



Colac Otway
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 28 August 2024

at 4:00 PM



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 28 August 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 August 2024 at 4:05 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
Steven O'Dowd, Acting General Manager Corporate Services
Doug McNeill, Acting General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Matilda Hardy-Smith, Coordinator Council Business
Kendrea Pope, Senior Governance Advisor
Dianne Cornish, Council Business Officer
Christine Ferguson, State Government Appointed Monitor

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).

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

D24/136049

1. When officers of the Colac Otway Shire Council claim they renewed sections of a footpath, when will they state the truth and stipulate the actual site work was done and not claim they renewed sections of a footpath outside a Council operation as it has renewed nothing in very, any years outside 49 Queen Street, Colac could be at least decades now.

Response from General Manager Infrastructure and Operations

As noted in a previous response to a similar question earlier this year, all footpaths are subject to routine inspections on an annual basis and we also respond to requests from the community to inspect where there is a concern. The footpath in question was inspected on 18 March 2024 and a section of footpath has been identified for replacement to ensure the surface meets the standards identified in Council's adopted Road Management Plan. This work will be occurring over the coming months under the 2024/25 Footpath Renewal program. We note that this path had been inspected previously and repairs undertaken to a section of path.

D24/136051

2. Why did the Colac Otway Shire Council allow developers in the east of Colac not to supply any open spaces but using the excuse fields will be available at an alternative site when Council did not even have control over the proposed site at the time so they could be developed as playing fields or open space, yet it had been claimed that multi millions of dollars would have been received after Council obtained the land for it to be useable.

Response from General Manager Community and Economy

It is assumed that the question refers to the residential land development at 36-52 Bruce Street Colac. The developer of this land is required to provide an open space contribution. However, Council has determined that a cash contribution in lieu of land is more applicable in this instance as the development area is not of a sufficient size to provide for a suitable parcel of land for public open space.

In addition, the residential land development is in close proximity to existing public open space along the Lake Colac foreshore. Public open space cash contributions are used to develop and improve existing open space in a similar area to where land is developed.

D24/136060

3. Is the 40km speed limit on certain sections of streets in Colac. Just another warning the Colac Otway Shire Council wants no heavy duty east-west roads north of the Great Ocean Road in this shire – or – Is this just a way to reintroduce the failed attempt by Council in 2012 to detour all heavy traffic off Murray Street through the Colac CBD then into residential areas and near schools

Response from General Manager Infrastructure and Operations

The introduction of a 40 km/hr speed limit in the CBD of Colac is aimed at improving the safety of this area for cyclists and pedestrians and is an initiative that was recommended in the 2012 Colac CBD and Entrances Project adopted by Council. It does not aim to influence the routes taken by heavy vehicles.

D254/136065

4. Are Submission Committee meetings called by the Colac Otway Shire Council ever genuine since this Council has a long record of refusing to acknowledge receipt of some Submissions lodged well within the time limits. Some Submission not even acknowledged until well over a month after lodged at Council offices on occasions no acknowledgement sent until a person complains to the office about no advice being received.

Response from Acting General Manager Corporate Services

It is Council's practice to acknowledge submissions when they are received, and submitters are invited to attend Submission Committee meetings relevant to the initiative that has been exhibited. We try to ensure that such responses are timely. Council genuinely considers these meetings to be an important part of the process, allowing Councillors to better understand the issues or concerns

being raised and it is noted that submissions received after the end of the formal submission period are always accepted and heard by Council where this is practical.

(The below question was submitted for the unscheduled Council meeting 14 August 2024 but was missed off the list of questions and added to this list instead)

D24/143711

5. Why is the Colac Otway Shire Council proposing to carry out a feasibility study now into the provision of a footpath around Lake Colac since this Council gave a firm undertaking many years back that it would be done – or – Is this like very many other undertakings given by this Council that you will look for excuses never to do what you promised you would do.

These also include:

1. The Colac 2050 growth plan
2. The extension of the centre strip on Murray Street Colac down to the Armstrong Street
3. The provision of open space and playing fields as Colac grows, as proposed in the Colac 2050 growth plan.

Response from General Manager Community and Economy

Council has already prepared a draft feasibility study for a pathway round Lake Colac. At its 14 August 2024 Council meeting, Council resolved to exhibit the draft Lake Colac Pathway Feasibility Study for a minimum of six weeks in the first six months of 2025 for the purpose of inviting public submissions. Mr Judd may wish to review the draft study once it is on public exhibition and make a submission for Council's consideration.

D24/153988

6. If the Colac Otway Shire Council is not able to obtain all the funds it proposed to receive from all property developments in the Colac 2050 Growth Plan area so all needed infrastructure can be provided at no extra expense, will this Council be able to give a firm undertaking that the Colac 2050 growth plan will actually be introduced on time with changes introduced by the Victorian State Government on Council rezoned lands, plus the fact that the State has a call on funds prior to the Council receiving anything. This Council has been aware of the state changes for a long time and Council officers have refused to check up on how these changes would affect Councils income when drawn to their attention.

Response from General Manager Community and Economy

Council is making good progress with the implementation of the Colac 2050 Growth Plan and securing a supply of residential development land through rezoning of land in 2023 in Irrewillipe Road and on Colac Lavers Hill Road and Harris Road. Council is also progressing development plans and planning applications for the release of land for housing in Colac West. In each of these locations, Council will have legal agreements in place to ensure developers either provide at full cost or their fair share of costs toward infrastructure that is required to service future development. In addition Council is in the middle of a process to develop a Precinct Structure Plan for the western growth area of Colac.

Much of the shared infrastructure such as drainage retention and wetlands, road duplications, sporting fields and community facilities are longer term investments that will be factored into

Council's long term financial planning and will be supported by grant funding and in the case of Dean's Creek a comprehensive Development Contribution Plan. Council is focused on ensuring its future planning minimises the cost impacts of funding infrastructure that is needed to service the growth of Colac.

Jason Schram

D24/154512

1. Why did officers not follow the Council resolution adopted unanimously by Council in Sept 2020 in regard to Meredith Park to present a report to Council after community and agency consultation amongst other points?

Response from General Manager Community and Economy

The resolution of Council at its September 2020 meeting instructed the preparation of a report regarding the options and opportunities to improve the camping area at Meredith Park, including new guidelines and enforceable regulations. It also asked officers to present possible opportunities for a stand-alone master plan for Meredith Park.

In response to the resolution, officers investigated the existing regulations that govern the management and use of the park. It was found that the guidelines are still appropriate and remain in force until revoked or amended by the relevant Victorian Government Minister, and therefore new guidelines don't need to be implemented at this point in time.

Officers then undertook an analysis of the range of options available to Council regarding the future use and management of Meredith Park, in accordance with the 2020 Council resolution. These options were discussed with Councillors on a number of occasions. Furthermore, as per the resolution, engagement has been undertaken with relevant agencies and the options were also discussed with the Lake Colac Coordinating Committee, which is an Advisory Committee of Council.

Through the analysis of the options and discussions with Councillors, it was established that there is a significant financial cost and a high level of risk to Council of operating Meredith Park as a camping ground. Council needs to consider if operating Meredith Park as a camping ground is a service that it should continue to provide. Therefore, it is considered appropriate to seek feedback from the community about the level of service, rather than assuming that it should continue as a camping ground.

To further assess the future level of service, a report is presented to today's Council meeting seeking support to undertake community engagement on the two relevant options available to Council.

2. Why is it necessary to state where funding must come from in regard to the anchor in the Gardens Master Plan? This seems frivolous.

Response from General Manager Infrastructure and Operations

The draft Master Plan for the Botanic Gardens has been modified in response to submissions to identify the potential for relocation of the anchor to the foreshore. The wording of the plan indicates

that funding for this initiative should be community driven given that it largely a community driven initiative.

3. In a previous Council meeting Councillors wanted to consider the budget in regard to maintaining the town entry at Colac East. Was any money allocated in the budget to do some grass cutting for Colac's main entry?

Response from General Manager Infrastructure and Operations

Council considered a report at its meeting on 28 February 2024 relating to options for future maintenance of the Colac East Princes Highway corridor, and considered the item as part of 2024-25 Budget deliberations. Council did not include this item in its adopted 2024-25 Budget, and the area is still the responsibility of the Department of Transport and Planning.

Jeff Cooke

D24/154654

1. I read that the repairs to the Blue Water roof are now only \$200,000 as compared to an initial quote of one million.

Given that the electrification of Blue Water is on the agenda and eventually likely to happen will the repairs to the roof be adequate to allow for the installation of solar panels to augment the centre's function.

Response from General Manager Community and Economy

Council has undertaken further investigations on the Bluewater Leisure Centre roof which indicates that the primary steel is not suffering any structural integrity loss. This has enabled a revised strategy to mitigate against current and any future structural issues, and enable the asset to achieve the forecast life, which is anticipated to be approximately 10 years.

The existing Bluewater Leisure Centre aquatic roof does not have the structural integrity to have solar panels on it, and the intended works won't change the structural capacity to enable solar panels. When the roof meets the end of its useful life, it would be recommended to investigate replacing it with a structure that would have the capacity to accommodate solar panels.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Thomas Chamberlain

Why don't we have a zebra crossing? You've got a cinema and you've got a train track, why don't you have a Zebra crossing to slow the drivers down?

Response General Manager Infrastructure and Operations

Through you Mayor, we know that from feedback around that topic there hasn't been a need identified there for a pedestrian Crossing. Council's in the process of undertaking a PRN plan for this part of the CBD and that will propose some changes for traffic management and pedestrian

safety and we encourage you to have a look at that draft plan when it's placed on public exhibition.

Tony Webber

Last council meeting I asked a question on the rubbish bins blowing over now yesterday they were all over Apollo Bay rubbish blowing down the streets and tins all sorts of things. Rubbish bins tipped over, not able to be picked up. Now there's been a suggestion by a local that they could have feet placed on them, so they don't tip over or feet on the ground that they sit into. Has the council had any discussions with the Waste Management people as I asked last time?

Response General Manager Infrastructure and Operations

Through you Mayor, there certainly has been some follow up of that since it was raised at the last meeting. I'd be happy to make contact with you in the coming days to let you know how that's traveling.

Tony Webber

On the Broiler farm, we asked a question from Neil Longmore about whether the council had an intensive farming policy and also whether any birds, including native birds, would be shot if they approached the farm. Do we have an answer on that?

Response Chief Executive Officer

Thank you I do recall the question around whether we have an intensive farming policy and we took that on notice and I don't have the appropriate planning people here so I apologise for not following that up before. They may have looked into that and I just don't have that answer at hand so we will have to come back on that one. In terms of the Proposal that native birds would be shot. I don't think that there's any expectation of that just for being in proximity.

Tony Webber

Theres a proposal to not have any more questions without notice, is that the case? Because most or all parliaments in Australia have questions without notice. Thank you

Response Chief Executive Officer

The governance rules don't prohibit questions without notice. There can be questions provided in writing in advance which is very helpful because we get detail that we can provide a fulsome response to but, there are questions here that have been provided without notice prior to the meeting all we're asking is to know who would like to ask a question tonight that hasn't had prior notice and just the general topic, so they're still certainly allowed under the new governance rules.

Heather Munro

My question is just in regards to the report about the lake swimming and events. I just want to know if Council really think that taking water from the edge of the lake is indicative of the lakes health and also if they're taking that report into consideration before they make their vote tonight, what our Council going to do about fixing our Lake which is arguably our greatest asset.

Response General Manager Community and Economy

Thanks for the question, so we take water tests in two separate areas. They are close to the edge of the lake, we do think that they're indicative of the water quality. Ideally it would be great to do water testing in many different areas of the lake but that comes at a significant cost. In terms of fixing the lake, as a lot of people would be aware, there's no simple solution to that. There's lots of inputs into the lake with that storm water or through our tributaries and there's lots of influences on the water quality so it's not an easy solution to fix the lakes water quality.

Jason Schram

In regard to the cleaning contract which is now on the website that's been awarded for \$943,000 some \$560,000 more than the last contract. In the last meeting I think Cr Finnigan asked a question about staff requesting more money. Considering that was requested after the tenders had closed, how did staff know they needed more money if they hadn't scored the tenders already, because if they had have scored them and somebody came in under the original budget they wouldn't have needed to request the additional money and the indication from the CEO was they hadn't done any of the scoring.

Response Chief Executive Officer.

Through the Chair, happy to respond. Thanks, Mr Shram for your question. That's correct, officers hadn't undertaken the scoring. There's an evaluation panel that gets into the detail of the submissions, assesses those submissions against the published criteria and that is the evaluation process. However, the tenders had been received, the number of tenders was known, the range which was quite a range of tender prices was known, although nothing had been scored so there's no understanding about ranking and all of the other important things that get considered so my statement that evaluation assessment hadn't happened is true but there was enough of an understanding that the market was coming back with a range of prices that indicated that an adjustment to the budget would be appropriate.

Jason Schram

A follow up to that, wouldn't there be procurement or some sort of policy rules that if the tenders came in so far above the budget, which it seemingly has, that adjustments and whatever that needed to be made. You would nearly have to go out to re tender with either a change of scope of works or to better reflect what money the council did have other otherwise you would have to change the goal posts on your scoring and being so far above last year's, like more than double last year's contract, you would think that those companies would have been ruled out under the original process.

Response Chief Executive Officer

To reassure people, the contract that's awarded is certainly not double what last year's contract cost Council. The reference point you have is 5 years ago at a point where that contract was awarded and there have been a range of indexation and changes to scope that mean what was awarded for one year in 2019, is not what was paid last year. We're going from a point of reference last year about an actual contract cost, to a new contract and it's not double.

In terms of going back to Market, this is a schedule of rates contract and so the better process would be to receive the tenders, assess the tenders, determine the tenderer that provides best value for money and then if councillors would like to bring the cost back, work with that contract once awarded through the provisions of the contract to change the schedule and therefore the scope and extent of services and bring the cost down that way.

Going back to Market wouldn't be necessary, it would actually waste a lot of time for people who have put in tenders and a significant amount of effort in that and I don't believe that it would actually change the ranking. It would as I say there's already a mechanism within the contract to scale up and down. That's the generally better process.

Jason Schram

Just quickly, why did it change from 857 as advertised in the agenda to 943? What was awarded on the website.

Response General Manager Infrastructure and Operations

The answer to that would be through you Madame Mayor that it includes GST.

Oliver Kerr

We recently applied for a planning permit to build a house down in Horden Vale and it took you know almost 12 months to get the permit and I've heard this is probably on the short end of things here. I was talking to a friend recently in another Council and their Council has a two-week turnaround on permit times and I was just interested to know if Council or staff thought this was an appropriate time and if they thought maybe, it was because of underfunding or if they thought there was something that should be done about this?

Response General Manager Infrastructure and Operations

Through you Mayor, thanks for the question. In planning there are many influences over how long it can take to process an application and it certainly in this shire and in the area that you live, the planning scheme is quite a complex one and there's a range of range of issues like bushfire protection, land slip, managing native vegetation, significant landscapes etc.

There's a number of controls in the planning scheme that aim to deal with those things and so planning applications can take some time to work through all the relevant issues that get raised through those. There's referral to external agencies, public notice etc and I am not aware of the circumstances of your application but is very difficult to compare how long it might take for an application in another Council to consideration of applications here. But certainly, if you've got any concerns about how long it's taken for your particular application you can feel free to raise those with staff outside of the meeting, we be happy to have a talk to you.

Oliver Kerr

I like to support all the ideas you know, obviously you don't want a house to burn down. You don't want the Great Ocean Road to be built up from end to end, you know, you want the land to be used sustainably. But I understand Council had a 3-month rule on turnaround on permits, but that if it exceeded there was no penalties or anything. Do Council have an idea of an average time for

turnaround for a permit and would it be worth trying to have some sort of a limit on that average time?

Response General Manager Infrastructure and Operations

Through you Mayor, under the state legislation, simple and straightforward planning permits, which are VIC Smart applications, the target for those is 10 business days. But they're the more straightforward simple ones.

For more complicated ones that don't meet that category the statutory time frame is 60 days and so we aim to meet that where we can, and in fact record in the last year to two years has been quite strong in terms of the percentage that are determined within that 60-day period is quite high and higher than the regional average, but that's not to say that some applications do take longer than that and that'll depend on the circumstances of the site and the significance of the issues that are raised and sometimes applications can take a substantial amount of time because they're on hold for significant periods whilst an applicant's providing further information, undertaking more technical assessments that might be identified through the process.

I think this Council can be quite proud about the performance in planning and around how the time frames for determining applications, but it is certainly recognised it's a complicated planning scheme and some applications will take some time to process.

Oliver Kerr

Do you know what that percentage was for that meet the 60 days?

Response General Manager Infrastructure and Operations

Through you Mayor it does range at different times at times it's been up around 85% and sometimes it drops down sort of to 70% and somewhere in between.

Response Chief Executive Officer

For the interest of the community, we are in the process of compiling exactly those kind of stats as part of our annual reporting and in the next few weeks there'll be a lot of great information including turnaround times so that's an opportunity to have a look at that and also some benchmarking with others.

Gary Ritchies

Thank you for the opportunity, I was at the last council meeting in Apollo Bay and I wasn't very impressed along with a few others I think with us here tonight about the fact that you've gone with the Victorian governance on question time. My question I suppose tonight, is what is the procedure to have that motion rescinded, or to get this back the way it was before? Something along the lines of red tape reduction.

Response Senior Governance Advisor

Through you Mayor, the Provisions in relation to public question time are embedded in the newly adopted governance rules, so if there was a view to change those Provisions, we would need to have Council consider a report on revised governance rules and that would, if it were considered,

sufficiently material to then warrant further public consultation, we would go through a public consultation process before having Council make a decision to amend the rules. So that would be the process we would follow because they are embedded within these rules that have been recently adopted.

Gary Ritchies

If I leave some contact details can you send me that information, please?

Response Senior Governance Advisor

Through you Mayor, certainly I can provide you some information in writing.

6 PETITIONS / JOINT LETTERS

Nil

7 DECLARATIONS OF INTEREST

Nil

8 CONFIRMATION OF MINUTES

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council confirm the minutes of the Council Meeting held on 24 July 2024 and the Unscheduled Council Meeting on 14 August 2024.

CARRIED 7 : 0

Item: 9.1

PP139/2023-1 - 173 Hart Street Colac - Use and Development of a Childcare Centre

ADDRESS AND PROPERTY DETAILS	173 Hart Street, Elliminyt Lot 1 PS: 910230 V/F: 12466/154 Parish of Elliminyt	APPLICATION NUMBER	PP139/2023-1
PROPOSAL	Use and Development of Childcare Centre and Display of Sign		
PERMIT TRIGGERS	<p>Clause 32.03 (LDRZ): a planning permit is required for the use and development of a childcare centre.</p> <p>Clause 52.05 (Signs): a planning permit is required to display a business identification sign.</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	The number of objections received exceeds three (16 objections received).		
ZONE	Low Density Residential Zone (LDRZ)	OVERLAYS	Nil
COVENANTS	Section 173 agreement AW491091N (dated 25/01/2023) relating to the requirement for a stormwater management plan for any future dwelling on the land.		
CULTURAL HERITAGE	The site is within an area of cultural heritage sensitivity and the proposed childcare centre is a high impact activity. An approved Cultural Heritage Management Plan (CHMP) has been provided.		
OFFICER	Vikram Kumar	CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Planning and Strategic Focus		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Application Plans [9.1.1 - 3 pages] 2. Traffic Report [9.1.2 - 37 pages] 3. Acoustic Impact Assessment [9.1.3 - 21 pages] 		

RECOMMENDATION

Moved Cr Potter, Seconded Cr Arnott

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 the Land at 173 Hart Street, Elliminyt (Lot 1 PS: 910230 V/F: 12466/154) for a Childcare Centre, the Display of a Business Identification Sign and Associated Works, subject to the following conditions:

Amended Plans

1. *Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:*
 - a) *The number of children specified on the site plan reduced to a maximum of 98*
 - b) *An acoustic fence extending the length of both side boundaries and across the rear boundary of the site*
 - c) *Details of the height, design, materials and colour of the acoustic fence, which must have regard to the character of the area and must accord with the recommendations in section 5.5.1 of the Acoustic Impact Assessment by Octave Acoustics (Document No. AC329ME-01E02 Acoustic Impact Assessment (r0), dated 24/8/23).*
 - d) *The extent of the 'outdoor meals area' and details of the maximum number of children using that area at any one time*

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. *No more than 98 children and 15 staff may be present on the premises at any one time, unless otherwise approved in writing by the Responsible Authority. No more than 10 members of staff may be present on the premises before 10am or after 5pm, unless otherwise approved 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:*

- *Monday to Friday, between 6.30am and 6.30pm.*

The outdoor play area must not be used before 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, unless otherwise approved by the Responsible Authority.*

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 development, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*
10. *Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, the redundant vehicular crossing must be reinstated to the satisfaction of the Responsible Authority.*

Car Park

11. *Prior to the commencement of the use hereby permitted, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a) *Constructed*
 - b) *Properly formed to such levels that they can be used in accordance with the plans;*
 - c) *Drained;*
 - d) *Line-marked to indicate each car space and all access lanes;*
 - e) *Marked or signed to clearly designate the staff parking spaces shown on the endorsed plans for the purpose of staff parking only;*
 - f) *Clearly marked to show the direction of traffic along access lanes and driveways;*

all to the satisfaction of the Responsible Authority.

The areas must be constructed and drained to prevent diversion of flood or drainage waters and must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

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

Roadside Parking and Drainage

- 12. Prior to the commencement of the use hereby permitted, unless otherwise agreed in writing by the Responsible Authority, those sections of the Hart Street nature strip immediately in front of the site and on the eastern side of road opposite the subject site must be developed to create parking and surfaced with all-weather seal coat to the satisfaction of the Responsible Authority.*
- 13. Prior to the commencement of the use hereby permitted, kerb and channel must be constructed in front of the site and on the eastern side of Hart Street opposite the subject land to the satisfaction of the Responsible Authority. Laybacks must be provided to impacted driveways to the satisfaction of the Responsible Authority.*
- 14. Prior to the commencement of the use hereby permitted, 'no parking' signage must be installed in Hart Street at the full cost of the permit holder in accordance with details to be approved by the Responsible Authority.*
- 15. Prior to the commencement of development, unless an alternate timeframe is agreed in writing by the Responsible Authority, a 375mm diameter concrete pipe must be installed and covered, with the provision of driveable end walls, in front of the site and on the eastern side of Hart Street opposite the subject site to the satisfaction of the Responsible Authority.*
- 16. Prior to the commencement of any road and/or drainage works within the road reserve, detailed engineering plans for those works must be submitted to and approved in writing by the Responsible Authority, unless otherwise agreed by the Responsible Authority. All works must be carried out in accordance with the approved engineering plans.*

Construction of Footpath

- 17. Prior to the commencement of the use hereby permitted, a footpath must be constructed on the west side of Hart Street which runs from in front of the subject site to the intersection of Hart Street and Aireys Street, in accordance with details to be submitted to and approved by the Responsible Authority.*

Waste Management Plan

- 18. Prior to the commencement of development, details of waste management must be submitted to and approved in writing by the Responsible Authority. The Waste Management Plan must provide details of arrangements for waste storage and collection, and include details of access arrangements for waste collection vehicles to the waste management area shown on the endorsed plans if the car park is in use.*

Stormwater

- 19. All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
- 20. 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

21. *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.*
22. *Within five (5) business days of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection must be requested. The written approval of the Responsible Authority to the stormwater detention system must be obtained prior to the childcare centre hereby permitted being brought into use.*

Landscaping

23. *Prior to the commencement of 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, which must be drawn to scale with dimensions, must show:*
 - a) *a survey (including botanical names) of all existing vegetation to be retained and/or removed*
 - b) *buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary*
 - c) *details of surface finishes of pathways and driveways*
 - d) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*

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.

24. *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.*

Noise Mitigation

25. *Noise levels emanating from the premises must not exceed those required to be met under 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'. Noise Control Guidelines publication 1254.2, May 2021 must also be considered.*
26. *Prior to the commencement of the use hereby permitted, an acoustic fence must be constructed along the length of the site's side boundaries and along the length of the rear boundary, to the satisfaction of the Responsible Authority. The fence must accord with the details approved under condition 1 of this permit.*
27. *Prior to the commencement of the use hereby permitted, a Noise Management Plan based on, but not limited to, the recommendations in section 5.5.2 of the Acoustic Impact Assessment prepared by Octave Acoustic (Document No. AC329ME-01E02 Acoustic Impact Assessment (r0), dated 24/8/23) must be submitted to and approved by the Responsible Authority. The childcare centre must thereafter be operated in accordance with the Noise Management Plan.*
28. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
29. *All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority. Rooftop mechanical plant (especially large plant items such as condensers and ventilation fans) must be located centrally where practicable.*

Signage

30. *All signage must be constructed and maintained to the satisfaction of the Responsible Authority.*
31. *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.*

Lighting

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

Expiry

33. *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 development, it will also be necessary to obtain a building permit.*
2. *Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
3. *At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*
4. *Prior to the commencement of any works relating to the development allowed by this permit, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads) must be submitted.*
5. *The CFA has recommended that an emergency management plan be developed for the site. That plan should include consideration of bushfire risk and actions in the event of a bushfire and severe fire weather. Closure on Catastrophic Fire Danger Days is recommended.*
6. *The premise is required to comply with the Food Act. If at any time food is offered as part of paid service an application to register a food business will be required and must be approved by Council's Health Protection Unit.*

AMENDMENT MOTION

Moved Cr Costin, Seconded Cr Hart

That Council add Conditions 31 and 32 under the heading 'Lighting', with subsequent conditions renumbered accordingly:

- (31) Prior to the commencement of development, unless an alternate timeframe is agreed in writing by the Responsible Authority, a lighting management plan must be submitted to and approved in writing by the Responsible Authority. The lighting management plan must show the locations of all external lighting, and treatments to avoid light spill onto neighbouring properties.*
- (32) Prior to the commencement of the use hereby permitted, all external lighting must be installed in accordance with the approved lighting management plan. The lighting must thereafter be maintained in accordance with the approved lighting management plan, unless otherwise approved by the Responsible Authority.*

CARRIED 7 : 0

AMENDMENT MOTION

Moved Cr Hanson, Seconded Cr Finnigan

That Council add:

New condition 5, with subsequent conditions renumbered accordingly:

- No children's parties or events may be held at the childcare centre without the prior permission of the Responsible Authority, obtained through the submission of a planning application.*

Replacement of condition 12 to read:

- Prior to the commencement of the use hereby permitted, unless otherwise agreed in writing by the Responsible Authority, those sections of the Hart Street nature strip on both sides of the road from the southern boundary of the site to the intersection of Hart Street and Aireys Street must be developed to create parking and surfaced with all-weather seal coat to the satisfaction of the Responsible Authority.*

CARRIED 7 : 0

The meeting was adjourned at 5.05pm due to technical difficulties arising from connection of Cr Hart via video conference.

The meeting was reconvened at 5.16pm.

RESOLUTION

Moved Cr Potter, Seconded Cr Arnott

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 the Land at 173 Hart Street, Elliminyt (Lot 1 PS: 910230 V/F: 12466/154) for a Childcare Centre, the Display of a Business Identification Sign and Associated Works, subject to the following conditions:

Amended Plans

- 1. Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:*
 - a) The number of children specified on the site plan reduced to a maximum of 98*
 - b) An acoustic fence extending the length of both side boundaries and across the rear boundary of the site*
 - c) Details of the height, design, materials and colour of the acoustic fence, which must have regard to the character of the area and must accord with the recommendations*

in section 5.5.1 of the Acoustic Impact Assessment by Octave Acoustics (Document No. AC329ME-01E02 Acoustic Impact Assessment (r0), dated 24/8/23).

- d) *The extent of the 'outdoor meals area' and details of the maximum number of children using that area at any one time*

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. No more than 98 children and 15 staff may be present on the premises at any one time, unless otherwise approved in writing by the Responsible Authority. No more than 10 members of staff may be present on the premises before 10am or after 5pm, unless otherwise approved by the Responsible Authority.*
- 5. No children's parties or events may be held at the childcare centre without the prior permission of the Responsible Authority, obtained through the submission of a planning application.*

Hours of Operation

- 6. The use hereby permitted must operate only between the following hours unless otherwise approved in writing by the Responsible Authority:*
 - Monday to Friday, between 6.30am and 6.30pm.*

The outdoor play area must not be used before 7.00am or after 6.00pm.

The childcare centre must remain closed on weekends.

Deliveries

- 7. Deliveries to the site must only take place from Monday to Friday between 8.00am and 6.00pm, unless otherwise approved by the Responsible Authority.*

Construction Management Plan

- 8. 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.*
- 9. 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

- 10. Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*
- 11. Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, the redundant vehicular crossing must be reinstated to the satisfaction of the Responsible Authority.*

Car Park

- 12. Prior to the commencement of the use hereby permitted, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed*
 - b) Properly formed to such levels that they can be used in accordance with the plans;*
 - c) Drained;*
 - d) Line-marked to indicate each car space and all access lanes;*
 - e) Marked or signed to clearly designate the staff parking spaces shown on the endorsed plans for the purpose of staff parking only;*
 - f) Clearly marked to show the direction of traffic along access lanes and driveways;**

all to the satisfaction of the Responsible Authority.

The areas must be constructed and drained to prevent diversion of flood or drainage waters and must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

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

Roadside Parking and Drainage

- 13. Prior to the commencement of the use hereby permitted, unless otherwise agreed in writing by the Responsible Authority, those sections of the Hart Street nature strip on both sides of the road from the southern boundary of the site to the intersection of Hart Street and Aireys Street must be developed to create parking and surfaced with all-weather seal coat to the satisfaction of the Responsible Authority.*
- 14. Prior to the commencement of the use hereby permitted, kerb and channel must be constructed in front of the site and on the eastern side of Hart Street opposite the subject land to the satisfaction of the Responsible Authority. Laybacks must be provided to impacted driveways to the satisfaction of the Responsible Authority.*
- 15. Prior to the commencement of the use hereby permitted, 'no parking' signage must be installed in Hart Street at the full cost of the permit holder in accordance with details to be approved by the Responsible Authority.*
- 16. Prior to the commencement of development, unless an alternate timeframe is agreed*

in writing by the Responsible Authority, a 375mm diameter concrete pipe must be installed and covered, with the provision of driveable end walls, in front of the site and on the eastern side of Hart Street opposite the subject site to the satisfaction of the Responsible Authority.

- 17. Prior to the commencement of any road and/or drainage works within the road reserve, detailed engineering plans for those works must be submitted to and approved in writing by the Responsible Authority, unless otherwise agreed by the Responsible Authority. All works must be carried out in accordance with the approved engineering plans.*

Construction of Footpath

- 18. Prior to the commencement of the use hereby permitted, a footpath must be constructed on the west side of Hart Street which runs from in front of the subject site to the intersection of Hart Street and Aireys Street, in accordance with details to be submitted to and approved by the Responsible Authority.*

Waste Management Plan

- 19. Prior to the commencement of development, details of waste management must be submitted to and approved in writing by the Responsible Authority. The Waste Management Plan must provide details of arrangements for waste storage and collection, and include details of access arrangements for waste collection vehicles to the waste management area shown on the endorsed plans if the car park is in use.*

Stormwater

- 20. All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
- 21. 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

- 22. 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.*
- 23. Within five (5) business days of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection*

must be requested. The written approval of the Responsible Authority to the stormwater detention system must be obtained prior to the childcare centre hereby permitted being brought into use.

Landscaping

- 24. Prior to the commencement of 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, which must be drawn to scale with dimensions, must show:*
- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed*
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary*
 - c) details of surface finishes of pathways and driveways*
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*

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.

- 25. 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.*

Noise Mitigation

- 26. Noise levels emanating from the premises must not exceed those required to be met under 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'. Noise Control Guidelines publication 1254.2, May 2021 must also be considered.*
- 27. Prior to the commencement of the use hereby permitted, an acoustic fence must be constructed along the length of the site's side boundaries and along the length of the rear boundary, to the satisfaction of the Responsible Authority. The fence must accord with the details approved under condition 1 of this permit.*
- 28. Prior to the commencement of the use hereby permitted, a Noise Management Plan based on, but not limited to, the recommendations in section 5.5.2 of the Acoustic Impact Assessment prepared by Octave Acoustic (Document No. AC329ME-01E02 Acoustic Impact Assessment (r0), dated 24/8/23) must be submitted to and approved by the Responsible Authority. The childcare centre must thereafter be operated in accordance with the Noise Management Plan.*
- 29. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*

30. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority. Rooftop mechanical plant (especially large plant items such as condensers and ventilation fans) must be located centrally where practicable.

Signage

31. All signage must be constructed and maintained to the satisfaction of the Responsible Authority.
32. 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.

Lighting

33. Prior to the commencement of development, unless an alternate timeframe is agreed in writing by the Responsible Authority, a lighting management plan must be submitted to and approved in writing by the Responsible Authority. The lighting management plan must show the locations of all external lighting, and treatments to avoid light spill onto neighbouring properties.
34. Prior to the commencement of the use hereby permitted, all external lighting must be installed in accordance with the approved lighting management plan. The lighting must thereafter be maintained in accordance with the approved lighting management plan, unless otherwise approved by the Responsible Authority.
35. External lighting must be designed, baffled, and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

Expiry

36. 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 development, it will also be necessary to obtain a building permit.
2. Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.
3. At least seven (7) days before any works start, an Asset Protection Permit must be

obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.

- 4. Prior to the commencement of any works relating to the development allowed by this permit, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads) must be submitted.*
- 5. The CFA has recommended that an emergency management plan be developed for the site. That plan should include consideration of bushfire risk and actions in the event of a bushfire and severe fire weather. Closure on Catastrophic Fire Danger Days is recommended.*
- 6. The premise is required to comply with the Food Act. If at any time food is offered as part of paid service an application to register a food business will be required and must be approved by Council's Health Protection Unit.*

CARRIED 4 : 3

<i>For</i>	<i>Against</i>
<i>Cr Hart</i>	<i>Cr Costin</i>
<i>Cr White</i>	<i>Cr Potter</i>
<i>Cr Hanson</i>	<i>Cr Finnigan</i>
<i>Cr Arnott</i>	

Item: 9.2

Project Budget Adjustments and Cash Reserve Transfers - July 2024

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

RESOLUTION

Moved Cr Arnott, Seconded Cr Hart

That Council:

- 1. Approves the new projects as presented in Tables 1 and 2 of this report, at a total net cost to Council of \$0.*
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

CARRIED 7 : 0

Item: 9.3

Nature Strip Planting Policy and Guidelines - Consideration of Submissions and Adoption

OFFICER	Dora Novak
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Colac Otway Shire Nature Strip Planting Policy for Adoption [9.3.1 - 5 pages]2. Colac Otway Shire Council Nature Strip Planting Guidelines for adoption [9.3.2 - 18 pages]3. Submissions - Summary of Officer Recommended Changes [9.3.3 - 10 pages]

RECOMMENDATION

That Council:

1. *Receives and considers all submissions to the draft Nature Strip Planting Policy and Guidelines (provided as confidential attachment).*
2. *Expresses its appreciation to the community for their contribution to the development of Nature Strip Planting Policy and Guidelines.*
3. *Notes that amendments have been made as per the Response to Submissions Table (Attachment 3) and are presented as final documents.*
4. *Adopts the attached Nature Strip Planting Policy (Attachment 1) and Nature Strip Planting Guidelines (Attachment 2).*

RESOLUTION

Moved Cr Costin, Seconded Cr Hart

That Council:

1. *Receives and considers all submissions to the draft Nature Strip Planting Policy and Guidelines (provided as a confidential attachment).*

2. *Expresses its appreciation to the community for their contribution to the development of Nature Strip Planting Policy and Guidelines.*
3. *Notes that amendments have been made as per the Response to Submissions Table (Attachment 3) and are presented as final documents.*
4. *Adopts the attached Nature Strip Planting Policy (Attachment 1) and Nature Strip Planting Guidelines (Attachment 2), subject to the replacement of the word "permitted" in the first paragraph of P.10 of the draft Guidelines and replace with the word "recommended".*

CARRIED 7 : 0

Item: 9.4

Adoption of Colac Botanic Gardens Master Plan

OFFICER	Cameron Duthie
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	<ol style="list-style-type: none">1. Colac Botanic Gardens Masterplan A1 POSTER - FINAL for Adoption [9.4.1 - 1 page]2. Colac Botanic Gardens Masterplan - FINAL b - 20240821 [9.4.2 - 106 pages]3. Colac Botanic Gardens Masterplan - Submissions CD AP DR - Final - 20240821 [9.4.3 - 3 pages]

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council:

1. *Receives and considers all submissions to the Draft Colac Botanic Gardens Master Plan, noting that several submitters also gave verbal presentations on their submissions at the 14 August 2024 Submissions Committee meeting.*
2. *Expresses its appreciation to the community and stakeholders for their contribution to the development of the Master Plan.*
3. *Notes that amendments have been made to the plan in response to submissions as outlined in the Submissions table attached to this report.*
4. *Adopts the attached Colac Botanic Gardens Master Plan (Attachment 1).*
5. *Determines that the Colac Botanic Gardens Master Plan as it applies to the Lake Colac Foreshore Master Plan supersedes that section of the Lake Colac Foreshore Master Plan adopted in 2016.*
6. *Authorises the Chief Executive Officer to arrange for the relevant section of the Lake Colac Foreshore Master Plan to be updated in accordance with point 5, and publish the updated version on Council's website to achieve consistency between the master plans.*

CARRIED 7 : 0

Item: 9.5

Grey Headed Flying Fox Management Plan Update

OFFICER	Cameron Duthie
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations

This item was withdrawn from the agenda and will be represented at a future council meeting.

The meeting was paused for a short break at 5.53pm as the meeting had been in progress for 2 hours. The meeting was reconvened at 6.02pm.

Item: 9.6

Lake Colac Water Quality and Events

OFFICER	Fiona Maw
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none">1. CONFIDENTIAL REDACTED - Incoming - Fw Managing Risks in Recreational Water - Lake Colac [CO S- C L. UR I 3037768] - Kristin [9.6.1 - 5 pages]2. CONFIDENTIAL REDACTED - Incoming - RE Managing Risks in Recreational Water - Lake Colac [CO S- C L. UR I 3037768] - Brooks, [9.6.2 - 8 pages]

RECOMMENDATION

That Council:

1. *Notes that increased water testing results at Lake Colac indicates that the water quality fluctuates dramatically.*
2. *Notes that there has been identified pollutant episodes/stormwater additions contributing to the water quality of Lake Colac.*
3. *Notes the advice provided from MAV Insurance Counsel indicating that Council has a duty of care in the issuing of permits for an event, including events using Lake Colac.*
4. *Notes the advice provided from JLT Risk Solutions Pty Ltd that recommends Council require the event organiser to undertake a documented risk assessment demonstrating that their controls accord with the relevant standards/guidance.*
5. *Based on water quality testing results, supports 'Event in Public Place' applications that propose use of Lake Colac for Secondary contact events, subject but not limited to, the following requirements:*
 - a. *Submission of a suitable risk management plan that includes and addresses water quality risks associated with conducting the event.*

- b. *Event organisers obtaining tests for E.coli and Enterococci levels and conducting a sanitary inspection(s) prior to an event and provide results to Council.*
 - c. *That test results do not exceed the E.coli and Enterococci thresholds for permitting Secondary contact events. Thresholds determined in accordance with the Environmental Protection Authority (EPA) of Victoria Environment Reference Standards (ERS), advice received from EPA and consideration of the NHMRC Guidelines for managing risks in recreational water.*
 - d. *Should a significant pollution event occur that is likely to affect the event (i.e. waste water spill, blue green algae or similar health related impact) be known, the event is to be cancelled.*
 - e. *Assessment against Council's Events Policy.*
6. *Does not support 'Event in Public Place' applications for Primary contact events in Lake Colac until further investigation of pollutant sources occurs and water testing results demonstrate an ongoing reduction in significant microbial fluctuations.*

RESOLUTION

Moved Cr Potter, Seconded Cr Costin

That Council:

- 1. *Supports the holding of events on and around Lake Colac subject to appropriate conditions and permits.*
- 2. *Notes that increased water testing results at Lake Colac indicates that the water quality fluctuates dramatically.*
- 3. *Notes that there has been identified pollutant episodes/stormwater additions contributing to the water quality of Lake Colac.*
- 4. *Notes the advice provided from MAV Insurance Counsel indicating that Council has a duty of care in the issuing of permits for an event, including events using Lake Colac.*
- 5. *Notes the advice provided from JLT Risk Solutions Pty Ltd that recommends Council require the event organiser to undertake a documented risk assessment demonstrating that their controls accord with the relevant standards/guidance.*
- 6. *Determines that 'Event in Public Place' applications proposing use of Lake Colac for both Primary and Secondary contact events, be considered for approval under the existing permit system, subject but not limited to the following requirements:*
 - a. *Submission of appropriate event plans inclusive of, a suitable risk management plan that addresses water quality risks associated with conducting the event.*
 - b. *Provision of results to Council of tests of e coli and enterococci levels and conducting a sanitary inspection prior to an event and take into account the recommended levels relevant to primary and secondary contact events. (Test results must not exceed the E.coli and Enterococci relevant Primary or Secondary contact events, determined in accordance with the Environmental Protection Authority (EPA) of Victoria Environment Reference Standards (ERS), advice*

received from EPA and consideration of the NHMRC Guidelines for managing risks in recreational water.).

- c. Acknowledgement that should a significant pollution event occur that is likely to affect the event (i.e. waste water spill, blue green algae or similar health related impact), the event will be cancelled.*
 - d. Assessment against Council's Events Policy.*
 - e. Provision of insurance cover protecting event participants and indemnifying Council for any incident relating to the event.*
- 7. Determines Council will provide a summary of the latest water quality test results to event holders as close as possible to the date of the event.*
- 8. Determines that any application for a primary contact event on Lake Colac will come to Council for determination/decision.*

CARRIED 6 : 1

<i>For</i>	<i>Against</i>
<i>Cr Costin</i>	<i>Cr Hart</i>
<i>Cr Potter</i>	
<i>Cr White</i>	
<i>Cr Hanson</i>	
<i>Cr Finnigan</i>	
<i>Cr Arnott</i>	

Item: 9.7

Meredith Park Management Options

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

RECOMMENDATION

That Council:

1. *Notes the investigations undertaken into the options for future management of Meredith Park in response to Council decision on 16 September 2020.*
2. *Notes that the investigations into the future management and use of Meredith Park identifies two viable options:*
 - a) *Council continues as manager of the land and allows camping at the site.*
 - b) *Council continues as manager of the land and allows it to be used as public open space only, with no authorised camping.*
3. *Determines to undertake community consultation in early 2025 on the two management and use options as listed in point 1, in accordance with its Community Engagement Policy.*
4. *Receives a report after the conclusion of the consultation process that provides the outcomes of the consultation and recommendations on the future management and use of Meredith Park.*

MOTION TO DEFER

Moved Cr Finnigan, Seconded Cr Hanson

That Council defer this item until May 2025 to allow all parts of the 2020 Council resolution to be addressed by officers.

LOST 3 : 4

<i>For</i>	<i>Against</i>
<i>Cr Costin</i>	<i>Cr Hart</i>
<i>Cr Hanson</i>	<i>Cr Potter</i>
<i>Cr Finnigan</i>	<i>Cr White</i>
	<i>Cr Arnott</i>

RESOLUTION

Moved Cr Arnott, Seconded Cr Hart

That Council:

- 1. Notes the investigations undertaken into the options for future management of Meredith Park in response to Council decision on 16 September 2020.*
- 2. Notes that the investigations into the future management and use of Meredith Park identifies two viable options:*
 - a) Council continues as manager of the land and allows camping at the site.*
 - b) Council continues as manager of the land and allows it to be used as public open space only, with no authorised camping.*
- 3. Determines to undertake community consultation in early 2025 on the two management and use options as listed in point 1, in accordance with its Community Engagement Policy.*
- 4. Receives a report after the conclusion of the consultation process that provides the outcomes of the consultation and recommendations on the future management and use of Meredith Park.*

CARRIED 5 : 2

<i>For</i>	<i>Against</i>
<i>Cr Hart</i>	<i>Cr Hanson</i>
<i>Cr Potter</i>	<i>Cr Finnigan</i>
<i>Cr White</i>	
<i>Cr Costin</i>	
<i>Cr Arnott</i>	

The meeting was adjourned at 7.11pm for a short break and reconvened at 7.23pm.

Item: 9.8

Purchase of part of the surplus land to the Lake Colac School for road reserve to implement the Colac West Development Plan

OFFICER	Darren Rudd
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Cross Section - North South Collector Road [9.8.1 - 1 page] 2. North- South Connector Road Components and Additional Dedicated Open Space [9.8.2 - 1 page] 3. Plan of Subdivision - New Road North- South Connector Road, Colac West Development Plan [9.8.3 - 3 pages] 4. Valuation Report - Part 413-437 Murray Street, Colac [9.8.4 - 72 pages] 5. Lake Colac School aerial photo [9.8.5 - 1 page]

RESOLUTION

Moved Cr Hart, Seconded Cr Arnott

That Council:

1. *Seeks written commitment from the landowner to the west of the proposed north-south collector road into the Colac West Development Plan to cover all costs associated with the purchase of the land from the Department of Education that is necessary for the construction of the north-south collector road along the western boundary of the surplus land to the Lake Colac School.*
2. *Determines to purchase the land from the Department of Education referenced in point 1, to facilitate the creation of a Road Reserve upon receipt of payment from the relevant landowners.*
3. *Upon receipt of the formal written agreement, progresses to settle the purchase with Department of Education and finalise all necessary actions to designate the land as road reserve.*

4. *Authorises the Chief Executive Officer to execute all relevant documents relating to this matter on behalf of Council.*

CARRIED 7 : 0

Item: 9.9

Request to provide Public Notice of Intention to declare a Road to be Public Highway. (Extension of Stanway Drive Wye River.)

OFFICER	David Butterfield
ACTING GENERAL MANAGER	Steve O'Dowd
DIVISION	Corporate Services
ATTACHMENTS	1. 2206 Preliminary Plan V 01 [9.9.1 - 2 pages]

RECOMMENDATION

That Council:

- 1. Resolves to give public notice of its proposal to declare the road between Stanway Drive and Illuka Avenue, Wye River as shown on the plan attached to Attachment –1 to be a public highway under section 204(1) of the Local Government Act 1989 (Act)*
- 2. Gives public notice in accordance with section 223 of the Act of the proposal to declare the road to be a public highway and to be open to traffic.*
- 3. Hears from people wishing to speak to their submission at a future Submissions Committee Meeting.*
- 4. Authorises the Chief Executive Officer to do all things necessary to declare the road to be a public highway and open to traffic in the event that no submissions are received.*
- 5. Notes in the event that if submissions are received, a further report will be presented to Council to consider any issues raised in submissions prior to consideration of the proposal by Council.*

RESOLUTION

Moved Cr Hart, Seconded Cr Potter

That Council:

- 1. Resolves to give public notice of its proposal to declare the road between Stanway Drive and Illuka Avenue, Wye River as shown on the plan attached to Attachment –1 to be a public highway under section 204(1) of the Local Government Act 1989 (Act)*
- 2. Gives public notice in accordance with section 223 of the Act of the proposal to declare the road to be a public highway and to be open to traffic.*
- 3. Hears from people wishing to speak to their submission at a future Submissions Committee Meeting.*
- 4. Authorises the Chief Executive Officer to do all things necessary to declare the road to be a public highway and open to traffic in the event that no submissions are received.*
- 5. Notes that the email received today at 4.04pm, addressed to Councillors and EA Executive Officers email, titled “untruths”, is considered as a submission to this process.*
- 6. Determines a further report will be presented to Council to consider any issues raised in submissions prior to consideration of the proposal by Council.*

CARRIED 7 : 0

Item: 9.10

McMinns Bridge - Access Issues

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

RECOMMENDATION

That Council:

- 1. Notes that McMinns Bridge was removed by Corangamite Shire Council in 2022, following consultation with Colac Otway Shire Council, due to its asset condition and safety concerns, leaving the owners of the property at 2115 Gellibrand River Road, Gellibrand Lower without practical access to their property.*
- 2. Notes that there are significant constraints to constructing a new bridge given the significant cost and lack of legal road access on the western side of the river.*
- 3. Notes that whilst the land at 2115 Gellibrand River Road has abuttal to an unused road reserve at its eastern boundary, access via that road is likely to be impractical due to the steep topography and significant coverage of vegetation.*
- 4. Notes that the owner of 2115 Gellibrand River Road has an option to negotiate with the owner of the land abutting to the south to seek their consent to an easement being created through their land to achieve legal and practical long term access to their land.*
- 5. Notes that Council has fulfilled its statutory requirement to provide legal access by the provision of the Government Road, and that the best opportunity for resolution of access to the land rests with the owners of the land.*
- 6. Determines not to pursue reconstruction of the bridge and communicates Council's position to the owners of the land impacted by the lack of bridge access.*

RESOLUTION

Moved Cr Hart, Seconded Cr Finnigan

That Council:

- 1. Acknowledges that the McMinns Bridge provided access to the property at 2115 Gellibrand River Road, Gellibrand Lower since, at least, the 1970's and until the bridge was removed in 2022 due to its condition.*
- 2. Notes that Council requested that a "Bridge Renewal Policy" be formulated at its meeting on 23 February 2022 and that Council is currently operating without such a policy.*
- 3. Reiterates the need for a "Bridge Renewal Policy".*
- 4. Notes that Council has been actively working since at least 2019 to facilitate an easement access from a neighbouring property to the property at 2115 Gellibrand River Road, Gellibrand Lower that was previously accessed by the McMinns Bridge.*
- 5. Determines that the easement is Council's preferred option for resolving access to 2115 Gellibrand River Road, Gellibrand Lower.*
- 6. Determines that Council will refund or waive (whichever is applicable) any statutory fee or charge payable to Council by the owners of either 2115 or 2145 Gellibrand River Road associated with the creation of an easement though 2145 Gellibrand River Road.*
- 7. Acknowledges its responsibility to treat community members in a fair manner and assist with processes to resolve this access issue.*
- 8. Authorises the Chief Executive Officer to negotiate a mutually satisfactory outcome, including a Council financial contribution to the total costs of establishing the easement and physical access at a limit determined by Level 5, as outlined in the confidential attachment, contingent upon the benefiting landowner (i.e. the landowner of the property at 2115 Gellibrand River Road, Gellibrand Lower) contributing at least an equivalent amount.*
- 9. Determines that in the event that the landowner of the property at 2115 Gellibrand River Road, Gellibrand Lower, does not agree to the contribution outlined in point 8 within six months, the Chief Executive Officer should write to the landowner and advise that Council will leave support outlined in points 6 and 7 of this resolution 'on the table' for a period of two years.*

CARRIED 7 : 0

Item: 9.11

Proposed Funding Application for New and Upgraded Dog Parks - Round 2 program

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

RESOLUTION

Moved Cr Arnott, Seconded Cr Finnigan

That Council:

- 1. Endorses the Central Reserve Dog Park project to be submitted to the Victorian Government's New and Upgraded Dog Parks program – Round 2, seeking a grant of \$225,000 (exc. GST).*
- 2. Contributes \$125,000 (exc. GST) as a matching contribution to deliver a project with a total cost of \$350,000 (exc. GST), with its matching financial contribution to be sourced from the Recreational Lands Reserve.*
- 3. Authorises the Chief Executive Officer to submit the application for the Central Reserve Dog Park project to the New and Upgraded Dog Parks program – Round 2.*
- 4. Authorises the Chief Executive Officer to enter into a funding agreement should the application for the Central Reserve Dog Park project be successful.*

CARRIED 7 : 0

PROCEDURAL MOTION

Moved Cr Costin, Seconded Cr Hart

That council continue the meeting past 4 hours, consider item 9.13 immediately, and defer all remaining items, including those in the closed session, to a future council meeting, date to be determined.

LOST 3 : 4

<i>For</i>	<i>Against</i>
<i>Cr Costin</i>	<i>Cr Arnott</i>
<i>Cr Hart</i>	<i>Cr Hanson</i>
<i>Cr Finnigan</i>	<i>Cr White</i>
	<i>Cr Potter</i>

PROCEDURAL MOTION

Moved Cr Potter, Seconded Cr Hanson

That Council continue the meeting past 4 hours.

CARRIED 4 : 3

<i>For</i>	<i>Against</i>
<i>Cr Arnott</i>	<i>Cr Finnigan</i>
<i>Cr Hanson</i>	<i>Cr Costin</i>
<i>Cr White</i>	<i>Cr Hart</i>
<i>Cr Potter</i>	

PROCEDURAL MOTION

Cr Costin left the meeting 8.24pm

Moved Cr Finnigan, Seconded Cr Arnott

That Council amend the order of business and deal with item 9.13 immediately.

CARRIED 6 : 0

Item: 9.13

Proposed Funding Applications for 2024-25 Country Football Netball Program

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

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council:

1. *Endorses the following projects to be submitted to the Victorian Government's 2024-25 Country Football Netball Program:*
 - a. *Eastern Reserve Netball Lighting Upgrade project, seeking a grant of up to \$120,000 (exc. GST).*
 - b. *Gellibrand Recreation Reserve Netball Lighting Upgrade project, seeking a grant of up to \$130,000 (exc. GST), with a minimum local contribution of up to \$43,333 (exc. GST) to be provided by the Otway Districts Football Netball Club.*
2. *Contributes up to \$40,000 (exc. GST) as a matching contribution to deliver the Eastern Reserve Netball Lighting Upgrade project with a total project cost of up to \$160,000 (exc. GST), with its matching financial contribution to be sourced from Council's Unallocated Renewal Funds.*
3. *Notes that the application to the 2024-25 Country Football Netball Program for the Gellibrand Recreation Reserve Netball Lighting Upgrade project will be subject to confirmation from the Otway Districts Football Netball Club in writing of its financial contribution.*
4. *Notes that it will be required to underwrite the Eastern Reserve Netball Lighting Upgrade and Gellibrand Recreation Reserve Netball Lighting Upgrade projects as per standard funding agreement obligations.*

5. *Authorises the Chief Executive Officer to submit the applications for the Eastern Reserve Netball Lighting Upgrade and Gellibrand Recreation Reserve Netball Lighting Upgrade projects to the 2024-25 Country Football Netball Program.*
6. *Authorises the Chief Executive Officer to enter into a funding agreement should the applications for the Eastern Reserve Netball Lighting Upgrade and Gellibrand Recreation Reserve Netball Lighting Upgrade projects be successful. .*

CARRIED 6 : 0

PROCEDURAL MOTION

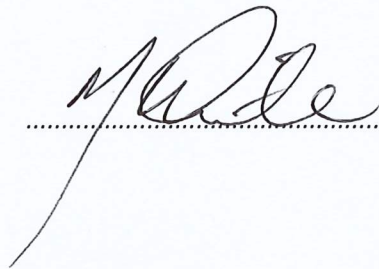
Moved Cr Finnigan, Seconded Cr Hart

That Council defer the remaining items on the agenda to a future council meeting.

CARRIED 6 : 0

The meeting was declared closed at 8.28pm

CONFIRMED AND SIGNED at the meeting held on 11 September 2024.


.....MAYOR

