



Council Meeting Minutes

9 December 2025 at 1pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE COUNCIL MEETING

Tuesday 9 December 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 9 December 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 and present.

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).

3 MEETING ADMINISTRATION

3.1 Present

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

Andrew Tenni, Chief Executive Officer
David Butterfield, Acting General Manager Corporate Services
Doug McNeill, General Manager Infrastructure and Environment
Ian Seuren, General Manager Community and Economy
Steven O'Dowd, Manager Customer and Communications
Anita Craven, Executive Officer Governance
Matilda Hardy-Smith, Coordinator Council Business

3.2 Apologies and Leaves of Absence

Nil

3.3 Confirmation of Minutes

RESOLUTION

Moved Cr McCrickard, Seconded Cr Hudgell

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

CARRIED 7 : 0

3.4 Declarations of Interest

Nil

4 QUESTION TIME

A maximum of 30 minutes was allowed for question time. In accordance with section 47.3 of Councils Governance Rules, a time limit of 3 minutes per question was allowed, with a maximum of two questions per person. In accordance with rule 47.4, lengthy questions have been summarised.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

I am well aware at times we have had floods only a very few weeks apart. Plus the highway west of Colac proper has been blocked many times due to flooding. Plus the wetlands development south of Colac will be of no value until it is done and has been able to deliver what is claimed it will do.

All your planned works have only been connected with the deans creek valley and complete lack of consideration for the Barongarook Creek Valley that is parts much of the Colac region. We have very many other areas in the Colac, Elliminnyt urban area that need urgent drainage upgrades as the draining is not to standard for built up areas. That includes some high altitude locations near the original Colac cemetery gates.

Response General Manager Infrastructure and Environment

Mr Judd has submitted a letter in relation to flooding in Colac. This letter does not pose a question to Council, Council notes the letter, however no response will be provided today.

James Judd

Mr Judd submitted a question in relation to the Scouts Victoria cabin and lease agreement, particularly in relation to potential flooding in that area.

1. Will this Council have to pay money to allow that site to be used if damaged?

Response Acting General Manager Corporate Services

The Lease is specific in that if the premises is damaged or destroyed the tenant is liable for any remediation of property. The tenant has all required building and public liability insurance. In the event that the premises is damaged or destroyed by actions such as flood, the tenant is responsible, including for the payment of any remediation works.

Michael Fenton

Mr Fenton submitted a letter to Council regarding concerns of the ongoing operation of Daisy's Quarry (WA220) at 165 Bushby's Road, Barongarook.

1. How is it that the privately owned Extractive Industry Operation at 165 Bushby's Road, has and is being permitted to continue on with what was and still is a prohibited activity under all the relevant laws and permissions within an approved residential subdivision?

2. Why are the rights of the surrounding residents being denied in favour of a privately owned commercial business that is conducting a prohibited activity within a designated residential property alongside adjoining residential properties and now being given entire autonomy over its regulatory conditions.

Response General Manager Infrastructure and Environment

As indicated in previous responses to questions raised on this issue, the quarry was lawfully established and operates under a Work Authority overseen by Earth Resources Victoria. The quarry is able to continue operating under this Work Authority provided it meets the conditions of that approval, as well as other more general environmental legislation relating to matters such as noise.

Barb Alford

It was reported on 1.12.2025 that a full reseal of Bushby's Road, between Johnson & Shorts Roads, is going ahead this financial year. Aside from the impact these works will have, the residents & road users will welcome them considering the current deplorable, ever worsening, condition of the road. In the cycle of road resurfacing it does not seem overly long ago this section was resealed, perhaps within the last 15 years.

1. Considering there was no deterioration prior to 2023 when Daisy's purchased the sand quarry and ramped up production under questionable circumstances, I wish to know when the current reseal was scheduled and why?

Response from General Manager Infrastructure and Environment

The resurfacing of Bushby's Road between Johnson and Shorts Road will be undertaken early in 2026 after being identified for inclusion in the 2025-26 reseal program based on asset condition assessments undertaken over the past few years. Roads are normally resealed every 15 to 20 years depending on the surface conditions, to extend the useful life of roads.

Stephen Hart

Response Chief Executive Officer

Mr Hart has lodged two questions in relation to the Expression of Interest for the management of COPACC. As the EOI for COPACC is currently underway and is a confidential process, Council is unable to respond to his questions at this time. This is as per clause 47.9 (c) of Councils Governance Rules, being that the questions seek to reveal confidential information.

Tim Cobb

When the Shire did the Apollo Bay Footpath Strategy they refused to include the Apollo Bay Skenes Creek path because that was a separate project. I now see the Shire is proposing to cease advocacy of the Apollo Skenes Creek Trail.

- 1) Has the Shire or any of the Councillors sought any input or even informed any of the local community (e.g. Apollo Bay Community Voice or Skenes Creek Association) of this proposed change or is the intention just to slip it under the radar?

Response General Manager Community and Economy

At its 29 March 2023 meeting, Council resolved to advocate for a safe pedestrian and cycling link (either shared or separate) to connect Skenes Creek to the existing off-road pathway from Wild Dog Creek to Apollo Bay. There has been no change to Council's position on this issue and therefore there hasn't been an identified need to discuss this further with the community. Council will continue to advocate to relevant organisations seeking a safe pedestrian and cycling link.

It should be noted that Council is considering its 2026 Advocacy Priorities at today's meeting. Council needs to prioritise its key projects and initiatives to align with the needs of our communities along with the focus of other levels of government. In doing this, it's acknowledged that there are many other projects that are important to our communities but might not be considered a key priority at this point in time. It is intended that Council will review its Advocacy Priorities on an annual basis to ensure they continue to align with community needs and government policy.

- 2) Are we any closer to finding out from COS and/or State Government the reasons for the cancellation of the trail project as called for in two Council resolutions and as promised by the CEO at the October meeting?

Response General Manager Community and Economy

As per Council's resolution at the 11 December 2024 meeting, Council sought clarification from the Minister for Regional Development requesting further information about the long-term impacts on the coastal environment. The response provided by Regional Development Victoria on behalf of the Minister stated that the feasibility study undertaken determined that the project was not viable due to the impact on the sensitive coastal environment, an inability to meet regulatory controls, and increased costs to design and construct the proposed trail.

Elizabeth Ryan

Ms Ryan re-submitted two questions from last month's council meeting, stating she is not satisfied with the responses provided.

- 1) 25/11/2025 Could Council please provide an update on the proposed safety works for Conns Lane/Cape Otway Road, Birregurra?
- 2) Could explain why Council has not installed a CROSSROADS sign in Conns Lane to advise road users of the upcoming intersection with the Cape Otway Road, Birregurra?

Response General Manager Infrastructure and Environment

I wish to clarify that the speed limit signs have been erected at Conns Lane and Cape Otway Road, but apologise for mistakenly advising that the stop sign had also been installed. The stop sign at the Conns Lane intersection with Cape Otway Road will be installed with the other agreed traffic management changes in Conns Lane early in 2026.

Council maintains that there is not a need for a 'Crossroads' sign on Conns Lane in the lead up to the Cape Otway Road intersection, as per Australian standards. The safety of the intersection will be improved when the stop sign and rumble strips are installed.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Linda Lucas

- 1) The second lot of soil testings that were completed on Pound Road, have they been completed? Have they been returned? And will they be released to the public?

Response General Manager Infrastructure and Environment

Through you, Mayor. Homes Victoria have commissioned testing of the site in Pound Road and you'd need to speak to or approach Homes Victoria about that testing. I don't know whether that's been completed or not. You need to seek their advice and whether or not they're prepared to release that to you publicly.

Council's undertaking its own testing of the land at the front of the Pound Road depot and that testing still currently underway.

Elizabeth Ryan

- 1) I find frustration with the lack of responses to just simple things. And I'd like to invite Councillors and council to a community meeting to just deal with the one-pointers. There are issues out there in the community that just aren't being resolved. My question is will council have a general community meeting, please?

Response Mayor, Cr Schram

If you want to organise something you can let us know and invite Councillors. It can be up to Councillors for them to respond. Thank you.

5 PETITIONS / JOINT LETTERS

Nil.

Item: 6.1

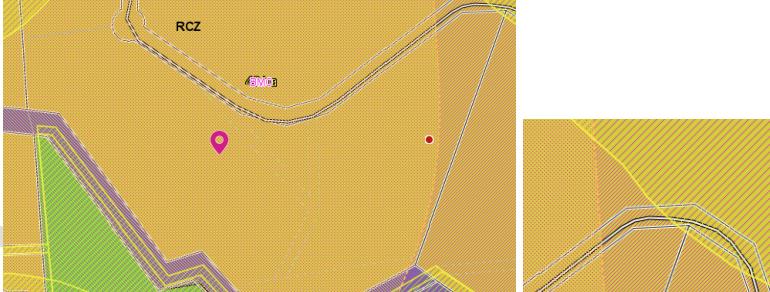
PP186/2024-1 - 4650 Great Ocean Road WONGARRA - Use and Development of land for a Dwelling and Private Bushfire Shelter

| | | | |
|--|---|---------------------------|---|
| ADDRESS AND PROPERTY DETAILS | 4650 Great Ocean Road WONGARRA PC: 382097L V/F: 12610/447 Parish of Wongarra | APPLICATION NUMBER | PP186/2024-1 |
| PROPOSAL | Use and Development of Land for a Dwelling and Private Bushfire Shelter and Removal of Native Vegetation | | |
| PERMIT TRIGGERS | <p>RCZ - Use of the land for a dwelling and private bushfire shelter in the Rural Conservation Zone</p> <p>RCZ - Construction of a dwelling and private bushfire shelter and carrying out of works associated with a Section 2 (permit required) use in the Rural Conservation Zone</p> <p>RCZ - Construction of a building and carrying out of works associated with accommodation in the Rural Conservation Zone within 500 metres of the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i></p> <p>EMO - Construction of a building and carrying out of works in the Erosion Management Overlay</p> <p>EMO - Removal of vegetation in the Erosion Management Overlay</p> <p>BMO - Construction of a building and carrying out of works associated with accommodation in the Bushfire Management Overlay</p> <p>Clause 52.17 (Native Vegetation) - Removal of native vegetation</p> | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE OR COUNCIL | Use and development of a dwelling in the Rural Conservation Zone | | |
| ZONE | Rural Conservation Zone | OVERLAYS | Erosion Management Overlay, Schedule 1 (EMO1) |

Item: 6.1

PP186/2024-1 - 4650 Great Ocean Road WONGARRA - Use and Development of land for a Dwelling and Private Bushfire Shelter

Bushfire
Management
Overlay (BMO)

| | | | |
|--------------------------|---|------------------------|------------|
| COVENANTS | Covenant PS500561V 7/4/2005 Obligations of the owner: <ul style="list-style-type: none">• Development shall not be permitted on ridgelines or form a prominent silhouette on ridgelines.• Development shall not be clearly visible from the Great Ocean Road.• Development shall not be established in areas liable to landslip or soil erosion. | | |
| CULTURAL HERITAGE | A tiny portion in the north-east corner of the lot is in an area of cultural heritage sensitivity, as shown below. The dwelling would not be sited in this location. In addition, a single dwelling is not a high impact activity that requires a Cultural Heritage Management Plan (CHMP).  | | |
| OFFICER | Julia Repusic | GENERAL MANAGER | Ian Seuren |
| DIVISION | Community and Economy | | |
| ATTACHMENTS | 1. Plans [6.1.1 - 5 pages] 2. Bushfire Shelter Plans [6.1.2 - 1 page] | | |

RESOLUTION

Moved Cr Potter, Seconded Cr McCrickard

That the Planning Committee resolves to Grant a Permit for the use and development of the land at 4650 Great Ocean Road, Wongarra (PC: 382097L VF: 12610/447 Parish of Wongarra) for a dwelling and private bushfire shelter and the removal of native vegetation, 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 of Landslide Risk prepared by St Quentin Consulting Pty. Ltd. (Report No: 18245-LRA, dated September 2024) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.***

Retaining Walls

- 3. All retaining walls on site, including those providing support to the proposed structure(s), effluent treatment bed(s) and driveway(s), must be designed and approved for life greater than that of the proposed building and to withstand the surge load from development activities, and must be constructed of non-combustible material to the satisfaction of the Responsible Authority.***

Access

- 4. Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority***
- 5. 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.***

Drainage

- 6. 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.***
- 7. 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 or operation to the satisfaction of the Responsible Authority.***

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 St Quentin Consulting Pty Ltd (Ref. No. 18245_LCA Report, dated 2/09/2024) or as otherwise agreed in writing by the Responsible Authority.*

Reticulated Gas Connection

10. *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.*

Land Management Plan

11. *The management of the land and the activities on the site must be conducted in accordance with the endorsed Land Management Plan at all times, being the plan prepared by Beacon Ecological for Southwest Survey Group dated September 2024 (or as amended) to the satisfaction of the Responsible Authority.*

Annual Report

12. *An Annual Report against the requirements of the endorsed Land Management Plan must be prepared and submitted to the Responsible Authority for the first five years following completion of the dwelling hereby permitted, and thereafter at the reasonable request of the Responsible Authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:*

- *permit holder*
- *planning permit number*
- *reporting year (1-5)*
- *date report is submitted*
- *who completed the report*
- *condition of site against each management commitment*
- *actions taken during the year to achieve the management commitment*
- *photographs which clearly depict management actions undertaken for the previous year.*

Section 173 Agreement – Land Management

13. *Prior to the commencement of any works, 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 property so as to run with the land, and must provide for the following:

- a) *The land must be managed in accordance with the endorsed Land Management Plan, or in accordance with any amendment to that plan or any replacement Land Management Plan subsequently endorsed as part of a planning permit, to the satisfaction of the Responsible Authority.*

The agreement will be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

Section 173 Agreement – Quarry Operations

14. Prior to the commencement of any works, 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 property so as to run with the land, and must provide for the following:

- a) *The owner (including all future owners) acknowledges the proximity of the existing quarry at 4825 Great Ocean Road. The owner takes responsibility for designing the dwelling allowed on PC: 382097L V/F: 12610/447 Parish of Wongarra to provide protection, if required, against noise, dust, vibration and any other possible amenity impacts the quarry may present, using design mitigation measures including, but not limited to, additional insulation, acoustic glazing, building foundations which limit vibrations and mechanical ventilation to filter dust.*
- b) *The owner (including all future owners) of the dwelling allowed on PC: 382097L V/F: 12610/447 Parish of Wongarra acknowledges and accepts that the dwelling is the agent of change and that there is a possibility of noise and vibration nuisance from the quarry at 4825 Great Ocean Road.*

The agreement will be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

Department of Energy, Environment and Climate Action (DEECA) conditions

- 15. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.**
- 16. The native vegetation identified in Native Vegetation Removal Report ID: 314_20251013_MF4 and permitted to be removed, destroyed or lopped under this permit is 0.558 hectares of native vegetation, which is comprised of:**
 - a) *0.558 hectares of patch native vegetation.*
- 17. To offset the removal of 0.558 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the**

removal, destruction or lopping of native vegetation (DELWP 2017). The permit holder must secure the following offsets:

- a) *A general offset of 0.1830 general habitat units:*
 - i. *Located within the Corangamite Catchment Management Authority boundary or Colac Otway Shire municipal area.*
 - ii. *With a minimum strategic biodiversity value of at least 0.4226.*

18. *Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:*

- a) *An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site,*
- b) *Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.*

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit.

19. *Before works start, a native vegetation protection fence must be erected around all patches of native vegetation to be retained on site. This fence must be erected around the patch of native vegetation at a distance of 2 metres from retained native vegetation. The protection fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed to the satisfaction of the responsible authority. All tree protection zones must comply with AS 4970-2025 Protection of trees on development sites, to the satisfaction of the responsible authority.*

Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:

- a) *Vehicular access*
- b) *Trenching or soil excavation*
- c) *Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products*
- d) *Entry and exit pits for the provision of underground services*
- e) *Any other actions or activities that may result in adverse impacts to retained native vegetation.*

CFA conditions

20. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.

Endorsement of Bushfire Management Plan

21. *Before the development starts, the Bushfire Management Plan Appendix 3, FINAL Version: V2, 3 March 2025 on page 32 of Bushfire Management Statement, Lot 3, 4650 Great Ocean Rd Wongarra Victoria, prepared by Beacon Ecological, 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.*

Section 173 Agreement - Installation of Private Bushfire Shelter

22. *Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:*

A dwelling constructed in accordance with planning permit PP186/2024-1 must not be occupied until a private bushfire shelter (a Class10c building within the meaning of the Building Regulations 2018) is:

- *Constructed on the same land as the dwelling.*
- *Available for use by the occupants of the dwelling at all times.*
- *Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.*

The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Expiry

23. *This permit will expire if one of the following circumstances applies:*

- a) *The development is not commenced within three years of the date of this permit.*
- b) *The development and vegetation removal works are not completed, and the use has not commenced, within five 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 and private bushfire shelter.*
2. *A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
3. *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.*

4. *A separate application to install 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 be amended or updated by a suitably qualified person and submitted for approval, to support a detailed system design at the wastewater permit application stage.*

CFA note

5. *The CFA recommends the use of composite timber decking rated BAL 29 or above to achieve increased resilience to bushfire.*

CARRIED 7 : 0

UNCONFIRMED



Item: 6.2

**PP121/2024-1 - 9 Great Ocean Road GREY RIVER -
Construction of Replacement Dwelling and Creation
of an Access from a Road in TRZ2**

| | | | |
|---|---|---------------------------|-----------------------------------|
| ADDRESS AND PROPERTY DETAILS | 9 Great Ocean Road Grey River Lot 1 TP: 213287, V/F: 09264/109 Parish of Wongarra | APPLICATION NUMBER | PP121/2024-1 |
| PROPOSAL | Use and development of replacement dwelling and creation of access to a Road in a Transport Zone 2 (TRZ2) | | |
| PERMIT TRIGGERS | Clause 35.06-5 – Construction of replacement dwelling in the Rural Conservation Zone Clause 44.06-2 – Building and works associated with accommodation in the Bushfire Management Overlay (BMO) Clause 52.29-2 – Creation of access to a road in a Transport Zone 2 | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Dwelling in Rural Conservation Zone | | |
| ZONE | Rural Conservation Zone (RCZ) | OVERLAYS | Bushfire Management Overlay (BMO) |
| COVENANTS | No | | |
| CULTURAL HERITAGE | Yes. However, a single dwelling is not a high impact activity. | | |
| OFFICER | Vikram Kumar | GENERAL MANAGER | Ian Seuren |
| DIVISION | Community and Economy | | |

Item: 6.2

PP121/2024-1 - 9 Great Ocean Road GREY RIVER - Construction of Replacement Dwelling and Creation of an Access from a Road in TRZ2

ATTACHMENTS

1. Plans Put on Public Notice [6.2.1 - 6 pages]
2. Informal Amended Plans [6.2.2 - 6 pages]

RESOLUTION

Moved Cr Howard, Seconded Cr Buchanan

That Council resolves to issue a Notice of Decision to Grant a Permit for the use and development of a replacement dwelling and the creation of access to a road in Transport Zone 2 at 9 Great Ocean Road, Grey River (Lot: 1 TP: 213287 V/F: 09264/109 Parish of Wongarra), subject to the following conditions:

Amended Plans

1. *Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the advertised plans but modified to show:*
 - a) *Increased front and side setbacks, an amended roof form and the upper floor roof form/ceiling height lowered, generally in accordance with the revised plans informally provided to Council on 25 September 2025.*

Endorsed Plans

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

Construction Management Plan

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

Access

5. *Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.*
6. *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.*

Redundant Vehicle Crossing

7. *Prior to the commencement of development, the redundant vehicular crossing must be removed, and the road reserve must be reinstated to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.*

Stormwater

8. *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.*
9. *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) during construction or operation, to the satisfaction of the Responsible Authority.*

Stormwater Management Plan

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

Wastewater

12. *An onsite wastewater management system must be constructed concurrently with the building hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with EPA Guideline for Onsite Wastewater Management' (May 2024), to the satisfaction of the Responsible Authority.*

13. *All works and development associated with this permit must be carried in accordance with the Land Capability Assessment produced by St Quentin Geotechnical & Environmental Engineering (Ref. No.18124G-LCA- dated February 2024) unless otherwise agreed in writing by the Responsible Authority. A reserve land application area must be provided where trench or bed systems are installed.*

No Gas Connection

14. *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.*

CFA conditions

15. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.*

Bushfire Management Plan Required

16. *Before the development starts, a Bushfire Management Plan must be prepared to the satisfaction of CFA then submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with Bushfire Management Plan Appendix 2 BMP, Draft Version 2, 5 August 2024 on page 29 of Bushfire Management Statement, 9 Great Ocean Road Grey River, prepared by Beacon Ecological but modified to:*

*a) Reflect the updated site plan and dwelling dimensions (refer condition 1).
b) Replace the conditions for Access with the following:*

Access for firefighting purposes must be provided which meets the following requirements:

- All weather construction.*
- A load limit of at least 15 tonnes.*
- Provide a minimum trafficable width of 3.5 metres*
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.*
- Curves must have a minimum inner radius of 10m.*
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.*
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.*

Expiry

17. *This permit will expire if one of the following circumstances applies:*

*c) The development is not commenced within three years of the date of this permit.
d) The development is not completed and the use has not commenced within five 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 replacement dwelling and the demolition of the existing dwelling.*
- 2. The Great Ocean Road is located on the Victorian Heritage Register (H2261). Any works within the road reserve may require separate planning permission from Heritage Victoria. You should consult with Heritage Victoria or a suitably qualified heritage consultant prior to undertaken any works within the road reserve outside the title boundary.*
- 3. A works within road reserve permit is required prior to any works being undertaken on road reserves within the Colac Otway Shire. Consent may be required from Council, the Department of Transport and Planning, or both.*
- 4. 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.*
- 5. A separate application to install 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.*

CARRIED 7 : 0

Item: 6.3

PP171/2025-1 - 145 Roadknight Creek Road FORREST - Use and Development of Dwelling

| | | | |
|---|--|---------------------------|--|
| ADDRESS AND PROPERTY DETAILS | 145 Roadknight Creek Road FORREST Lot 1 TP: 249688 V/F: 05870/852 Parish of Yaugher | APPLICATION NUMBER | PP171/2025-1 |
| PROPOSAL | Construction of Replacement Dwelling, Water Tanks and Associated Works | | |
| PERMIT TRIGGERS | Clause 44.01-2 - Building and works comprising construction of replacement dwelling and water tanks on land covered by Erosion Management Overlay, Schedule 1 (EMO1) Clause 44.06-2 - Building and works associated with accommodation on land covered by the Bushfire Management Overlay (BMO) | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Construction of a dwelling in the Farming Zone | | |
| ZONE | Farming Zone | OVERLAYS | Erosion Management Overlay, Schedule 1 (EMO1) Bushfire Management Overlay (BMO) |
| COVENANTS | No | | |
| CULTURAL HERITAGE | The site is partially within an area of cultural heritage sensitivity, but not at the location of the proposed dwelling. | | |
| OFFICER | Vikram Kumar | GENERAL MANAGER | Ian Seuren |
| DIVISION | Community and Economy | | |

Item: 6.3

PP171/2025-1 - 145 Roadknight Creek Road FORREST - Use and Development of Dwelling

ATTACHMENTS

1. Plans [6.3.1 - 11 pages]

RESOLUTION

Moved Cr Potter, Seconded Cr McCrickard

That the Planning Committee resolves to Grant a Permit for the construction of a replacement dwelling, water tanks and associated works at 145 Roadknight Creek Road, Forrest (Lot 1 on TP: 249688, V/F: 05870/852 Parish of Yaugher) subject to the following conditions:

Endorsed Plans

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

Removal/Decommissioning of Existing Dwelling

- 2. Within 2 months of the initial occupation of the replacement dwelling hereby permitted, unless an alternate timeframe is approved in writing by the Responsible Authority, the existing dwelling on the land (being Lot 1 TP: 249688 V/F: 05870/852) must either be removed in its entirety from the land, or decommissioned, to the satisfaction of the Responsible Authority.*

Compliance with Geotechnical Assessment

- 3. The approved development must be carried out on the site in accordance with the recommendations of the Landslide Risk Assessment Report prepared by Smolders Geotechnical (Ref. No. 25E9437, dated 23 May 2025) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Access

- 4. Prior to the initial occupation of the dwelling hereby permitted, the existing driveway must be upgraded to an all-weather standard and with a minimum width of 3m, to the satisfaction of the Responsible Authority.*

Drainage

- 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.

Wastewater

7. *A domestic wastewater management system must be constructed concurrently with the replacement 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.*
8. *All works and development associated with this permit must be carried out in accordance with the Land Capability Assessment prepared by Smolders Geotechnical (Ref. No. 25E9438, 23 June 2025) or as otherwise agreed in writing by the Responsible Authority.*

No Gas Connection

9. *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.*

Country Fire Authority (CFA) conditions

10. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.*
11. *Before the development starts, the Bushfire Management Plan Appendix 2, FINAL Version: V3, 29 August 2025 on page 31 of Bushfire Management Statement for 145 Roadnight Creek Road Forrest, prepared by Beacon Ecological, 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

12. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within three years of the date of this permit.*
 - b) *The development is not completed within five 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 replacement dwelling. Approval may also be required for any demolition works.

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.*

CARRIED 7 : 0

UNCONFIRMED

Item: 6.4

**PP199/2024-1 - 200 Corangamite Lake Road
COROROOKE - Subdivision: excision of an existing
dwelling**

| | | | |
|---|--|---------------------------|---------------|
| ADDRESS AND PROPERTY DETAILS | 200 Corangamite Lake Road, Cororooke Lot 1 TP533415, VF/07344 FOLIO 644 Lot 1 TP378533, V/F: 04741/193 Lots 1 and 2 TP671430, V/F 08444 FOLIO 671 | APPLICATION NUMBER | PP199/2024 -1 |
| PROPOSAL | Re-subdivision of Land into Two Lots, including Dwelling Excision | | |
| PERMIT TRIGGERS | Clause 35.07-3 - re-subdivision of land in the Farming Zone, including dwelling excision | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Subdivision, including dwelling excision, in the Farming Zone | | |
| ZONE | Farming Zone | OVERLAYS | Nil |
| COVENANTS | Nil | | |
| CULTURAL HERITAGE | No | | |
| OFFICER | Qiong (Chris) Hu | GENERAL MANAGER | Ian Seuren |
| DIVISION | Community and Economy | | |
| ATTACHMENTS | 1. Plan of Subdivision with Aerial Image Overlaid [6.4.1 - 1 page] 2. Plan of Subdivision [6.4.2 - 1 page] | | |

RESOLUTION

Moved Cr Buchanan, Seconded Cr Potter

That the Planning Committee resolves to Grant a Permit for the re-subdivision of the land into two lots, including dwelling excision, at 200 Corangamite Lake Road Cororooke (Lot 1 TP: 533415 V/F: 7344/644, Lot 1 TP: 378533 V/F: 4741/193, and Lots 1 and 2 Lot: 2 TP: 671430 V/F: 8444/671) Parish of Nalangil, subject to the following conditions:

Endorsed Plans

1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.

Section 173 Agreement

2. Prior to the issue of statement of compliance under the Subdivision Act 1988, the owner of the land must enter into an agreement pursuant to 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 property so as to run with the land, and must provide for the following:

a) Lot 2 will not be used or developed for the purpose of a dwelling.

The agreement will be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

No Gas Connection

3. Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This does not apply:

- a lot that will not be used for, or include, a dwelling; or**
- a lot that contains an existing dwelling or apartment; or**
- a lot where a permit has been granted for a dwelling or apartment on the land in the lot.**

This condition continues to have force and effect after a statement of compliance under the Subdivision Act 1988 has been issued and the subdivision authorised by this permit has been completed

Servicing Authorities

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

5. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
6. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

Expiry

7. *This permit will expire if one of the following circumstances applies:*

- a) *The plan of subdivision is not certified within two years of the date of the permit.*
- b) *A statement of compliance is not issued within five years of the date of certification of the plan.*

The Responsible Authority may extend the period for certification referred to if a request is made in writing before the permit expires, or within six months afterwards.

CARRIED 7 : 0

UNCONFIRMED

Item: 6.5

PP175/2025-1 - 5655 Princes Highway WARNCOORT - Buildings and Works Comprising Construction of a Replacement Dwelling

| | | | |
|---|--|---------------------------|--------------|
| ADDRESS AND PROPERTY DETAILS | 5655 Princes Highway WARNCOORT Lot 14 PS: 805602 V/F: 10175/089 Parish of Irrewarra | APPLICATION NUMBER | PP175/2025-1 |
| PROPOSAL | Use and Development of a Replacement Dwelling | | |
| PERMIT TRIGGERS | Farming Zone – Use of land for a dwelling Farming Zone – Buildings and works comprising construction of a dwelling | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Dwelling in the Farming Zone | | |
| ZONE | Farming Zone (FZ) | OVERLAYS | Nil |
| COVENANTS | Agreement Section 234 Water Act 1989 - AG322821N, dated 02/02/2009. This agreement relates to a community water supply and access agreement. | | |
| CULTURAL HERITAGE | A small section at the front (northern) end of the site is within an area of cultural heritage sensitivity. | | |
| OFFICER | Julia Repusic | GENERAL MANAGER | Ian Seuren |
| DIVISION | Community and Economy | | |
| ATTACHMENTS | 1. Plans [6.5.1 - 4 pages] | | |

RESOLUTION

Moved Cr Potter, Seconded Cr Hudgell

That the Planning Committee resolves to Grant a Permit for the use and development of land at 5655 Princes Highway, Warncoort (Lot 14 PS: 805602 V/F: 10175/089) for a replacement dwelling, subject to the following conditions:

Amended Plans

1. Prior to commencement of the use and/or development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the advertised plans but modified as follows:

- a) All materials and colours must be clearly shown on elevation plans.**

Endorsed Plans

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

Dwelling Infrastructure

3. Prior to the initial occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
- 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.**
- 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.**
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**

Gas Connection

4. 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.

Drainage

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. *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 or operation, to the satisfaction of the Responsible Authority.*

Wastewater

7. *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.*

Expiry

8. *This permit will expire if one of the following circumstances applies:*
 - b) The development has not commenced within three years of the date of this permit.*
 - b) The development is not completed and the use has not commenced within five 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 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 a Land Capability Assessment prepared by a suitably qualified person be submitted for approval, to support a detailed system design at the wastewater permit application stage.*

CARRIED 7 : 0



Item: 6.6

**PP125/2025-1 - 30 Pascoe Street APOLLO BAY -
Change of Use to Restricted Recreation Facility
(Gym), and Alteration to the Building**

| | | | |
|---|---|---------------------------|--|
| ADDRESS AND PROPERTY DETAILS | 30 Pascoe Street APOLLO BAY Lot 1 PS: 309031 V/F: 10059/344 Parish of Krambruk | APPLICATION NUMBER | PP125/2025-1 |
| PROPOSAL | Use of land as a restricted recreation facility (gym), and building and works comprising alterations to the building façade | | |
| PERMIT TRIGGERS | Clause 34.01-1 - use of land in the Commercial 1 Zone as a restricted recreation facility (gym) Clause 34.01-4 - building and works in the Commercial 1 Zone to alter a building façade Clause 43.02-2 - Building and works to alter a building façade on land covered by Design and Development Overlay, Schedule 5 (DDO5) | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Councillor call-in | | |
| ZONE | Commercial 1 Zone (C1Z) | OVERLAYS | Design and Development Overlay, Schedule 5 (DDO5): Apollo Bay – Town Centre Parking Overlay, Schedule 2 (PO2): Apollo Bay Commercial Centre |
| COVENANTS | <u>Section 173 Agreement AT820230X, dated 01/12/2020</u> This agreement relates to car parking requirements under a previous permit (ref. PP127/2017-1), which allowed a | | |

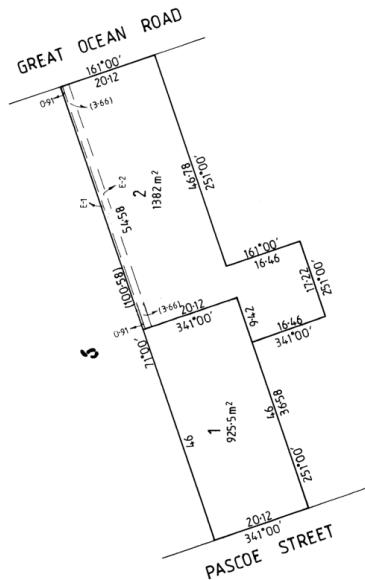
Item: 6.6

PP125/2025-1 - 30 Pascoe Street APOLLO BAY - Change of Use to Restricted Recreation Facility (Gym), and Alteration to the Building

supermarket on the subject site (30 Pascoe Street) and associated car parking on the adjacent land (32 Pascoe Street).

PP127/2017-1 has since expired. Accordingly, the requirements under this agreement are of no consequence to the current application.

Note: there are also easements on the land
Easement E1 (Drainage and Carriageway), and E2 (Carriageway)



The subject site benefits from the drainage and carriageway easements, which run from the Great Ocean Road as shown on the title plan above.

CULTURAL HERITAGE

N/A

OFFICER

Vikram Kumar

GENERAL MANAGER

Jan Seuren

DIVISION

Community and Economy

ATTACHMENTS

1. Plans [6.6.1 - 3 pages]

RESOLUTION

Moved Cr Howard, Seconded Cr Hudgell

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the use of land at 30 Pascoe Street, Apollo Bay (Lot 1 PS: 309031 V/F: 10059/344) as a restricted recreation facility (gym), and for building and works comprising alterations to the building façade, subject to the following conditions:

Amended Plans

- 1. Prior to commencement of the use and/or development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans advertised but modified to show:***
 - a) A minimum of three bicycle parking spaces within the building for use by staff and patrons.***
 - b) Details of the size, location and text of a sign advising gym patrons of nearby car parking restrictions (refer to condition 7 below).***

Endorsed Plans

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

Use of Building

- 3. The area shown as 'surplus' on the endorsed plans must only be used for storage of gym equipment and must not be accessed by patrons of the facility unless with the prior written consent of the Responsible Authority.***

Hours of Operation

- 4. The restricted recreation facility (gym) hereby permitted must only operate between the hours of 5:00am and 11:00pm from Monday to Sunday, unless otherwise approved in writing by the Responsible Authority.***

Patron Management

- 5. A maximum of 10 patrons may be on the site at any one time, unless with the prior written consent of the Responsible Authority.***
- 6. Patrons must only access the restricted recreation facility (gym) from Pascoe Street and must not access the building via the carriageway easement that runs from the Great Ocean Road to the back of the site.***
- 7. A sign (minimum A3 size) that advises patrons that several car parking spaces on Pascoe Street are reserved for CFA volunteers only and must not be utilised by patrons of the gym, must be placed in a prominent position at the entrance to the building. The sign must also encourage patrons to walk or cycle. The sign must be maintained in good condition in perpetuity to the satisfaction of the Responsible Authority.***

Car Parking

- 8. The two car parking spaces at the rear of the building must be used by staff only and must not be made available for parking by patrons, The parking spaces must***

be kept available without obstruction for staff of the permitted use at all times and must not be used for any other purpose (e.g., storage of goods, materials or bins).

Noise Control

9. **Noise levels emanating from the premises must not exceed those required to be met under the EPA Noise Control Guidelines Publication 1254.2 in relation to operational deliveries to the business.**

Amenity

10. **The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**

- a) **transport of materials, goods or commodities to or from the land;**
- b) **appearance of any building, works or materials;**
- c) **artificial light, dust, wastewater, waste products, or the like;**
- d) **presence of vermin.**

11. **All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.**

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

Building Maintenance

13. **All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority, pursuant to Clause 33.01-4 of the Colac Otway Planning Scheme.**

Expiry

14. **This permit will expire if one of the following circumstances applies:**

- a) **The development is not commenced within three years of the date of this permit.**
- b) **The development is not completed, and the use has not commenced, within five years of the date of this permit.**
- c) **The use is discontinued for a period of 2 years.**

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 the first two subsections of this condition.

Notes

1. **This is not a building permit. A building surveyor should be contacted to ensure that any required building approvals for the change of use and alterations to the building are obtained.**
2. **This permit does not purport to grant permission for any signage advertising the use of the building. It is recommended that, if any such signage is proposed, the Statutory Planning Unit at Council is contacted prior to the signage being displayed to establish whether planning permission is required.**

CARRIED 7 : 0

Item: 7.1

Homes Victoria Combined Application to Minister for Planning - Pound Road Colac

| | | | |
|-------------------------------------|---|---------------------------|---|
| ADDRESS AND PROPERTY DETAILS | Pound Road, Colac (Land between Colac cemetery to west, and 117 Pound Road and Jarver Close to east) | APPLICATION NUMBER | C132cola, PA2504046 and PA2504047 |
| PROPOSAL | <p>Combined application pursuant to s96a of the <i>Planning and Environment Act 1987</i>, to:</p> <ul style="list-style-type: none"> – rezone the land from Public Use Zones 2 (PUZ2 – Education) and 5 (PUZ5 - Cemetery/Crematorium) to General Residential Zone – subdivide the land – construct 50 dwellings and remove native vegetation | | |
| PERMIT TRIGGERS | <p>Council has received notification of this application, which has been submitted to the Minister of Planning by Homes Victoria. Council is not the responsible authority; rather its comments are being sought.</p> <p>The Department of Transport and Planning has received a formal request under s20(4) of the <i>Planning and Environment 1987</i> for a ministerial intervention, seeking consideration of a 96A combined planning scheme amendment to rezone the subject site to be GRZ and two planning permits for the subdivision and development of land for 50 single storey dwellings.</p> <p>The applications are being considered under Clause 53.20 (Housing by or on Behalf of Homes Victoria) of the Colac Otway Planning Scheme which applies to an application under a provision of a residential zone (other than the Low Density Residential Zone) to construct or extend a dwelling, or to construct or extend a front fence, if the application is made by or on behalf of the Chief Executive Officer, Homes Victoria.</p> <p>Of relevance in terms of the planning permit applications are the following permit triggers:</p> <p>Clause 56 (Residential Subdivision) – Subdivision of the land</p> | | |

Item: 7.1

Homes Victoria Combined Application to Minister for Planning - Pound Road Colac

Clause 52.17 (Native Vegetation) - Removal of native vegetation

Note – the provisions of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) do not apply under Clause 53.20.

TRIGGER FOR DETERMINATION BY COMMITTEE Community interest

ZONE Public Use Zones 2 and 5 (Education and Cemetery/Crematorium) **OVERLAYS** Nil

COVENANTS N/A

CULTURAL HERITAGE Yes – the whole of the land is in an area of cultural heritage sensitivity

OFFICER Ian Williams **GENERAL MANAGER** Ian Seuren

DIVISION Community and Economy

ATTACHMENTS

1. Architectural Plans [7.1.1 - 26 pages]
2. Proposed Plan of Subdivision [7.1.2 - 3 pages]
3. Landscape Plan [7.1.3 - 15 pages]
4. Detailed Council Comments on Submitted Permit Applications [7.1.4 - 3 pages]

RESOLUTION

Moved Cr McCrickard, Seconded Cr Potter

That Council:

1. *Acknowledges the opportunity provided by the Victorian Government to have input into the decision-making process for the proposed rezoning of land and development of social and affordable housing at Pound Road, Colac, but expresses its disappointment that suggestions and comments made to Homes Victoria at the pre-application stage have been disregarded.*
2. *Notes that, at the Council meeting held on 27 May 2025, Council resolved to oppose the proposed social and affordable housing development by Homes Victoria at Pound Road, Colac for the following reasons:*

- a) *The proposed development does not fit in with the neighbourhood character;*
 - b) *Is not a model that has the best outcomes for those in need of social housing due to the high concentration of social housing in one location; and*
 - c) *The significant community opposition.*
- 3. *Reiterates its position that it does not support the development of 50 social and affordable houses by Homes Victoria at Pound Road, Colac for the same reasons as detailed in point 2 above.*
- 4. *Reiterates the request that Homes Victoria works with Colac Otway Shire to build the already committed 50 social and affordable homes throughout Colac, so they are not concentrated in one location.*
- 5. *Notes that, prior to the submission of the application to the Minister for Planning, Homes Victoria stated it was considering reducing the number of dwellings to 40 and including on-site open space in the form of a local park, which Council considered would be a preferable outcome for the site and locality.*
- 6. *Strongly reiterates the request for an increase in financial support to existing and new local social services/agencies to implement additional services which are Colac specific to cater for the additional 50 extra social and affordable rental homes. Council considers that it is incumbent on Homes Victoria and other Victorian Government Departments to work with local providers and increase funding and services.*
- 7. *In the event a permit is issued to develop the site, authorises officers to:*
 - a. *Request that the Department of Transport and Planning (acting on behalf of the Minister for Planning as Responsible Authority) impose a suitably worded condition to ensure that all works on site are deferred until such a time as an environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 has been completed which confirms that the land at Pound Road, Colac (C/A: 2006 V/F 11929/680 & C/A:2032 V/F 11793/713) Parish of Colac) is suitable for use and development for residential purposes.*
 - b. *Convey Council's detailed concerns on specific aspects of the submitted proposal, as set out in Attachment 4 to this report, to the Department of Transport and Planning (acting on behalf of the Minister for Planning as Responsible Authority), based on the information submitted to date against Clause 56 (Subdivision) and Clause 53.20 (Housing by or on Behalf of Homes Victoria).*
 - c. *Request appropriately sized and developed public open space within the development area.*
 - d. *Request that a space is provided within the development for social support services to visit and work from within the site.*
 - e. *Advocate that the Victorian Government gives priority to eligible residents of Colac Otway Shire to be offered the available housing.*
 - f. *Convey the comments provided by Council's Infrastructure Department on the Traffix Group, Traffic Engineering Assessment (October 2025) and Functional Layout Plan by Spiire (dated 11 September 2025) to the Department of Transport and Planning (acting on behalf of the Minister for Planning as Responsible Authority).*

8. *Authorises officers to provide draft permit conditions to be considered in the event the Minister determines to issue planning permits for the proposed development, subdivision and native vegetation removal.*
9. *Authorises officers to consider any amendments to the proposal, and to provide further comments under delegation, provided such amendments do not increase the scale or density of development.*

CARRIED 7 : 0

UNCONFIRMED



Item: 7.2

Project Budget Adjustments and Cash Reserve Transfers

OFFICER Mikael Blyth

GENERAL MANAGER Doug McNeill

DIVISION Infrastructure and Environment

ATTACHMENTS Nil

RESOLUTION

Moved Cr Potter, Seconded Cr Hudgell

That Council approves the project budget adjustment in Table 3 at a net cost of \$30,000.

CARRIED 7 : 0

Item: 7.3

Award of Contract 2516 - Road Reconstruction and Road Safety Works - Pascoe Street, Apollo Bay

OFFICER Raam Gowriswaran

GENERAL MANAGER Doug McNeill

DIVISION Infrastructure and Environment

ATTACHMENTS Nil

RESOLUTION

Moved Cr Howard, Seconded Cr Potter

That Council:

- 1. Award Contract 2516 to Tenderer 3 (as listed in the confidential attachment to this report).*
- 2. Authorises the Chief Executive Officer to sign the contract following the award of contract.*
- 3. Authorises the Chief Executive Officer to perform all roles of Principal.*
- 4. Nominates the General Manager Community and Economy to the role of Superintendent for the Contract.*
- 5. Notes the unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and the contract price will be listed on the Council website.*

CARRIED 7 : 0



Item: 7.4
Advocacy Priorities 2026

OFFICER Ian Seuren

GENERAL MANAGER Andrew Tenni

DIVISION Executive

ATTACHMENTS 1. Advocacy Priorities 2026 Draft [7.4.1 - 16 pages]

RECOMMENDATION

Moved Cr Hudgell, Seconded Cr Potter

That Council adopts the Advocacy Priorities 2026 (Attachment 1).

CARRIED 6 : 1

| For | Against |
|----------------------|--------------------|
| Cr Hudgell | Cr De Deugd |
| Cr Potter | |
| Cr Schram | |
| Cr Howard | |
| Cr McCrickard | |
| Cr Buchanan | |



Item: 7.5

Community Achievement Award Nominations 2026

OFFICER Heidi Taylor

GENERAL MANAGER Ian Seuren

DIVISION Community and Economy

ATTACHMENTS Nil

RESOLUTION

Moved Cr Hudgell, Seconded Cr McCrickard

That Council:

1. *Awards the 2026 Citizen of the Year – Local Impact to Nominee 10.*
2. *Awards the 2026 Young Citizen of the Year – Rising Star to Nominee 14.*
3. *Awards the 2026 Community Service Leader – Helping Hands to Nominee 13.*
4. *Awards the 2026 Creative and Active Contribution – Culture and Connection to Nominee 11.*

CARRIED 7 : 0

Item: 7.6

Apollo Bay Structure Plan Review - Community Reference Group Member Selection

| | |
|-----------------|--|
| OFFICER | Simon Clarke |
| GENERAL MANAGER | Ian Seuren |
| DIVISION | Community and Economy |
| ATTACHMENTS | 1. Apollo Bay Structure Plan Review - Community Reference Group - Terms of Reference [7.6.1 - 9 pages] |

RESOLUTION

Moved Cr Howard, Seconded Cr Potter

That Council:

- Establishes the Apollo Bay Structure Plan Review Community Reference Group as a Special Purpose Committee of Council as per the Council Committees Policy.*
- Endorses the Apollo Bay Structure Plan Review Community Reference Group's Terms of Reference (Attachment 1).*
- Appoints members to the Apollo Bay Structure Plan Review Community Reference Group, as identified in the Confidential Attachment to this report.*
- Writes to each person that submitted an Expression of Interest to inform them of this decision.*

CARRIED 7 : 0



Item: 7.7

Submissions to Proposed Bus Parking Changes in Murray Street, Colac

| | |
|-----------------|---|
| OFFICER | Kanishka Gunasekara |
| GENERAL MANAGER | Doug McNeill |
| DIVISION | Infrastructure and Environment |
| ATTACHMENTS | 1. Proposed Change to Bus Parking - Murray Street, COLAC [7.7.1 - 1 page] |

RESOLUTION

Moved Cr Potter, Seconded Cr McCrickard

That Council:

- 1. Notes the written submissions and verbal presentations made to Council's Submissions Committee to the proposed bus parking changes in Murray Street, Colac.*
- 2. Determines not to proceed with the proposed changes.*
- 3. Writes to all submitters thanking them for their participation in the process.*

CARRIED 7 : 0



Item: 7.8

Proposal to enter into a Lease - Eastern Reserve Indoor training facility

| | |
|-----------------|--------------------|
| OFFICER | David Butterfield |
| GENERAL MANAGER | David Butterfield |
| DIVISION | Corporate Services |
| ATTACHMENTS | Nil |

RESOLUTION

Moved Cr Potter, Seconded Cr Hudgell

That Council:

- 1. Enters into a lease agreement with the City United Cricket Club and Colac Baseball Club for the Eastern Reserve Indoor Training Facility with the following key terms:*
 - a) Initial term of 10 years, with two further terms of 5 years each.*
 - b) Annual rent of \$1.00 (exclusive of GST), payable in advance.*
 - c) Tenant clubs to pay all rates and levies (subject to exemption application).*
 - d) Tenant clubs to hold \$20 million Public Liability Insurance.*
 - e) CPI Adjustment: Annual increases aligned with the All-Cities Melbourne Rate.*
- 2. Authorises the Chief Executive Officer to execute the lease agreement and any associated documentation including any further terms (option).*
- 3. Notes that details of the lease will be made available on Council's website after execution of the lease.*

CARRIED 7 : 0



Item: 7.9

Revocation - Instrument of Authorisation - Planning and Environment Act - Simon Hunnam

| | |
|-------------------------|--|
| OFFICER | Belinda Rocka |
| CHIEF EXECUTIVE OFFICER | Andrew Tenni |
| DIVISION | Executive |
| ATTACHMENTS | <ol style="list-style-type: none">1. To Be Revoked - Signed Instrument of Appointment and Authorisation - Simon Hunnam - Planning & Envir [7.9.1 - 1 page] |

RESOLUTION

Moved Cr Hudgell, Seconded Cr Howard

That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to Simon Hunnam, dated 26 August 2020 (refer Attachment 1).

CARRIED 7 : 0

Item: 7.10

Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Ros Snaauw

| | |
|-------------------------|--|
| OFFICER | Belinda Rocka |
| CHIEF EXECUTIVE OFFICER | Andrew Tenni |
| DIVISION | Executive |
| ATTACHMENTS | <ul style="list-style-type: none">1. For Council Resolution Instrument of Authorisation Planning and Environment Act Ros [7.10.1 - 1 page] |

RESOLUTION

Moved Cr Howard, Seconded Cr Hudgell

That Council:

- 1. Appoints Ros Snaauw 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 the instrument.*
- 4. Authorises the Chief Executive Officer to revoke the Instrument of Authorisation from the date Ros Snaauw ceases their employment with Colac Otway Shire Council.*

CARRIED 7 : 0

Item: 8.1

Quarterly Performance Report - Q1 - July to September 2025

| | |
|-------------------------|--|
| OFFICER | Belinda Rocka |
| CHIEF EXECUTIVE OFFICER | Andrew Tenni |
| DIVISION | Executive |
| ATTACHMENTS | <ol style="list-style-type: none">1. Q1 Quarterly Performance Report July to September 2025 [8.1.1 - 36 pages] |

RESOLUTION

Moved Cr Howard, Seconded Cr McCrickard

That Council notes the Quarterly Performance Report for the first quarter 2025-26, for the period 1 July 2025 to 30 September 2025.

CARRIED 7 : 0



Item: 8.2

Report of Informal Meetings of Councillors

| | |
|--------------------------------|---|
| OFFICER | Council Business |
| CHIEF EXECUTIVE OFFICER | Andrew Tenni |
| DIVISION | Executive |
| ATTACHMENTS | <ol style="list-style-type: none">1. Informal Meeting of Councillors - pre council meeting prep meeting - 25 November 2025 [8.2.1 - 3 pages]2. Informal Meeting of Councillors - Councillor briefing 2 December 2025 [8.2.2 - 2 pages] |

This item did not require a formal decision of Council.

UNCONFIDENTIAL

The meeting was declared closed at 2.15pm

CONFIRMED AND SIGNED at the meeting held on 10 February 2026.

..... **MAYOR**

UNCONFIRMED