



ORDINARY COUNCIL MEETING

MINUTES

WEDNESDAY 22 AUGUST 2018

AT 4PM

BEEAC RECREATION RESERVE HALL

Next Council Meeting: 26 September 2018
COPACC

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

22 AUGUST 2018

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at the
Beeac Recreation Reserve Hall on 22 August 2018 at 4pm

MINUTES

1. I DECLARE THIS MEETING OPEN

OPENING PRAYER

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

AMEN

2. PRESENT

Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken (Mayor)
Cr Jason Schram
Cr Chris Smith

Tony McGann, Acting Chief Executive
Errol Lawrence, General Manager, Corporate Services
Ian Seuren, Acting General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Customer Service
Lyndal McLean, Governance Coordinator
Doug McNeill, Manager, Planning, Building and Health
Sarah Osborne, Acting Communications Coordinator
Mark McLennan, Procurement Administrator
Bruno Dimasi, Project Manager

3. APOLOGIES

Cr Chris Potter
Peter Brown, Chief Executive

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start this evening by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5. QUESTION TIME

A maximum of 30 minutes is 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. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Glenys Rose, Assistant Secretary, Beeac Progress Association

1. Keys for heritage light boxes

There are two meter boxes for the heritage lights, one in the Beeac Park and one in the Main Street. They need universal locks so that any electrician can unlock them. Previous locks have been cut to gain access to the boxes. We have received no action on this matter and not had the courtesy of a response to our many enquiries listed here.

- In April 2018 we phoned [an officer] with an initial request for the locks
- Around June we phoned again and were reassured that the locks had been ordered
- 01 August a phone message was left with no response received
- 08 August a phone message was left with no response received
- 13 August a phone message was left with no response received

When will the locks be provided?

Response from Acting General Manager, Infrastructure & Leisure Services

We apologise for the delay in responding to the recent messages left in August. Officers attended to install ordered locks after the June phone call. Upon investigation the meter boxes referred to were found to be Powercor assets with power industry padlocks. The Council officer left a message for Wendy Parker to clarify meter boxes and access required.

Upon further investigation with Powercor, Council is unable to supply Council padlocks on metered boxes but can arrange replacement of damaged power industry padlocks, with access to be confirmed.

2. Box thorn hedge at corner of Burnett Street and Coragulac-Beeac Road

This hedge is completely overgrown presenting a road hazard due to poor visibility and also a fire hazard. It was reported to COS more than two years ago and again in June 2018. No response has been received. When will something be done about this dangerous hedge?

Response from Acting General Manager, Infrastructure & Leisure Services

The hedge does not present a road hazard as there's clear sight lines in both directions for a driver who pulls up at the intersection.

In regard to the fire hazard, the property will be assessed (as with all potential fire hazards) in the lead up to this year's fire season and action will be taken, if applicable.

3. Derelict building

A derelict building on the north-east edge of Lake Cundare was reported to Colac Otway Shire in June 2018. It is an eyesore and a fire hazard. No response has been received. When will something be done about this building?

Response from General Manager, Development & Community Services

The shed was inspected by officers following receipt of the complaint. It appears to be fire damaged and unoccupied. Whilst the structure may be an eyesore, the isolated and unoccupied nature of this building prevents the Municipal Building Surveyor from taking action pursuant to the *Building Act 1993*. The building is not considered a danger to personal health or safety. Officers have attempted to contact the owner to gain a better understanding of the owner's intentions with regards to cleaning up the fire damaged building but attempts to do so have thus far been unsuccessful. Council will continue to follow this issue up.

4. Footpaths

For over ten years Beeac residents have sought low cost upgrading and maintenance of its gravel footpaths. Several years ago a trial was implemented in Wallace Street using granite sand. It consolidated perfectly providing a smooth, weed free surface for pedestrian, pram and gopher traffic. A series of Councillors and senior Colac Otway Shire staff inspected this work and agreed that it was a good solution. Last year this footpath was ripped up and together with some other footpaths, surfaced with crushed bluestone. The result is a surface that is unsuitable for prams, difficult to walk on, a dust bath for sparrows and a weed patch.

When will Colac Otway Shire embark on an annual maintenance and improvement program to provide Beeac residents with a durable, safe and easily maintained footpath network?

Response from Acting General Manager, Infrastructure & Leisure Services

A request will be sent to Service & Operations to replace the footpath surface in Wallace Street and beyond with granitic sand or better. Separately, Council will improve weed spraying to prevent egress of weeds onto the footpath which is largely incidental of the unsealed footpath surface selected.

5. *Mobile Black Spot telephone tower*

The Beeac Progress Association wrote a submission to the Federal Government Mobile Coverage Program Discussion Paper in 2014 and consequently Beeac was considered eligible for a telephone tower and listed on the black spot database. We missed out on selection in Round 3. In 2017 we held a forum with Telstra representatives who confirmed there is no mobile phone reception in the town and provided suggestions as to how to tackle this problem. It would seem that we are the only town in the Shire without a mobile tower. We wish to apply for funding under Round 4 and have to garner financial support from the Local, State and Federal governments in order to have a tower built.

Will Colac Otway Shire Council give unqualified support and highest priority to the township of Beeac and actively lobby on our behalf in our application to provide the level of service enjoyed by the other townships in the municipality?

Response from General Manager, Development & Community Services

Colac Otway Shire is happy to support the Beeac community in its endeavors to secure mobile services in the township, by actively lobbying on your behalf and providing a letter of support to supplement your application. At this time, Council cannot confirm if it is the highest priority across the shire as this is still being assessed, including Emergency Management needs across the shire.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Tony Webber, Otway Forum

1. This is a question on behalf of Damien Burn, President of the Apollo Bay Men's Shed

Are the Councillors aware of the difficulties experienced in trying to obtain a Building Permit? A Planning Permit for the Apollo Bay Men's Shed was granted after a six month process. A Building Permit Application and Design for a Storm Water Retention System was submitted mid-May 2018. Instead of reviewing the permit and providing a list of items to be addressed, the Building Surveyor verbally identified one item at a time, waiting until the issue was addressed before highlighting another. Generally there is at least a two week delay between each instance and it usually requires a phone call from me to inform them of the next item. Emails were generally ignored or responded to by phone. During the Permit Application I have dealt with and responded to four members of staff directly responsible for the Permit. Other members of staff were contacted to try to expedite the process, all to no avail. I was informed by phone in early August that all conditions for the permit had been satisfied except for the drainage. It was suggested that I call [Officer A]. I was informed by [Officer A] that he had more important issues to consider and that he would endeavour to look at my design. This was despite two phone calls from [Officer B]

when I was assured that a response would be forthcoming. A further two weeks elapsed before the Storm Water Design was rejected and an alternative solution provided. In the interests of obtaining a permit to enable the project to proceed, I have elected to accept the design provided by [Officer A]. The permit process has taken over three months and the materials have been exposed to weather for two-and-a-half months. Are Councillors aware of the problem with permits?

Response from the Mayor

We are certainly aware and it was reflected in our Community Satisfaction Survey that it is an area that we can work on a lot more. Is an officer prepared to make a comment as well?

Response from General Manager, Development & Community Services

As the Mayor indicated, this was reflected in the Community Satisfaction Survey and it is an area of Building and Planning that we would like to improve. I am very aware of this permit; there were a combination of areas where things took longer than we'd normally expect. One was that internally, there was a change-over of staff, as indicated by the number of people – which unfortunately we can't control. Within that Building area, we do internal referrals as well with regards to drainage and the like, and there has been similar staff turnover which has delayed our internal approval process. But there was also a great volunteer base working on this Permit Application and sometimes that might have an impact with regard to the designs and the information we receive. As you indicated, I think some staff actually helped with the design, which isn't the normal process. You'd expect those things to come in with the permit and expedite the process. We had to do a lot more work to help them get it over the line as well.

Question from Cr Jason Schram

Can I clarify that you said there were a number of problems identified but the Council officer would tell them one and then they'd fix it and then tell them another, instead of telling them about three that were identified? Was that the gist of it?

Yes. It would be better to give them all of the problems and then they could deal with them all at once, rather than one at a time because it delays the whole thing. And now the project has a lot of water around it and they can't do anything until it dries out, so it will be delayed again until the ground dries up.

Response from General Manager, Development & Community Services

It is our intent to always give feedback initially, at that one time. As designs get modified and changed, clearly you'll have different comments on a modified design. I think part of the issue is the turnover of staff; so one person assessed it and another assessed it differently. That is definitely an area that we have to improve on and try to make sure we get a consistent response throughout.

2. Regarding the Apollo Bay Harbour, there is a design - I don't know if all Councillors know of it - a Graeme Bentley design which was drawn up in 2011 for the Harbour. We have taken it around the Otway Forum and a lot of people are quite satisfied with it. It's a basic design for the Harbour. It may save the Council a lot of money in consultant fees. If you have a look at that and maybe if it needs modification it could be modified without using consultants, which could cost another \$50,000. We would be suggesting that you might have a look at Graeme Bentley's design. He is a

registered architect and it cost \$20,000 to do it and he offered that free of charge. We have it – we have all of the plans - so maybe when we have another meeting, we could have a look at it.

Response from the Mayor

If you are comfortable to pass that on to an officer, we can certainly make sure that's done appropriately and all Councillors can have a look at it as well.

Robert Missen, Treasurer of the Beeac Progress Association

1. This is a supplementary question relevant to Beeac footpaths. There are a lot more footpaths than just Wallace Street that are in this state; in fact Wallace Street was the one that was in the best state that has been spoilt. I direct this question to the Councillors rather than the officers because the footpath situation in Beeac has been ongoing for many years. We have continually been fobbed-off by engineers and middle-management who seem to want everything confirmed with a design manual and seem to have a fetish with 1.5 metre wide concrete which is far too expensive (we realise) for small rural townships. My question is will Councillors consider an ongoing program of constructing asphalt hot-mix footpaths along the lines of those in all rural townships in the Golden Plains Shire? If you drive to Ballarat through Rokewood, Dereel, Napoleons and across to Teesdale, there are many kilometres of footpaths wide enough to take a pram but to the design standards that the Shire seem to specify every time we raise the issue. We have been looking for footpaths that suit the Beeac people that aren't going to cost an arm-and-a-leg and we think that Council needs to 'bite the bullet' and sometimes tell the officers that maybe there are other solutions to the ones that are in the design manuals printed by the State Government. Beeac has a solid footpath base that was put down by Council over 100 years ago. I know that the ones up in the Plains, they lay the asphalt straight over ordinary dirt. Here in Beeac we have a good, solid base that was laid down and I think it is time that Council had an ongoing program. We don't expect the whole lot done in one year, but there are certainly a lot of footpaths that are being used more often as Beeac is becoming a much bigger and more progressive town.

Response from the Mayor

I would really like to catch up with you to discuss this further and whichever Councillors would like to come along, as well. We can bring some of our engineers and we can talk about what that might look like, if you're comfortable with that.

Thank you. I'm not knocking the suggestion that has been made by [an officer], who did his apprenticeship in the Colac Shire where they used a bit of common sense in the early days. The engineers made their own decisions – the men on the job. I think the option that he has put up will, in the short-term, alleviate the initial problems but I think that you need to look at an ongoing one.

Response from the Mayor

But for a long-term suggestion, I'm happy to catch-up and see what that might look like.

2. I own land that adjoins the five-ways corner at the boundary of the Eurack Road and the Weering School Road where recent major works have been done to that intersection - an excellent job of asphaltting; an excellent job of concreting. I'll reserve my judgement on the design, but

nevertheless why, when two years ago, you re-sheeted the whole of the Weering School Road and left the last 100 metres to the corner because you knew you were going to do work on it? Now we have a 100 metre stretch that is falling apart. Can Council at the very next resealing opportunity do that 100 metre stretch so that the road doesn't fall apart and you finish the job?

Response from General Manager, Infrastructure & Leisure Services

Thank you for pointing that out – I wasn't aware of that particular section. I'll take it on notice. As you would understand, we do have a large resealing program every year, so it wouldn't be much of a stretch to make sure that we get that section done.

Leigh Barrett, Colac

The 2050 Colac Growth Plan, which involves a Citizens Jury, will have a time for public comment sometime in the future. Is there a Council officer that can give an indication of when that might be?

Response from General Manager, Development & Community Services

From recollection, in the Resolution we referred to it being around September-October when it would be publicly released. We did slow the process recently as the Minister for Planning announced major changes within the State Planning Scheme. We have just received advice from the Department of Environment, Land, Water and Planning this week that we are able to proceed with the 2050 again. It was not only the Plan being released but a draft Planning Scheme Amendment with that. We look likely to be releasing it for October.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

7. PETITIONS/JOINT LETTERS

A petition requesting a footbridge at the end of Harris Street, Colac over the Barongarook Creek has been received from a community member. The petition is from 157 people.

While the petition is not fully compliant in accordance with Colac Otway Shire's Governance Local Law 4 and its Petition & Joint Letter Guidelines, a report responding to it will be tabled at the Ordinary Council meeting to be held on 26 September 2018.

An online petition regarding Colac Otway Shire's 2018/2019 draft budget for the Old Beechy Rail Trail has come to attention of Council. As of 7 August 2018, the online petition page stated that "1,228 have signed".

While the petition was never formally submitted to Colac Otway Shire Council and is considerably non-compliant with respect to Colac Otway Shire's Governance Local Law 4 and its Petition & Joint Letter Guidelines, a report responding to it will be tabled at the Ordinary Council meeting to be held on 26 September 2018.

It is proposed that a review of the procedure relating to petitions and joint letters as per Division 10 of Governance Local Law 4 and the Colac Otway Shire Petition & Joint Letter Guidelines be undertaken in the near future to consider the existing requirements constituting a compliant petition or joint letter.

8. DECLARATIONS OF INTEREST

Cr Smith	OM182208-3
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	Current President of Lions Club of Colac Inc.

9. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 25 July 2018.

RESOLUTION

MOVED Cr Kate Hanson seconded Cr Jason Schram

That Council confirm the above minutes.

CARRIED 5 : 0

ORDINARY COUNCIL MEETING

APOLLO BAY HARBOUR PRECINCT EOI & REDEVELOPMENT PLAN PROCESS REVIEW

OM182208-1

LOCATION / ADDRESS	Apollo Bay Harbour Precinct	GENERAL MANAGER	Gareth Smith
OFFICER	Simon Clarke	DIVISION	Development & Community Services
TRIM FILE	F15/8131	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Apollo Bay Harbour Precinct Redevelopment Plan & EOI Process Review2. Revised Terms of Reference for PCG - Apollo Bay Harbour Precinct Redevelopment August 2018		
PURPOSE	To endorse a revised Expression of Interest process for the future development of Apollo Bay Harbour.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Jason Schram

That Council endorse:

1. *The revised Development Plan and Expression of Interest and Tender process proposed for redevelopment of the harbour precinct as outlined in this report.*
2. *The attached amended Terms of Reference for the existing Apollo Bay Harbour EOI Project Control Group noting the following changes:*
 - a. *Renaming to the "Apollo Bay Harbour Precinct Redevelopment Project Control Group".*
 - b. *Extend its current scope to include oversight of the Development Plan process as well as any future EOI and tender process.*
 - c. *Include Transport for Victoria within its membership.*

CARRIED 5 : 0

Bruno Dimasi attended the meeting at 4.31pm.
Mark McLennan attended the meeting at 4.36pm.

ORDINARY COUNCIL MEETING
**PETITION TO SEAL OR GATT SEAL
FOREST STREET SOUTH**
OM182208-2

LOCATION / ADDRESS	Forest Street South, Elliminyt	GENERAL MANAGER	Tony McGann
OFFICER	Kristy Cochrane	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/6789	CONFIDENTIAL	No
ATTACHMENTS	1. Infrastructure Design Manual (IDM) Extract - Road construction		
PURPOSE	To respond to the petition tabled at the July Council Meeting requesting Council consider sealing or GATT sealing the section of Forest South Street between Belverdere Drive & Water Basin Road.		

RECOMMENDATION

That Council requests the Chief Executive to seek a detailed design for the construction of Forest Street South, between Belverdere Drive, Elliminyt and Shorts Road, Barongarook with the findings to be returned to Council for consideration by the November Council meeting. Funding options for improvement works will be determined once the cost of the proposed improvements is known and presented to Council for consideration.

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council requests the Chief Executive to seek a detailed design for the construction of Forest Street South, between Belverdere Drive, Elliminyt and Shorts Road, Barongarook and also for Christies Road from Harris Road to at least 10 metres past the entrance of the Colac Pony Club, Elliminyt with the findings to be returned to Council for consideration by the November Council meeting. Funding options for improvement works will be determined once the cost of the proposed improvements is known and presented to Council for consideration.

CARRIED 5 : 0

ORDINARY COUNCIL MEETING
**LIONS CLUB OF COLAC INC. (PROPOSED
LEASE) 87 WILSON STREET COLAC**
OM182208-3

LOCATION / ADDRESS	87 Wilson Street Colac	GENERAL MANAGER	Tony McGann
OFFICER	Mark McLennan	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F17/1478	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To consider a recommendation to enter into a Lease with Lions Club Colac Inc. - 87 Wilson Street Colac.		

Having declared a conflict of interest, Cr Chris Smith adjourned from the meeting at 4.59pm and did not take part in debate nor vote on the matter.

Cr Smith	OM182208-3
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	Current President of Lions Club of Colac Inc.

RECOMMENDATION

1. *That Council grant a lease to the Lions Club of Colac Inc. in accordance with the Council template with terms as follows:*
 - 1.1 *Term of Lease* (5) five years
 - 1.2 *Option of further* (5) five years
 - 1.3 *Rent* \$110.00 incl. GST per year
 - 1.4 *Rent review* CPI each year
 - 1.5 *Insurance* Tenant to pay
 - 1.6 *Outgoings* Tenant to pay
 - 1.7 *Maintenance* Tenant responsible
2. *That the Chief Executive or delegate be authorised to complete all administrative processes necessary to execute the lease on behalf of Council.*

- 2.1 *Authorises Council officers to give public notice of the proposed lease in accordance with sections 190 and 223 of the Act for a period of four weeks.*
- 2.2 *Determines that a 'Committee of Council' in accordance with the Local Government Act 1989 will hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
- 2.3 *In the event that no submissions are received, Council resolves to grant the lease on the terms set out in this recommendation and authorises the Chief Executive or delegate to complete all administrative processes necessary to execute the lease on behalf of Council.*
- 2.4 *Authorises the Chief Executive to execute all necessary documents in order to affect any Transfer or Assignment of Lease throughout the term of the lease.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Kate Hanson

1. *That Council grant a lease to the Lions Club of Colac Inc. in accordance with the Council template with terms as follows:*
 - 1.1 *Term of Lease (5) five years*
 - 1.2 *Option of further (5) five years*
 - 1.3 *Rent \$110.00 incl. GST per year*
 - 1.4 *Rent review CPI each year*
 - 1.5 *Insurance Tenant to pay*
 - 1.6 *Outgoings Tenant to pay*
 - 1.7 *Maintenance Tenant responsible*
2. *That the Chief Executive or delegate be authorised to complete all administrative processes necessary to execute the lease on behalf of Council.*
 - 2.1 *Authorises Council officers to give public notice of the proposed lease in accordance with sections 190 and 223 of the Act for a period of six weeks.*
 - 2.2 *Determines that a 'Committee of Council' in accordance with the Local Government Act 1989 will hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
 - 2.3 *In the event that no submissions are received, Council resolves to grant the lease on the terms set out in this recommendation and authorises the Chief Executive or delegate to complete all administrative processes necessary to execute the lease on behalf of Council.*
 - 2.4 *Authorises the Chief Executive to execute all necessary documents in order to affect any Transfer or Assignment of Lease throughout the term of the lease.*

CARRIED 4 : 0

Cr Smith returned to the meeting at 5.06pm.

The meeting adjourned for a short break at 5.06pm.
The meeting resumed at 5.14pm.

ORDINARY COUNCIL MEETING

DRAFT ELLIMINYT RECREATION RESERVE MASTER PLAN

OM182208-4

LOCATION / ADDRESS	235 Main Street Elliminyt	GENERAL MANAGER	Tony McGann
OFFICER	Ian Seuren	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/6934	CONFIDENTIAL	No
ATTACHMENTS	1. Draft Elliminyt Recreation Reserve Master Plan		
PURPOSE	To consider the Draft Elliminyt Recreation Reserve Master Plan.		

RESOLUTION

MOVED Cr Jason Schram seconded Cr Kate Hanson

That Council:

- 1. Provides in-principle support for the Draft Elliminyt Recreation Reserve Master Plan based on the level of community engagement undertaken in its preparation.*
- 2. In accordance with Council's Community Engagement Policy 2013, endorses the Draft Elliminyt Recreation Reserve Master Plan and releases it for public exhibition from Monday 27 August 2018 to Monday 8 October 2018.*
- 3. Supports the community to advocate for funding for the implementation of the Draft Elliminyt Recreation Reserve Master Plan.*

CARRIED 5 : 0

ORDINARY COUNCIL MEETING

NOTICE OF MOTION – WELCOME SIGNS AT THE EASTERN AND WESTERN ENTRANCES TO COLAC

OM182208-5

COUNCILLOR	Joe McCracken
ATTACHMENTS	1. Notice of Motion No 282 - Cr Joe McCracken - Welcome Signs at the Eastern and Western Entrances to Colac - Signed

RESOLUTION

MOVED Cr Joe McCracken seconded Cr Kate Hanson

That Council prepare a report into the viability, suitability and process of installing electronic 'welcome' signs to the Eastern and Western entrances to Colac.

CARRIED 5 : 0

ORDINARY COUNCIL MEETING
**AUDIT COMMITTEE MINUTES –
21 MARCH 2018**
OM182208-6

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	1. Audit Committee Meeting - Minutes - Signed - 21 March 2018		
PURPOSE	To receive for information the Colac Otway Shire Audit Committee minutes dated 21 March 2018.		

RESOLUTION

MOVED Cr Jason Schram seconded Cr Stephen Hart

That Council receives for information the Colac Otway Shire Audit Committee minutes dated 21 March 2018.

CARRIED 4 : 1

DIVISION

For the motion: Cr Jason Schram, Cr Stephen Hart, Cr Kate Hanson, Cr Joe McCracken

Against the motion: Cr Chris Smith

ORDINARY COUNCIL MEETING
**OLD BEECHY RAIL TRAIL MINUTES AND
ASSEMBLIES OF COUNCILLORS NOTES**
OM182208-7

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Planning Committee Meeting and Special Council Meeting Preparation - 11 July 20182. Assembly of Councillors - Councillor Briefing - 18 July 20183. Assembly of Councillors - Ordinary Council Meeting Preparation - 25 July 20184. Assembly of Councillors - Central Reserve Advisory Committee - 201808015. Meeting Minutes - Old Beechy Rail Trail Committee - 5 June 2018 - Confirmed6. Meeting Notes - Old Beechy Rail Trail Committee - 10 July 2018 - Confirmed		
PURPOSE	To report the minutes of the Old Beechy Rail Trail and report the Assemblies of Councillors.		

REPORTING

1. *The Assemblies of Councillors are reported herewith.*
2. *The minutes of the Old Beechy Rail Trail Committee for 5 June 2018 and meeting notes for 10 July 2018 are reported herewith.*

The Local Government Act 1989 does not require a Council decision.

Cr Chris Smith requested that his opposition to this item be noted.

RESOLUTION – ITEM OF URGENT BUSINESS

MOVED Cr Chris Smith

That Council admits an item of urgent business being the Proposed Tourist Resort Development at 275 Barham River Road, Apollo Bay (PP169/2017-1).

CARRIED 5 : 0

The meeting adjourned for a short break at 6.05pm.

The meeting resumed at 6.15pm.

ORDINARY COUNCIL MEETING
**PROPOSED TOURIST DEVELOPMENT AT
275 BARHAM RIVER ROAD, APOLLO BAY
(PP169/2017-1)**
OM182208-8

LOCATION / ADDRESS	Apollo Bay	GENERAL MANAGER	Gareth Smith
OFFICER	Doug McNeill	DIVISION	Development & Community Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To consider community submissions suggesting changes to the Without Prejudice Conditions contained in the resolution of the Special Council meeting held on 15 August 2018 concerning Planning Permit Application PP169/2017-1 for a tourist resort at 275 Barham River Road, Apollo Bay.		

RESOLUTION

MOVED Cr Chris Smith seconded Cr Stephen Hart

That Council:

- 1. Notes its resolution of 15 August 2018 Special Council Meeting regarding the proposed Tourist Resort Development at 275 Barham River Road, Apollo Bay (PP169/2017-1) allowed for further Councillor consideration of the "without prejudice" draft permit conditions based on community submissions provided prior to the Ordinary Council Meeting held on 22 August 2018.*
- 2. Notes four community submissions were received suggesting amendment to the draft permit conditions.*
- 3. Having considered the community submissions, Council supports the following "without prejudice" draft conditions being presented to the Advisory Panel related to the proposed use and development of the land for a residential hotel and associated leisure and recreation facility and removal of vegetation at 275 Barham River Road, Apollo Bay as required by the*

direction 8 of the Advisory Panel correspondence 20 March 2018 (noting that these may need to be revised in light of any evidence presented to the Panel).

Amended plans

- 1. Prior to commencement of the 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 must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:*
 - a. A total of at least 122 car parking spaces to the rear of the main hotel building to adequately service the hotel, restaurant, wellness centre and swimming pool uses. The parking is to be designed to allow for full circulation without requiring reversing out onto the main access driveway. Other parking areas identified on the plans, including the overflow parking area, in proximity to the maintenance area can remain.*
 - b. Swept paths showing access to the loading bay for larger vehicles.*
 - c. Vegetation removal consistent with the Biodiversity Assessment report by Ecology and Partners Pty Ltd dated May 2018.*
 - d. An Integrated landscaping plan for the site showing planting and landscaping outcomes consistent with the Bushfire Management report prepared by South Coast Bushfire Consultants dated 9 May 2018 and including:*
 - i. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant.*
 - ii. Details of surface finishes of pathways and driveways.*
 - e. Detailed engineering plans of specific mitigation measures responding to the recommendations of the Landslide Risk Assessment report by Golder Associates 1 November 2017 and letter of 15 May 2018 and as amended and approved under condition 3.*

Alteration to endorsed plans

- 2. The endorsed plans must not be altered without the written consent of the responsible authority.*

Access

- 3. The developer must establish an appropriate alternative access to the site other than from Barham River Road which is liable to flooding, at the developer's cost, prior to commencement of the use.*

Geotechnical and Landslip risk assessment report

4. *Prior to commencement of the development, an updated Geotechnical and Landslip Risk Assessment report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Geotechnical and Landslip Risk Assessment report will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Geotechnical Assessment and Landslip Risk Assessment by Golders Associates in its letter dated 15 May 2018 but modified to respond to the following:*
- a. Explanation of whether the identified geotechnical hazards can travel out of higher risk zones to lower risk zones and whether the zones been developed to allow buffers for such.*
 - b. Confirmation that any minimum buffer distance has been applied from the boundary of high and very high risk zones if necessary.*
 - c. Details of designs and measures proposed to mitigate any geotechnical hazards with the potential of travelling from high risk areas to adjacent lower risk areas.*
 - d. Removal of the expansion to the hotel complex and upgrades to the old access road from the overall development indicates engineering measures are not now needed in these areas. Confirmation is sought on how the potential removal of such engineering measures impacts the areas immediately adjacent to these areas and whether there would be any increase in risk in these adjacent areas because these measures are potentially not implemented.*
 - e. Reference to other geological structures such as the Apollo Bay Syncline and the Barham fault and their relevance to the site as part of a broader geological setting in the area.*
 - f. Comment regarding potential seismicity in the Otways and any impact of slope stability at the site.*
 - g. Provide further detail and explanation of what constitutes “engineering measures including drainage” and “engineering measures to improve drainage” and how feasible such measures may be.*
 - h. Comment on what further targeted intrusive geotechnical investigation works (which are required to inform detailed design and confirm risks) may be.*
 - i. Assessment to confirm that any stormwater drainage and waterway management proposed for the site is consistent with the identified geotechnical risks.*
 - j. Allowance for detailed engineering plans to be submitted for approval under the Erosion Management Overlay.*
 - k. Details of a formal monitoring program related to the potential for geotechnical risks to arise and be identified, and the response options proposed to manage and mitigate any risks to the development, its residents, workers and or to the contiguous environment.*

- I. Details of the locations and means of geotechnical monitoring and of the frequency and parameters to be monitored.*

Section 173 agreement

- 5. Prior to the commencement of the 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 property so as to run with the land, and must provide for the following:*
 - a. Widen Barham River Road at the developers expense to 6.2 metres with minimum 1.5 metres shoulder where necessary and provide an auxiliary left turning lane into the entry to the site and any other traffic management upgrades which are considered necessary to support the development based on external expert advice received by Council prior to a hearing of the Panel or a decision by the Minister. Details of any road upgrade/improvements need to be submitted to Council for approval prior to commencement of the development. The works must be completed prior to the on site development works commencing.*
 - b. The provision of a sealed path along Barham River Road, at the developers expense, from the subject land to Nelson Street. Details of the path need to be submitted to Council for approval prior to commencement of the development. The works must be completed prior to the use commencing.*
 - c. That the villas form part of the residential hotel and cannot be leased to any person other than the operator of the hotel, the villas cannot be sold to any person other than the operator of the hotel and cannot be operated separately from the residential hotel or operated or managed by any person other than the operator of the residential hotel.*
 - d. The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP169/2017, 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.

Consolidation

- 6 Prior to commencement of the development, Lot 1 P757287 (Vol 04068 Fol 542) and Lot 2 PS515118 (Vol 10725 Fol 985) comprising the subject land, must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.*

Emergency Management Plan

- 7 Prior to commencement of the development, an updated Emergency Management Plan, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Emergency Management Plan must be provided. When approved, the Emergency Management Plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Emergency Management Plan submitted with the amended application by Resource Management Consulting dated June 2018 but modified to remove reference to access along a new road to the site and access along the Old Hordern Vale Road as these elements have not received formal approval.

Lighting Management Plan

- 8 Prior to the commencement of the development a lighting management plan for the site must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Lighting Management Plan must be provided. When approved, the Lighting Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):
- a. Outlining how appropriate but minimal lighting with low luminescence can be provided on the site to minimise lighting impacts associated with the development at night.
 - b. Measures to screen lighting impacts beyond the boundaries of the site (including use of topography, built form and landscaping).
 - c. Use of appropriate shrouding and low level lighting.
 - d. Use of automated measures to ensure lighting of roads, buildings and common areas is switched off, at appropriate times.

Land Management Plan

- 9 Prior to commencement of the development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Land Management Plan must be provided. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):
- a. Site plan.
 - b. Site description.
 - c. List of the objectives for the property.
 - d. A description of native plants on site and in the area.
 - e. A description of the site outside the native vegetation areas.
 - f. Bushfire Management.

- g. Identification of Land Management Issues.*
- h. Goal setting and specification of actions and implementation and monitoring of the identified actions.*

The management of the land and the activities on the site must be conducted in accordance with the endorsed plan at all times to the satisfaction of the Responsible Authority.

- 10 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 development 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:*

- a. Permit holder.*
- b. Planning permit number.*
- c. Reporting year (1-5).*
- d. Date report is submitted.*
- e. Who completed the report.*
- f. Condition of site against each management commitment.*
- g. Actions taken during the year to achieve the management commitment.*
- h. Photographs which clearly depict management actions undertaken for the previous year.*

Service Infrastructure report

- 11. Prior to commencement of the development, an updated Service Infrastructure Report, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Service Infrastructure Report must be provided. When approved, the Service Infrastructure Report will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Service Infrastructure Report submitted with the amended application by Irwin Consult dated 10 May 2018 but modified to commit to the provision of an appropriate solar panel system to service the site and detail a time frame for provision. The plan should also include the proposed construction details of all linear services facilities (sewers, high pressure water pipes, drains and submerged surface electrical conduits) including the means by which their ongoing efficiency shall be monitored and of any contingency measures proposed for mitigation should inefficiencies in their operation be detected.*

Construction Management Plan

- 12. Before the development starts a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When*

approved the plan will be endorsed and form part of the permit. The plan must address the following matters:

- a. Management of stormwater during construction to avoid 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).*
- b. Measures to minimise the impacts of construction vehicles arriving and departing from the land, including via local and state roads, and including repairs from damage caused by construction vehicles at the expense of the developer.*
- c. Measures to accommodate private vehicles of workers/tradespersons.*
- d. Details of the construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers facilities.*
- e. Noise attenuation measures to be put in place to protect the amenity of the surrounding area during construction having regard to the EPA Guidelines on Construction and Demolition Noise.*
- f. Measures to minimise the generation and dispersal of dust.*
- g. Details of a 24 hour hotline for access to a project manager accountable for the project and compliance with the Construction Management Plan.*
- h. Arrangements for waste collection and other services during construction.*

Waste Management Plan

13. Before the development starts a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must address the following matters:

- a. Arrangement for the storage, and collection of solid and liquid waste.*
- b. Collection times and frequency.*

Native vegetation and Landscaping

14. Within 12 months of the occupation of the development, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

15. *The removal of native vegetation must be in accordance with the endorsed plan and as identified in the Biodiversity Assessment report Ecology and Partners Pty Ltd May 18 to the satisfaction of the Responsible Authority.*
16. *In order to offset the removal of 2.95 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual.*
- The offset must:*
- a. *Contribute gain of 0.500 general biodiversity equivalence units.*
 - b. *Be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district.*
 - c. *have a strategic biodiversity score of at least 0.661.*
17. *Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual. Offset evidence can be either:*
- a. *A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.*
 - b. *A credit register extract from the Native Vegetation Credit Register.*
18. *In the event the offset is provided through a security agreement:*
- a. *Prior to vegetation removal, an offset plan showing appropriate offsets to compensate for the losses must be submitted to and approved by the Responsible Authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.*
 - b. *Every year, for ten years, after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.*
19. *Before any site works start, tree protection fencing must be erected for a distance of at least 2 metres (trunk) around the native trees to be retained at the site and in the road reserve. The tree protection fencing must be maintained in good order throughout the entire construction period and no soil or building materials is to be placed within the tree protection zone.*

20. *Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*
21. *Unless otherwise approved by the Responsible Authority, no earthworks or construction activity is permitted to take place within 30 metres of the waterway.*

Landslip and Geotechnical

22. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment and Landslip Risk Assessment by Golder & Associates or any Geotechnical Practitioner engaged to review those assessments submitted with the application and any further recommendations included in the Planning Permit application by the Responsible Authority.*
23. *All bored piers, site cuts and excavations must be inspected by a qualified geotechnical engineer during construction and the profiles documented. A copy of the profiles must be lodged with the Responsible Authority within thirty days of inspection.*
24. *Within three months of completion of the building, a Geotechnical Engineer must be engaged to inspect the site and confirm in writing to the Responsible Authority that the stability of the land under the conditions of its intended use is acceptable as defined in the Australian Geomechanics Society Landslide Risk Management Guidelines dated March 2000. In the event that the works are not acceptable as defined, details of corrective measures must be submitted to and approved in writing by the Responsible Authority. Any such measures must be implemented within 1 month of approval being given by the Responsible Authority, unless an alternative timeframe is agreed in writing by the Responsible Authority.*
25. *A report must be prepared annually by a qualified professional geotechnical engineer or geologist to the satisfaction of the Responsible Authority reporting the geotechnical monitoring results and any instances and or failures of relevance to the geotechnical risks and or changes in risk associated with the site, its facilities and use.*

Maximum building height - RL

26. *The maximum building height of the main hotel building must not exceed RL102.8 to the observatory in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.*

Surveyor's certificate – set out and frame

27. *Written statements from a licensed surveyor must be submitted for approval to the Responsible Authority confirming:*
 - a. *That the buildings have been set out in accordance with the endorsed plan; and*
 - b. *That the roof levels will not exceed the roof levels specified on the endorsed plan.*

The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

Car parking and accessways

28. *Before the occupation of the development internal road and accessways must be constructed in accordance with the endorsed plans.*
29. *Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
- a. Constructed.*
 - b. Properly formed to such levels that they can be used in accordance with the plans*
 - c. Surfaced with an all-weather-seal coat or crushed rock surface as indicated on the endorsed plans.*
 - d. Drained.*
 - e. Clearly marked to show the direction of traffic along access lanes and driveways.*
 - f. Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.*

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

Loading and unloading

30. *The loading and unloading of goods from service vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.*
31. *The loading bay must remain free for the purpose of loading and unloading at all times.*

Stormwater runoff

32. *All runoff from stormwater, including overflow from water storage, must be undertaken in accordance with the Stormwater Drainage and Waterway Management report by Irwin Consulting dated 9 May 2018 to the satisfaction of the Responsible Authority.*
33. *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.*

Public address system

34. *No public address or sound system shall be used on the subject land except one which is audible only within the building on the land unless in an emergency.*

Noise control

35. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 and EPA's "Guidelines on Noise from Industry in Regional Victoria" as relevant.*

Hours of operation

36. *The main restaurant and wellness centre available to guests and the public hereby permitted must operate only between the hours of:*
- *6am to 10pm from Monday to Sundays and public holidays*

General Amenity

37. *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. *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
 - d. *Presence of vermin.*

Maximum seating

38. *No more than 150 seats may be made available at any one time to patrons of the main restaurant on the premises that is available to guests and the public, unless otherwise approved in writing by the Responsible Authority.*

CFA CONDITIONS:

Bushfire Management Plan amended

39. *Before the approved development commences under this permit, an amended Bushfire Management Plan to the satisfaction of the responsible authority and the CFA must be submitted to and approved by the responsible authority. When approved, the Bushfire Management Plan will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.*

The Bushfire Management Plan must be generally in accordance with the plan submitted with the application (Section 6, Page 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants dated 25/06/2018) but modified to show:

- a. *Any buildings and works required as a result of the Bushfire Emergency Management Plan required to be prepared as a condition of this permit.*
- b. *The buildings, works and vehicle & pedestrian roads/accesses for the firefighting systems required as a condition of this permit.*

- c. *Landscaping arrangements for all areas of the site that minimise the potential for a bushfire to spread into the site from surrounding land and from ember attack. This includes but is not limited to those areas close to buildings that require management as defensible space for the purpose of building protection.*

Once endorsed, the Bushfire Management Plan must not be altered without the written consent of the CFA and the Responsible Authority.

- 40 *A firefighting system for both structural and bushfire use (BMO) will be provided at the site and will include a water supply/supplies, fire pumps, ring main, sprinkler system, booster system, hydrants, fire hose reels etc. All systems will be installed and maintained at the subject site "to the satisfaction of CFA". This also includes fire fighter vehicular and pedestrian access to the equipment including booster point, fire pumps, hydrants, fire hose reels etc.*
- 41 *Access to, and around the complex including roads, bridges etc, shall provide fully complaint access for the full range of CFA appliances that would normally be expected to respond to a fire call at the facility from Slip on Units with a weight capacity of 3.9 Tonnes, Tanker at 15 Tonnes and Pumpers at 18 Tonnes +. Access arrangements for the site will be constructed and maintained to the satisfaction of CFA.*
- 42 *Before the approved development commences under this permit, a BUSHFIRE EMERGENCY PLAN to the satisfaction of the Responsible Authority and CFA must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the submitted Bushfire Management Statement (Section 6, Page 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants dated 25/06/2018) and satisfactorily address the following matters:*
- *The Fire Danger Rating triggers for the closure of the facility.*
 - *Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.*
 - *Details of the location/s for emergency assembly, evacuation and shelter-in place (in the event that evacuation from the site is not practicable). Where shelter is required or proposed within a building or structure, the need for a bushfire attack level construction requirement to be applied must be assessed by a suitably qualified person and where deemed necessary, specified in the approved Bushfire Management Plan.*
 - *Transport arrangements for staff and visitors.*
 - *The need for any additional arrangements for persons with special needs.*
 - *Training of staff, visitors and overnight guests on emergency procedures.*
 - *The nature and frequency of emergency procedure exercises.*

- *Emergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:*
 - *Management and oversight of emergency procedures.*
 - *Training of employees in emergency procedures.*
 - *Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.*
 - *Accounting for all persons during the emergency procedures.*
 - *Monitoring and review of the BEP at least annually.*

43. *CFA recommends that EMERGENCY MANAGEMENT PLANS are developed in line with AS 3745: Planning for emergencies in facilities, in relation but not limited to emergency prevention, emergency preparedness, and emergency mitigation. Emergency Plans will be developed for the site "to the satisfaction of CFA".*

Mandatory condition

44. *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.*

BARWON WATER CONDITIONS

General

45. *The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.*
46. *The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation.*
47. *For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with section 36 of the Subdivision Act 1988.*
48. *These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all costs associated with creating these easements including payment of any compensation to other land owners for the easements.*

Potable Water

- 49. The provision and installation of a potable water supply to the development.*
- 50. Reticulated potable water mains are required external to the land. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.*
- 51. Private internal water services are required. Provision of private services is subject to the land owner entering into a Water Supply by Separate Written Agreement with Barwon Water.*
- 52. Metering of water supply to the development is required to the satisfaction of Barwon Water and to be determined at the time a Developer Deed is issued.*
- 53. The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.*

Sewer

- 54. The provision and installation of a sewerage service to the development.*
- 55. Reticulated sewer mains are required external to the land. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.*
- 56. Private sewer services are required and subject to a Sewer Supply by Separate Written Agreement with Barwon Water. Private services are to comprise of a sewer pump-station within the land, and rising main to the reticulation sewer connection point, and internal sewer mains within the land.*

Note: The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/ or sewerage services to the subdivision.

Expiry of Permit

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

- *The development, including vegetation removal, and/or use is not started within four years of the date of this permit.*
- *The development is not completed within six 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:

Health Requirements

The premise is required to comply with all State Legislation, in particular the Health (Eating House and Food Premises) Regulations 1984. Trading must not commence until the prior approval of Council's Environmental Health Officer has been obtained and the registration of the property under the Food Act 1984 has been completed.

Liquor Licence required

The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.

CARRIED 5 : 0

Doug McNeill left the meeting at 6.26pm.

CLOSED SESSION

RESOLUTION

MOVED Cr Jason Schram seconded Cr Kate Hanson

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 6.26pm and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 25 July 2018</i>	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
<i>COPACC Cinema Services</i>	this matter deals with contractual matters.	Section 89 (2) (d)

CARRIED 5 : 0

The meeting was declared closed at 7.05pm

CONFIRMED AND SIGNED at the meeting held on 26 SEPTEMBER 2018


.....MAYOR