



UNSCHEDULED COUNCIL MEETING

MINUTES

Wednesday 5 July 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE UNSCHEDULED COUNCIL MEETING

Wednesday 5 July 2023

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COLAC OTWAY SHIRE UNSCHEDULED COUNCIL MEETING

MINUTES of the **UNSCHEDULED COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at
COPACC on Wednesday 5 July 2023 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING

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

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Heath Chasemore, General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance
Lyndal McLean, Coordinator Council Business

3 APOLOGIES

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 are 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 was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

The sole purpose of this Unscheduled Council meeting is to consider the following agenda item:

- Proposed Local Law - Endorse for Exhibition.

5 QUESTION TIME

Colac Otway Shire Council encourages community input, and integral to this, is the opportunity provided to ask questions at Council meetings.

A maximum of 15 minutes is allowed for question time at Unscheduled Council meetings. As this is an Unscheduled Council meeting, questions today need to be in relation to the item on the agenda

Community members wishing to ask questions of Council by videoconference were requested to register their intention before 5:00pm on Monday 3 July 2023. No requests were received.

We have not received any questions in writing for this meeting.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Nil

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Nil

6 DECLARATIONS OF INTEREST

Nil

Item: 7.1

Proposed Local Law - Endorse for Exhibition

OFFICER	Rhassel Mhasho
GENERAL MANAGER	Heath Chasemore
DIVISION	Infrastructure and Operations
ATTACHMENTS	<ol style="list-style-type: none">1. Proposed General Local Law No 1 2023 [7.1.1 - 62 pages]2. Proposed Local Law Procedure Guidelines [7.1.2 - 50 pages]3. Community Impact Statement - Proposed Local Law 1 [7.1.3 - 7 pages]

RECOMMENDATION

That Council:

1. *Endorses the proposed Colac Otway Shire General Local Law 1 (Attachment 1) and proposed Local Law Guidelines (Attachment 2) as an incorporated document of the Local Law for the purpose of public exhibition for minimum of 28 days from 6 July 2023.*
2. *Authorises the Chief Executive Officer to give notice of the proposed General Local Law 1 (Attachment 1) and proposed Local Law Guidelines (Attachment 2) in accordance Section 73(3) of the Local Government Act 2020.*
3. *Agrees that the public notice will include:*
 - a. *An invitation for written submissions from the public during the exhibition period.*
 - b. *An invitation for submitters who wish to speak to their submission to be heard at a Submission Committee meeting to be held at 3 pm on the 9 August 2023.*
 - c. *Advice that any submissions received after exhibition period will be presented to the Submission Committee, where they are received before 9am on the day of the committee meeting.*
4. *Notes that a Community Impact Statement (Attachment 3) has been prepared for the proposed General Local Law 1 and will be published with the exhibited documents.*

5. *Notes that the time available to establish the new Local Law before existing Local Laws cease means that it is not possible to provide a public exhibition period of 6-weeks as intended in its Community Engagement policy, and commits to undertake future community engagement after Easter 2024 to seek feedback about the effectiveness of the provisions of a new Local Law if one is made by Council.*
6. *Considers, at a Council meeting before the end of July 2024, all feedback received as part of the community engagement referred to in point 5, to enable it to consider whether to review all or part of the new Local Law.*
7. *Considers making the Colac Otway Shire General Local Law 1 2023 in accordance with section 74 on the Local Government Act 2020 at the scheduled Council meeting on 23 August 2023.*

REVISED OFFICER RECOMMENDATION

That Council:

1. *Endorses the proposed Colac Otway Shire General Local Law 1 (Attachment 1) and proposed Local Law Guidelines (Attachment 2) as an incorporated document of the Local Law for the purpose of public exhibition for minimum of 28 days from 6 July 2023, with the following amendments:*
 - a. *Attachment 1*
 - i. *Delete reference to the Events Policy 2023 from clause 1.8(a)(1)*
 - ii. *Clause 4.8 (a)*
 - (1) *Include for both points (1) and (4) additional words 'and Roads' after the words 'Council land'.*
 - (2) *Include for both points (1) and (4) additional words 'that is inconsistent with an adopted Council Policy or adopted Precinct specific plan, or where mechanical plant is used for excavation'.*
 - iii. *Clause 6.3*
 - (1) *Replace the heading with 'Camping on Privately Owned Land where a Dwelling is Erected'.*
 - (2) *Delete sub-clause 6.3(b)(1) and re-number subsequent sub-clauses.*
 - (3) *Change the period nominated in sub-clause 6.3(b)(2) (to be re-numbered) to be six (6) months and change 'calendar year' to 'financial year'.*
 - iv. *Clause 6.4*
 - (1) *Replace the heading with 'Camping on Vacant Private Land'.*
 - v. *Replace Clause 8.2 with the following:*

8.2 Open Air Fires and Incinerators

- (a) *A person must not without a permit, light a fire in the open air or in an incinerator on any land in a Designated Area on any day or at times other than on a Friday or a Saturday between the hours of 10am and 6pm.*
- (b) *The open air fire and the matter being burnt must occupy no more than 1 cubic metre of land and space, and must be dried vegetation only.*
- (c) *A person must not light a fire during a CFA declared fire danger period.*
- (d) *A person must not, without a permit, light a fire in the open air where the open air fire will be lit or used on any Council land or public place.*
- (e) *The requirement to obtain a permit does not apply to:*
 - (1) *a person lighting a barbeque or similar appliance for cooking food; or*
 - (2) *a constructed fireplace, recreational fire pit or brazier; or*
 - (3) *a fire that is authorised or directed to be lit under any other legislation.*
- (f) *A person must not light a fire in the open air or an incinerator to burn any material or substance that could cause a nuisance to any other person or could harm or damage a person's health.*
- (g) *The Designated Area referred to in sub-clause 8.2(a) will be the Designated Township Area unless Council resolves to establish an alternative Designated Area.*

Penalty: A Maximum of 20 Penalty Units

vi. *Clause 9.5*

- (1) *Replace the heading with 'Storage of Caravans and Trailers in public places'.*
- (2) *Remove reference to 'vehicles' and leave only references to 'caravan or a trailer'.*

b. *Attachment 2*

- i. *Replace the words on page 5 under the heading 'When liquor consumption is prohibited' with the following:*

'Consumption of Liquor is prohibited in all public places in Colac Otway Shire unless:

- *The area is licensed under the Liquor Control Reform Act 1988; or*
- *The area has been prescribed by Council as an approved area for liquor consumption and signage is in place specifying the area, days, times and/or other matters relevant; or*

- *Council has provided a permit specific to the event or activity where the alcohol will be consumed.*
- ii. *Include an additional point on page 12 under the heading 'Exemptions', which reads, 'For the purpose of assessing Clause 4.8(a)(5) recognised weeds are those environmental weeds listed in documents regarding Significant Weeds published by Council on its website under 'Weed Management' webpage.'*
 - iii. *Include an additional point on page 24 under the heading 'Exemptions', which reads, 'Events that take place on Council Land or Public Places managed by a Community Asset Committee where a written approval is granted by the committee within its purpose and delegated authorities.'*
 - iv. *Include an additional point on page 45 after the words 'any other relevant factor', which reads 'The time needed to reasonably comply with other statutory or regulatory requirements such as planning or building controls'.*
2. *Authorises the Chief Executive Officer to give notice of the proposed General Local Law 1 (Attachment 1 – as amended in point 1) and proposed Local Law Guidelines (Attachment 2 – as amended in point 1) in accordance Section 73(3) of the Local Government Act 2020.*
 3. *Agrees that the public notice will include:*
 - a. *An invitation for written submissions from the public during the exhibition period.*
 - b. *An invitation for submitters who wish to speak to their submission to be heard at a Submission Committee meeting to be held at 3 pm on the 9 August 2023.*
 - c. *Advice that any submissions received after exhibition period will be presented to the Submission Committee, where they are received before 9am on the day of the committee meeting.*
 4. *Notes that a Community Impact Statement (Attachment 3) has been prepared for the proposed General Local Law 1 and will be published with the exhibited documents.*
 5. *Notes that the time available to establish the new Local Law before existing Local Laws cease means that it is not possible to provide a public exhibition period of 6-weeks as intended in its Community Engagement policy, and commits to undertake future community engagement after Easter 2024 to seek feedback about the effectiveness of the provisions of a new Local Law if one is made by Council.*
 6. *Considers, at a Council meeting before the end of July 2024, all feedback received as part of the community engagement referred to in point 5, to enable it to consider whether to review all or part of the new Local Law.*
 7. *Considers making the Colac Otway Shire General Local Law 1 2023 in accordance with section 74 on the Local Government Act 2020 at the scheduled Council meeting on 23 August 2023.*

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

That Council:

1. *Endorses the proposed Colac Otway Shire General Local Law 1 (Attachment 1) and proposed Local Law Guidelines (Attachment 2) as an incorporated document of the Local Law for the purpose of public exhibition for minimum of 35 days from 6 July 2023, with the following amendments:*

a. Attachment 1

- i. Delete reference to the Events Policy 2023 from clause 1.8(a)(1)*

- ii. Clause 4.8 (a)*

- (1) Include for both points (1) and (4) additional words 'and Roads' after the words 'Council land'.*
- (2) Include for both points (1) and (4) additional words 'that is inconsistent with an adopted Council Policy or adopted Precinct specific plan, or where mechanical plant is used for excavation'.*

- iii. Clause 6.3*

- (1) Replace the heading with 'Camping on Privately Owned Land where a Dwelling is Erected'.*
- (2) Delete sub-clause 6.3(b)(1) and re-number subsequent sub-clauses.*
- (3) Change the period nominated in sub-clause 6.3(b)(2) (to be re-numbered) to be six (6) months and change 'calendar year' to 'financial year'.*

- iv. Clause 6.4*

- (1) Replace the heading with 'Camping on Vacant Private Land'.*

- v. Replace Clause 8.2 with the following:*

8.2 Open Air Fires and Incinerators

- (a) A person must not without a permit, light a fire in the open air or in an incinerator on any land in a Designated Area on any day or at times other than on a Friday or a Saturday between the hours of 10am and 6pm.*
- (b) The open air fire and the matter being burnt must occupy no more than 1 cubic metre of land and space, and must be dried vegetation only.*
- (c) A person must not light a fire during a CFA declared fire danger period.*
- (d) A person must not, without a permit, light a fire in the open air where the open air fire will be lit or used on any Council land or public place.*
- (e) The requirement to obtain a permit does not apply to:*

- (1) *a person lighting a barbeque or similar appliance for cooking food; or*
 - (2) *a constructed fireplace, recreational fire pit or brazier; or*
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- (f) *A person must not light a fire in the open air or an incinerator to burn any material or substance that could cause a nuisance to any other person or could harm or damage a person's health.*
- (g) *The Designated Area referred to in sub-clause 8.2(a) will be the Designated Township Area unless Council resolves to establish an alternative Designated Area.*

Penalty: A Maximum of 20 Penalty Units

vi. Clause 9.5

- (1) *Replace the heading with 'Storage of Caravans and Trailers in public places'.*
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b. Attachment 2

- i. Replace the words on page 5 under the heading 'When liquor consumption is prohibited' with the following:*

'Consumption of Liquor is prohibited in all public places in Colac Otway Shire unless:

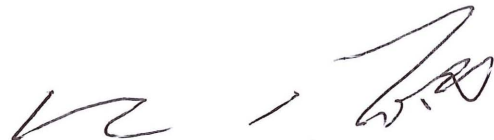
- *The area is licensed under the Liquor Control Reform Act 1988; or*
 - *The area has been prescribed by Council as an approved area for liquor consumption and signage is in place specifying the area, days, times and/or other matters relevant; or*
 - *Council has provided a permit specific to the event or activity where the alcohol will be consumed.*
- ii. Include an additional point on page 12 under the heading 'Exemptions', which reads, 'For the purpose of assessing Clause 4.8(a)(5) recognised weeds are those environmental weeds listed in documents regarding Significant Weeds published by Council on its website under 'Weed Management' webpage.'*
 - iii. Include an additional point on page 24 under the heading 'Exemptions', which reads, 'Events that take place on Council Land or Public Places managed by a Community Asset Committee where a written approval is granted by the committee within its purpose and delegated authorities.'*

- iv. *Include an additional point on page 45 after the words 'any other relevant factor', which reads 'The time needed to reasonably comply with other statutory or regulatory requirements such as planning or building controls'.*
- 2. *Authorises the Chief Executive Officer to give notice of the proposed General Local Law 1 (Attachment 1 – as amended in point 1) and proposed Local Law Guidelines (Attachment 2 – as amended in point 1) in accordance Section 73(3) of the Local Government Act 2020.*
- 3. *Agrees that the public notice will include:*
 - a. *An invitation for written submissions from the public during the exhibition period.*
 - b. *An invitation for submitters who wish to speak to their submission to be heard at a Submission Committee meeting to be held at 3 pm on the 16 August 2023.*
 - c. *Advice that any submissions received after exhibition period will be presented to the Submission Committee, where they are received before 9am on the day of the committee meeting.*
- 4. *Notes that a Community Impact Statement (Attachment 3) has been prepared for the proposed General Local Law 1 and will be published with the exhibited documents.*
- 5. *Notes that the time available to establish the new Local Law before existing Local Laws cease means that it is not possible to provide a public exhibition period of 6-weeks as intended in its Community Engagement policy, and commits to undertake future community engagement after Easter 2024 to seek feedback about the effectiveness of the provisions of a new Local Law if one is made by Council.*
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- 7. *Considers making the Colac Otway Shire General Local Law 1 2023 in accordance with section 74 on the Local Government Act 2020 at the scheduled Council meeting on 23 August 2023.*

CARRIED 7 : 0

The meeting was declared closed at 4.20pm.

CONFIRMED AND SIGNED at the meeting held on 26 July 2023.


.....**MAYOR**