



Colac Otway  
SHIRE

COUNCIL MEETING

## MINUTES

Wednesday 28 February 2024

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 27 March 2024



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 28 February 2024

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## COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on  
Wednesday 28 February 2024 at 4:00 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 PRESENT**

Cr Margaret White (Mayor)  
Cr Max Arnott  
Cr Graham Costin  
Cr Tosh-Jake Finnigan  
Cr Kate Hanson  
Cr Stephen Hart  
Cr Chris Potter

Anne Howard, Chief Executive Officer  
Andrew Tenni, General Manager Corporate Services  
Doug McNeill, Acting General Manager Infrastructure and Operations  
Ian Seuren, General Manager Community and Economy  
Blaithin Butler, Statutory Planning Coordinator  
Steven O'Dowd, Manager Customer and Communications  
Kendrea Pope, Senior Governance Advisor  
Carmen Lawrence, Coordinator Council Business

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

Nil

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

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



## RECORDING AND PUBLICATION OF MEETINGS

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

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

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

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

## 5 QUESTION TIME

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

### QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

1. Have any international workers been hired under the GSC DAMA [Great South Coast Designated Area Migration Agreement] Collaborative arrangements for any businesses in the Colac Otway Shire since this Council is part of six in this group of Councils using the scheme all the way to the South Australian border?

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

Since July 2019, 14 businesses in the Colac Otway Shire have been endorsed through the Great South Coast DAMA program, which have obtained Labour Agreements. A total of 34 positions (workers) were requested by these businesses.

2. Under the Colac 2050 Growth Plan since the Colac Otway Shire Council has been looking for land that could be rezoned to residential and commercial usage from rural use. What guarantee is this Council going to give that any rezoned land must have all drainage upgraded to the standard required when land is rezoned, not leave drainage only meeting the requirement of land zoned for rural use.

#### *Response from Acting General Manager Infrastructure and Operations*

Technical assessments are undertaken at rezoning stage to identify how stormwater must be treated for new residential development.

The actual works to upgrade drainage to meet these requirements won't occur until subdivision stage and is included as conditions on the subdivision permit.

3. During the 2022 – 2023 financial year what was the cost to the Colac Otway Shire Council for electricity that had to be purchased so Bluewater could continue to operate? Now with the 24/7 gymnasium at that location the sun is below the horizon half the electricity could be used at the Bluewater complex with no sun, no power would be produced by solar panels that require sunlight to operate, plus half the year we have 12 hours or less sunlight per day including a long period of about 8 hours sunlight per day.

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

The cost of electricity for the Bluewater Leisure Centre in the 2022-23 financial year was \$83,649.

4. Was the review by the Colac Otway Shire Council into OPASS genuine, or was the excuse that changes were to be made into how the Federal Government would finance this system just used as a smokescreen so Council could seek out areas it could reduce staff in as many other sections of Council that provide vital services to support this section? So, if it was no longer, you would have staff working other areas that would have marked reduced workloads? Do not forget clients of OPASS provide Council with a revenue stream without this revenue the budget would be hit for a six. Sections directly impacted include accounting, IT services, mailing, stock maintenance etc.

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

The review is necessary to ensure that Council has the information, data and analysis required in order to make an informed decision on the future provision of services by Council.

Colac Otway Shire Council commenced a review of its Aged Care and Disability Support Services in response to the Commonwealth Government reforms to in-home care. The reforms involve significant change in a number of areas including reporting and accountability requirements, provider accreditation, new governance standards and increased prudential and financial reporting as well as changes to funding arrangements to support the service.

**David Walsh**

1. My 3 questions are in regards to the last Council Meeting and Agenda 13 December 2023, Agenda Item 9.3 Social Housing 36-52 Bruce Street. After reading the Council officer's report one gets a warm and fuzzy feeling what a great social outcome has been achieved but when Council officers are questioned, we find a \$300,000 fee not mentioned in the agenda. Do Councillors believe this is a fair and transparent agenda fed to the ratepayers?

***Response from Acting General Manager Infrastructure and Operations***

The financial arrangements between the current landowner and the potential social housing provider are commercial arrangements between those two parties, and therefore it was not



appropriate to have been referenced in the officer's report unless it was relevant to the decision before Council.

The decision sought of Council at the December meeting related to the provider only, not the commercial arrangements between the two parties, and so wasn't referenced.

2. **How does transferring land to the NDIS or a similar identity help the social housing outcome for low-income households in Colac?**

***Response from Acting General Manager Infrastructure and Operations***

The proposal by TW Projects is to develop housing which would accommodate persons eligible for social housing that have special needs which may include NDIS recipients.

3. **Why aren't the 3 properties transferred back to the ratepayers of Colac at the end of use, or do we make the same mistakes as the Colac high school site?**

***Response from Acting General Manager Infrastructure and Operations***

Council's focus was on ensuring that the community received social housing outcomes, not in being the ongoing or future landowner, and therefore there was no such requirement included in the Contract of Sale.

**Libby Smith**

1. **Compliance with speed limits reflects to a considerable extent the location of the traffic counters, not what occurs over the length of the road. Southbound traffic speeds on the steep sections of Old Coach Road are often dangerously high. What does the Council propose to do to address this issue?**

***Response from Acting General Manager Infrastructure and Operations***

The Council has applied to Department of Transport and Planning seeking permission for a reduction in the speed limit for vehicles on the unsealed section of road north of the township which, if successful, should encourage a lower speed for vehicles within the township area. Council is considering an officer report on this matter at the meeting today.

2. **The Officer Report states under the heading of Community Engagement that the Community Petition lodged 3 years ago in 2021 sets out the community views and henceforth precludes the need for Council to further consult with residents over matters related to their residential amenity in respect of this matter. Does this mean that the Council sees itself as having no responsibility to consult with or inform residents of decisions being made regarding traffic management in the street on which they live?**

***Response from Acting General Manager Infrastructure and Operations***

Consultation will depend on the outcome of Council's meeting.



### Michael Fenton

1. Dear Colac Otway Shire Councillor's, re the large-scale industrial sand extraction business currently being permitted to operate within the Bushby's Road rural living precinct at 165 Bushby's Road.

Are the sitting councillor's aware of the myriad of complaints to Council officers regarding the negative and detrimental impact of this commercial business to the adjoining and surrounding residential properties affecting the health, well-being, and amenity of the occupants and if so, what steps have Council made in addressing and resolving these issues to the satisfaction of and notification to the affected residents?

#### *Response from Acting General Manager Infrastructure and Operations*

Council is aware of the serious concerns expressed by residents about the quarry operations at Barongarook in Bushbys Road. The quarry does not require planning permission from Council to operate given it was established before current planning controls.

The State Government's Earth Resources Department has responsibility for overseeing the compliance of the operations with a Work Authority issued for the site. Council has conveyed the resident's concerns about the quarry to Earth Resources and its officers have actively responded to concerns. Council does not have any regulatory control over the quarry.

### Vicki Fenton

1. Dear Colac Otway Shire Councillors, are the Councillors aware of, and have steps been taken in support of the affected residents to challenge the impact of the Victorian Government's implementation of Planning Amendment VC219 due to the permitted operation of the Bushby Road sand extraction operation which, if left unchallenged, will devalue the properties of a significant number of residential properties within a 500 metre radius of the permitted sand operation?

#### *Response from Acting General Manager Infrastructure and Operations*

The State Government recently amended all planning schemes in Victoria to introduce a new planning permit requirement for dwellings and other land uses within 500m of a quarry. Whilst this control is aimed at limiting new residential development from establishing within quarry buffer areas, it will apply to any new development occurring within this distance of the Bushbys Road quarry in the future, and decisions on any applications will be made on their merits. Council did not have role in the decision making process for that amendment.

### Richard Jones

1. The following question was made to Council prior to their meeting July 2023 and equally applies to the proposals before Council at this meeting. Why is the Council considering making this controversial change to traffic arrangements without any consultation when it is clearly detrimental to Skenes Creek residents and contrary to what they sought?

***Response from Acting General Manager Infrastructure and Operations***

Council is aware of the concerns of Skenes Creek residents concerning traffic on Old Coach Road and this has informed recommendations made to Council on different occasions since the matter first arose.

**2. The Council resolved three years ago at its meeting on 24th March 2021 the following:**

- Item 6. "Prepare a signage plan with new warning signage for pedestrians, cyclists, and vehicles." It was communicated by Council on 6/08 2021 this was underway. Notwithstanding this there has been no evidence to date of this plan being completed or implemented.
- Item 8. "Contact relevant providers to request changes to the GPS system to redirect motorists down Skenes Creek Road." Similarly in the status update of 6/08/21 it was communicated this could only be done when a speed limit reduction was made, and this was being pursued. So far nothing has been completed with Google maps.
- Item 9. "Apply to Regional Roads Victoria for a speed reduction on Old Coach Road from 100 km/h to 50 km/h." Status report 6/08 2021 "as being prepared".
- This has not been done and now three years later it is noted in this current report there is an application to reduce the speed limit to 40 km/h.
- Item 10. "Advocate to Regional Roads Victoria for installation of further signage on arterial roads encouraging the use of Skenes Creek Road" Status as at 6/08/21 to commence shortly.

There is no evidence this has been done.

The following question was made to Council prior to their meeting in July 2023:

"Given the failure to properly implement its decision on the Boom Gate trial, what action will the Council take to ensure in the future, its decisions are both carried out and regular updates provided?"

In the light of the above failure on Items 6,8,9 and 10 the question is repeated and hopefully this time answered. It is a clear failure of Governance for the Council to make decisions and for them not to be implemented. In the light of the above failure on Items 6,8,9 and 10 the question is repeated and hopefully this time answered.

Community Engagement - The report provided to Council states "The community lodged a petition with Council in 2021 and their views on the issue are well known. It is not proposed there be any further Community engagement."

Why?

***Response from Acting General Manager Infrastructure and Operations***

Council did apply to the Department of Transport and Planning to change the speed limit on the section of Old Coach Road outside of the 40 km/hr section in 2023, but a response has not yet been received. This has again been followed up recently. New signage will be erected at such time as this application is approved to encourage lower vehicle speeds.



Council completed the trial of the boom gates in accordance with the Council's resolution. Unfortunately, through repeated vandalism the boom gates were damaged, and the solution has proved expensive to maintain. Council concluded the trial at its July 2023 meeting.

In respect of community engagement, it was noted in the officer report that no further engagement was proposed at the current time. It is considered that traffic count data provides the information required to inform Council of its options, with a report on this matter being considered at the meeting today.

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

##### **Helen Paatsch**

1. I am asking a question in regard to the speed humps in Wilson Street. They have been there because of the Specialist School and there was a 40km speed limit and I am wondering now that the school has moved out to the High School site whether those speed humps will remain?

##### ***Response from Acting General Manager, Infrastructure and Operations***

Thank you for the question, we have instructed our staff to make arrangements to have those speed humps removed given the change in circumstances.

##### **Alan Billing**

1. It's in relation, not surprisingly to the Visitor Servicing Review, this review I understand has been happening for over eighteen months and I notice within an agenda item for a Council workshop that there has been one workshop to which the Councillors had the opportunity to discuss this review which took, I understand, 39 minutes. Following on from that, in December last year I was told by James Myatt that there would be a report on this review at this Council meeting. I have seen the agenda and I don't see that there is any report there. So, my question is when will the report be presented to the Community and why after eighteen months the Councillors only have 39 minutes to discuss the work?

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

Thank you for the question, Mr Billing. My understanding or my recollection was that there was a Resolution by Council at the December 2022 meeting, so that makes that a little over twelve months ago, not the eighteen months that you mentioned. There have been numerous conversations internally and we have done some consultations through a Business and Community Survey. Yes, we did have a conversation with Councillors last week and we have another one scheduled next week, a further workshop. Obviously, we have had discussions with our Councillors over a period of time and we are anticipating a discussion paper to come to the April Council Meeting.

Thanks for that if I could go back to a deputation to the Mayor Kate Hanson and the CEO which was well before and that and that discussion indicated that was a review taking place, so the review does go back longer than has been suggested by Mr Seuren.



*Response from the Mayor*

Do you have another question Mr Billing?

2. Yes I do have a further question, but it relates to Lake Colac. I was around there this morning, and the Lake level has receded considerably, and I am just wondering when Council will do the repair work to save the remaining asset?

*Response from Acting General Manager, Infrastructure and Operations*

Thank you for the question, Mr Billing, we are certainly very aware of the repairs required on the edges of the lake and we are actively in the process of scoping out the work to have that repair done.

Gary Richards

1. Thank you for the opportunity to ask a couple of questions. Myself and many other members of the public, Landcare and SOLN [Southern Otway Landcare Network] are asking the same sort of question. Just to brief you on it, don't know if you have heard, but Andersons Creek is a contributory to the Barwon River. Here, last Christmas during holiday season, a property developer/s came through and cleared all the undergrowth along Andersons Creek. This undergrowth that he cleared, or this plantation – if I may explain it a little bit was planted in around 2008 by Landcare in conjunction with, I think, Colac Otway Shire using public money and people power to plant these. Over the last fifteen to twenty years, it has become a full working functional environmental wildlife corridor which connected the bush right down to the industrial estate and the mudflaps down at the bottom. This has all been cleared much to the disgust of a lot of people. So, the question is, or one of the questions is, is this a Council Reserve? We are having trouble finding out. And what jurisdiction do Council have over it if any? That would be the first question.

*Response from Acting General Manager, Infrastructure and Operations*

Thank you for the question – I would like to take those points you have just asked on notice, my suggestion is if you could follow up after the meeting tonight and give us your details before you leave, we can get in contact with you to get some details to help us answer those questions for you.

2. Was a permit needed for this clearing in relation to, or as far as, Colac Otway Shire's Acts or whatever to clear that area?

*Response from Acting General Manager, Infrastructure and Operations*

Again, I will take that on notice, but I will comment that if it is land that is not privately owned it would have required the consent of the owner or the land manager, which may be Council or another authority. So, we will certainly investigate this as a potential breach of controls in place.

The other problem we are having is getting access and what has actually happened there, and what has gone on, there are rumours that not only the Landcare planting has been removed or devastated but further up the river the native bush has also apparently been taken out.

*Response from the Mayor*

*Do you have a further question?*

3. Yes, does Landcare or SOLN or the general public have the right to walk up Andersons Creek along the banks and take photos or do research as to what's happening?

*Response from Acting General Manager, Infrastructure and Operations*

Again, I might have to take this question on notice because to understand what access rights you might have, we'd need to first determine whose land it is and the arrangements around that.

4. There is one other that relates to the same person, the same property developer who wants to put a 28 lot subdivision at the end of Park Avenue. My house is actually at the end of Park Avenue. I have a spring that runs through it in winter, it is a fully functional spring and you can't stop these things, it is like trying to stop a river. It has undermined my driveway and there is footing movement in the house and I'm having problems with doors not shutting properly these days. The Council approved this subdivision in 2008, so the question is, has Council faced any litigation orders or trials against them in relation to this sort thing in the past?

*Response from Acting General Manager, Infrastructure and Operations*

Can I ask you to clarify what you mean by litigation against such things? What you are referring to.

Council would be the Responsible Authority when it comes to issuing permits, subdivision permits and things, so they would be issued under your authority so you would be responsible. The way I see it, you would be responsible, the Council would be responsible if there is land being allowed to be subdivided that has springs in it, problems, or a flood plain or whatever it may be - fire or whatever.

*Response from Acting General Manager, Infrastructure and Operations*

To the best of my knowledge Mayor, I am not aware of any litigation or actions against Council in respect of planning decisions that have been made.

#### **Tony Webber**

1. You will be discussing Safer Places for Apollo Bay, has the Apollo Bay Community Youth Club been considered as a Safer Place? It has a large full open block beside the building. It is a large building that could accommodate quite a few people in an emergency.

*Response from Acting General Manager, Infrastructure and Operations*

Thanks for the question Tony. I am not sure if that site has been taken into account and happy to take that question on notice and get back to you.

## **6 PETITIONS / JOINT LETTERS**

Nil

## **7 DECLARATIONS OF INTEREST**

Anne Howard	9.6 Review of Chief Executive Officer Employment Matters Policy and Committee ToR
Nature of disclosure	Material

## **8 CONFIRMATION OF MINUTES**

- Council Meeting held on 13 December 2023.

### ***RESOLUTION***

***MOVED Cr Max Arnott, SECONDED Cr Kate Hanson***

***That Council confirm the minutes of the Council Meeting held on 13 December 2023***

***CARRIED 7:0***



## RESOLUTION

*MOVED Cr Tosh-Jake Finnigan SECONDED Cr Kate Hanson*

*That the Council resolve to change the order of business to bring forward any items of business which is currently scheduled at item 11 for consideration immediately prior to consideration of officer's reports.*

**CARRIED 7:0**

## MOTION

*MOVED Cr Tosh-Jake Finnigan SECONDED Cr Kate Hanson*

*That Council consider an item of urgent business relating to the Great Ocean Road Coast and Parks Authority.*

**LOST: 2:5**

**Item: 9.1**

**Planning Application PP334/2022-1 - Childcare Centre, Signage and Associated Works at 28 Hesse Street, Colac**

<b>ADDRESS AND PROPERTY DETAILS</b>	28 Hesse Street COLAC (Lot 1 TP:592544 V/F: 3820/831 Parish of Colac)	<b>APPLICATION NUMBER</b>	PP334/2022-1
<b>PROPOSAL</b>	Childcare Centre, Signage and Associated Works		
<b>PERMIT TRIGGERS</b>	Clause 32.08-2 – Use of Childcare Centre – GRZ1 Clause 32.08-9 – Buildings and Works – Section 2 Use – GRZ1 Clause 43.01-1 – Demolition, Buildings and Works, Display of Signage – HO307 Clause 52.05 - Display of Signage		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Four (4) or more objections – eleven (11) objections received		
<b>ZONE</b>	General Residential Zone, Schedule 1 (GRZ1)	<b>OVERLAYS</b>	Heritage Overlay (HO307) - Residential Precinct Colac – 100%  Abuts Heritage Overlay (HO127) - Road Culverts Manifold Street, Colac
<b>COVENANTS</b>	N/A		
<b>CULTURAL HERITAGE</b>	No		
<b>OFFICER</b>	Bernadette McGovan	<b>CEO</b>	Anne Howard
<b>DIVISION</b>	Planning and Strategic Focus		
<b>ATTACHMENTS</b>	1. Application Form [9.1.1 - 3 pages] 2. Applicant's Planning Submission [9.1.2 - 21 pages] 3. Plan of Feature and Level Survey [9.1.3 - 1 page] 4. Application Plans [9.1.4 - 19 pages] 5. Noise Assessment Report [9.1.5 - 37 pages]		

6. Traffic Report [9.1.6 - 14 pages]
7. Addendum to Traffic Report - Photographs [9.1.7 - 6 pages]
8. Sample Signing Sheet [9.1.8 - 3 pages]
9. Applicant's Response to Objections [9.1.9 - 5 pages]
10. Residential Precinct, Heritage Design Guidelines, December 2020 [9.1.10 - 1 page]
11. Heritage Advice [9.1.11 - 5 pages]

## RECOMMENDATION

*That Council in accordance with Section 64 of the Planning and Environment Act (1987) resolves to issue a Notice of Decision to Grant a Permit for the Use and Development of Land for a Childcare Centre, Including Partial Demolition of a Building and Outbuildings, Construction of a Shed, Display of Signage and Associated Works, subject to the following conditions:*

1. *Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:*
  - a) *notations detailing the noise mitigation measures recommended in Section 8 of the Noise Assessment Report by Audiometric & Acoustic Services (Report No. 23043.3, dated 22 August 2023) and as implemented by conditions 16 and 17 of this permit.*
  - b) *a concrete or asphalt surface to the car park.*
  - c) *an area on the site for the loading and unloading of goods.*
  - d) *permanent measures to prevent overlooking of the secluded private open space and habitable room windows of 26 Hesse Street, in accordance with clause 54.04-6 of the Colac Otway Planning Scheme.*
  - e) *a schedule of all external colours and materials, which must be muted and non-reflective.*
  - f) *the location and full details, including dimensions, height above ground, colours and illumination, if any, of all signage (which must not contain any flashing lights) and any supporting structures.*
  - g) *a notation that the existing road culverts in Manifold Street (which are protected under Heritage Overlay HO127 - Road Culverts Manifold Street Colac) will be retained and permanently protected, including during construction, and that if any damage is sustained it will be rectified to the satisfaction of the Responsible Authority prior to the building being brought into use.*



### *Endorsed Plans*

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

### *Number of Children/Staff*

4. *During hours of operation, no more than 30 children and 3 staff may be present on the premises at any one time unless otherwise approved in writing by the Responsible Authority.*

### *Hours of Operation*

5. *The use hereby permitted must operate only between the following hours unless otherwise approved in writing by the Responsible Authority:*
  - *During school term: Monday to Friday, 6.45am - 9.00am and 3.00pm - 6.00pm (before and after school care).*
  - *During school holidays: Monday to Friday, 8.00am - 6.00pm (all day care).*
  - *Outdoor play area - not operated prior to 7.00am or after 6.00pm.*

*The childcare centre must remain closed on weekends.*

### *Deliveries*

6. *Deliveries to the site must only take place from Monday to Friday between 8.00am and 6.00pm.*

### *Construction Management Plan*

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

### *Access*

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

10. *The existing road culverts in Manifold Street, which are protected by a heritage overlay, must be retained and permanently maintained, including during construction works. In the event any damage is sustained, it must be rectified prior to the building being brought into use as a childcare centre.*

#### *Car Park and Loading/Unloading*

11. *Prior to the commencement of the use hereby permitted, the car park must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*
12. *The loading and unloading of goods from vehicles must only be carried out on the land.*

#### *Stormwater*

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

#### *Stormwater Management Plan*

15. *Prior to the commencement of development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended). All works must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.*

#### *Noise*

16. *Prior to the commencement of the use hereby permitted, the noise mitigation measures outlined in Section 8 of the Noise Assessment Report by Audiometric & Acoustic Services (Report No. 23043.3, dated 22 August 2023) and shown on the endorsed plans must be installed and thereafter must be so maintained to the satisfaction of the Responsible Authority.*
17. *The development and use of the premises must at all times comply with the recommendations and noise mitigation measures outlined in Section 8 of the Noise Assessment by Audiometric & Acoustic Services (Report No. 23043.3, dated 22 August 2023) and shown on the endorsed plans, including the following:*
  - a) *Use of the outdoor play must be limited to between 7am – 6pm from Monday to Friday. No outdoor play is to occur outside this time period.*



- b) *The boundary fencing to the north and east sides must be acoustic barriers. The barriers must be constructed with materials achieving a minimum surface density of greater than 12 kg/m<sup>2</sup> with no gaps, particularly at the base of the barrier.*
- c) *The mechanical plant must be located in the service area, as per figure 9 on page 28 of the report.*
- d) *The surfaces of the car park must be a smooth concrete or asphalt, as opposed to compacted gravel or similar that would generate noise.*
- e) *Signage within the building must request customers to respect the neighbours and keep voices to a minimum during pick up and drop off.*
- f) *All windows within the library and the children's bathroom facing 26 Hesse Street must be inoperable and remain closed.*
- g) *Secondary play area doors facing 45 Manifold Street must be the self-closing type.*

18. *The use must at all times be managed in compliance with:*

- *the Environment Protection Regulations 2021 and EPA Publication 1826.4: 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues', 1 July 2021.*
- *Noise Control Guidelines publication 1254.2, May 2021.*

#### *Signage*

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

#### *Landscaping*

- 21. *Prior to commencement of the development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:*
  - a) *a survey (including botanical names) of all existing vegetation to be retained and/or removed*
  - b) *landscaping and planting within all open areas of the site and to screen:*
    - *the car parking area from Manifold Street and the adjoining property to the north*
    - *the proposed 1.5m high picket fence and play area from Hesse Street*
    - *the play area from the adjacent property to the north*
  - c) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*
  - d) *details of surface finishes of pathways and driveways.*

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

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

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

#### *General Amenity*

23. *Prior to the commencement of the use hereby permitted, an Amenity Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All activities forming part of the use must comply with the approved plan, to ensure that the amenity of the area is not detrimentally affected. The plan must include:*
- a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons, including management of on-site and on-street, car and bus parking;*
  - b) preferred parking locations for pickup/drop off;*
  - c) noise induction for parents and staff. This must include information that will be provided to new parents and staff informing them of their responsibility to minimise noise impacts to neighbours at drop-off and collection times;*
  - d) signage/measures to be used to encourage responsible off-site patron behaviour;*
  - e) staff communication arrangements and training of staff in the management of patron behaviour;*
  - f) procedures for management of noise from outdoor play and activities;*
  - g) transport of materials, goods, and commodities to or from the land;*
  - h) measures to control noise emissions, artificial light, smell, fumes and litter from the premises, and the presence of vermin;*
  - i) appearance of any building, works or materials;*
  - j) procedure for handling noise complaints.*
24. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
25. *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 to the satisfaction of the Responsible Authority.*
26. *External lighting must be designed, baffled, and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.*
27. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority*

#### *Expiry*

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



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

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

**Notes:**

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of demolition or construction, it will also be necessary to obtain a building permit.*
2. *Report and consent is required from Council's Building Unit for front fencing exceeding 1m in height within 9m of the point of intersection of street alignments.*
3. *Contact Council and/or the Department of Health and Human Services to clarify Food Act registration requirements.*
4. *This permit does not authorise the removal of the chimney on the building.*

## **RESOLUTION**

**MOVED** Cr Max Arnott, **SECONDED** Cr Kate Hanson

*That Council in accordance with Section 64 of the Planning and Environment Act (1987) resolves to issue a Notice of Decision to Grant a Permit for the Use and Development of Land for a Childcare Centre, Including Partial Demolition of a Building and Outbuildings, Construction of a Shed, Display of Signage and Associated Works, subject to the following conditions:*

1. *Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:*
  - a) *notations detailing the noise mitigation measures recommended in Section 8 of the Noise Assessment Report by Audiometric & Acoustic Services (Report No. 23043.3, dated 22 August 2023) and as implemented by conditions 16 and 17 of this permit.*
  - b) *a concrete or asphalt surface to the car park.*
  - c) *an area on the site for the loading and unloading of goods.*
  - d) *permanent measures to prevent overlooking of the secluded private open space and habitable room windows of 26 Hesse Street, in accordance with clause 54.04-6 of the Colac Otway Planning Scheme.*
  - e) *a schedule of all external colours and materials, which must be muted and non-reflective.*
  - f) *the location and full details, including dimensions, height above ground, colours and illumination, if any, of all signage (which must not contain any flashing lights) and any supporting structures.*
  - g) *a notation that the existing road culverts in Manifold Street (which are protected under Heritage Overlay HO127 - Road Culverts Manifold Street Colac) will be retained and permanently protected, including during construction, and that if any damage is*

*sustained it will be rectified to the satisfaction of the Responsible Authority prior to the building being brought into use.*

- h) the annotation on drawing TP-1-02 changed from "brick chimney & non-original windows to be demolished Chimney does not project through door" to 'fireplace in eastern elevation and non-original windows to be demolished. Chimney does not project through roof', or similar wording to the satisfaction of the Responsible Authority.*
- i) the annotation on drawing TP-1-03 changed from "existing chimney below to be demolished Does not extend through door" to 'fireplace in eastern elevation to be demolished. Does not project through roof or door', or similar wording to the satisfaction of the Responsible Authority.*
- j) an annotation added to drawing TP-1-04 stating that the chimney shown on the elevations is to be retained.*

#### **Endorsed Plans**

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

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

- 4. During hours of operation, no more than 30 children and 3 staff may be present on the premises at any one time unless otherwise approved in writing by the Responsible Authority.*

#### **Hours of Operation**

- 5. The use hereby permitted must operate only between the following hours unless otherwise approved in writing by the Responsible Authority:*
  - During school term: Monday to Friday, 6.45am - 9.00am and 3.00pm - 6.00pm (before and after school care).*
  - During school holidays: Monday to Friday, 8.00am - 6.00pm (all day care).*
  - Outdoor play area - not operated prior to 7.00am or after 6.00pm.*

*The childcare centre must remain closed on weekends.*

#### **Deliveries**

- 6. Deliveries to the site must only take place from Monday to Friday between 8.00am and 6.00pm.*

#### **Construction Management Plan**

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



8. *All works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them.*

#### *Access*

9. *Prior to the commencement of the use hereby permitted, the driveway must be constructed to an all-weather standard and with a minimum width of 3m in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*
10. *The existing road culverts in Manifold Street, which are protected by a heritage overlay, must be retained and permanently maintained, including during construction works. In the event any damage is sustained, it must be rectified prior to the building being brought into use as a childcare centre.*

#### *Car Park and Loading/Unloading*

11. *Prior to the commencement of the use hereby permitted, the car park must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*
12. *The loading and unloading of goods from vehicles must only be carried out on the land.*

#### *Stormwater*

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

#### *Stormwater Management Plan*

15. *Prior to the commencement of development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended). All works must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.*

#### *Noise*

16. *Prior to the commencement of the use hereby permitted, the noise mitigation measures outlined in Section 8 of the Noise Assessment Report by Audiometric & Acoustic Services (Report No. 23043.3, dated 22 August 2023) and shown on the endorsed plans must be installed and thereafter must be so maintained to the satisfaction of the Responsible Authority.*
17. *The development and use of the premises must at all times comply with the recommendations and noise mitigation measures outlined in Section 8 of the Noise Assessment by Audiometric & Acoustic Services (Report No. 23043.3, dated 22 August 2023) and shown on the endorsed plans, including the following:*



- a) *Use of the outdoor play must be limited to between 7am – 6pm from Monday to Friday. No outdoor play is to occur outside this time period.*
  - b) *The boundary fencing to the north and east sides must be acoustic barriers. The barriers must be constructed with materials achieving a minimum surface density of greater than 12 kg/m<sup>2</sup> with no gaps, particularly at the base of the barrier.*
  - c) *The mechanical plant must be located in the service area, as per figure 9 on page 28 of the report.*
  - d) *The surfaces of the car park must be a smooth concrete or asphalt, as opposed to compacted gravel or similar that would generate noise.*
  - e) *Signage within the building must request customers to respect the neighbours and keep voices to a minimum during pick up and drop off.*
  - f) *All windows within the library and the children's bathroom facing 26 Hesse Street must be inoperable and remain closed.*
  - g) *Secondary play area doors facing 45 Manifold Street and the proposed door to the children's bathroom in the northern elevation must be the self-closing type.*
18. *Prior to the erection of acoustic fencing along the northern and eastern boundaries, details of that fencing - which must have regard to the amenity of neighbouring properties and to the location of the site within a heritage overlay - must be submitted to and approved in writing by the Responsible Authority. The acoustic fencing must be erected in accordance with the approved details and must thereafter be so maintained, unless the written consent of the Responsible Authority is obtained to any variation.*
19. *The use must at all times be managed in compliance with:*
- *the Environment Protection Regulations 2021 and EPA Publication 1826.4: 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues', 1 July 2021.*
  - *Noise Control Guidelines publication 1254.2, May 2021.*

#### *Signage*

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

#### *Landscaping*

22. *Prior to commencement of the development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:*
- a) *a survey (including botanical names) of all existing vegetation to be retained and/or removed*
  - b) *landscaping and planting within all open areas of the site and to screen:*
    - *the car parking area from Manifold Street and the adjoining property to the north*

- the proposed 1.5m high picket fence and play area from Hesse Street
- the play area from the adjacent property to the north
- c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant
- d) details of surface finishes of pathways and driveways.

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

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

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

#### *General Amenity*

24. *Prior to the commencement of the use hereby permitted, an Amenity Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All activities forming part of the use must comply with the approved plan, to ensure that the amenity of the area is not detrimentally affected. The plan must include:*
- a) *staffing and other measures which are designed to ensure the orderly arrival and departure of patrons, including management of on-site and on-street, car and bus parking;*
  - b) *preferred parking locations for pickup/drop off;*
  - c) *noise induction for parents and staff. This must include information that will be provided to new parents and staff informing them of their responsibility to minimise noise impacts to neighbours at drop-off and collection times;*
  - d) *signage/measures to be used to encourage responsible off-site patron behaviour;*
  - e) *staff communication arrangements and training of staff in the management of patron behaviour;*
  - f) *procedures for management of noise from outdoor play and activities;*
  - g) *transport of materials, goods, and commodities to or from the land;*
  - h) *measures to control noise emissions, artificial light, smell, fumes and litter from the premises, and the presence of vermin;*
  - i) *appearance of any building, works or materials;*
  - j) *procedure for handling noise complaints.*
25. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
26. *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 to the satisfaction of the Responsible Authority.*
27. *External lighting must be designed, baffled, and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.*



28. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*

*Expiry*

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

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

*Notes:*

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of demolition or construction, it will also be necessary to obtain a building permit.*
- 2. Report and consent is required from Council's Building Unit for front fencing exceeding 1m in height within 9m of the point of intersection of street alignments.*
- 3. Contact Council and/or the Department of Health and Human Services to clarify Food Act registration requirements.*
- 4. This permit does not authorise the removal of the chimney on the building.*

*CARRIED 6:1*

*DIVISION*

*For the motion: Cr Chris Potter, Cr Stephen Hart Cr Margaret White, Cr Kate Hanson, Cr Max Arnott, Cr Tosh-Jake Finnigan*

*Against the motion: Cr Graham Costin*



Item: 9.2

**Councillor Attendance at the Australian Local Government Association's 30th National General Assembly and Regional Forum in Canberra**

OFFICER	Louise Harvey
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

**RECOMMENDATION**

*That Council approves:*

1. *That Mayor Marg White attends the Regional Forum, Australian Local Government Association's 30th National General Assembly and the Australian Council of Local Government Forum, all held in Canberra between 2 July 2024 and 5 July 2024; and*
2. *The following Councillors attend the Regional Forum and Australian Local Government Association's 30th National General Assembly, in Canberra during the period 2 July 2024 to 4 July 2024.*
  - a. *Cr ...*
  - b. *Cr ...*

## **MOTION**

*MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Kate Hanson*

*That Council:*

- 1. Notes that the cost of sending a delegation of three inclusive of the Mayor to the ALGA 30th General Assembly and Regional Forum in Canberra is in the order of \$10,000; and*
- 2. Decides in light of this and the budgetary position to not send a delegation to the ALGA event this year.*

*LOST 2:5*

*DIVISION*

*For the motion: Cr Tosh-Jake Finnigan, Cr Kate Hanson*

*Against the motion: Cr Stephen Hart, Cr Chris Potter, Cr Graham Costin, Cr Max Arnott, Cr Margaret White*

## **RESOLUTION**

*MOVED Cr Chris Potter, SECONDED Cr Stephen Hart*

*That Council approves the Council appointed ALGA delegate Cr Max Arnott to attend the Regional Forum and Australian Local Government Association's 30th National General Assembly, in Canberra during the period 2 July 2024 to 4 July 2024.*

*CARRIED 5:2*

*DIVISION*

*For the motion: Cr Stephen Hart, Cr Graham Costin, Cr Chris Potter, Cr Margaret White, Cr Max Arnott*

*Against the motion: Cr Kate Hanson, Cr Tosh-Jake Finnigan*



Item: 9.3

## G21 Regional Football (Soccer) Strategy - Final Report for endorsement

OFFICER	Nicole Frampton
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none"><li>1. G21 Regional Football (Soccer) Strategy 2023-2033 - Final Document - For Adoption [9.3.1 - 51 pages]</li><li>2. G21 Regional Football (Soccer) Strategy 2023-2033 - Draft Strategy - Public Exhibition Feedback Summary [9.3.2 - 4 pages]</li><li>3. G21 Regional Football (Soccer) Strategy - Public Exhibition Feedback on Draft Strategy - De-identified Submissions [9.3.3 - 3 pages]</li></ol>

### RECOMMENDATION

*That Council:*

1. *Receives and notes the outcomes of the consultation process for the G21 Regional Football (Soccer) Strategy 2023-2033 (Attachments 2 and 3), and thanks submitters for contributing to the strategy's development.*
2. *Notes that minor amendments were made to the G21 Regional Football (Soccer) Strategy 2023-2033 as a result of the consultation process.*
3. *Endorses the final G21 Regional Football (Soccer) Strategy 2023-2033 (Attachment 1).*

## RESOLUTION

*MOVED Cr Graham Costin, SECONDED Cr Chris Potter*

*That Council:*

- 1. Receives and notes the outcomes of the consultation process for the G21 Regional Football (Soccer) Strategy 2023-2033 (Attachments 2 and 3), and thanks submitters for contributing to the strategy's development.*
- 2. Notes that minor amendments were made to the G21 Regional Football (Soccer) Strategy 2023-2033 as a result of the consultation process.*
- 3. Endorses the final G21 Regional Football (Soccer) Strategy 2023-2033 (Attachment 1) subject to the deletion of the words "Colac area of" in task 2.6*

*CARRIED 7:0*



**Item: 9.4**

**Fair Access Policy - for adoption**

<b>OFFICER</b>	Tamzin McLennan
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Office for Women - Fair Access Policy Roadmap Committee of Management resource [9.4.1 - 2 pages]</li><li>2. Colac Otway Fair Access Policy - For Adoption [9.4.2 - 8 pages]</li></ol>

**RECOMMENDATION**

*That Council:*

1. *Notes that the draft Fair Access Policy was exhibited in accordance with Council's resolution of 22 November 2023.*
2. *Notes that the exhibition period attracted one community submission which was supportive of the policy and its contents.*
3. *Adopts the Fair Access Policy, as per Attachment 2.*
4. *Writes to the submitter to thank them for their feedback and inform them of the policy's adoption.*

**RESOLUTION**

**MOVED** Cr Graham Costin, **SECONDED** Cr Tosh-Jake Finnigan

*That Council:*

1. *Notes that the draft Fair Access Policy was exhibited in accordance with Council's resolution of 22 November 2023.*

2. *Notes that the exhibition period attracted one community submission which was supportive of the policy and its contents.*
3. *Adopts the Fair Access Policy, as per Attachment 2.*
4. *Writes to the submitter to thank them for their feedback and inform them of the policy's adoption.*
5. *Writes to Crown land recreation reserves within the Colac Otway Shire that are managed by Department of Energy, Environment and Climate Action (DEECA) delegated Committees of Management including the Great Ocean Road Coast and Parks Authority, recommending that they adopt Council's Fair Access Policy.*

**CARRIED 7:0**



Item: 9.5

## Draft Flag Policy - for endorsement and exhibition

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Draft Flag Policy - 2024 - for Council February 28 2024 agenda [9.5.1 - 6 pages]

### RESOLUTION

**MOVED** Cr Max Arnott, **SECONDED** Cr Tosh-Jake Finnigan

*That Council:*

1. *Endorses the draft Flag Policy, as per Attachment 1, to be placed on public exhibition from 1 March 2024 to 12 April inclusive for the purpose of inviting submissions.*
2. *Notes that verbal presentations relating to submissions received in relation to the draft Flag Policy will be heard at a Submissions Committee meeting.*
3. *Notes that a final Flag Policy will be presented to a future Council meeting, which will consider any feedback received through the public exhibition process.*

**CARRIED 7:0**

*The Chief Executive Officer left the meeting at 6.21pm.*

*The meeting adjourned for a short break at 6.21 pm.*

*The meeting resumed at 6.34pm.*

Item: 9.6

## Review of Chief Executive Officer Employment Matters Policy and Committee ToR

OFFICER	Kendrea Pope
MANAGER GOVERNANCE	Lenny Jenner
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"><li>1. Revised CEO Employment and Remuneration Policy 22 February [9.6.1 - 8 pages]</li><li>2. Revised CEO Employment Matters Committee Terms of Reference - 22 February 2024 [9.6.2 - 14 pages]</li></ol>

### RESOLUTION

**MOVED** Cr Chris Potter, **SECONDED** Cr Max Arnott

*That Council approves:*

1. *The Chief Executive Officer Employment and Remuneration Policy, as per Attachment 1.*
2. *The Terms of Reference for the Chief Executive Officer Employment Matters Advisory Committee, as per Attachment 2.*
3. *The confidential Performance Plan for the Chief Executive Officer for the current performance cycle, as per confidential Attachment 3.*

**CARRIED 7:0**

*The Chief Executive Officer returned to the meeting at 6.41pm following the conclusion of this item.*



Item: 9.7

## Action for Apollo Bay and Coast Improvement Advisory Committee

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

### RESOLUTION

*MOVED Cr Kate Hanson, SECONDED Cr Graham Costin*

*That Council:*

- 1. Notes the establishment of the Apollo Bay Community Voice as a representative body of the local community.*
- 2. Determines not to pursue the implementation of an Action for Apollo Bay and Coast Improvement Advisory Committee.*
- 3. Notes that point 2 supersedes the Council resolution at the September 2020 meeting regarding the establishment of the Action for Apollo Bay and Coast Improvement Advisory Committee.*

**CARRIED 7:0**

Item: 9.8

## Colac East Entrance Maintenance

OFFICER	Doug McNeill
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Colac East Roundabout and Entrance - Potential COS Maintenance Areas 1 2 & 3 [9.8.1 - 1 page]

### RECOMMENDATION

*That Council:*

- 1. Notes the recent landscape improvements within the roundabout at the Princes Highway intersection with Colac Ballarat Road undertaken by Department of Transport and that Council is responsible for future maintenance of the roundabout.*
- 2. Notes that there is an opportunity for Council to take responsibility for the vegetated areas in the Princes Highway corridor as per area Zone 3 on Attachment 1, to deliver a much-improved amenity and appearance for this town entrance.*
- 3. Authorises the Chief Executive Officer to make an offer on behalf of Council to the Department of Transport and Planning for the maintenance responsibility for the vegetated areas in the Princes Highway corridor, as per area Zone 3 on Attachment 1, and execute subsequent memorandum or similar arrangement if an agreement is reached.*
- 4. Subject to the agreement in point 3 being reached, agrees to commence maintenance activities as soon as practicable and to incorporate the necessary budget adjustment into the draft 2024-25 budget.*



## MOTION

*MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Graham Costin*

*That Council:*

- 1. Notes the recent landscape improvements within the roundabout at the Princes Highway intersection with Colac Ballarat Road undertaken by the Department of Transport and that Council is responsible for future maintenance of the roundabout;*
- 2. Notes that there is an opportunity for Council to take responsibility for the vegetated areas in the Princes Highway corridor indicated as Zone 3 on Attachment 1, to deliver a much improved amenity and appearance for this town entrance;*
- 3. Notes that the proposal Council would take on the maintenance of the entrance of Colac East is a blatant example of cost shifting by the State Government to local government; and*
- 4. Writes to the Department of Transport and encourages it to properly maintain the roadside, and reminds it that given the tall grass the current condition represents a severe fire risk.*

*LOST 2:5*

*DIVISION*

*For the motion: Cr Tosh-Jake Finnigan, Cr Graham Costin*

*Against the motion: Cr Max Arnott, Cr Chris Potter, Cr Kate Hanson, Cr Stephen Hart, Cr Margaret White*

## RESOLUTION

*MOVED Cr Graham Costin, SECONDED Cr Tosh-Jake Finnigan*

*That Council:*

- 1. Notes the recent landscape improvements within the roundabout at the Princes Highway intersection with Colac Ballarat Road undertaken by Department of Transport and that Council is responsible for future maintenance of the roundabout.*
- 2. Notes that there is an opportunity for Council to take responsibility for the vegetated areas in the Princes Highway corridor as per area Zone 3 on Attachment 1, to deliver a much-improved amenity and appearance for this town entrance.*
- 3. Considers the allocation of funds to undertake maintenance in Zone 3 in our next budget cycle, the 2024-25 budget process, along with other budget proposals.*
- 4. Does not enter into any agreements with Department of Transport and Planning concerning maintenance of Zone 3 unless Council funds these works in the 2024-25 budget or through any other decision of Council.*

*CARRIED 5:2*

***DIVISION:***

***For the motion: Cr Graham Costin, Cr Tosh-Jake Finnigan, Cr Stephen Hart, Cr Chris Potter, Cr Max Arnott***

***Against the motion: Cr Kate Hanson, Cr Margaret White***



Item: 9.9

## Deans Creek PSP - Community Reference Group Appointment

<b>OFFICER</b>	Suzanne Barker
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Deans Creek PSP Terms of Reference - Community Reference Group [9.9.1 - 7 pages]</li><li>2. Deans Creek PSP - Community Reference Group - EOI Postcard [9.9.2 - 2 pages]</li></ol>

### RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Max Arnott*

*That the Item is moved to be considered as the last item.*

*CARRIED 6:1*

*Item 9.2 was heard after item 10.1.*

*The next item to be heard was item 9.10*

Item: 9.10

## Colac Civic Health and Rail Precinct Master Plan Update

OFFICER	Erin Sonogo
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

### RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Max Arnott*

*That Council:*

- 1. Notes that it has been partnering on a draft Civic, Health and Rail Precinct Plan over recent years and that this project will be the subject of a report to Council before the end of June 2024.*
- 2. Authorises the Chief Executive Officer to lodge a submission of a funding application to the Victorian Government's Enabling Tourism Fund seeking funding of up to \$240,000 (excluding GST) to complete a feasibility study focused on establishing the civic precinct as a regional tourism hub, incorporating the potential for visitor accommodation and expansion of the cultural infrastructure.*
- 3. Allocates \$60,000 (excluding GST) from its Unallocated Discretionary Funds account for its contribution to the project.*
- 4. Authorises the Chief Executive Officer to execute a funding agreement on behalf of Council if the funding application is successful.*

*CARRIED 6:1*

*DIVISION*

*For the motion: Cr Stephen Hart, Cr Margaret White, Cr Kate Hanson, Cr Max Arnott Cr Chris Potter, Cr Graham Costin*



***Against the motion: 0***

***Abstained: Cr Tosh-Jake Finnigan***

Item: 9.11

## Proposed Change to Speed Limit at Kennett River and Colac

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

### RESOLUTION

*MOVED Cr Kate Hanson, SECONDED Cr Graham Costin*

*That Council:*

- 1. Endorses seeking the views of the community and stakeholders concerning the proposed introduction of a 20km/hr shared vehicle/pedestrian zone in the area between the Great Ocean Road and store/cafe in Kennett River.*
- 2. Endorses seeking the views of the community and stakeholders concerning the proposed introduction of a 40 km/hr speed limit in the Colac CBD.*
- 3. Notes that the community engagement period will be for a minimum of six weeks in accordance with Council's Community Engagement Policy.*
- 4. Notes that verbal presentations relating to submissions received in relation to the proposed speed limit changes will be heard at a Submissions Committee meeting.*
- 5. Authorises the Chief Executive Officer or their delegate to formalise the application to Department of Transport and Planning for changing the speed limits, if no submissions are received in opposition to the proposal, and implement the changes if approval is granted.*

**CARRIED 6:1**

**DIVISION**

*For the motion Cr Margaret White, Cr Chris Potter, Cr Graham Costin, Cr Stephen Hart, Cr Kate Hanson, Cr Max Arnott*

***Against the motion: 0***

***Abstained: Cr Tosh-Jake Finnigan***



Item: 9.12

## Old Coach Road Traffic Management

OFFICER	Doug McNeill and Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

### RECOMMENDATION

**That Council:**

1. *Notes that it resolved that the trial of boom gates on Old Coach Road, Skenes Creek, was concluded at its meeting in July 2023, however it did not formally consider the implementation of speed humps on Old Coach Road as envisaged by its resolution at the Council Meeting in March 2021.*
2. *Notes that traffic count data clearly demonstrates a very high level of compliance with signed speed limits.*
3. *Determines not to implement speed humps on Old Coach Road, Skenes Creek.*
4. *Resolves to remove the boom gates and supporting structure from Old Coach Road due to the ongoing vandalism and damage to the remaining infrastructure.*
5. *Notes that an application to set the speed limit at 40 kph on Old Coach Road from Skenes Creek township to Skenes Creek Road (C119) is currently under consideration by the Department of Transport and Planning, and signage to implement the change will be installed if approval is received.*

## **MOTION**

*MOVED Cr Graham Costin, SECONDED Cr Max Arnott*

*That Council:*

- 1. Defers consideration of this matter until the April 2024 Council Meeting.*
- 2. Requests that officers consult with the adjoining property owners about the content of this matter in time for their feedback to be obtained and presented to Councillors prior to the April meeting.*

*LOST 2:5*

*For the motion: Cr Max Arnott, Cr Graham Costin*

*Against the motion: Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Kate Hanson*

*Abstained: Cr Tosh-Jake Finnigan*

## **MOTION**

*MOVED Cr Kate Hanson, SECONDED Cr Stephen Hart*

*That Council:*

- 1. Notes that it resolved that the trial of boom gates on Old Coach Road, Skenes Creek, was concluded at its meeting in July 2023, however it did not formally consider the implementation of speed humps on Old Coach Road as envisaged by its resolution at the Council Meeting in March 2021.*
- 2. Notes that traffic count data clearly demonstrates a very high level of compliance with signed speed limits.*
- 3. Determines not to implement speed humps on Old Coach Road, Skenes Creek.*
- 4. Resolves to remove the boom gates and supporting structure from Old Coach Road due to the ongoing vandalism and damage to the remaining infrastructure.*
- 5. Notes that an application to set the speed limit at 40 kph on Old Coach Road from Skenes Creek township to Skenes Creek Road (C119) is currently under consideration by the Department of Transport and Planning, and signage to implement the change will be installed if approval is received.*

## AMENDMENT

*MOVED Cr Graham Costin, SECONDED Cr Max Arnott*

*That Council:*

- 1. Notes that it resolved that the trial of boom gates on Old Coach Road, Skenes Creek, was concluded at its meeting in July 2023, however it did not formally consider the implementation of speed humps on Old Coach Road as envisaged by its resolution at the Council Meeting in March 2021.*
- 2. Notes that traffic count data clearly demonstrates a very high level of compliance with signed speed limits.*
- 3. Determines not to implement speed humps on Old Coach Road, Skenes Creek.*
- 4. Resolves to remove the boom gates and supporting structure from Old Coach Road due to the ongoing vandalism and damage to the remaining infrastructure.*
- 5. Notes that an application to set the speed limit at 40 kph on Old Coach Road from Skenes Creek township to Skenes Creek Road (C119) is currently under consideration by the Department of Transport and Planning, and signage to implement the change will be installed if approval is received.*
- 6. Undertake a traffic count in the area of Old Coach Road in 12 months' time and report the results to a Councillor Briefing*

*LOST 2:5*

*DIVISION:*

*For the motion: Cr Max Arnott, Cr Graham Costin*

*Against the motion: Cr Margaret White, Cr Stephen Hart, Cr Kate Hanson,  
Cr Chris Potter*

*Abstained: Cr Tosh-Jake Finnigan*

*The Motion as outlined above was put to the vote.*

## RESOLUTION

*That Council:*

- 1. Notes that it resolved that the trial of boom gates on Old Coach Road, Skenes Creek, was concluded at its meeting in July 2023, however it did not formally consider the implementation of speed humps on Old Coach Road as envisaged by its resolution at the Council Meeting in March 2021.*



2. *Notes that traffic count data clearly demonstrates a very high level of compliance with signed speed limits.*
3. *Determines not to implement speed humps on Old Coach Road, Skenes Creek.*
4. *Resolves to remove the boom gates and supporting structure from Old Coach Road due to the ongoing vandalism and damage to the remaining infrastructure.*
5. *Notes that an application to set the speed limit at 40 kph on Old Coach Road from Skenes Creek township to Skenes Creek Road (C119) is currently under consideration by the Department of Transport and Planning, and signage to implement the change will be installed if approval is received.*

**CARRIED 5:2**

*For the motion: Cr Stephen Hart, Cr Kate Hanson, Cr Margaret White, Cr Max Arnott, Cr Chris Potter*

*Against the motion: Cr Graham Costin*

*Abstained: Cr Tosh-Jake Finnigan*

*The meeting adjourned for a short break at 8.08pm*

*The meeting resumed at 8.20pm.*

*The meeting adjourned for a short break at 8.26pm*

*The meeting resumed at 8.39pm.*

*The Mayor adjourned the meeting at 8.41 pm under Section 70 of the Governance Rules due to disorder, with the time and date for reconvening the meeting to be advised.*

*The meeting reconvened via videoconference on Friday 1 March 2024, commencing at 4.01pm. All Councillors were present.*

Item: 9.13

## Apollo Bay Bushfire Place of Last Resort

OFFICER	Rowan Mackenzie
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

### RECOMMENDATION

*That Council:*

- 1. Decommissions the Apollo Bay Foreshore Great Ocean Road Neighbourhood Safer Place – Bushfire Place of Last Resort.*
- 2. Advises the relevant State Government and local emergency agencies of this decision.*
- 3. Commits to work to establish an Apollo Bay Neighbourhood Safer Place – Bushfire Place of Last Resort before the next fire season and notes that officers have commenced this work.*
- 4. Notes that it will receive a future report regarding point 4 before the 2024-25 Fire Season*

### RESOLUTION

*MOVED Cr Graham Costin, SECONDED Cr Chris Potter*

*That Council:*

- 1. Decommissions the Apollo Bay Foreshore Great Ocean Road Neighbourhood Safer Place – Bushfire Place of Last Resort.*
- 2. Advises the relevant State Government and local emergency agencies of this decision.*

3. *Commits to work to establish an Apollo Bay Neighbourhood Safer Place – Bushfire Place of Last Resort before the next fire season and notes that officers have commenced this work.*
4. *Notes that it will receive a future report regarding point 4 before the 2024-25 Fire Season*
5. *Expresses its preference for retention of the Apollo Bay foreshore as a Bushfire Place of Last Resort.*

**CARRIED 7:0**



Item: 9.14

## Social Housing at 36-52 Bruce Street Colac

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

### RECOMMENDATION

*That Council:*

- 1. Notes the response from TW Projects Pty Ltd to Council's resolution at the 13 December 2023 Council meeting concerning the provision of social housing at 36-52 Bruce Street, Colac.*
- 2. Requests that TW Projects Pty Ltd as the current landowner enters a Section 173 agreement requiring that the nominated properties be used for social housing for a minimum period.*

### MOTION

*MOVED Cr Stephen Hart, SECONDED Cr Tosh-Jake Finnigan*

*That Council:*

- 1. Notes that the TW Projects has advised council does not wish to provide the 3 blocks to Council for social housing at no cost.*
- 2. Notes that TW Projects Pty Ltd has advised Council that they prefer to enter into an arrangement with Disability Housing Limited (DHL), which is not a registered housing provider.*
- 3. Requests that TW Projects Pty Ltd enters into an arrangement with a registered housing agency as required by the contract if they are not prepared to give the blocks of land to Council at no cost.*

4. *Notes Council's preference that the housing is kept as social housing for a minimum period of 40 years and that there is a Section 173 agreement to that effect.*
5. *Asks that the CEO advises TW projects of this resolution of Council, noting that it is still Council's preference that the 3 blocks of land are given to Council free of charge to be used for social housing.*

**LOST 3:4**

#### **DIVISION**

*For the motion: Cr Stephen Hart, Cr Tosh-Jake Finnigan, Cr Graham Costin*

*Against the motion: Cr Chris Potter, Cr Max Arnott, Cr Kate Hanson, Cr Margaret White*

### **MOTION**

**MOVED** Cr Chris Potter, **SECONDED** Cr Kate Hanson

**That Council:**

1. *Notes the response from TW Projects Pty Ltd to Council's resolution at the 13 December 2023 Council meeting concerning the provision of social housing at 36-52 Bruce Street, Colac.*
2. *Requests that TW Projects Pty Ltd as the current landowner enters a Section 173 agreement requiring that the nominated properties be used for social housing for a minimum period of 30 years.*

### **AMENDMENT**

**MOVED** Cr Stephen Hart, **SECONDED** Cr Tosh-Jake Finnigan

**To replace point 2 with the following:**

2. *Recognises Disability Housing Limited (DHL) as an appropriate entity for satisfying the contract of sale on the condition that the landowner enters a Section 173 agreement requiring that the nominated properties be used for social housing for a minimum period of 30 years.*

**CARRIED 7:0**

*The substantive motion was put, as outlined in the resolution below.*

## RESOLUTION

*That Council:*

- 1. Notes the response from TW Projects Pty Ltd to Council's resolution at the 13 December 2023 Council meeting concerning the provision of social housing at 36-52 Bruce Street, Colac.*
- 2. Recognises DHL as an appropriate entity for satisfying the contract of sale on the condition that the landowner enters a Section 173 agreement requiring that the nominated properties be used for social housing for a minimum period of 30 years.*

**CARRIED 7:0**

*Cr Kate Hanson left the meeting at 5.38pm*



## RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Tosh-Jake Finnigan*

*That the meeting is adjourned to next Wednesday (6 March), or other time as approved by the Mayor.*

*CARRIED 4:2*

*The meeting adjourned at 5.49pm.*

*The meeting was reconvened on Wednesday 6 March 2024 and commenced at 4.32pm. All Councillors were present.*

Item: 9.15

## Colac Visitor Information Centre Road Reserve Issue

OFFICER	David Butterfield
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"><li>1. Photo 1 Overhead view of section of Road Reserve and Visitor Information Centre [9.15.1 - 1 page]</li><li>2. Photo 2 Overhead view of section of Road Reserve highlighted yellow for proposals [9.15.2 - 1 page]</li></ol>

### RECOMMENDATION

*MOVED Cr Chris Potter, SECONDED Cr Max Arnott*

*That Council:*

1. *Gives public notice of its intention to discontinue the Road Reserve described as Visitor Information Centre Land and set out in the plan (as per Attachment #), pursuant to Sections 12 of the Road Management Act 2004 and 206 of the Local Government Act 1989.*
2. *Determines that the public consultation period shall be no less than six weeks from public notice.*
3. *Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee.*
4. *Considers any submissions received prior to making a decision to discontinue the road, at a future Council meeting.*
5. *Authorises the Chief Executive Officer to do all things required to discontinue the road described in point 1 if no public submissions are received.*

**CARRIED 7:0**

Item: 9.16

**Contract 2412 - Reconstruction of Forest Street Colac  
between J Barrys Road and Pound Road**

<b>OFFICER</b>	Matthew Skewes
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

**RESOLUTION**

**MOVED** Cr Chris Potter, **SECONDED** Cr Max Arnott

**That Council:**

1. **Awards Contract 2412 – Forest Street Reconstruction (J Barrys Road to Pound Road) Colac to Tenderer 1 (as per the confidential attachment to this report) for the lump sum price of \$425,051.80 (excluding GST).**
2. **Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.**
3. **Authorises the Chief Executive Officer to perform all roles of the principal.**
4. **Nominates the General Manager Community and Economy to the role of Superintendent for Contract 2412 – Forest Street Reconstruction (J Barrys Road to Pound Road) Colac, including managing variations in accordance with the contract conditions.**
5. **Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.**

**CARRIED 7:0**



Item: 9.17

## Contract 2420 - Provision of Labour Hire Services

OFFICER	Andrew Tenni
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	Nil

### RESOLUTION

*MOVED Cr Kate Hanson, SECONDED Cr Max Arnott*

*That Council:*

- 1. Awards Contract 2420 – Provision of Labour Hire Services, for a period of three years with two extension options of two years each, to Comensura Pty Limited.*
- 2. Authorises the Chief Executive Officer to sign the contracts following the award of Contract 2420 – Provision of Labour Hire Services.*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal.*

*CARRIED 7:0*

Item: 9.18

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

OFFICER	Paula Gardiner
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

### RECOMMENDATION

*That Council:*

1. *Approves the new projects as presented in Table 1 and 2 of this report, at a total cost to Council of \$785,000 (exc. GST), funded from:*
  - a. *Unallocated Renewal Funds of \$155,000*
  - b. *Landfill Management Reserve of \$130,000*
  - c. *Priority Projects Reserve of \$500,000*
2. *Approves the project budget adjustments in Table 3a.*
3. *Approves the project budget adjustments in Table 3b.*

## **RESOLUTION**

*MOVED Cr Kate Hanson, SECONDED Cr Graham Costin*

*That Council:*

- 1. Approves the new projects as presented in Table 1 and 2 of this report, without the allocation to Hall Street Cressy in Table 2, at a total cost to Council of \$730,000 (exc. GST), funded from:*
  - a. Unallocated Renewal Funds of \$100,000*
  - b. Landfill Management Reserve of \$130,000*
  - c. Priority Projects Reserve of \$500,000*
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

*CARRIED 5:2*

### **DIVISION**

*For the motion: Cr Kate Hanson, Cr Graham Costin, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan*

*Against the motion: Cr Stephen Hart, Cr Max Arnott*



Item: 9.19

## Community Asset Committees - New Member - Kennett River Tennis Reserve

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

### RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Graham Costin*

*That Council appoints Elenore Lannigan to the Kennett River Tennis Reserve Community Asset Committee.*

*CARRIED 7:0*

Item: 9.20

**Audit and Risk Committee - Unconfirmed Minutes - 6  
December 2023**

<b>OFFICER</b>	Natasha Skurka
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Unconfirmed - Audit and Risk Committee Minutes - 6 December 2023 [9.20.1 - 17 pages]

**RESOLUTION**

*MOVED Cr Max Arnott, SECONDED Cr Chris Potter*

*That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 6 December 2023.*

*CARRIED 7:0*

Item: 9.21

## Revocation of Authorised Officer under the Planning and Environment Act 1987

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. For revocation - Signed Instrument of Appointment and Authorisation - Graeme Murphy - Planning & Env [9.21.1 - 1 page]

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Tosh-Jake Finnigan*

*That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 for Graeme Murphy.*

*CARRIED 7:0*



Item: 9.22

## Report of Informal Meeting of Councillors

<b>OFFICER</b>	Carmen Lawrence
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Informal Meeting of Councillors - Councillor Briefing 24 January 2024 [9.22.1 - 2 pages]</li><li>2. Informal Meeting of Councilors - Councillor Briefing Meeting 31 January 2024 [9.22.2 - 2 pages]</li><li>3. Informal Meeting of Councilors - Councillor Briefing Meeting 7 February 2024 [9.22.3 - 2 pages]</li><li>4. Informal Meeting of Councilors - Councillor Briefing Meeting 14 February 2024 [9.22.4 - 2 pages]</li></ol>

## REPORTING

*The Informal Meetings of Councillors reported are:*

- |                        |                  |
|------------------------|------------------|
| 1. Councillor Briefing | 24 January 2024  |
| 2. Councillor Briefing | 31 January 2024  |
| 3. Councillor Briefing | 7 February 2024  |
| 4. Councillor Briefing | 14 February 2024 |

*The Colac Otway Shire Governance Rules do not require a Council decision.*

**Item 10.1**

**Report from Delegate - Municipal Associations of Victoria  
(MAV) State Council meeting held on Friday 13 October  
2023**

<b>COUNCILLOR</b>	Cr Stephen Hart
<b>ATTACHMENTS</b>	1. MAV State Council Resolutions - Friday 13 October 2023 [10.1.1 - 21 pages]

**REPORTING**

*To report to Council on the Municipal Association of Victoria's (MAV) State Council meeting, held on Friday 13 October 2023.*

*The Colac Otway Shire Governance Rules do not require a Council decision.*

*Cr Graham Costin left the meeting at 5.11pm and did not return.*

**Item: 9.9**

**Deans Creek PSP - Community Reference Group  
Appointment**

<b>OFFICER</b>	Suzanne Barker
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>2. Deans Creek PSP Terms of Reference - Community Reference Group [9.9.1 - 7 pages]</li><li>3. Deans Creek PSP - Community Reference Group - EOI Postcard [9.9.2 - 2 pages]</li></ol>

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Cr Tosh-Jake Finnigan*

*That pursuant to the provisions of Section 66 of the Local Government Act 2020, the meeting be closed to the public and Council move into Closed Sessions to consider an item of confidential business as defined in Section 3 of the Local Government Act being that it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*

**CARRIED 6:0**

*The meeting was closed to the public at 5.12pm*

*The Closed Session commenced at 5.13pm*

*The meeting re-opened to the public at 5.24pm*



Gary Richards

1. Thank you for the opportunity to ask a couple of questions. Myself and many other members of the public, Landcare and SOLN [Southern Otway Landcare Network] are asking the same sort of question. Just to brief you on it, don't know if you have heard, but Andersons Creek is a contributory to the Barwon River. Here, last Christmas during holiday season, a property developer/s came through and cleared all the undergrowth along Andersons Creek. This undergrowth that he cleared, or this plantation – if I may explain it a little bit was planted in around 2008 by Landcare in conjunction with, I think Colac Otway Shire, using public money and people power to plant these. Over the last fifteen to twenty years, it has become a full working functional environmental wildlife corridor which connected the bush right down to the industrial estate and the mudflaps down at the bottom. This has all been cleared much to the disgust of a lot of people. So, the question is, or one of the questions is, is this a Council Reserve? We are having trouble finding out. And what jurisdiction do Council have over it if any? That would be the first question.

*Response from Acting General Manager, Infrastructure and Operations*

Council's Planning Compliance staff have been in contact Mr Richards to discuss his concerns, and have initiated contact with the Corangamite Catchment Management Authority (CCMA) in respect of works that have occurred in a declared waterway. Investigations are on-going to fully understand the scope of vegetation clearing and permit requirements.

2. Was a permit needed for this clearing in relation to, or as far as, Colac Otway Shire's Acts or whatever to clear that area?

*Response from Acting General Manager, Infrastructure and Operations*

As noted above, Council is working with the CCMA to understand what permit triggers apply to the removed vegetation.

The other problem we are having is getting access and what has actually happened there, and what has gone on, there are rumours that not only the Landcare planting has been removed or devastated but further up the river the native bush has also apparently been taken out.

3. Does Landcare or SOLN or the general public have the right to walk up Andersons Creek along the banks and take photos or do research as to what's happening?

*Response from Acting General Manager, Infrastructure and Operations*

Council is working with the CCMA to better understand the ownership of land where vegetation removal has occurred, and the access rights to the land for the public.

**Tony Webber**

1. You will be discussing safer places for Apollo Bay, has the Apollo Bay Community Youth Club been considered as a safer place it has a large full open block beside the building. It is a large building that could accommodate a large number of people in an emergency?

**Response from Acting General Manager, Infrastructure and Operations**

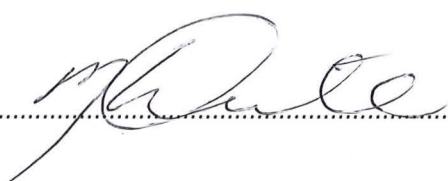
Officers have attempted to contact Me Webber on a number of occasions but have been unsuccessful.





*The meeting was declared closed at 5.24pm*

**CONFIRMED AND SIGNED** at the meeting held on 27 March 2024

.....**MAYOR**