forced to support a day that many associate with grief and loss?

There is the alternative suggestion that Council invites expressions of interest for community groups to host or co-host the event. I note that applications for Events Grants for activities in 2025/26 closed on 11 April 2025 and that late applications would not be accepted. The Municipal Monitor noted a lack of understanding and/or concern in relation to the financial management of the organisation or the impact of Council's decision making on the long-term sustainability or capability of the organisation. Why would Council countenance the awarding of additional funds outside its own guidelines and timelines?



Why, when Colac Otway Shire Council proudly acknowledges in print and at public events, the Gulidjan and Gadubanud peoples, past, present and emerging, as the traditional custodians of the Colac Otway region, would Councillors believe that to simply note that many community members, regardless of their personal ancestry do not choose to celebrate Australia Day on the date set by the Federal Government respects all community members' views?

***Response from General Manager Community and Economy***

**The matter of activities on Australia Day is in today's meeting agenda for consideration so it would not be appropriate for officers to make comment about this matter.**

**Prabha Kutty**

1. At the February meeting the Mayor deferred the debate on Australia Day celebrations for, amongst other reasons, the community to be given the opportunity to address the council on the topic of Australia Day. I notice that there is a Notice of Motion proposed for the April meeting where councillors are being asked to decide on this issue without the promised opportunity for the community to address council. Could the council please defer any decision on this topic until the community has been given that opportunity? Perhaps as a show of faith that the respect of alternative views mentioned in the Mayor's Notice of Motion is genuine and heartfelt.

***Response from Manager Governance, Customer and Communications***

***The Notice of Motion re Australia Day will be discussed today by Councillors and it would not be appropriate to make comment on the matter beforehand.***

2. With regard to Graham Costin's question at the last meeting regarding the timeframes for presenting questions for council meetings, the Manager, Governance undertook to list it for consideration when the governance rules are next reviewed. My question is, if a governance rule such as the above does not serve the interests of the community, why not change it before the next meeting? After all, if our car breaks down between services we would not keep it in the garage until the next annual service would we?

***Response from Manager Governance, Customer and Communications***

**The change to Governance rules requires a resolution of Council to exhibit draft changes to the document and a subsequent public exhibition period. This would generally occur as part of an overall review of the rules and we have not set a timeframe for that yet.**

**Tim Cobb**

1. In previous years rating structure reviews Council has provided a detailed analysis of options considered, their impacts and a full consultation period. Why did council decide this time to reject transparency and risk proper governance by proposing significant changes while providing minimal analysis, no justification for changes whatsoever and a timeframe too short to comply with Council's own standards for consultation?



2. Historic Council data shows that the proportion of total rate revenue coming from farmers has fallen significantly over the last 15 years (from 29% to 25% of total) with an increased burden borne by residential property and businesses. Why therefore does Council now propose to slash the farm rate differential by 13% (75 to 65) and transfer even more burden to residential ratepayers and renters when Council has declared a housing crisis?

#### ***Response from General Manager Corporate Services***

***Information was provided to assist with outlining the proposed changes to the rating differential framework and their impacts. Additional information and some analysis was provided during the consultation period on Council's website using data from the 2024-25 year to further assist in demonstrating the impacts of the proposed changes to the two differential categories.***

***The rationale for the proposed changes was outlined in the report seeking endorsement of the Revenue and Rating Plan that went to the Council Meeting in March 2025.***

***Also outlined in the report was the timeline that was required to ensure the Revenue and Rating plan was able to exhibited, submissions considered and the plan adopted, all prior to the adoption of the 2025-26 budget.***

***As can be seen through previous budget documents, total value of Rural Farm properties CIV's has increased significantly each year over the last 5 financial years.***

#### **Graham Costin**

***Mr Costin submitted several questions which relate to the Municipal Monitor's Report and specifically the actions of the previous Council in relation to setting rates. Mr Costin opposes the assertion that Council adopted budgets with rates set below the "Fair Go" rate cap in each year to the detriment of the sustainability of the organisation.***

***These questions were taken on notice. A response will be provided to Mr Costin.***

## **QUESTIONS RECEIVED VERBALLY AT THE MEETING**

**Yvonne Francis**

Thank you, Mayor Schram. My question bears a strong link to a previous question that was handled on notice and that might assist with the answer.

Would the Colac Otway Shire consider another strategy for providing youth accommodation, than sleeping in old garages to shelter those coming to work here, instead of allowing the former preschool and teachers units to become another eye sore like the abandoned male toilets opposite the rear of the top pub. For example, renovating the teachers units and the former preschool in McLachlan Street.

### ***Response General Manager Community and Economy***

***Thanks for the question. In regard to the former preschool, council's got a position on providing that back to the community through a trust that's just been established and I understand that's in the final throws of occurring. So that's a great outcome for the community. Regarding the Department of Education flats in Nelson Street, my understanding is that they're still being used but happy to follow that up with the local school to see what the status of that is. That would be a department decision, not a council decision.***

**Lyni Munro**

Good afternoon everyone. I'm a long-term resident here in Apollo Bay and I've always been in tourism. That is how we make our living here. Now I'm at retirement age, my husband and I, and we have a short-term rental in our superannuation fund. Now a lot of people that live here are like me. We make our living out of tourism, and we do have short-term rentals. Otherwise, we wouldn't have a living.

Now we're already paying a higher land tax to the state government. We're paying a 7 and a half percent short-term rental tax to the state government, and now you're proposing a higher rate for us. I just want to know why you think it's a great idea to put the rates up on short-term rentals?

### ***Response General Manager Corporate Services***

***Through you Mayor, the submissions process on the revenue and rating plan is still open. It does close end of business tonight, but I'm sure if you still wanted to make a submission to that process, we would accept it right through to the end of today. That's the appropriate forum to voice these concerns and issues.***

**Rod Beercroft**

Just a couple of questions in relation to rates. The Essential Services Commission states that the Shire can only put the rates up 3% and we understood it was going to be greater than that. The other part was why does the rate payers householders have to bear the burden of the reduction by the Shire on the farm rate?



**Response General Manager Corporate Services**

*Through you Mayor. The rating structure is a complex one, the essential services commission recommended to the state government an increase in the rate cap. The state government set that at 3% and that 3% relates to the overall increase in the rating revenue the council can collect. The rating and revenue strategy shows how that's divided up amongst the six differential rating categories. Any change to one of those differential rating categories gets picked up or down by the other categories. That's how that's been articulated through the draft plan.*

**Peter Jacobs**

Peter Jacobs is my name I live at Separation Creek. My question is in regard to the council making a decision today on Stanway Drive, making it into a highway. My question is in the committee forum before, we raised items. I read in the agenda, our submissions were not fully included and the items that we requested were not in the agenda. Why is that?

The other thing I have concerns about, because the councillors would not be fully aware of, what our concerns are when making it into a highway. So my question is why in the briefing of the summary in the agenda today, those items were not included?

**Response General Manager Corporate Services**

*Through you Mayor. Thanks Mr Jacobs, all those submissions that were received as part of the public consultation process were provided to councillors. They have seen all the submissions and the issues that have been raised. I gather some of the issues that you're referring to, the safety aspects of the road and things like that, have been provided to Councillors, so that's part of their consideration in making the decision today.*

**Elizabeth Ryan**

1. My first question, I have raised this before, is why customer reference numbers are not routinely issued and why are contact methods e.g. Email, ignored? I'd like to tell everybody I got a rates final notice. I'm a dairy farmer. To be told that you haven't paid your rates is intimidating. Then to get a phone call from one of your officers at quarter 6 two nights later a mobile number that I didn't recognise is intimidating and unfair.

**Response General Manager Corporate Services**

*Ms Ryan, the phone call was made because we understand what the implications of getting such a notice was and your contact with council was expressing your absolute concern over getting that notice. There was an issue with our system that generated several notices incorrectly and you were one of them. We were determined to contact all those people as soon as possible to put their mind at ease that they had been issued with those notices incorrectly and there'd be no further action, and to disregard.*

*You have expressed preferences in the way that you wanted to be um communicated with through council. The officer at that time wasn't aware of your preferences, and as*

*I say, we would we wanted to contact all our rate payers as soon as possible and so tried to make that phone call. We apologise, we're aware of the way that you want to be communicated with and so we'll maintain that.*

Elizabeth Ryan

In relation to the intersection of Cape Otway Road, Whoorel Station Road, and Conns Lane.

2. Is the speed limit going to be reduced?

**Response General Manager Infrastructure and Operations**

*Thanks for the question, Ms Ryan. We met a couple of weeks ago and I think even though there were many people there than I anticipated, it was a very good meeting to understand the concerns of the residents about that intersection. There seemed to be broad agreement that residents were keen to see a speed reduction in Cons Lane and I agreed at the time that we would go away and consider that suggestion. That's something that we're still in the process of doing and we'll get back in touch with you when we make further progress with that.*

## **5 PETITIONS / JOINT LETTERS**

Nil reports.



**Item: 6.1**

**Planning Scheme Anomalies Amendment**

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. List of Planning Scheme Anomalies [6.1.1 - 10 pages]

*Cr Schram declared a conflict of interest pursuant to Section 127 of the Local Government Act 2020 and left the meeting at 1.40pm, returning at 1.43pm when discussion on the item concluded.*

Cr Schram	General	Item 6.1 – Planning Scheme Anomalies	In relation to properties on Polwarth Street.
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**RESOLUTION**

*Moved Cr Potter, Seconded Cr McCrickard*

**That Council:**

- 1. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise the preparation and exhibition of Amendment C131cola to the Colac Otway Planning Scheme.*
- 2. Pursuant to section 19 of the Planning and Environment Act 1987, places Amendment C131cola on public exhibition for a period of 6 weeks.*
- 3. Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C131cola documents prior to sending to the Minister for Planning for authorisation.*

**CARRIED 5 : 0**

**Item: 6.2**

**Development Plan (DPO9) – Hillview, Elliminyt –  
Development Plan for approval**

<b>OFFICER</b>	Bernadette McGovan
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Development Plan Report Urban Design Masterplan Open Space and Landscape Masterplan Shared Infrastructure Funding Plan Affordable/Key Worker Housing Contribution Plan
<b>ADDRESS AND PROPERTY DETAILS</b>	56 Harris Road, 62A, 62B, 62C and common property associated with 62 Harris Road, 78 and 90 Harris Road and 17, 45, 65 and 85 Colac Lavers Hill Road, Elliminyt
<b>PROPOSAL</b>	'Hillview' Elliminyt Development Plan
<b>TRIGGER FOR DETERMINATION BY COUNCIL</b>	Consideration of Development Plan
<b>ZONE</b>	General Residential Zone (GRZ1)
<b>OVERLAYS</b>	Development Plan Overlay, Schedule 9 (DPO9) - Hillview' Elliminyt Development Plan Part Land Subject to Inundation, Schedule 1 (LSIO1)
<b>CULTURAL HERITAGE</b>	N/A



## RECOMMENDATION

*That Council:*

- 1. Approves the Development Plan prepared under Schedule 9 to the Development Plan Overlay for 'Hillview' Elliminyt as per Attachments 1, 2, 3, 4 and 5 to this report, subject to any changes required to those documents by the CFA.*
- 2. In the event minor revisions are required to the plans by the CFA, authorises officers to issue the approved Development Plan once those changes have been made by the proponent.*
- 3. That officers advise all parties directly notified about the Development Plan, and members of the public that made submissions, of Council's decision to approve the Development Plan.*

## RESOLUTION

*Moved Cr Schram, Seconded Cr Buchanan*

*That Council:*

- 1. Defers consideration of the Development Plan prepared under Schedule 9 to the Development Plan Overlay for 'Hillview' Elliminyt, as per Attachments 1, 2, 3, 4 and 5 to this report, for officers to request that the proponent make the following amendments to the Development Plan:*
  - a) Any changes required to those documents by the CFA.*
  - b) The extension westwards of Boronia Way to provide vehicular access to Colac-Lavers Hill Road and to 45 Colac-Lavers Hill Road as part of stage 1 of the Development Plan.*
  - c) Two vehicular access/egress points being provided to the land from Colac Lavers Hill Road, in addition to the entrance to the Land Lease Community, to the satisfaction of Council and the Department of Transport and Planning.*
- 2. Considers the Development Plan at a future Council or Planning Committee meeting when either the requested changes have been made or the proponent has confirmed either that no revisions are being made or, in the event some changes are made, the amended version of the Development Plan to be considered.*

**CARRIED 5 : 1**

<b><i>For</i></b>	<b><i>Against</i></b>
<b><i>Cr Schram</i></b>	<b><i>Cr Potter</i></b>
<b><i>Cr Howard</i></b>	
<b><i>Cr De Deugd</i></b>	
<b><i>Cr Buchanan</i></b>	
<b><i>Cr McCrickard</i></b>	



Item: 6.3

**PP206/2024-1 - 205 Birregurra Road BIRREGURRA -  
Use and Development of Dwelling**

<b>ADDRESS AND PROPERTY DETAILS</b>	205 Birregurra Road, Birregurra Lot 1 TP: 80236 V/F: 10215/285	<b>APPLICATION NUMBER</b>	P206/2024-1
<b>PROPOSAL</b>	Use and Development of a Dwelling and Alteration of Access to a Road in a Transport Zone 2		
<b>PERMIT TRIGGERS</b>	FZ – 35.07-1 - use of the land for a dwelling FZ – 35.07-4 - building and works Clause 52.29-2 – Creation or alteration of access to a road in a Transport Zone 2		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Dwelling in the Farming Zone		
<b>ZONE</b>	Farming Zone Adjacent Transport Zone 2	<b>OVERLAYS</b>	Nil
<b>COVENANTS</b>	Nil		
<b>CULTURAL HERITAGE</b>	No		
<b>OFFICER</b>	Tom Milverton	<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy		
<b>ATTACHMENTS</b>	Application Plans		

## RESOLUTION

*Moved Cr Howard, Seconded Cr Potter*

*That the Planning Committee resolves to grant a permit for the use and development of the land for a dwelling, associated works and alteration of access to a road in a Transport Zone 2 at 205 Birregurra Road, Birregurra (Lot 1 TP: 80236 V/F: 10215/285), subject to the following conditions:*

### *Endorsed Plans*

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority*

### *Dwelling Infrastructure*

- 2. Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:*

- a) The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
- b) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*
- c) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

### *Driveway*

- 3. Prior to the commencement of the use hereby permitted the driveway must be constructed to an all-weather standard and with a minimum width of 3m to the satisfaction of the Responsible Authority.*

### *Stormwater*

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

### *Wastewater*

- 6. A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all wastewater is at all times*



*contained within the curtilage of the site. The design and installation of any wastewater disposal system for any building on the land must comply with the EPA Guidelines for Onsite Wastewater Management (May 2024, or as amended) and the EPA Effluent Dispersal and Recycling Systems Guidance (May 2024, or as amended), to the satisfaction of the Responsible Authority.*

**No Gas Connection**

7. *Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed*

**Section 173 Agreement**

8. *Prior to the commencement of the use and/or development, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the title of the land at 150 Birregurra Road, Birregurra (Lot 1 TP109895 V/F: 10059/986) so as to run with the land, and must provide for the following:*

- a) *Lot 1 TP109895 V/F: 10059/986 at 150 Birregurra Road, Birregurra will not be used or developed for a dwelling.*

*The agreement will be registered on the title of Lot 1 TP109895 (V/F: 10059/986) in accordance with Section 181 of the Planning and Environment Act 1987.*

**Department of Transport and Planning condition**

9. *Before the development starts the accessway and crossover must be constructed generally in accordance with the design of a Typical Rural Driveway Access to Rural Properties (see attached drawing GD4010) with no compromise to operational road safety or efficiency or public safety. All works must be undertaken to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and at no cost to the Department of Transport.*

**Expiry**

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

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

#### Notes

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling.*
2. *Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
3. *A separate application to install/alter an onsite wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment (LCA) be amended or updated by a suitably qualified person and submitted for approval at the wastewater permit application stage. The LCA must be accompanied by a detailed system design if required by the Health Protection Unit.*

#### Department of Transport and Planning

4. *The proposed accessway requires works within the road reserve. Before the works start a separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. When ready, an application must be submitted on:  
<https://rapp.transport.vic.gov.au/>*

CARRIED 6 : 0



Item: 6.4

**PP214/2024-1 - 75 McDonalds Road, Kwarren - Use and Development of a Dwelling**

<b>ADDRESS AND PROPERTY DETAILS</b>	75 McDonalds Road, Kwarren Lot 1 TP374639 V/F: 6390/812	<b>APPLICATION NUMBER</b>	PP214/2024-1
<b>PROPOSAL</b>	Use and Development of a Dwelling		
<b>PERMIT TRIGGERS</b>	FZ – Clause 35.07-1 - use of a lot less than 40ha for a dwelling FZ – Clause 35.07-4 – building and works ESO3 – Clause 42.01-2 – buildings and work SLO1 – Clause 42.03-2 – building and works EMO1 – Clause 44.01-2 – building and works BMO – Clause 44.06-2 – building and works		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Dwelling in the Farming Zone		
<b>ZONE</b>	Farming Zone	<b>OVERLAYS</b>	Environmental Significance Overlay, Schedule 2 (ESO2) – Lakes, Wetlands and Watercourses – 5.82% Environmental Significance Overlay, Schedule 3 (ESO3) – Declared Water Supply Catchments – 100% Significant Landscape Overlay, Schedule 1 (SLO1) - Valleys, Hills and Plains Landscape Precinct – 100% Erosion Management Overlay, Schedule 1 (EMO1) - 45.69% Bushfire Management Overlay (BMO) - 100%
<b>COVENANTS</b>	Nil		

**CULTURAL HERITAGE**

The site is in an area of cultural heritage sensitivity, but the proposal is not classed as a high impact activity.

**OFFICER**

Tom Milverton

**GENERAL MANAGER**

Ian Seuren

**DIVISION**

Community and Economy

**ATTACHMENTS**

Application Plans

## RESOLUTION

*Moved Cr Howard, Seconded Cr Potter*

*That the Planning Committee resolves to grant a permit for the use and development of land for a dwelling and associated works at 75 McDonalds Road, Kawarren (Lot 1 TP374639 V/F: 6390/812), subject to the following conditions:*

*Endorsed Plans*

1. *The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

*Compliance with Geotechnical Assessment*

2. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by AGR GeoSciences Pty Ltd (ref. 24D1029GTA, dated 12 June 2024) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

*Dwelling Infrastructure*

3. *Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:*
  - a) *The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
  - b) *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*
  - c) *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*



#### *Driveway*

4. *Prior to the commencement of the use hereby permitted, the driveway must be constructed to an all-weather standard and with a minimum width of 3.5m to the satisfaction of the Responsible Authority.*

#### *Stormwater*

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

#### *No Gas Connection*

7. *Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed*

#### *Wastewater*

8. *A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all wastewater is at all times contained within the curtilage of the site. The design and installation of any wastewater disposal system for any building on the land must comply with the EPA Guidelines for Onsite Wastewater Management (May 2024, or as amended) and the EPA Effluent Dispersal and Recycling Systems Guidance (May 2024, or as amended), to the satisfaction of the Responsible Authority.*
9. *All works and development associated with this permit must be carried out in accordance with the Land Capability Assessment prepared by AGR GeoSciences Pty Ltd (Ref. No. 23F0961LCAv3, dated 29/08/23 and revised 11/06/2024) or as otherwise agreed in writing by the Responsible Authority.*

*The number of bedrooms must not exceed 1.*

#### *Wannon Water conditions*

10. *Sewage, sullage and other liquid wastes from the development must be treated to a minimum standard of 20mg/L BOD, 30mg/L suspended solids and 10 cfu/100ml E. coli and retained onsite by a wastewater management system.*
11. *The system must be in accordance with the Land Capability Assessment (LCA) Report Number 23F0961LCAv3, prepared by AGR GeoSciences PTY LTD, 11 June 2024. Prior to the statement of compliance, the Land Capability Assessment must be endorsed under the permit. As mentioned in the Land Capability Assessment, the wastewater must be dispersed to a Wisconsin Mound, constructed to the appropriate specification with compliance inspection points to confirm adherence to the construction specification.*

12. *The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the EPA's 'Guidelines for onsite wastewater effluent dispersal and recycling systems', and 'Guidelines for onsite wastewater management', 2024 (as updated or replaced) and the relevant Australian Standard(s) and must be approved in writing by the relevant authority.*
13. *The wastewater disposal area must be appropriately sized, constructed and conditioned in accordance with the Land Capability Assessment and*
  - a) *Located:*
    - i. *A minimum of 100 metres from the nearest waterway (including dam adjoining waterway).*
    - ii. *A minimum of 40 metres from the nearest drainage line.*
    - iii. *A minimum of 20 metres from the nearest bore.*
  - b) *Located to the satisfaction of the relevant authority.*
  - c) *Must not be located on land that has a slope of greater than 20 percent.*
14. *All wastewater must be applied to the wastewater disposal area via pressure-compensating sub-surface irrigation installed along the contour.*
15. *The system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area based on a full water balance specific to the proposal and land in accordance with the EPA's guidelines.*
  - a) *The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance.*
  - b) *Stormwater must not cause erosion and must minimise the transport of sediment offsite and must be diverted away from the wastewater disposal area.*
  - c) *A reserve wastewater disposal area sized appropriately must be provided for use in the event that the primary wastewater disposal area requires resting or has failed.*
  - d) *A cut-off diversion drain must be installed upslope of the wastewater disposal area.*
  - e) *A five-metre-wide vegetated buffer strip consisting of indigenous native shrubs and grasses must be planted down slope of the wastewater disposal area.*
  - f) *The disposal areas, and any recommendations for fencing or the prevention of trafficable access to the disposal area, which are set out in*



*the Land Capability Assessment, must be shown on the site plans that form part of the permit.*

16. *An annual inspection of the wastewater management system and the wastewater effluent (to ensure compliance with the 20/30/10 standard) must be undertaken at the cost of the owner by a competently trained person or servicing agent, and a report of the inspection must be forwarded to council within two weeks of its completion.*
17. *The owner must carry out the works identified in the report or as otherwise required by council as soon as practicable. Such works must be at the cost of the owner and must be documented and reported to council.*
18. *The owner must have the system desludged at least once every three years and evidence of this fact must be provided in the annual written report.*
19. *If the wastewater program proves to be unsustainable, the owner must immediately rectify the wastewater treatment system.*
20. *Unless the dwelling is connected to a reticulated sewerage system, a dwelling on this land must contain no greater than one bedroom (or rooms that can be used as bedrooms).*
21. *The permit is conditional on all fittings and fixtures having a 4-star WELS rating or better.*
22. *All construction and ongoing activities must be in accordance with sediment control principles outlined in EPA publication 275 – Construction techniques for sediment pollution control (as updated or replaced) until the disturbed areas associated with the development have been permanently stabilised or revegetated to the satisfaction of the council.*

#### **CFA conditions**

23. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*
24. *Before the development starts, the Bushfire Management Plan, 75 McDonalds Road Kawarren, 23-19, v02, Jan 2025 prepared by Rod Bright & Associates Pty Ltd must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority*

#### **Expiry**

25. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two years of the date of this permit.*

- b) The development is not completed and the use has not commenced within four years of the date of this permit.*

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

**Notes**

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling.*
- 2. Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
- 3. A separate application to install/alter an onsite wastewater management system must be submitted and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment (LCA) be amended or updated by a suitably qualified person and submitted for approval at the wastewater permit application stage. The LCA must be accompanied by a detailed system design if required by the Health Protection Unit.*

**CARRIED 6 : 0**



Item: 7.1

## Project Budget Adjustments and Cash Reserve Transfers

OFFICER	Brendan Walsh
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

### RESOLUTION

*Moved Cr Howard, Seconded Cr McCrickard*

*That Council:*

- 1. Approves the funding in Table 2 for initiation of a new project.*
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

**CARRIED 6 : 0**

Item: 7.2  
**Colac Otway Shire 2025-26 Draft Budget - Endorse  
for Exhibition**

OFFICER	Xavier Flanagan
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	1. Draft Budget 2025-26 [7.2.1 - 73 pages] 2. Draft 2025-26 Fees and Charges [7.2.2 - 36 pages]

## **RESOLUTION**

*Moved Cr Schram, Seconded Cr Howard*

*That Council:*

- 1. Endorses the Draft Budget 2025-26 for the financial year, and subsequent 3 financial years, for the purposes of Section 94 of the Local Government Act 2020, including the Draft 2025-26 Fees and Charges.*
- 2. Gives public notice via Council's website, local newspapers and social media that Council has prepared a Draft Budget for the 2025-26 year and subsequent 3 financial years, including the Draft 2025-26 Fees and Charges.*
- 3. Determines that the public consultation period will be no less than 28 days from the initial public notice, to ensure sufficient time to consider submissions and adopt the budget by 30 June 2025.*
- 4. Schedules a Submissions Committee meeting to be held on Tuesday 10 June 2025, commencing at 3pm at the Colac Otway Performing Arts and Cultural Centre, to provide the opportunity for any person wishing to speak to their written submission to be heard, or a nominated representative to speak to their submission on behalf of the person.*
- 5. Authorises the Chief Executive Officer to undertake administrative procedures necessary to enable Council to carry out its obligations under sections 94, 95 and 96 of the Local Government Act 2020.*



6. *Considers for adoption the Budget 2025-26, and subsequent 3 financial years, including the 2025-26 Fees and Charges at the Council Meeting scheduled to be held on Tuesday 24 June 2025 at 1pm at Colac Otway Performing Arts and Cultural Centre after consideration of any written and verbal submissions received by Council.*

**CARRIED 6 : 0**

**Item: 7.3**

## **Draft Road Management Plan 2025-2029**

<b>OFFICER</b>	Doug McNeill
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Current Road Management Plan - Adopted 2021 [7.3.1 - 34 pages]</li><li>2. Draft Road Management Plan 2025-2029 - for exhibition [7.3.2 - 37 pages]</li><li>3. RMP Comparison Report [7.3.3 - 22 pages]</li></ol>

*This item was deferred from the Council Meeting held on 25 March 2025.*

## **RESOLUTION**

*Moved Cr Howard, Seconded Cr Potter*

*That Council:*

1. *Notes that Council has an adopted Road Management Plan under the Road Management Act 2004 and that its objective is to outline how Council will manage its road management functions based on policy, operational objectives and available resources.*
2. *Notes that under the Road Management (General) Regulations 2016 Council is required to review its Road Management Plan no later than 31 October 2025.*
3. *Notes that a review of the Road Management Plan adopted by Council in 2021 has been reviewed through engagement with key internal stakeholders and been translated into a format consistent with a template distributed by the Municipal Association of Victoria.*
4. *Authorises public notice of the draft Road Management Plan 2025-2029 for a minimum of six weeks for the purpose of inviting submissions.*
5. *Provides the opportunity for any person wishing to speak to their written submission to be heard, or for a nominated representative of that person to speak to the submission on their behalf, at a Submissions Committee meeting prior to Council considering a report on the final version of the Road Management Plan 2025-29.*

**CARRIED 6 : 0**



Item: 7.4

## Grey Headed Flying Fox Management at Colac Botanic Gardens

OFFICER	Dave Thornburg
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	<ol style="list-style-type: none"><li>Options for GHFF Management at Colac Botanic Gardens - April 2025 [7.4.1 - 4 pages]</li><li>GHFF Management Decision Matrix [7.4.2 - 4 pages]</li><li>Grey Headed Flying Fox Roosting Locations Map [7.4.3 - 1 page]</li></ol>

## RESOLUTION

*Moved Cr Potter, Seconded Cr McCrickard*

*That Council:*

- Notes the options presented to Council for future management of the Grey Headed Flying Fox (GHFF) camp within the Colac Botanic Gardens.*
- Notes that dispersal of the GHFF to areas outside of the Gardens was trialled in 2019 and later discontinued in preference to 'nudging' of the GHFF to different trees within the Gardens, which is the method supported by the Department of Energy Environment and Climate Action (DEECA) through the previous permit issued for this activity.*
- Notes that 'nudging' of the GHFF needs to be undertaken as an ongoing activity to avoid roosting in the significant heritage trees, costing Council approximately \$60,000 per annum.*
- Determines not to continue active management of the GHFF camp in the form of 'nudging' of flying foxes to different parts of the Gardens, noting that:*
  - Arborist advice has been sought which indicates the health of heritage trees is unlikely to deteriorate significantly in this scenario, but this can be monitored.*
  - This outcome would have less impact on the health of the flying foxes.*
  - There would be no further approvals required from the State or Federal Governments under relevant environment protection legislation.*
  - The change in management would result in financial savings.*
- Notes that monitoring of GHFF camp numbers and the health of trees in the Botanic Gardens will be undertaken to understand the on-going GHFF activity and impact on the Gardens.*

**CARRIED 4 : 2**

<b><i>For</i></b>	<b><i>Against</i></b>
<b><i>Cr De Deugd</i></b>	<b><i>Cr Schram</i></b>
<b><i>Cr Howard</i></b>	<b><i>Cr Buchanan</i></b>
<b><i>Cr McCrickard</i></b>	
<b><i>Cr Potter</i></b>	



Item: 7.5

## Proposal to Declare a Road to be a Public Highway (Extension of Stanway Drive)

OFFICER	David Butterfield
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	1. Public Notice - Proposal to Declare a Road to be a Public Highway - 67 Karingal Drive, Wye River [7.5.1 - 2 pages]

### RECOMMENDATION

**That Council:**

1. *Resolves to declare that part of the land contained in certificate of title volume 10677 folio 083 and known as (part) 67 Karingal Drive, Wye River as shown highlighted pink on the plan in the relevant public notice (Subject Land) to be a public highway pursuant to section 204(1) of the Act, for the reason that the whole of the Subject Land is required for public use.*
2. *Authorises the publishing of a notice in the Victoria Government Gazette declaring the Subject Land to be a public highway pursuant to section 204(1) of the Act.*
3. *Authorises the Chief Executive Officer to notify submitters in writing of Council's decision and the reasons for the decision (being the reasons set out in the accompanying report).*

## **RESOLUTION**

*Moved Cr Potter, Seconded Cr De Deugd*

*That Council:*

- 1. Resolves to declare that part of the land contained in certificate of title volume 10677 folio 083 and known as (part) 67 Karingal Drive, Wye River as shown highlighted pink on the plan in the relevant public notice (Subject Land) to be a public highway pursuant to section 204(1) of the Act, for the reason that the whole of the Subject Land is required for public use.*
- 2. Authorises the publishing of a notice in the Victoria Government Gazette declaring the Subject Land to be a public highway pursuant to section 204(1) of the Act.*
- 3. Authorises the Chief Executive Officer to notify submitters in writing of Council's decision and the reasons for the decision (being the reasons set out in the accompanying report).*
- 4. Council considers the safety measures that have been suggested by the community in the submission process.*

**CARRIED 6 : 0**



Item: 7.6

## Revocation - Instrument of Authorisation - Planning and Environment Act - Dora Novak

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"><li>1. For revocation - Signed Instrument of Appointment and Authorisation - Dora Novak - Planning &amp; Enviro [7.6.1 - 1 page]</li><li>2. For Revocation - Signed Instrument of Appointment and Authorisation - Dora Novak - Planning &amp; Enviro [7.6.2 - 1 page]</li></ol>

### RESOLUTION

*Moved Cr Howard, Seconded Cr Potter*

*That Council revokes the Instruments of Appointment and Authorisation under the Planning and Environment Act 1987 to Dora Novak, dated 5 July 2017 and 25 February 2021 (refer Attachment 1 and 2).*

**CARRIED 6 : 0**

Item: 8.1

## Election Report: 2024 Colac Otway Shire Council general election

OFFICER	Anne Howard
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Attachment 1 - Election Report 2024 Colac Otway Shire Council general election [8.1.1 - 50 pages]

### RESOLUTION

*Moved Cr Howard, Seconded Cr Buchanan*

*That Council notes the Election Report provided by the Victorian Electoral Commission for the 2024 Colac Otway Shire general election.*

**CARRIED 6 : 0**



Item: 8.2

## Audit and Risk Committee Meeting - Unconfirmed Minutes - 13 March 2025

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Unconfirmed Minutes - Audit and Risk Committee - 13 March 2025 [8.2.1 - 18 pages]

### RESOLUTION

*Moved Cr Howard, Seconded Cr Schram*

*That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 13 March 2025.*

**CARRIED 6 : 0**

**Item: 8.3**

## **Report of Informal Meetings of Councillors**

<b>OFFICER</b>	Council Business
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Informal Meeting of Councillors Record SAC Mar 21 2025 [<b>8.3.1</b> - 1 page]</li><li>2. Informal Meeting of Councillors - 25 March 2025 Council Meeting Preparation [<b>8.3.2</b> - 4 pages]</li><li>3. Informal Meeting of Councillors - Councillor Briefing 1 April 2025 [<b>8.3.3</b> - 2 pages]</li><li>4. Informal Meeting of Councillors - Councillor Briefing 8 April 2025 [<b>8.3.4</b> - 2 pages]</li><li>5. Informal Meeting of Councilors - Pre Planning - 8 April 2025 [<b>8.3.5</b> - 2 pages]</li><li>6. Informal Meeting of Councilors - Councillor Briefing 15 April 2025 [<b>8.3.6</b> - 3 pages]</li></ol>

*This item did not require a formal decision of Council.*



## 9 URGENT BUSINESS

*Cr Howard proposed an item of Urgent Business be admitted to the agenda.*

*Moved Cr Howard, Seconded Cr Potter*

*That Council:*

*Admit an item of urgent business to appoint an Acting Chief Executive Officer.*

**CARRIED 6 : 0**

## RESOLUTION

*Moved Cr Howard, Seconded Cr McCrickard*

*That Council:*

- 1. Accept the resignation of Ms Anne Howard CEO Colac Otway Shire Council and thank her for her years of dedicated service*
- 2. Appoint Mr Andrew Tenni as acting CEO commencing on Monday 5 May for a period of up to eight weeks pending appointment of an interim CEO within that timeframe*
- 3. Authorise the administration to advertise for a recruitment agent to manage the process of recruiting the CEO*
- 4. Note it is intended Council will appoint an interim CEO at its meeting May 2025 to support Council through until the appointment and commencement of a substantive CEO likely in the latter half of this calendar year.*

**CARRIED 6 : 0**

Item 10.1  
**Notice of Motion 354 24-25 - Cr Buchanan - Climate Change**

**COUNCILLOR** Cr Buchanan

**ATTACHMENTS** Nil

**NOTICE OF MOTION**

*Moved Cr Buchanan, Seconded Cr Howard*

*That Council:*

- 1. Remove the following words from page 6 of Colac Otway Shire Council's Climate Change Action Plan, under the heading "Colac Otway Community Emissions Profile"; "The largest source of emissions in the shire was from agriculture, which accounted or 48% of the total emissions."*
- 2. Develop a plan to provide a small grant program that allocates funds to assist farmers to undertake tree planting, with potential for partnerships with community based not for profit organisations.*
- 3. Re-allocate funds previously set aside to purchase carbon offsets to fund any grant program established under point 2, beginning from the 2025-26 financial year.*

**AMENDMENT MOTION**

*Moved Cr De Deugd, Seconded Cr McCrickard*

*That Council makes amendments to the following points:*

- Change to point 1 to remove the entire table estimating emissions contributions.*
- A change to point 2 to add the following words after 'tree planting' to include 'or other environmental initiatives'*



**TIED 3 : 3**

<i>For</i>	<i>Against</i>
<i>Cr De Deugd</i>	<i>Cr Buchanan</i>
<i>Cr McCrickard</i>	<i>Cr Howard</i>
<i>Cr Potter</i>	<i>Cr Schram</i>

**Casting Vote: Mayor**

**CARRIED 4 : 3**

<i>For</i>	<i>Against</i>
<i>Cr De Deugd</i>	<i>Cr Buchanan</i>
<i>Cr McCrickard</i>	<i>Cr Howard</i>
<i>Cr Potter</i>	
<i>Cr Schram</i>	

## **RESOLUTION**

**Moved Cr Buchanan, Seconded Cr Howard**

**That Council:**

- 1. Removes the entire table estimating emissions contributions from page 6 of Colac Otway Shire Council's Climate Change Action Plan, under the heading "Colac Otway Community Emissions Profile".**
- 2. Develops a plan to provide a small grant program that allocates funds to assist farmers or other relevant groups to undertake tree planting, or other environmental initiatives, with potential for partnerships with community based not for profit organisations.**
- 3. Re-allocates funds previously set aside to purchase carbon offsets to fund any grant program established under point 2, beginning from the 2025-26 financial year.**

**CARRIED 6 : 0**

Item 10.2

**Notice of Motion 355 24-25 - Cr Schram -  
Community Awards**

COUNCILLOR Cr Schram

ATTACHMENTS Nil

**NOTICE OF MOTION**

*Moved Cr Schram, Seconded Cr Buchanan*

*That Council:*

- 1. Hold the citizenship ceremony and community awards on Australia Day 2026 and each year following on Australia Day*
- 2. Reviews the community award categories by the end of August 2025*
- 3. Holds an Australia Day event to be determined, such as, but not limited to a festival, market, music event, community barbeque*
- 4. Invites expressions of interest for community groups to host or co-host the event or COS will host the event at the Lake Colac foreshore*
- 5. Acknowledges that not all members of our community choose to celebrate Australia Day on the date set by the Federal Government and respect all community members views*

**AMENDMENT MOTION**

*Moved Cr De Deugd*

*That Council adds new paragraphs:*

- 1. Notes that the federal government recommends celebrating within the date range of the 23rd to the 29th of January*
- 2. Amending point 1 to hold the citizenship ceremony and community awards on the last weekend of January.*

*This amendment motion was ruled out of order by the Mayor.*



## RESOLUTION

*Moved Cr Schram, Seconded Cr Buchanan*

*That Council:*

- 1. Hold the citizenship ceremony and community awards on Australia Day 2026 and each year following on Australia Day*
- 2. Reviews the community award categories by the end of August 2025*
- 3. Holds an Australia Day event to be determined, such as, but not limited to a festival, market, music event, community barbeque*
- 4. Invites expressions of interest for community groups to host or co-host the event or COS will host the event at the Lake Colac foreshore*
- 5. Acknowledges that not all members of our community choose to celebrate Australia Day on the date set by the Federal Government and respect all community members views*

**TIED 3 : 3**

<i>For</i>	<i>Against</i>
<i>Cr Schram</i>	<i>Cr De Deugd</i>
<i>Cr Buchanan</i>	<i>Cr McCrickard</i>
<i>Cr Howard</i>	<i>Cr Potter</i>

**Casting Vote: Mayor**

**CARRIED 4 : 3**

<i>For</i>	<i>Against</i>
<i>Cr Schram x2</i>	<i>Cr De Deugd</i>
<i>Cr Buchanan</i>	<i>Cr McCrickard</i>
<i>Cr Howard</i>	<i>Cr Potter</i>

*The meeting was declared closed at 3.06pm*

**CONFIRMED AND SIGNED** at the meeting held on 27 May 2025.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over a dotted line.

**MAYOR**