



**Colac Otway**  
SHIRE

**COUNCIL MEETING**

**AGENDA**

**Wednesday 24 November 2021**

**at 4:00 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**

**Next Council Meeting: 15 December 2021**



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 24 November 2021

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# COLAC OTWAY SHIRE COUNCIL MEETING

NOTICE is hereby given that the next **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 24 November 2021 at 4:00 PM.

## AGENDA

### **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**

### **3 APOLOGIES AND LEAVES OF ABSENCE**

### **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 and Committee 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 endeavor 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 of 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. Recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

## **PUBLIC ATTENDANCE**

A registration system will be in place for members of the public wishing to attend this meeting in person. To ensure COVID capacity restrictions are adhered to, the number of people permitted to attend will be capped according to the room size. Any person who would like to come along to this Council meeting must register by contacting Council via email on [governance@colacotway.vic.gov.au](mailto:governance@colacotway.vic.gov.au) or phone 5232 9400 before close of business (5pm) Monday 22 November 2021. If attendance capacity is reached, community members will be advised if their registration cannot be accommodated.

In response to current COVID-19 requirements as directed by the Chief Health Officer, all attendees aged 16 and over must be fully vaccinated and show their vaccination status as a condition of entry to COPACC. Patrons will be required to wear facemasks in COPACC and enter via the main entrance (all abilities access from Gellibrand Street), where they will be required to register and show proof of vaccination.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at [www.youtube.com](http://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. You must ask a question; if you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time).
2. Questions from the floor.

## **6 TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

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

## **7 PETITIONS / JOINT LETTERS**

Nil

## **8 DECLARATIONS OF INTEREST**

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

## 9 CONFIRMATION OF MINUTES

- Council Meeting held on 27 October 2021.
- Special Council Meeting held on 10 November 2021.

### **Recommendation**

*That Council confirm the minutes of the Council Meeting held on 27 October 2021.*

*That Council confirm the minutes of the Special Council Meeting held on 10 November 2021.*

**NOTE:** The purpose of this report is for Council to make a decision with respect to PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence and to Alter the Hours of Operation and Maximum Patron Numbers. This item was considered by the Colac Otway Planning Committee meeting held on 10 November 2021. The committee resolved to defer the matter to the Council Meeting scheduled for 24 November 2021.

**Item: 10.1**

**PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers**

<b>ADDRESS AND PROPERTY DETAILS</b>	465 and 475 Great Ocean Road APOLLO BAY Lot 1 PS: 322603 (V/F: 10240/174) Parish of Krambruk and Reserve 1 PS: 322603X (V/F: 10240/176)	<b>APPLICATION NUMBER</b>	PP258/2016-3
<b>PROPOSAL</b>	Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers		
<b>PERMIT TRIGGERS</b>	For current amendment application: Clause 35.06-1 (RCZ) - Use of the land Clause 52.27 (Licensed Premises) – Use land to sell or consume liquor		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	This report is before Council’s Planning Committee for a decision as more than 3 objections were received.		
<b>ZONE</b>	Rural Conservation Zone (RCZ) Adjacent Road Zone Category 1 (RDZ1)	<b>OVERLAYS</b>	VPO1 - Significant and Remnant Vegetation SLO3 - Apollo Bay Coastal Valley and Hills Precinct EMO1 - Erosion Management BMO - Bushfire Management Adjoins Heritage Overlay (HO312) - Great Ocean Road
<b>COVENANTS</b>	Section 173 Agreement (AS481064H dated 28/08/2019), relating to Land Management Plan.		

Item: 10.1

# PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers

**CULTURAL HERITAGE** A small area along the southern boundary of both lots is within an area of cultural heritage sensitivity. A Preliminary Cultural Heritage Study submitted as part of the original planning application concluded that a mandatory CHMP was not required for the proposed development. As no works are proposed under the current amendment, it is considered that a CHMP is not required.

**OFFICER** Bernadette McGovan      **GENERAL MANAGER** Ian Seuren

**DIVISION** Development & Community Services

**ATTACHMENTS** 1. Application Documents [10.1.1 - 64 pages]

## 1. LOCATION PLAN / AERIAL PHOTO

### LOCATION PLAN





## AERIAL PHOTO



## 2. RECOMMENDATION

***That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit for the Use and Development of the Land for an Interpretive Native Wildlife Park Incorporating Walking Track, and Ancillary Buildings ('Visitor Entry' Building and 'Field Base'), Use of Land for a Restaurant and the Sale and Consumption of Liquor (Restaurant and Café Licence), Construction of Fence, Removal of Native Vegetation, Earthworks, Display of One Business Identification Sign, Creation and Alteration of Accesses to a Road in a Road Zone Category 1 with Associated Roadworks, and Construction of Track in Reserve at 465 and 475 Great Ocean Road Apollo Bay (Reserve 1 PS: 322603X V/F: 10240/176 and Lot 1 PS: 322603 V/F: 10240/174 Parish of Krambruk), subject to the following conditions:***

### ***Amended Plans***

- 1. Prior to the commencement of the development hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***
  - a) Full details of the proposed nature trail/walking track, including location, materials and elevations showing the height of any elevated sections of boardwalk.***
  - b) An amended/updated Geotechnical Assessment of the proposed nature trail/walking track in accordance with the requirements of Schedule 1 to the Erosion Management***

*Overlay, demonstrating that the nature trail/walking track would achieve an acceptable level of risk.*

- c) Details of the Business Identification Sign, including location, dimensions, height above ground level, materials, colours and any supporting structures.*
- d) Elevations of the 'entry/visitors' building' showing the proposed outdoor restaurant/café area.*

#### **Endorsed Plans**

- 2. The use and development as shown on the endorsed plans, including the area in which liquor is allowed to be consumed or supplied under a licence as shown outlined in red on the plans, must not be altered without the written consent of the Responsible Authority.**
- 3. The removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.**
- 4. The location and details of the business identification sign and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.**

#### **Patron Numbers**

- 5. Unless otherwise approved in writing by the Responsible Authority, no more than 190 visitors/patrons may be present on the land at any time.**
- 6. Unless otherwise approved in writing by the Responsible Authority, visitors to the site must only access the interpretive nature trail/walking track in guided tours, and:**
  - a) no more than one guided tour may operate between 6am and 7am on any day;*
  - b) the number of patrons in the guided tour group on site prior to 7am must not exceed twenty (20) persons; and*
  - c) the total number of patrons in guided tour groups on site between 7am and 9pm must not exceed twenty (20) persons in any guided tour group, with no more than three (3) groups undertaking the tour at any time.*
- 7. Unless otherwise approved in writing by the Responsible Authority, no more than 110 seats may be made available in the restaurant at any one time to patrons on the premises.**

#### **Hours of operation**

- 8. Unless otherwise approved in writing by the Responsible Authority:**
  - a) the use hereby permitted must operate only between the hours of 6am to 9pm AEDT and 7am to 9pm AEST, and all patrons must leave the site by 9pm at the latest.*
  - b) the restaurant must not open to the general public before 8am, and may only operate for patrons in the guided tour groups prior to that time.*
  - c) external live music, which must be acoustic only, must only be played between 10am and 7pm.*



- d) *deliveries by truck to the premises must only occur between the hours of 8am and 6pm.*

**Use**

**9. The use of:**

- a) *the shop and theaetrette hereby permitted must be solely ancillary to the use of the land as an interpretive nature trail/walking track.*
- b) *the licensed restaurant must only operate in association with the Interpretive Native Wildlife Park use of the land. Should the Interpretive Native Wildlife Park use cease, the use of the land as a licensed restaurant must also cease at the same time.*

**Public Track**

- 10. *The public track from the Great Ocean Road to the coast, annotated as 'Surfer's Trail' on the endorsed plans, must be kept open to the public without obstruction at all times.*

**Geotechnical Assessment**

- 11. *The approved development must be carried out on the site in accordance with the recommendations of the Landslide Risk Assessment prepared by P. J. Yttrup & Associates Pty. Ltd. (Report No. 22551, dated 21 January 2019) or any Geotechnical Practitioner engaged to review the assessments submitted with the application.*

**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) *Surfaced with an all-weather seal coat;*
  - d) *Drained;*
  - e) *Line-marked to indicate each car space and all access lanes;*
  - f) *Clearly marked to show the direction of traffic along access lanes and driveways;*

*to the satisfaction of the Responsible Authority.*

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

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

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

### **Stormwater**

- 15. All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.**
- 16. Prior to the commencement of development, a stormwater detention system designed by a qualified engineer must be submitted to and approved by the Responsible Authority. The design must provide for a maximum site discharge rate of 64 litres per second per hectare to the 20 year storm (5% AEP).**
- 17. Stormwater discharge from the approved stormwater detention system must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point may occur within five metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.**

### **Signage**

- 18. The business identification sign must be constructed and maintained to the satisfaction of the Responsible Authority.**
- 19. The signage must not be illuminated by external or internal light, or contain flashing lights, except with the written consent of the Responsible Authority.**

### **Construction Management Plan**

- 20. Prior to the commencement of development, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and must include:**
  - a) Measures to control erosion and sediment laden water runoff;**
  - b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;**
  - c) Techniques and intervention levels to prevent a dust nuisance;**
  - d) Techniques to prevent mud and dirt being transported from the site to nearby roads;**
  - e) Measures to ensure that no contaminants, including but not limited to chemicals, sediments, wastes or pollutants, are deposited by vehicles on the abutting roads;**
  - f) Where access to the site for construction vehicle traffic will occur;**
  - g) Tree protection zones and the protection measures to be implemented to preserve any vegetation identified for retention;**
  - h) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with a prescribed tree protection zone;**
  - i) The location of any temporary buildings or yards; and**
  - j) Measures designed to ensure the orderly management of the construction site, including complaint procedures and contact details in the event of a received complaint relating directly to construction works.**

**All construction works on the land associated with the development hereby permitted must be undertaken in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority.**

### **Amenity**

21. ***The external materials of the 'entry visitors' building' hereby permitted must be non-reflective and of muted tones and thereafter must be so maintained.***
22. ***The use and development must be managed so that the amenity of the area is not detrimentally affected through the:***
  - a) ***transport of materials, goods or commodities to or from the land;***
  - b) ***appearance of any building, works or materials;***
  - c) ***emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
  - d) ***presence of vermin.***

***Information must be displayed within the restaurant at the exit to remind patrons of the sensitive nature of the location and the need to leave the premises in a quiet manner.***

23. ***No external sound amplification equipment or loudspeakers are to be used for the purpose of playing of music or any similar purpose, and noise levels at the site must be in compliance with Environmental Protection Authority (EPA) Publication 1826.4 May 2021 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues'. Activities on site must also comply with Environment Protection Regulations 2021 and Noise Control Guidelines (EPA Publication 1254.2).***
24. ***All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.***
25. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***
26. ***Prior to the commencement of the use hereby permitted, the existing building on the land must be altered to remove the bath and any other facilities associated with residential use. This building, and the proposed building, must not be used at any time for the purposes of human habitation.***

### **Landscaping**

27. ***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 must be drawn to scale with dimensions and three copies must be provided. The plan 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***
  - e) ***details of landscaping to minimise the visual impact of the proposed predator fencing***

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

- 28. Prior to 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.**

**Protection of Vegetation**

- 29. Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.**
- 30. Prior to commencement of the vegetation removal, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority.**
- 31. Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site.**

**Land Management Plan**

- 32. Prior to commencement of the development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Land Management Plan must be provided. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):**
- a) Site plan;**
  - b) Site description;**
  - c) List of the objectives for the property;**
  - d) A description of native plant and animals on site and in the area;**
  - e) A description of the site outside the native vegetation areas;**
  - f) Bushfire Management;**
  - g) Identification of Land Management Issues;**
  - h) Goal setting and specification of actions and implementation and monitoring of the identified actions.**
  - i) An Annual Report for the first five years and thereafter at the reasonable request of the relevant authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:**
    - permit holder**
    - planning permit number**
    - reporting year (1-5)**
    - date report is submitted**
    - who completed the report**
    - condition of site against each management commitment**
    - actions taken during the year to achieve the management commitment**
    - photographs which clearly depict management actions undertaken for the previous year.**

### **Section 173 Agreement**

**33. Prior to the commencement of the use hereby permitted, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:**

- a) The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP258/2016-2 to the satisfaction of the Responsible Authority, or in accordance with any amended Land Management Plan subsequently endorsed by the Responsible Authority.**

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

### **DELWP conditions**

**34. To offset the removal of 0.374 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:**

**A general offset of 0.132 general biodiversity equivalence units with the following attributes:**

- be located within the Corangamite Catchment Management Authority boundary or Colac Otway Shire municipal district**
- have a strategic biodiversity score of at least 0.615**

**35. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of Responsible Authority. The offset evidence can be:**

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

**A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.**

**36. In the event that a security agreement is entered into as per condition 35, the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.**

**37. Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning, offsets must not be located within the 150 metre**

*BMO assessment area in accordance with the Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements (CFA 2012).*

- 38. Before the vegetation removal starts, the boundaries of all vegetation to be removed and retained must be clearly marked on the ground with tape or temporary fencing to the satisfaction of the Responsible Authority. Removal must accord with the endorsed plan.*
- 39. To prevent damage to remaining vegetation, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.*
- 40. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.*

***VicRoads conditions***

- 41. Alterations to the crossovers are to be constructed generally in accordance with VicRoads SD2064 (attached), to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to VicRoads prior to the commencement of the use hereby approved.*
- 42. A left turn lane must be installed on the Great Ocean Road at the public access point.*
- 43. Prior to the works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approvals processes, including the determination of fees and the level of VicRoads' service obligations.*

***CFA conditions***

- 44. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*
- 45. Prior to the commencement of development, an amended Bushfire Management Plan (which must generally accord with Attachment 3 on page 18 in the report by Ecology & Heritage Partners, dated January 2017, Final v2, dated 31/01/2017) must be referred to the CFA for assessment and, when approved, must be endorsed to form part of the permit. The endorsed Bushfire Management Plan must not be altered unless agreed in writing by the CFA and the Responsible Authority.*

***EPA conditions***

- 46. (former condition 41) Deleted.*
- 47. Offensive odours must not be discharged beyond the boundaries of the premises.*
- 48. Nuisance dust must not be discharged beyond the boundaries of the premises.*

49. *Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.*
50. *Surface water contaminated with waste must not be discharged from the premises.*
51. *Discharge of wastewater to land must not adversely affect the land.*
52. *A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.*
53. *Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.*
54. *Fill material used during construction should be managed in accordance with EPA Publications 1438, 1439 and 1440 Industrial Waste Fact Sheets No. 2 Fill Material Management, No. 3 Segregation, and No. 4 Engineered/Structural Fill 2012 or as amended.*
55. *Any fill material brought onto the subject land must meet the specifications contained in EPA publication IWRG621, Soil Hazard Categorisation and Management 2009 or as amended.*
56. *All industrial waste generated during construction must be managed in accordance with EPA's Industrial Waste Resource Guidelines 2009.*

#### **Barwon Water conditions**

##### **Sewer**

57. *The provision and installation of a sewerage service to the development.*
58. *The provision of a new sewer connection(s) point is required. Note that the sewer connection point is to be constructed by a Barwon Water accredited Contractor.*
59. *Private sewer services are required and subject to a Sewer Supply by Separate Written Agreement with Barwon Water. Private services are to comprise of a sewer pump-station within the land, and rising main to the reticulation sewer connection point, and internal sewer mains within the land.*

##### **Expiry**

60. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two years of the date of this permit.*
  - b) *The vegetation removal works have not commenced within two years of the date of this permit.*
  - c) *The vegetation removal works have not been completed within four years of the date of this permit.*
  - d) *The signage is not completed within four years of the date of this permit.*
  - e) *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 decision is based on the operation as described in the submitted application and does not purport to allow a zoo, which includes the confinement of animals in enclosures.*
2. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain building approval for the proposed development.*
3. *Attention is drawn to the fact that separate permission may be required under the Heritage Act 1995 and/or the Environment Protection and Biodiversity Act EPBC Act 1999.*
4. *Notice must be given to the Responsible Authority of the installation of the stormwater detention system in compliance with the approved design and an inspection must be requested and the written approval of the Responsible Authority obtained.*
5. *The premise is required to comply with all State Legislation, in particular the Food Act 1984. Trading must not commence until the prior approval of Council's Health Protection Unit has been obtained and the registration of the property under the Food Act 1984 has been completed.*
6. *Attention is drawn to the fact that part of the land is within an area of cultural heritage sensitivity and all works must comply with the requirements of the Aboriginal Heritage Act 2006 (as amended) and Aboriginal Heritage Regulations 2007 (as amended). In the event any archaeological features, deposits or artefacts are discovered on site, works in that area will need to cease until authorisation to continue is received. The area of cultural heritage sensitivity has the potential to contain Aboriginal heritage, particularly shell middens. Constructing the 'Surfers Trail' through this area, whether by hand or by machinery, has a high likelihood of harming Aboriginal heritage under the Aboriginal Heritage Act 2006. It is noted that the advice submitted with the application states that if there are options to reduce the impact on the existing dunes marked for the 'Surfers Trail' through this area this may minimise the risk of harm.*
7. *Deleted.*
8. *It will be necessary to liaise with the Corangamite Catchment Authority about works associated with the proposed track in the reserve and the requirement for a works on waterway permit, as Council's mapping indicates that there is a waterway within the reserve. The CCMA has advised that the key will be in the detailed design to ensure the track does not adversely impact on flooding to surrounding properties, and to ensure the physical integrity of the waterway is not jeopardised.*
9. *This permit does not convey any consent to use bore water for the proposed use of the site. It will be necessary to ensure that any consent required to extract bore water for the proposed use is obtained prior to the commencement of the use.*
10. **Barwon Water**  
*The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/or sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L014037.*



11. CFA  
*The CFA recommends that any Emergency Management Plan or Bushfire Emergency Management Plan onsite be reviewed and updated with any new information as a result of amendment PP258/2016-3. Plans should be reviewed annually to ensure they remain current at all times.*
12. *Attention is drawn to the limitation on the amount of external signage that can be displayed at this site under the provisions of the Rural Conservation Zone.*
13. *The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.*

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

<b>Date of amendment</b>	<b>Brief description of amendment</b>	<b>Name of responsible authority that approved the amendment</b>
<b>5/3/19</b>	<ul style="list-style-type: none"> <li>• <i>Site description amended</i></li> <li>• <i>Preamble amended</i></li> <li>• <i>Condition 9 – typographical error corrected</i></li> <li>• <i>Condition 10 inserted and subsequent conditions re-numbered</i></li> <li>• <i>Condition 11 (original condition 10) amended</i></li> <li>• <i>Condition 33 (original condition 32) updated</i></li> <li>• <i>Conditions 34 and 35 amended (original conditions 33, 34 and 35)</i></li> <li>• <i>Conditions 36 - 40 inserted and subsequent conditions renumbered</i></li> <li>• <i>Condition 44 (former condition 39) updated and condition 45 (former condition 40) amended</i></li> <li>• <i>Condition 46 (former condition 41) deleted</i></li> <li>• <i>Conditions 57, 58 and 59 inserted</i></li> <li>• <i>Expiry condition (previously 52) renumbered</i></li> <li>• <i>Note 6 amended</i></li> <li>• <i>Note 7 deleted</i></li> <li>• <i>Notes 8, 9 and 10 inserted</i></li> </ul>	<b>Colac Otway Shire</b>
<b>5/12/19</b>	<p><b>Correction of errors under Section 71 of the Planning and Environment Act 1987:</b></p> <ul style="list-style-type: none"> <li>• <i>Deletion of 'condition 34' in condition 36 and replacing with 'condition 35'</i></li> </ul>	
<b>25/11/21</b>	<ul style="list-style-type: none"> <li>• <i>Preamble amended</i></li> <li>• <i>Amended plans endorsed</i></li> <li>• <i>Conditions 2, 5, 6, 7, 8, 9, 22 and 23 amended</i></li> <li>• <i>Notes 11, 12 and 13 added</i></li> </ul>	

### 3. PROPOSAL

#### **Background**

On 27/6/17, a permit was issued to use the subject land for the *'Use and Development of the Land for an Interpretive Native Wildlife Park Incorporating Walking Track and Ancillary Buildings ('Visitor Entry' Building and 'Field Base'), Construction of Fence, Removal of Native Vegetation, Earthworks, Display of One Business Identification Sign, and Creation and Alteration of Accesses to a Road in a Road Zone Category 1 with Associated Roadworks in accordance with the endorsed plans'*. The site is known as 'Wildlife Wonders'.

This permit was amended on 5 March 2019 to allow Wildlife Wonders to use part of the neighbouring Council reserve to the east as part of the Wildlife Park, with a lease and licence issued for the use of that land. Also permitted at the time were the construction of a track and various minor changes.

Further minor amendments, including a revised building design, were approved under secondary consent on 5 December 2019 (SCON40/2019-1), with changes allowed to the proposed sign on 22 December 2020 (SCON40/2019-2).

#### **Current Proposal**

The current application seeks to amend the permit to allow a restaurant use (rather than the previously permitted ancillary café), with an increased number of patrons permitted in that facility. The proposed amendment would also formalise the use of an external area at the front of the building as part of the restaurant. As originally submitted, in total it was proposed to increase the number of patrons in the restaurant/cafe from 60 seats to 120 (60 indoor and 60 outdoor). The current amendment application also seeks a permit for the sale and consumption of alcohol within the restaurant area. As originally submitted, the application also sought to increase the hours of operation to 6am – 9pm (from the previously permitted 9am-5pm, February to December, and 9am-7pm in January), and to increase the total number of patrons on the site from 120 to 200. The submitted application requested related amendments to conditions 5, 7, 8 and 23 of the issued permit. No works are proposed under this amendment application.

The applicant advised that *"COVID-19 has had a dramatic impact on the visitation and income of Wildlife Wonders and attracting visitors to increase its income will assist with the ongoing viability of the organisation"*.

It was also stated that:

*"The amendment does not change the primary use of the land and the proposed restaurant (café) will operate as part of the Interpretive Native Wildlife Park.....The 'restaurant' will operate as a café.....*

*This application is not seeking approval for functions such as weddings. It is intended that the restaurant (café) operates as a part of Wildlife Wonders, and not a separate business. The restaurant (café) will be only for food and drinks service and not for dancing or live music events (other than acoustic and background music).*

*The restaurant (café) will be serviced by the existing small, on-site kitchen and, while it offers inside and outside dining, it is expected that occupancy will be predominantly indoors.*

*The service of alcohol will only be with food and in the redline area. Wildlife Wonders will meet Responsible Service of Alcohol requirements. No takeaway alcohol will be permitted."*

Under this proposal, the use of restaurant/café would no longer be limited only to visitors participating in tours of the Wildlife Park, as is the case with the café allowed by the previous permit. It is intended that the restaurant/café be open to the public and that this space be available for use by the local community (e.g. aged care groups, and for programs by community groups such as Children’s Story Time - exploring a nature-themed story with pre-schoolers, Kids’ Wildlife Talks, sewing groups and book clubs).

Following a Consultation Meeting attended by the applicant and objectors, which was facilitated by Council, the proposal was revised to reduce the hours to 6am to 9pm AEDT and 7am to 9pm AEST; and to reduce the number of patrons from a total of 200 to 190, being 110 restaurant patrons plus 80 tour patrons (20 patrons per tour x 3 tours and 20 patrons waiting for a tour). The proposed patron numbers would allow 50 patrons to sit outside the restaurant, in addition to 60 patrons inside, plus 20 extra patrons waiting to participate or at the completion of the guided tours.

In support of the proposal, the application states that the current hours are restrictive and not compatible with the optimal viewing times for Wildlife Wonders. It proposed that the hours be extended to ensure the guided walks and educational experience is maximised all year round.

The increased hours of operation would also extend to the restaurant, and it is proposed that during the daytime period (9:00am to 7:00pm) there may be live, acoustic music played on the site.

The application states that:

*“Throughout the year, food service prior to 8am will only be as part of the early morning tour booking package. At 8am the restaurant/café will open to the general public, and the kitchen will close to all patrons at 8pm.*

*All patrons will have departed the site by 9pm.*

*No deliveries by truck will be permitted prior to 8am or after 6pm.”*

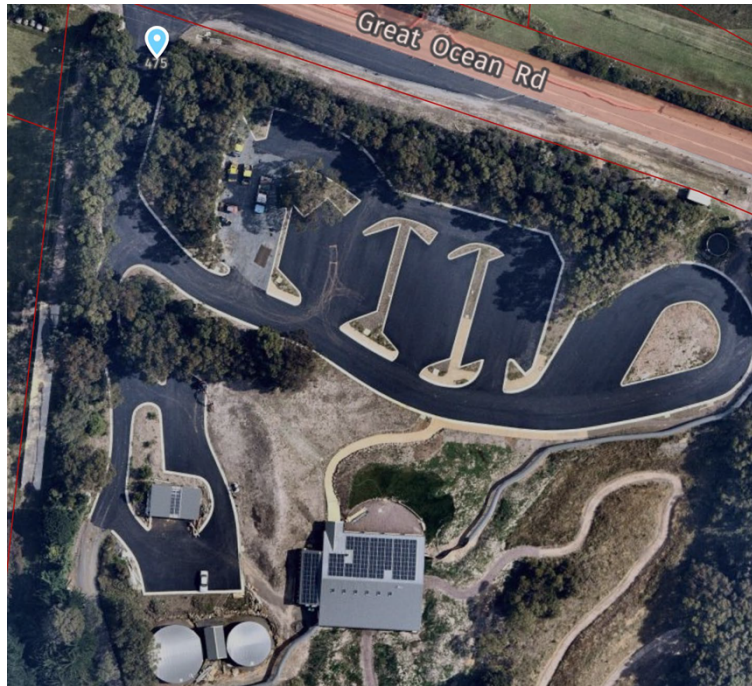
The application notes that the existing buildings and infrastructure can cater for the increased demand, that the site is connected to sewer managed by Barwon Water and that there is sufficient parking on the site.

## 4. SUBJECT LAND & SURROUNDINGS

The site comprises two lots (465 and 475 Great Ocean Road) located on the southern side of the Great Ocean Road, approximately 1.6km southwest of the Apollo Bay township. The land is accessed via the Great Ocean Road. It also has direct frontage to the coast, adjoining the Great Ocean Road Coastal Reserve to the south.

The lot at 475 Great Ocean Road, which formed the subject of the original permit (PP258/2016-1), has an area of 18.82ha with a frontage of approximately 245m to the Great Ocean Road. It is heavily vegetated along the front boundary, with no views into the site. The northern section of the land is the flattest part, with access located towards the north-western corner.

Works have been completed for the Wildlife Park, ancillary buildings and walking tracks, and the premises have been operating since early 2021 despite the COVID-19 pandemic.



(Source: Nearmap)

The adjoining reserve to the east at 465 Great Ocean Road was added to the application site under the previous amendment (PP258/2016-2), with part of the reserve being leased and part licenced by Wildlife Wonders. The reserve is owned by Council and has an area of 2.825ha. It runs along the eastern boundary of 475 Great Ocean Road. It is noted that the land in the reserve was gifted to Council in the past, with the intention being that the land provide access to the coast. Following discussions with neighbours as part of the last amendment, it was decided to leave part of the reserve outside the Wildlife Park. A track providing access to the coast was proposed through that part of the reserve outside the Wildlife Park, to ensure that the reserve would continue to meet the intended purpose.

Surrounding land comprises a mix of large and small Rural Conservation zoned lots used for agricultural purposes, many containing dwellings.

## 5. PLANNING SCHEME PROVISIONS

### Planning Policy Framework

It is considered that the proposal meets the relevant objectives, strategies and policies of the Planning Policy Framework, as detailed below. It is noted that this application only seeks to amend the issued permit to allow the use of a restaurant in the Rural Conservation Zone and for a licensed premise, and for amendments to conditions on the previously issued permit. As such, only policies relevant to these permit triggers have been considered. Policies relating to other environmental issues (due to permit triggers under SLO3, VPO1, EMO1 and BMO) were considered for the previous applications. Regard has been had to the following policies:

- 02.01 - Municipal Planning Strategy - Context
- 02.02 - Municipal Planning Strategy - Vision
- 02.03 - Municipal Planning Strategy - Strategic Directions
- 02.03-6 - Municipal Planning Strategy - Economic development
- 02.03-6 - Municipal Planning Strategy - Tourism

- 11.03-5R – Settlement - The Great Ocean Road Region
- 12.01-1S - Protection of Biodiversity
- 13.02-4S - Bushfire Planning
- 13.05-1S - Noise Abatement
- 13.07-1S - Land Use Compatibility
- 17.04-1L – Economic Development - Facilitating Tourism

#### *02.02 - Municipal Planning Strategy - Vision*

Colac Otway Shire commits to plan for growth in business and employment in towns and settlements

#### *02.01 - Municipal Planning Strategy - Context*

The Shire is well placed to capture a large proportion of Victoria’s key tourism growth market as it provides a variety of different forms of accommodation as well as desirable tourist attractions.

#### *02.03 Municipal Planning Strategy - Strategic Directions*

Council seeks to facilitate the development of Apollo Bay and Marengo by encouraging economic development opportunities and ecological sustainability.

#### *02.03-6 Municipal Planning Strategy - Economic Development*

Council will promote economic development by encouraging economic development in the Otway Ranges by supporting tourism uses and development.

#### *02.03-6 Municipal Planning Strategy - Tourism*

The local tourist industry has an increasing emphasis on eco-tourism, cultural tourism and experiential tourism. Council seeks to facilitate tourism by:

- Supporting tourism that contributes to the economic growth of the Shire.
- Managing tourism growth to protect the environmental and landscape assets that attract tourists and new residents.
- Allowing limited opportunities for tourist related activities in the Apollo Bay hinterland, around Forrest and in the Otway Ranges.
- Diversifying tourist attractions that result in all-year round activities.

#### *11.03-5R - The Great Ocean Road Region*

Relevant strategies seek to encourage sustainable tourism and resource use by:

- Developing a network of tourism opportunities throughout the region.
- Supporting tourism activities that provide environmental, economic and social benefits.

#### *12.01-1S - Protection of Biodiversity*

This policy seeks to assist the protection and conservation of Victoria’s biodiversity.

#### *13.02-4S - Bushfire Planning*

This policy applies to all decision making to applications in the Bushfire Management Overlay and Bushfire Prone Areas.

#### *13.07-1S - Land Use Compatibility*

This policy aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

### *13.05-1S - Noise Abatement*

This policy seeks to assist with noise effect on sensitive land uses.

### *17.04-1L - Facilitating Tourism*

Relevant strategies seek to:

- Support tourism development and use that is at a scale that relates to the land size and surrounding uses.
- Encourage eco-tourism development.

Encourage tourism trails focused on cultural heritage features and environmental assets of the Shire and link to regional trails.

## **Other relevant provisions**

### **Rural Conservation Zone**

The site is located within the Rural Conservation Zone (RCZ). Relevant purposes of this zone are:

- To conserve the values specified in a schedule to this zone (Prevent land degradation including soil erosion, salinity and vegetation removal because of agriculture and other activities).
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

A planning permit is required for the use of a restaurant (Section 2 Use) under Clause 35.06-1. No buildings and works are proposed.

A restaurant is defined as:

*“Land used to prepare and sell food and drink, for consumption on the premises. It may include:*

- a) entertainment and dancing; and*
- b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.*

*It does not include the sale of packaged liquor.”*

The site adjoins the Great Ocean Road which is in a Road Zone Category 1 (RDZ1). Consideration under the provisions of this zone is not required, as no changes are proposed to the existing access and egress from the site.

### **Overlays**

The site is covered by a Vegetation Protection Overlay (VPO1 - Significant and Remnant Vegetation), a Significant Landscape Overlay (SLO3 - Apollo Bay Coastal Valley and Hills Precinct), the Erosion Management Overlay (EMO1) and the Bushfire Management Overlay (BMO). No building and works are proposed which would trigger the requirement for a permit under these overlays.

As noted above, a permit has already been issued for a Native Wildlife Park at this site. The original proposal was considered acceptable in terms of overlay provisions and that remains the case.



The site adjoins the Great Ocean Road which is affected by a Heritage Overlay (HO312). Consideration under these provisions is not required, as no changes are proposed to the existing access and egress from the site, nor would the visual impact of the site on the Great Ocean Road alter.

### **Particular Provisions**

#### *Clause 52.06 – Car Parking*

The purpose of this provision is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. Before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided.

The table to Clause 52.06-5 requires 0.4 car parking spaces to each patron permitted for a restaurant. A maximum of 110 patrons are proposed under this amendment, requiring 44 spaces. An additional 80 patrons would attend the site to participate in wildlife tours. Clause 52.06 does not specify a car parking rate for this use; however the car parking rate for a Place of Assembly is considered to be appropriate (0.3 spaces per patron), requiring 24 spaces. A total of 68 spaces would be required based on that rate. There are 74 existing car parking spaces on the site, plus 3 bus parking spaces. As such, it is considered that the parking requirement for the proposed restaurant use and increased patrons would be met by the existing car park.

#### *Clause 52.27 – Licensed premises*

The purpose of this provision is to ensure that licensed premises are situated in appropriate locations, and to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered. Under the provisions of Clause 52.27, a permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*. The decision guidelines of Clause 52.27 are relevant to the consideration of this application and are addressed below.

#### *Clause 52.34 - Bicycle Parking*

The purpose of this provision is to encourage cycling as a mode of transport. A new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

The rate specified in Clause 52.34 for a restaurant is 1 space per 100sqm of floor area available to the public for employees, and 2 spaces for patrons (as the floor area is less than 400sqm). The area of the 'restaurant' use would be 250sqm which would require 2 bicycle spaces for employees plus 2 spaces for patrons, for a total of 4 spaces. The application states that "*given the location of the site and configuration of the parking, there is adequate ability to provide bicycle parking on site*".

### **Other relevant provisions**

It is considered that the proposal generally meets the relevant decision guidelines at Clause 65 (Decision Guidelines) of the Colac Otway Planning Scheme.

As noted above, part of the site is a Council reserve. Public notification was given in accordance with Clause 67.02 of the planning scheme (land owned or permit required by Responsible Authorities - Notice Requirements and Exemptions) which requires that notice of an application be given to the owners and occupiers of adjoining land.

### **Relevant Planning Scheme amendments**

There are no planning scheme amendments relevant to the proposed amendments to the permit.

## 6. REFERRALS

### Internal Referrals

The application was referred to Council's Infrastructure, Health and Building Units, none of which raised any concerns with the proposal. Council's Health Protection Unit recommended additional conditions and notes relating to amenity, and relevant conditions have been updated where appropriate to reflect current legislation. The Infrastructure Unit raised no objection to the proposal. The provision of car parking on the site is deemed sufficient as discussed above, and previous Infrastructure conditions and notes are included in the recommendation above.

### External Referrals

The CFA, the Department of Transport and Victoria Police were notified of the application under Section 52 of the *Planning and Environment Act 1987* (the Act). The CFA raised no objection, advising that it *"has no changes to or updated conditions. CFA has no changes to conditions due to the amendments not having an effect on the already endorsed BMP"*. The Department of Transport and Victoria Police also advised they have no objection to the proposal.

## 7. PUBLIC NOTIFICATION & RESPONSE

As is standard practice, public notification of the amendment was originally given via a sign displayed on the site frontage and notices sent to landowners and occupiers of properties adjoining and opposite the subject land. Following concern expressed by residents about the extent of notice, the application was re-advertised by means of a sign on site, notices sent to a wider area, and an advertisement in the Apollo Bay News sheet for two weeks.

It is noted that the public notification given satisfied the requirements of Clause 67.02 of the planning scheme, which requires notice to be given to the owners and occupiers of adjoining land for applications involving Council owned land (the reserve at 465 Great Ocean Road).

As at Tuesday 26 October 2021, there were 50 submissions received in response to the proposal following the two notice periods. There were originally 14 objections; however three were subsequently withdrawn, leaving 11 current objections from nine nearby properties. There were also 36 letters of support submitted.

As noted above, a Consultation meeting facilitated by Council was held with the applicant and objectors on 15 September 2021, to establish whether concerns could be addressed or alleviated. Some amendments were made to the proposed opening hours and patron numbers as a result, with details of those changes circulated to objectors and submitters.

The objectors' concerns are summarised as follows:

- Proposal contrary to Rural Conservation Zone; inappropriate commercial uses unrelated to conservation and the original business model/ethos; should be subject to new application as not related to conservation; use should be in commercial centre of town, not RCZ; would further add to decline of commercial businesses in town.
- Liquor licence/drinking alcohol would potentially impact on driving ability, cause behaviour issues, alcohol misuse causes disease and injury.
- Amenity impacts from increased hours and increased patrons (including noise from patrons, music, traffic noise, light, emissions, pollution) would disrupt lifestyle and rural amenity of neighbours living and working from home, and potentially create health issues.



- Owners/operators do not live on the premises and would not be subjected to amenity impacts.
- Additional traffic and safety problems (80km/hr zone).
- Impact on animals' welfare/safety from noise, light, emissions, traffic.
- Increased risk of virus spill over from animals to humans.
- Covid being used as an excuse; Covid is temporary whereas a permit is permanent; temporary permit should be considered.
- Increased fire risk.
- Increased strain on facilities in an emergency.
- Climate change considerations.
- Decreased property values and increased rates.
- Set precedent for other developments.
- Accommodation may be proposed in the future.
- Neighbours not permitted a second dwelling.
- Potential Covid hotspot.

Objector concerns are addressed in the detailed assessment below. It is noted that concerns relating to decreased property values, increased rates, a precedent being set for other developments/potential for future proposals on the site, the assessment of second dwellings in the area, and the site's potential as a Covid hotspot are not considered to be valid or material planning considerations in the assessment of this application.

The 36 submissions of support were received from individuals and several organisations. The grounds of support are summarised as follows:

- Wildlife Wonders is a registered charity and social enterprise established by the Conservation Ecology Centre (CEC), not a 'commercial enterprise'. The venture was developed in order to engage the wider community with wildlife and ecosystem conservation, and the current proposal would generate a reliable funding stream for conservation programs. Operation provides wildlife conservation, education and research. Sensitive enhancement with funds to go back into wildlife conservation, significant positive effect on conservation for wildlife across the region. Unique and innovative operation.
- Motivation is to enhance the experience of visitors by increasing the likelihood of seeing animals most active in the early morning and late afternoon/early evening.
- Concerns about noise and traffic pollution are unfounded, and loud, drunken dance parties would be completely out of keeping with the nature of the organisation, anonymous letter in the Apollo Bay News Sheet presented false information.
- Dawn and dusk tours, led by experienced and qualified conservationist guides for small groups of visitors to observe wildlife, will not impinge upon high standards of animal welfare. An increase in the number of people dining in the café will, likewise, have no impact.
- Fire risk is improved by Wildlife Wonders due to onsite firefighting water supply and access through the site to the Great Ocean Walk for emergency vehicles.
- Must adapt to survive due to dwindling tourism.
- Proposal would cater more strongly to the domestic market and support development of signature experiences.
- Wildlife Wonders supports many local businesses by sourcing local products and services wherever possible.
- Wider economic, tourism and employment benefits for the region by encouraging people to stay longer.

## COMMUNICATION

The proposal was advertised under section 52 of the Act, by letter and site notice. As part of the assessment process, Council also facilitated a meeting between the applicant and objectors.

## TIMELINE

In the event an amended permit is issued, it is likely that most changes sought could be implemented immediately. As noted above, no buildings and works are proposed. A liquor licence would be required from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) before the sale and consumption of alcohol could commence.

## 8. OFFICER'S ASSESSMENT

### Use of the land in RCZ

It is noted that planning permission is only sought under this amendment application for the use of a restaurant in the Rural Conservation Zone, for the associated use of the land for the sale and consumption of alcohol, and for amendments to permit conditions relating to hours of operation and patron numbers.

As noted above, a permit has already been issued for a Native Wildlife Park at this site. The original proposal was considered acceptable in terms of the purpose of the Rural Conservation Zone and that remains the case.

The key focus of this assessment therefore is on the merits of the proposed amendments, being the use of the land for a licensed restaurant, and the proposed alterations to hours of operation and maximum patron numbers.

It is noted that a restaurant is a Section 2 (permit required) use in the Rural Conservation Zone under Clause 35.06-1. This use would not be dissimilar to that of a winery in the zone and is not considered to be unacceptable in principle. In the context of the approved established use of the site, on balance it is considered that the proposed changes would result in a relatively minor extension of that use. No building and works are proposed and the changes would be accommodated in the existing building and immediately adjacent outdoor area. The purpose of the Rural Conservation Zone specifically seeks *"to encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality"*. As the core focus of the operation would continue to be wildlife conservation, with the restaurant generating income to support that use, it is considered that the proposed minor changes and extension of the use could reasonably be allowed. The changes would be unlikely to result in land degradation, or to threaten the natural environment, landscape or biodiversity of the area; matters also to be considered under the Rural Conservation Zone provisions and Clause 12.01-1S (Protection of Biodiversity). The site has already been deemed acceptable for the wildlife park use, and the proposed changes do not alter this determination. The environmental assets of the site would continue to be protected and enhanced through implementation of the endorsed Land Management Plan registered on the title via a Section 173 Agreement; and the application states that *"Wildlife Wonders aim to preserve the amenity of the natural environment and also increase environmental awareness. The increase [sic] hours would be managed to avoid any impacts on the natural environment"*.

## Policy considerations

It is considered that there is merit in supporting the proposal based on economic and tourism benefits, as guided by relevant policy directions.

Section 60 of the Act lists matters that Council is required to take into account when assessing planning applications. These include “any significant social effects and economic effects which the responsible authority considers the use or development may have”. Section 60 of the Act also states that Council is required to “...(where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect”. Both of these subsections of Section 60 of the Act are relevant in this case and it is necessary to weigh the potential social and economic benefits against the potential detriment identified by objectors to the application.

Council’s Municipal Planning Strategy (Clause 02.03-6), encourages economic development in the Otway Ranges by supporting tourism uses and development. Clause 02.03-6 specifically seeks to support tourism that contributes to the economic growth of the Shire, allowing limited opportunities for tourist related activities in the Apollo Bay hinterland and diversifying tourist attractions that result in all-year round activities. Strategies of Clause 11.03-5R (The Great Ocean Road Region) seek to encourage sustainable tourism and resource use by supporting tourism activities that provide environmental, economic and social benefits, and relevant strategies of Clause 17.04-1L (Facilitating Tourism) seek to encourage eco-tourism development and to encourage tourism trails focused on cultural heritage features and environmental assets of the Shire.

Information submitted in support of the application states that:

*“Wildlife Wonders was founded by the Conservation Ecology Centre (CEC) to engage people with nature and conservation in the Great Ocean Road Region. Wildlife Wonders is an established tourist facility which attracts visitors from all over the world (until recently). COVID-19 has had a dramatic impact on the business operation; however, Wildlife Wonders has remained open and offers a unique tourism experience where people can participate in guided tours to appreciate the biodiversity and natural environment....*

*Wildlife Wonders already provides a unique tourism experience for visitors however the business seeks to diversify its opportunities to address an alternative income stream during challenging economic conditions. This proposal strengthens the eco-tourism activities.....*

*The primary experience is that of an ‘Interpretive Native Wildlife Park’, and the opportunity to learn about wildlife and conservation is enhanced by the opportunity to also enjoy food and drink in the café.”*

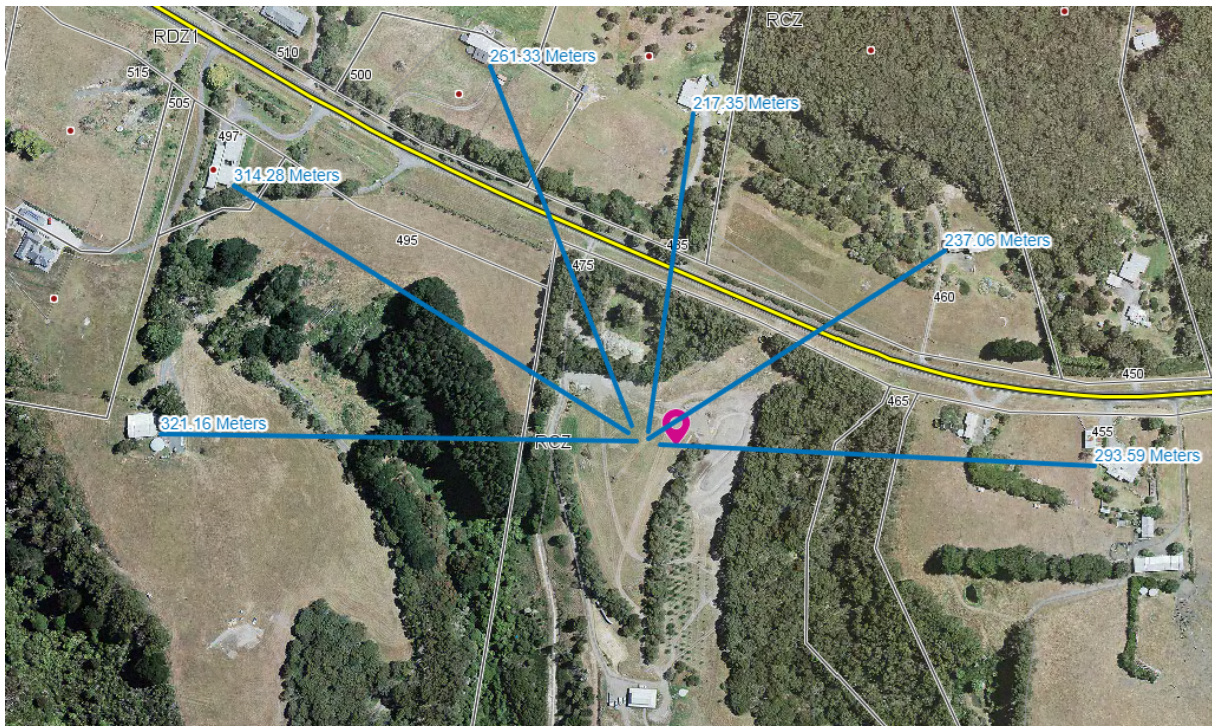
Information submitted in support of the proposal states that it would have a positive impact on local business:

*“Wildlife Wonders collaborates with local businesses including accommodation providers, cafes, restaurants and tour operators to build year-round, low impact, high-yield visitation in the region. By providing a high-quality nature experience we can help slow visitor itineraries. This has positive flow-on effects for a range of other local businesses, as visitors spend another night. We showcase local produce in the cafe and especially support micro businesses, providing an outlet for local artists and makers via the Wildlife Wonders shop.”*

## Amenity Impacts

A key consideration in assessing this application are the potential amenity impacts, as highlighted in the many objections received to the proposal. No buildings and works are proposed, so any additional impacts would be limited to the licensed restaurant use, and changes to hours and patron numbers.

Objectors have expressed amenity impact concerns relating to patron noise, music, traffic noise, light, emissions and pollution. It is noted, however, that the existing café building is situated a considerable distance (over 75m) from the Great Ocean Road and over 65m from the nearest side (west) boundary; and that the nearest sensitive land uses (dwellings) are well over 200m away from the existing café building, as shown below.



In addition to the permit trigger for the use of a restaurant in the Rural Conservation Zone addressed above, consideration has also been given to the provisions of Clause 52.27 (Licensed Premises), under which a planning permit is required to use land to sell or consume liquor under the *Liquor Control Reform Act 1998*. The application states that a ‘restaurant and café’ liquor licence would be sought, and that “*the service of alcohol will only be with food and in the redline area (the visitor centre and courtyard area). Wildlife Wonders will meet Responsible Service of Alcohol requirements. No takeaway alcohol will be permitted*”. The area in which alcohol could be served would be shown on an endorsed plan, whilst other requirements would be enforced through the liquor licence from the Victorian Commission for Gambling and Liquor Regulation (VCGLR). It is also recommended that a condition require internal signage to remind patrons of the sensitive nature of the location and the need to leave the premises in a quiet manner. There would be no late night operations, with all patrons exiting the site by 9pm, and no cumulative impact as there are no other licenced venues in the immediate vicinity of the site. As such, it is considered that a licensed restaurant on this site, subject to compliance with permit conditions, would have no discernible additional impact on the amenity of the surrounding area.

Clause 13.05-1S (Noise Abatement) and Clause 13.07-1S (Land Use Compatibility) seek to manage noise effects on sensitive land uses, and aim to protect community amenity, human health and safety,



while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. These policies aim to facilitate, not discourage, appropriate commercial uses.

The application states that:

*“The proposal is not projected to increase noise beyond the immediate area.... It is proposed hours of operation and acoustic music will not impact the surrounding amenity. Any music will be restricted to acoustic outside of indoors (limited to 7pm) to comply with the noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (the updated SEPP N-2). The extension to the hours will allow limited patrons (only those on the guided tours) to arrive at the site at 6am to maximise the ecological experience.”*

With respect to the impact on wildlife, the application states that:

*“The nature of the Wildlife Wonders experience is gentle and respectful, focussed on appreciation of nature.....The visitors will be required to be quiet to ensure that the fauna is not disturbed. The additional hours are considered to not generate unreasonable noise levels within the site and off-site.”*

It is expected that an increase in the number of people using the café/restaurant, and the addition of dawn and dusk tours led by experienced and qualified conservationist guides for small groups of visitors to observe wildlife, would not impact upon current standards of animal welfare. Tour patrons would not touch animals and there would be no increased risk of virus spillover from animals to humans. It is recommended that the operator be required to display a reminder near the restaurant exit of the sensitive nature of the location and to request that patrons leave the premises in a quiet manner.

Traffic implications have also been considered. No change is proposed to the existing site access from the Great Ocean Road, and it is considered that the existing car park has sufficient capacity for the additional car parking requirements, as discussed above. VicRoads/the Department of Transport raised no objection to the original proposal, subject to the installation of a left turning lane from the Great Ocean Road. Council’s Infrastructure Department and the Department of Transport were consulted about this amendment and raised no concerns. It is considered, therefore, that the proposal could be accommodated using existing access and parking arrangements. In peak non-COVID-19 times, it is expected that many of the additional 70 potential patrons to the site would arrive by bus. The application notes that:

*“Wildlife Wonders has been designed to provide safe access and egress from the site. Any driver along the Great Ocean Road, including those visiting Wildlife Wonders or the surrounding area, is expected to comply with traffic regulations.”*

It is considered that any potential off-site amenity impacts could be satisfactorily addressed and ameliorated by permit conditions, so as to ensure the uses would not unreasonably impact on the amenity of the surrounding area. In particular, permit conditions would limit patron numbers, limit hours of operation, tie the use of the restaurant to the core purpose of wildlife conservation, limit the operation of the liquor licence to restaurant hours and a specific area, prevent the use of speakers/amplified music outdoors, require a reminder to patrons to leave the premises in a quiet manner, restrict truck delivery hours, control emissions from the site and provide for landscaping, in addition to EPA conditions relating to odours, dust, noise, water discharge, liquid containment and sediment control.

Whilst there is no permit trigger under the Bushfire Management Overlay, as no works are proposed, the additional use does require consideration under Clause 13.02-1S (Bushfire Planning). A Bushfire Management Plan has been endorsed under PP258/2016-2, and the applicant advises that it is not

proposed to change that plan as result of this application. The application states that the building and defensible space provide significant protection for patrons and that the Wildlife Wonders Emergency Management Plan would also provide additional arrangements in the event of a high risk bushfire event, noting:

*“The increase in the patrons on the site will be limited to the building which has been design [sic] in accordance with the approved Bushfire Management Statement (BMS). The BMS does specify the number of patrons, but given the access and design of the building, and additional emergency management procedures, there [sic] risk to life has been considered. For instance, in high bushfire risk days Wildlife Wonders would restrict visitor access to ensure safety to life is paramount”.*

The application was referred to the CFA which raised no objection to the proposal stating that “CFA has no changes to or updated conditions. CFA has no changes to conditions due to the amendments not having an effect on the already endorsed BMP”. It is therefore considered that the proposal would not place increased strain on facilities in an emergency.

As discussed above, on balance the proposal is considered to be acceptable having regard to the provisions of the Rural Conservation Zone and relevant policies which provide strategic support. The original proposal was deemed acceptable in terms of overlay provisions and that remains the case, as there are no permit triggers under overlay controls associated with this proposal. Car parking and bicycle parking requirement could be met on-site, and the consumption of alcohol as proposed would accord with licensed premises provisions. The proposal is also considered to be consistent with relevant decision guidelines at Clause 65, including the orderly planning of the area, and the effect on the environment, human health and amenity of the area.

The site is established as a unique tourist destination along the nationally significant Great Ocean Road. It is developed with buildings and infrastructure, including access, parking and services, which can accommodate the extended use. It is accepted that a licensed restaurant, with increased hours of operation and increased patron numbers, would assist the current operation by providing additional income to fund environmental programs. Whilst the need for an alternative income stream has arisen due to COVID-19, it is considered that the proposal can reasonably be allowed on a permanent basis to support wildlife conservation. The development, which exists, cannot be seen from the road due to existing screening vegetation along the perimeter, and there are no sensitive uses within 200m of the site. The application has been assessed against all relevant planning provisions, and the grounds of objection and submissions of support have been considered. As discussed above, it is considered that any potential amenity impacts could be satisfactorily addressed by permit conditions, and that the proposal would result in wider economic and tourism benefits for the region, without compromising wildlife welfare, as expressed by the many submissions of support.

Having given due regard to the matters discussed above, it is considered that the application could reasonably be allowed, subject to conditions.

## 9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



Planning Enquiries  
 Phone: (03) 5232 9400  
 Web: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

Office Use Only Application No.: \_\_\_\_\_ Date Lodged: / /

# Application to AMEND a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

**⚠** This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 971 of the Act).

**⚠** Questions marked with an asterisk (\*) must be completed.

**i** Click for further information.

Clear Form

## The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

**Street Address \***

Unit No.: \_\_\_\_\_ St. No.: 465-475 St. Name: GREAT OCEAN RD  
 Suburb/Locality: APOLLO BAY Postcode: \_\_\_\_\_

**Formal Land Description \***

Complete either A or B.

**⚠** This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

**A** Lot No.: 1  Lodged Plan  Title Plan  Plan of Subdivision No.: 322603X  
**OR**  
**B** Crown Allotment No.: \_\_\_\_\_ Section No.: \_\_\_\_\_  
 Parish/Township Name: \_\_\_\_\_

## Planning Permit Details **i**

What permit is being amended?\*

Planning Permit No.: PP258-2016-2

## The Amended Proposal **i**

**⚠** You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

**What is the amendment being applied for?\***

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.

If the space provided is insufficient, attach a separate sheet.

This application seeks to amend:

- What the permit allows  Plans endorsed under the permit  
 Current conditions of the permit  Other documents endorsed under the permit

Details:  
 TO ALLOW FOR THE USE OF THE LAND AS A RESTAURANT + LICENSED PREMISES.  
 AMEND CONDITIONS TO  
 - INCREASE HOURS OF OPERATION  
 - PATRON NUMBERS TO 200 PERSONS  
 ENDORSE REDEFINE AREA

**ⓧ** Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.



## Development Cost i

### Estimate cost of development\*

If the permit allows *development*, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:	Cost of the permitted development:	Cost difference (+ or -):
\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%; text-align: center; border: 1px solid black;" type="text" value="0"/>
Insert 'NA' if no development is proposed by the permit.		
You may be required to verify this estimate.		

## Existing Conditions i

### Describe how the land is used and developed now \*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Have the conditions of the land changed since the time of the original permit application?  Yes  No  
If yes, please provide details of the existing conditions.

WILDLIFE WONDERS - ECOTOURISM &  
INTERPRETIVE NATIVE WILDLIFE PARK.

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

## Title Information i

### Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.





## Applicant and Owner Details **i**

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

Please provide at least one contact phone number \*

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

<b>Contact person's details*</b>			Same as applicant <input type="checkbox"/>
Name:			
Title:	First Name:	Surname:	
Organisation (if applicable):			
Postal Address:		If it is a P.O. Box, enter the details here:	
Unit No.:	St. No.:	St. Name:	
Suburb/Locality:		State:	Postcode:

### Owner \*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

## Declaration **i**

### This form must be signed by the applicant\*

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

## Need help with the Application? **i**

If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at [planning.vic.gov.au](http://planning.vic.gov.au)

Contact Council's planning department to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application.

### Has there been a pre-application meeting with a council planning officer?

<input type="radio"/> No	<input type="radio"/> Yes	If 'Yes', with whom?:
		Date: <input type="text"/> day / month / year



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

Page 1 of 2

VOLUME 10240 FOLIO 174

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**LAND DESCRIPTION**

Lot 1 on Plan of Subdivision 322603X.  
PARENT TITLES :  
Volume 03950 Folio 832      Volume 09344 Folio 913  
Created by instrument PS322603X 13/10/1995

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor

**ENCUMBRANCES, CAVEATS AND NOTICES**

- 1.
- 2.

**VARIATION OF PRIORITY**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987  
AS481064H 28/08/2019

**DIAGRAM LOCATION**

SEE PS322603X FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 475 GREAT OCEAN ROAD APOLLO BAY VIC 3233

**ADMINISTRATIVE NOTICES**

AS511057S NOMINATION OF ECT TO LC 06/09/2019  
eCT Nominated to Lodgement Case 203623695

eCT Control      19300F ALLENS  
Effective from 05/09/2019

Title 10240/174

Page 1 of 2



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
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Page 2 of 2

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958**

Page 1 of 2

VOLUME 10240 FOLIO 176

Security no : 124093196557X  
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**LAND DESCRIPTION**

Reserve 1 on Plan of Subdivision 322603X.  
PARENT TITLES :  
Volume 03950 Folio 832      Volume 09344 Folio 913  
Created by instrument PS322603X 13/10/1995

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor

**ENCUMBRANCES, CAVEATS AND NOTICES**

**CAVEAT**

Caveator  
  
Grounds of Claim  
LEASE WITH THE FOLLOWING PARTIES AND DATE.  
Parties  
THE REGISTERED PROPRIETOR(S)  
Date  
21/12/2018  
Estate or Interest  
LEASEHOLD ESTATE  
Prohibition  
ABSOLUTELY  
Lodged by

Notices to

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987  
AS481064H 28/08/2019

**DIAGRAM LOCATION**

SEE PS322603X FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 465 GREAT OCEAN ROAD APOLLO BAY VIC 3233



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

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Page 2 of 2

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 09858G COLAC OTWAY SHIRE COUNCIL  
Effective from 07/08/2018

DOCUMENT END



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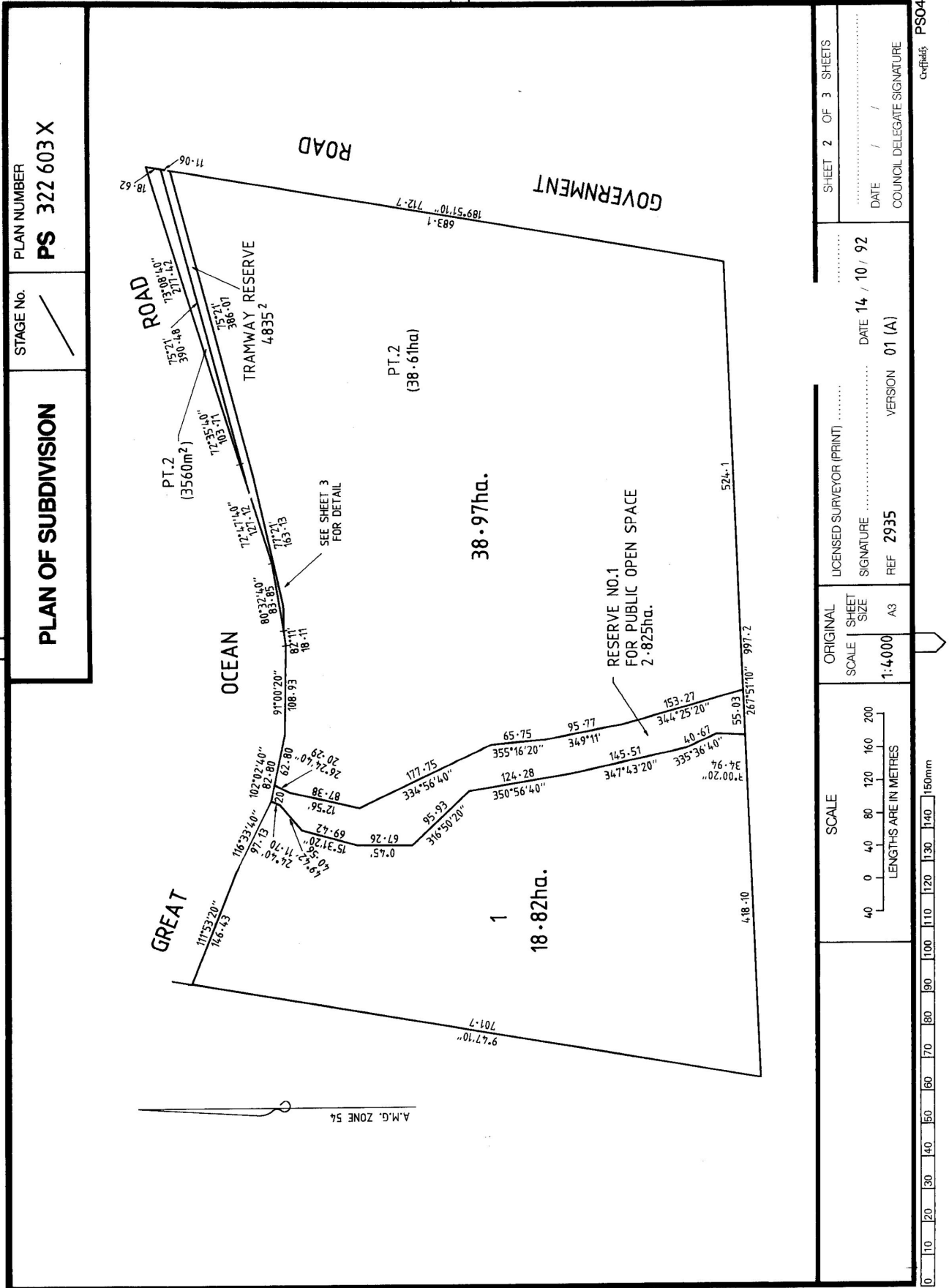
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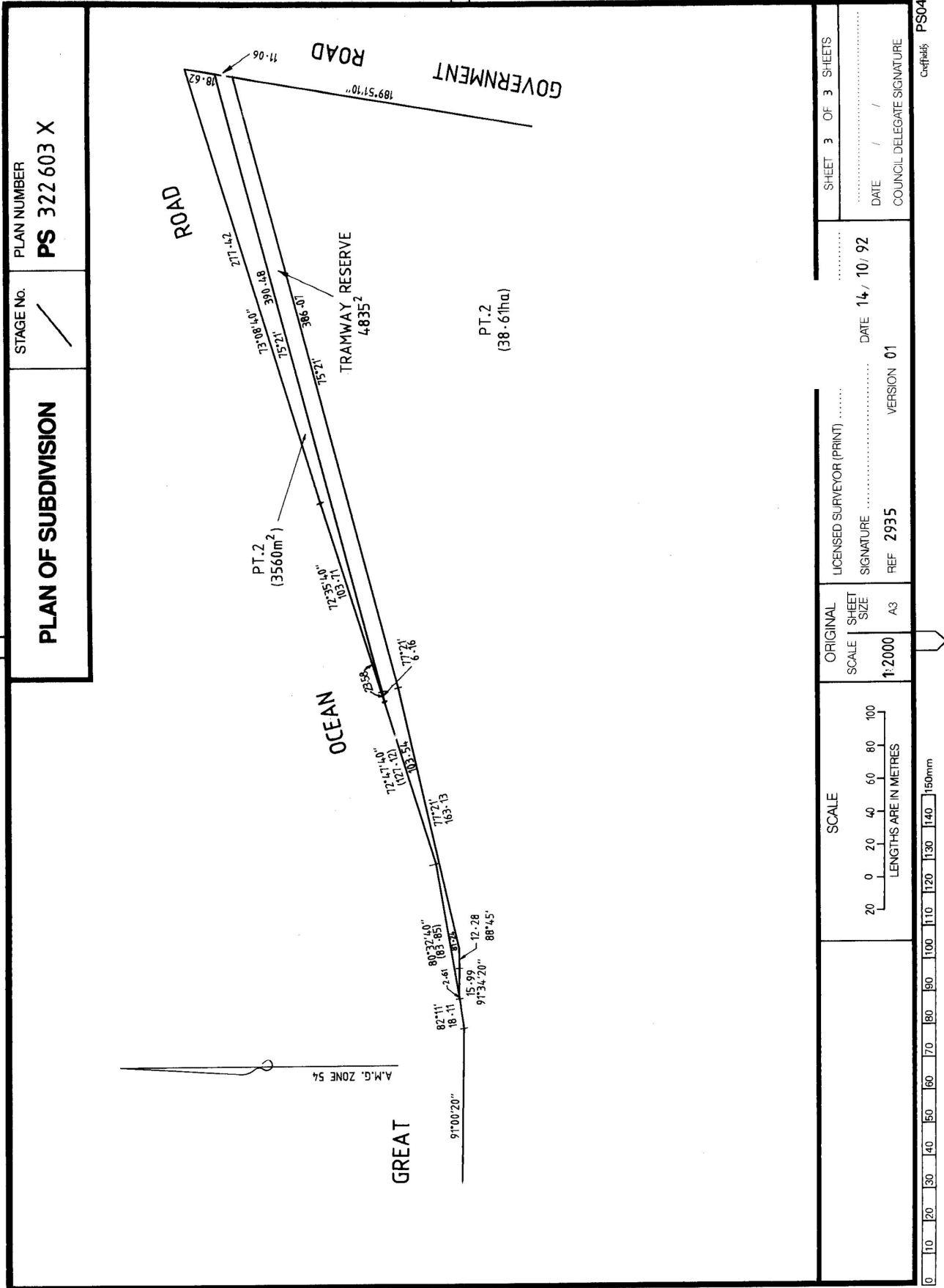
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<b>PLAN OF SUBDIVISION</b>	STAGE No. <hr/>	LTO USE ONLY <b>EDITION 1</b>	PLAN NUMBER <b>PS 322 603 X</b>		
<b>LOCATION OF LAND</b> PARISH: KRAMBRUK TOWNSHIP: _____ SECTION: 2 <sup>A</sup> CROWN ALLOTMENT: 10 & 10 <sup>A</sup> CROWN PORTION: _____ LTO BASE RECORD: PARISH (2936) SH.2 TITLE REFERENCES: VOL.3950, FOL.832; VOL.9344, FOL.913. LAST PLAN REFERENCE/S: POSTAL ADDRESS: (At time of subdivision) AMG Co-ordinates (of approx centre of land in plan) E 729 300      ZONE: 54 N 5 703 400		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b> COUNCIL NAME: COLAC - OTWAY SHIRE      REF: 887 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6.      7 / 3 / 95 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. _____ (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage _____ Council Delegate _____ Council Seal _____ Date _____ / _____ / _____ Re-certified under Section 11(7) of the Subdivision Act 1988 Council Delegate _____ Council Seal _____ Date 26 / 9 / 95			
<b>VESTING OF ROADS AND/OR RESERVES</b>					
IDENTIFIER	COUNCIL/BODY/PERSON				
RESERVE NO.1	COLAC - OTWAY SHIRE				
<b>NOTATIONS</b>					
STAGING    This <del>is</del> is not a staged subdivision. Planning permit No. _____					
DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE OF CROWN ALLOTMENT 10 ONLY. 15 METRES BELOW THE SURFACE OF CROWN ALLOTMENT 10A ONLY.					
SURVEY:    THIS PLAN IS/ <del>IS NOT</del> BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) IN PROCLAIMED SURVEY AREA No. _____					
<b>EASEMENT INFORMATION</b>			<b>LTO USE ONLY</b>		
LEGEND    A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)			STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT		
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	RECEIVED <input checked="" type="checkbox"/>
					DATE: 3 / 10 / 95
					<b>LTO USE ONLY</b> PLAN REGISTERED TIME 10:30 AM DATE 13 / 10 / 95
					SHEET 1 OF 3 SHEETS
LICENSED SURVEYOR (PRINT) _____ SIGNATURE _____      DATE 14 / 10 / 92 REF 2935      VERSION 01 (A)					DATE / / COUNCIL DELEGATE SIGNATURE _____ ORIGINAL SHEET SIZE      A3







## Department of Environment, Land, Water & Planning

### Electronic Instrument Statement

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Status	Registered	Dealing Number	AS481064H
Date and Time Lodged	28/08/2019 04:42:44 PM		

#### Lodger Details

Lodger Code	18776H
Name	
Address	
Lodger Box	
Phone	
Email	
Reference	4AXS:21902482

### APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction	VICTORIA
--------------	----------

#### Privacy Collection Statement

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#### Estate and/or Interest

FEE SIMPLE

#### Land Title Reference

10240/174  
10240/176

#### Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173  
Planning & Environment Act - section 173

#### Applicant(s)

Name	
Address	
Street Number	
To Street Number	
Street Name	
Street Type	
Locality	
State	
Postcode	

Reference :4AXS:21902482  
LAND USE VICTORIA, 2 Lonsdale Street Melbourne Victoria 3000  
GPO Box 527 Melbourne VIC 3001, DX 250639  
ABN 90 719 052 204

AS481064H

Page 1 of 2





## Department of Environment, Land, Water & Planning

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### Electronic Instrument Statement

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#### Additional Details

Refer Image Instrument

---

The applicant requests the recording of this Instrument in the Register.

---

#### Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of  
Signer Name  
Signer Organisation  
Signer Role  
Execution Date

---

#### File Notes:

NIL

---

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.



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**Agreement under section 173 of  
the *Planning and Environment Act*  
1987 (Vic)**

AS48106111

## Agreement under section 173 of the Planning and Environment Act 1987 (Vic)

---

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---

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## Agreement under section 173 of the Planning and Environment Act 1987 (Vic)

---

Date 5 August 2019

Parties

### Recitals

- A The Responsible Authority is the responsible authority under the Act for the purposes of the Planning Scheme.
- B The Owner is or is entitled to be the registered proprietor of the Owner's Land and Council is or is entitled to be the registered proprietor of Council's Land (together the "Land"). The Land is affected by the provisions of the Planning Scheme.
- C In 2018 Council, as the registered proprietor, and the Tenant, as tenant/licensee, entered into a lease and a licence of Council's Land.
- D On 27 June 2017 the Responsible Authority resolved to issue Planning Permit PP258/2016-1 over the Land. The permit allows the use and development of the Land as an interpretive native wildlife park incorporating walking track and ancillary buildings ('visitor entry' building and 'field base'), construction of fence, removal of native vegetation, earthworks, display of one business identification sign, creation and alteration of accesses to a road in a road zone category 1 with associated roadworks, and construction of track in reserve. The permit was amended on 5 March 2019 under reference PP258/2016-2.
- E Condition 33 of the Permit provides as follows:

*Prior to the commencement of the use hereby permitted, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:*

- (a) *The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP258/2016-2 to the satisfaction of the Responsible Authority, or in accordance with any*

*amended Land Management Plan subsequently endorsed by the Responsible Authority.*

- F The Owner and the Tenant (together, the **Developer**) and Council agree that the Developer is solely responsible for meeting all obligations imposed by condition 33 of the Permit and under this section 173 agreement.
- G At the date of this agreement the Owner's Land is encumbered by mortgage number AQ697516L in favour of Social Enterprise Finance Australia Ltd and mortgage number AQ930950X in favour of . Each mortgagee, as evidenced by its consent on the attestation pages, has consented to the Developer entering into this agreement with respect to this part of the Land.
- H This agreement is entered into between the Responsible Authority, the Council and the Developer pursuant to section 173 of the Act in order to meet the requirements of condition 33 of the Permit and to achieve the objectives of planning in Victoria.

The parties agree

## 1 Definitions and interpretation

### 1.1 Definitions

In this agreement:

**Act** means the *Planning and Environment Act 1987 (Vic)*.

**Business Day** means a day that is not a Saturday, Sunday or public holiday in Melbourne.

**Owner** means the person or persons from time to time registered or entitled to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Owner's Land and includes a mortgagee in possession. As at the date of this Agreement, this is

**Council** means Colac Otway Shire Council as a municipal council within the meaning of the *Local Government Act 1989 (Vic)* and any subsequent person or body registered or entitled to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of Council's Land.

**Council's Land** means 465 Great Ocean Road, Apollo Bay VIC 3233 being the land described as Reserve 1 on plan of subdivision 322603X, certificate of title volume 10240 folio 176.

#### **Current Address for Service**

- (a) for the Responsible Authority means the address shown under the heading 'Parties' in this agreement or any other address provided by the Responsible Authority to the Developer for any purpose or purposes relating to this agreement; and

- (b) for the Developer means the address shown under the heading 'Parties' in this agreement or any other address provided by the Developer to the Responsible Authority for any purpose or purposes relating to the Land or this agreement;
- (c) for the Council means the address shown under the heading 'Parties' in this agreement or any other address provided by the Council to the Responsible Authority for any purpose or purposes relating to the Land or this agreement.

**Current Email Address for Service**

- (a) for the Responsible Authority means [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) or any other email address provided by the Responsible Authority to the Developer for the express purpose of electronic communication regarding this agreement; and
- (b) for the Developer means any email address provided by the Developer to the Responsible Authority for the express purpose of electronic communication regarding the Land or this agreement.
- (c) for the Council means any email address provided by the Council to the Responsible Authority for the express purpose of electronic communication regarding the Land or this agreement.

**Current Number for Service**

- (a) for the Responsible Authority means \_\_\_\_\_ or any other facsimile number provided by the Responsible Authority to the Developer for the express purpose of facsimile communication regarding this agreement; and
- (b) for the Developer means any facsimile number provided by the Developer to the Responsible Authority for the express purpose of facsimile communication regarding the Land or this agreement.
- (c) for the Council means any facsimile number provided by the Council to the Responsible Authority for the express purpose of facsimile communication regarding the Land or this agreement.

**Developer** means the Owner and/or the Tenant as the case requires.

**Dispute** means a dispute, controversy or claim between any of the parties as to:

- (a) the construction of this agreement;
- (d) the rights or obligations of a party under this agreement; or
- (e) any other matter arising out of or relating to this agreement,

**GST** has the meaning given by the GST Act.

**GST Act** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**Land** means the Council's Land and the Owner's Land and includes any lot created from the subdivision of the Land.

**Land Management Plan** means the land management plan endorsed from time to time under condition 32 of the Permit.



**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as mortgagee of the Land.

**Owner** means the person or persons from time to time registered or entitled to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of part of the Land, being the land described in volume 10240 folio 174 and includes a mortgagee in possession.

**Owner's Land** means the land known as 475 Great Ocean Road, Apollo Bay VIC 3233, being the land described as Lot 1 on plan of subdivision 322603X, certificate of title volume 10240 folio 174 and includes any lot created from the subdivision of the Land.

**Planning Scheme** means the Colac Otway Planning Scheme and any successor instrument or other planning scheme that applies to the Land.

**Permit** means planning permit PP258/2016-2 including the plans endorsed under it and as amended from time to time.

**Responsible Authority** means Colac Otway Shire Council in its capacity as the authority responsible for administering and enforcing the Planning Scheme and includes its agents, officers, employees, servants, workers and contractors, and any subsequent person or body which is the responsible authority.

**Tenant** means the person or persons from time to time holding or entitled to hold a leasehold interest in and/or licence to occupy Council's Land. As at the date of this Agreement, this is

**Use** means the use of the Land authorised by the Permit.

## 1.2 Interpretation

In this agreement, headings are inserted for convenience only and do not affect the interpretation of this agreement and unless the context otherwise requires:

- (a) words and expressions used in this agreement which are not expressly defined in this agreement, but which have a defined meaning in the Act, have the same meaning in this agreement as in the Act;
- (b) the singular includes the plural and vice versa;
- (c) a gender includes all other genders;
- (d) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (e) the meaning of general words is not limited by specific examples introduced by 'includes', 'including', 'for example', 'such as' or similar expressions;
- (f) a reference to a document or instrument, including this agreement, includes all of its clauses, paragraphs, recitals, parts, schedules and annexures and includes the document or instrument as amended, varied, novated, supplemented or replaced from time to time;
- (g) a reference to a party is to a party to this agreement and includes the party's successors and permitted transferees and assigns and if party is an individual,

includes executors and personal legal representatives;

- (h) a reference to a person includes an individual, a partnership, a corporation or other corporate body, a joint venture, a firm, a trustee, a trust, an association (whether incorporated or not), a government and a government authority or agency;
- (i) an agreement, representation, warranty or indemnity by two or more persons binds them jointly and each of them severally;
- (j) an agreement, representation, warranty or indemnity in favour of two or more persons is for the benefit of them jointly and each of them severally;
- (k) no provision of this agreement will be construed to the disadvantage of a party merely because that party was responsible for the preparation of the agreement or the inclusion of the provision in the agreement;
- (l) the Recitals form part of this agreement;
- (m) unless otherwise stated, a reference to a statute, code, planning scheme or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and
- (n) if the day on or by which something must be done is not a Business Day, that thing must be done on the next Business Day.

## **2 Commencement of agreement**

This agreement commences on the date of execution.

## **3 Effect of agreement and registration**

### **3.1 Agreement under section 173 of the Act**

The parties agree that without limiting or restricting their respective powers to enter into this agreement and, in so far as it can be so treated, this agreement is made as a deed under section 173 of the Act.

### **3.2 Covenants to run with the Land**

The parties agree that the obligations imposed on the Developer under this agreement are intended to take effect as separate and several covenants which are annexed to and run at law and equity with the whole or any part of the Land and bind the Developer, its successors, transferees and permitted assigns, the registered proprietor or proprietors, licences or lessees for the time being of the Land.

### **3.3 Registration memorandum**

The Developer and Council, agree that they will consent to the Responsible Authority making an application to the Registrar of Titles to make a recording of this agreement in the Register on the certificates of title of the Land in accordance with section 181 of the Act.

---

## **4 Developer's covenants**

### **4.1 Developer's covenants**

The Developer covenants and agree with the Responsible Authority that:

- (a) It will manage the Owner's Land in accordance with the Land Management Plan to the satisfaction of the Responsible Authority; and
- (b) It will manage the Council's Land in accordance with the Land Management Plan to the satisfaction of the Council and the Responsible Authority.

### **4.2 Notice of agreement**

The Developer covenants and agrees that it will bring this agreement and the requirements of the Land Management Plan to the notice of all prospective purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns of the Land.

## **5 Developer's warranties**

Without limiting the operation or effect of this agreement, Council and the Developer warrant that apart from the Developer and any other person who has consented in writing to this agreement, no other person has any interest, either legal or equitable, in the Land.

## **6 Successors in title**

Without limiting the operation or effect of this agreement, the Developer must ensure that until a memorandum of this agreement is recorded on the certificates of title of the Land, the Developer's successors in title and possession pursuant to a lease and a licence with Council will:

- (a) give effect to and do all acts and sign all documents which require those successors to give effect to this agreement; and
- (b) execute a deed agreeing to be bound by the terms of this agreement.

## **7 Costs**

The Developer will within 28 days of written demand pay to the Responsible Authority its reasonable costs (including legal or other professional costs) and expenses of and incidental to the:

- (a) negotiation, preparation, execution and recording of this agreement;
- (b) assessment, negotiation, preparation, execution and recording of any proposed amendment to this agreement; and
- (c) determination of whether any of the Developer's obligations have been undertaken to the satisfaction of Responsible Authority or to give consent to anything under this agreement.

To the extent that such costs and expenses constitute legal professional costs, the Responsible Authority may at its absolute discretion have these costs assessed by the Law Institute of Victoria and in that event the parties will be bound by the amount of that assessment, with any fee for obtaining such an assessment being borne equally by the Responsible Authority and the Developer. Such costs payable by the Developer will include the costs and disbursements associated with the recording, cancellation or alteration of this agreement in the Register.

## **8 No fettering of the Responsible Authority's powers**

The parties acknowledge and agree that this agreement does not fetter or restrict the power or discretion of the Responsible Authority to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision relating to the Land or relating to any use or development of the Land.

## **9 Amending and ending of agreement**

- (a) This agreement may be amended in accordance with Part 9 of the Act.
- (b) This agreement will end:
  - (i) by agreement between the parties.
  - (ii) in accordance with the provisions of the Act.
  - (iii) In relation to Council's Land, on cessation of the Use on Council's Land.
  - (iv) In relation to Council's Land, on termination of the lease of Council's Land commencing 2018 between Council and the Developer.
- (c) Once this agreement ends, if requested to do so by the Developer or Council and at the Developer's cost, the Responsible Authority agrees to make an application to the Registrar of Titles to cancel the recording of this agreement in the Register under section 183(2) of the Act.

## **10 GST**

### **10.1 Interpretation**

In this clause 10, words and expressions defined in the GST Act have the meaning given to them in the GST Act.

### **10.2 Consideration does not include GST**

All amounts payable or consideration to be provided under or in connection with this agreement do not include an amount for GST.

### 10.3 Recovery of GST

If GST is or becomes payable on any supply made under or in connection with this agreement, the party required to provide the consideration for the supply must pay, in addition to and at the same time as the consideration is provided, an amount equal to the amount of GST on the supply.

### 10.4 Reimbursements

Where a party is required under this agreement to reimburse or indemnify another party for any loss or amount, the amount to be reimbursed or paid will be reduced by any input tax credit that the other party is entitled to claim.

## 11 Notices

### 11.1 General

Unless this agreement expressly states otherwise, any notice, consent, approval, waiver or other communication (**notice**) in connection with this agreement must be in writing. A notice may be given by hand delivery, prepaid post or by facsimile transmission to the recipient's current address for service for notices. A notice may be sent by an agent of the party sending the notice.

### 11.2 When effective

A notice given under clause 11.1 will be deemed to be received:

- (a) if hand delivered, at the time of delivery;
- (b) if sent by prepaid post, seven Business Days after the date of posting if posted to or from a place within Australia or eight Business Days after the date of posting if posted to or from a place outside Australia;
- (c) if sent by facsimile transmission, when the sender's fax machine produces a report confirming the successful transmission of the entire notice including the relevant number of pages and the correct destination fax machine number or name of recipient; or
- (d) if sent by email, at the time of receipt in accordance with the *Electronic Transactions (Victoria) Act 2000 (Vic)*,

unless a notice is received after 5.00 pm on a Business Day in the place of receipt or at any time on a non Business Day, in which case, that notice is deemed to have been received at 9.00 am on the next Business Day.

### 11.3 Addresses for notices

Any notice given in connection with this agreement must be given to the Current Addresses for Service, Current Email Address for Service or Current Number for Service of the parties.

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## **12 Waiver**

### **12.1 No waiver**

No failure to exercise or delay in exercising any right given by or under this agreement to a party constitutes a waiver and the party may still exercise that right in the future. No single or partial exercise of any right precludes any other or further exercise of that or any other right.

### **12.2 Waiver must be in writing**

Any waiver of any provision of this agreement or a right created under it must be in writing signed by the party giving the waiver and is only effective to the extent set out in that written waiver.

## **13 Severability**

If any provision of this agreement is void, voidable by a party, unenforceable, invalid or illegal and would not be so if a word or words were omitted, then that word or those words are to be severed and if this cannot be done, the entire provision is to be severed from this agreement without affecting the validity or enforceability of the remaining provisions of this agreement.

## **14 Further steps**

Each party agrees to promptly do all things reasonably necessary to give full effect to this agreement and the transactions contemplated by it, including obtaining consents and signing documents.

## **15 Interest on Overdue Moneys**

Any amount due under this agreement but unpaid by the due date incurs interest at the rate prescribed under section 227A of the Local Government Act 1989 (Vic) and any payment made shall be first directed to payment of interest and then the principal amount owing.

## **16 Costs on Default**

If the Developer defaults in the performance of any obligations under this agreement the Developer will pay to the Responsible Authority its reasonable costs of action taken to achieve compliance with this agreement.

## **17 Agreement Binding on Successors of Developers**

This agreement will extend to and bind the Developer's successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them will also be binding on their successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this agreement.



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## 18 Joint Obligations

In the case of each party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this agreement and made and given by that party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that party.

## 19 Entire Agreement

This agreement constitutes the entire agreement between the parties in connection with its subject matter and supersedes all previous agreements or understandings between the parties in connection with its subject matter.

**EXECUTED** as a deed

## Agreement under section 173 of the Planning and Environment Act 1987 (Vic)

---

### Signing page

**SIGNED** by **COLAC OTWAY SHIRE COUNCIL** in its capacity as **Responsible Authority** by the person holding the title of General Manager, Development and Community Services (or the person acting in that role from time to time), pursuant to an instrument of delegation authorised by a Council resolution, in the presence of:

**SIGNED** by **COLAC OTWAY SHIRE COUNCIL** in its capacity as the registered proprietor of Council's Land by the person holding the title of General Manager, Development and Community Services (or the person acting in that role from time to time), pursuant to an instrument of delegation authorised by a Council resolution, in the presence of:

---

**EXECUTED** by  
**623 478 259** in accordance with section 127 of  
the *Corporations Act 2001* (Cth) by being  
signed by the following officers:

**EXECUTED** by  
**LIMITED ACN 625 129 311** in accordance  
with section 127 of the *Corporations Act 2001*  
(Cth) by being signed by the following officers:

## Agreement under section 173 of the Planning and Environment Act 1987 (Vic)

---

### Annexure A - Mortgagee's consent

Social Enterprise Finance Australia Ltd as mortgagee of registered mortgage no. AQ697516L consents to (Developer) entering into this agreement between Colac Otway Shire and the Developer and, in the event that it becomes a mortgagee in possession, agrees to be bound by this agreement as if it were the owner of the land known as 475 Great Ocean Road, Apollo Bay VIC 3233, being the land described in volume 10240 folio 174.

DATED:

EXECUTED for and on behalf of by **SOCIAL ENTERPRISE FINANCE AUSTRALIA LTD** by its authorised representative in the presence of:

## Agreement under section 173 of the Planning and Environment Act 1987 (Vic)

---

### Annexure B - Mortgagee's consent

AQ930950X consent to \_\_\_\_\_ as mortgagee of registered mortgage no. \_\_\_\_\_  
(Developer) entering into this agreement between Colac Otway Shire and the Developer and, in the event that they become a mortgagee in possession, agree to be bound jointly and severally by this agreement as if they were the owner of the land known as 475 Great Ocean Road, Apollo Bay VIC 3233, being the land described in volume 10240 folio 174.

DATED:

**SIGNED SEALED AND DELIVERED** by the  
said \_\_\_\_\_ in the  
presence of:

**SIGNED SEALED AND DELIVERED** by the  
said \_\_\_\_\_ in the presence  
of:

16 June 2021

Dear \_\_\_\_\_

**RE: APPLICATION TO AMEND PP258/2016-2  
475 GREAT OCEAN ROAD, APOLLO BAY - WILDLIFE WONDERS**

\_\_\_\_\_ lodges this application on behalf of \_\_\_\_\_ to amend PP258/2016-2 to change 'what the permit allows' for a restaurant and licensed premises.

The application also seeks to change permit conditions to:

- Allow for the use of the land for a restaurant for 120 patrons (60 indoor and 60 outdoor)
- Increase the number of patrons from 120 to 200
- Increase the hours of operation to 7am to 9pm
- Allow for the sale and consumption of liquor on the land in the redline area
- Allow for music on the land between 9am and 7pm

As a result of this application, PP30-2021 will be withdrawn.

It is requested that the application fees are waived as Wildlife Wonders a registered charity and therefore requests the planning application fee is waived pursuant to s. 20(d) of the Planning and Environment Regulations 2016.

[Wildlife Wonders Ltd | Australian Charities and Not-for-profits Commission \(acnc.gov.au\)](#)

I look forward to working with you. If you have any queries, please contact me on \_\_\_\_\_



# **PLANNING REPORT**

**AMENDMENT TO PP258-2016-2**

**465-475 GREAT OCEAN ROAD, APOLLO BAY**

**12 June 2021**

The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

## 1. OVERVIEW

submits this application to amend PP258-2016-2 which allows for the *'use and Development of the Land for an interpretive Native Wildlife Park incorporating Walking Track and Ancillary Buildings ('Visitor Entry' Building and 'Field Base'), Construction of Fence, Removal of Native Vegetation, Earthworks, Display of One Business identification Sign, Creation and Alteration of Accesses to a Road in a Road Zone Category 1 with Associated Roadworks, and Construction of Track in Reserve'*.

PP258-2016-2 was granted on 5 March 2019. It is proposed to amend the permit to allow for the sale and consumption of liquor on the land, increase the hours of operation and number of patrons permitted on the land at any one time.

The proposed changes require an amendment to 'what the permit allows', Condition 5, 7, 8 and 23. No works are proposed.

The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

## 2. PROPOSAL

Wildlife Wonders is a unique wildlife tourism experience located to the west of Apollo Bay. Wildlife Wonders was founded by the Conservation Ecology Centre (CEC) to engage people with nature and conservation in the Great Ocean Road Region.

Wildlife Wonders is an established tourist facility which attracts visitors from all over the world (until recently). COVID-19 has had a dramatic impact on the business operation; however, Wildlife Wonders has remained open and offers a unique tourism experience where people can participate in guided tours to appreciate the biodiversity and natural environment.

In 2016, a permit was granted to construct a new building and walking trails which have been constructed and is now a popular tourism destination. The site includes a café area for on-site dining.

**Refer to Attachment 1 – Plans.**

This application seeks to:

- Allow for the use of the land for a restaurant for 120 patrons (60 indoor and 60 outdoor)
- Increase the number of patrons from 120 to 200
- Increase the hours of operation to 6am to 9pm
- Allow for the sale and consumption of liquor on the land in the redline area.

An amendment to PP258-2016-2 is sought to change what the permit allows to include the venue to be a restaurant and licensed premises.

### Patrons

Condition 5 limits the number of patrons on site to 120 persons at any one time, including 60 persons on the café, and three groups of 20 persons in the guided tours. It is proposed to increase the number of patrons to 200 persons on the site at any one time.

The proposal seeks to increase the outdoor dining area to 60 patrons, increasing the overall dining area to 120 patrons. Given the increase scale of the use, it is proposed that the permit is amended to include the use of the land as a 'restaurant'.

The additional 20 patrons permitted on the site will be for patrons waiting to participate or at the completion of the guided tours.

### Increase hours of operation

The permit allows for the use to operate between 9:00am to 5:00pm between February and 9:00am to 7:00pm in January. It is proven that these hours are restrictive and not compatible with the optimal viewing times for Wildlife Wonders. It proposed that the hours are amended to 6:00am to 9:00pm to ensure the guided walks and educational experience is maximised all year round.

The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright

The increase hours of operation will also extend to the restaurant. COVID-19 has had a dramatic impact on the visitation and income of Wildlife Wonders and attracting visitors to increase its income will assist with the ongoing viability of the organisation. The restaurant hours will be 7:00am to 9:00pm. It is proposed that during the daytime period – 9:00am to 7:00pm there may be live, acoustic music played on the site.

Sale and consumption of liquor

A permit is now being sought to sell and consumed liquor on the land. The proposed 'restaurant and café license' will also provide alcohol with food on the premises (within the red line area). This is to support the restaurant use of the land.

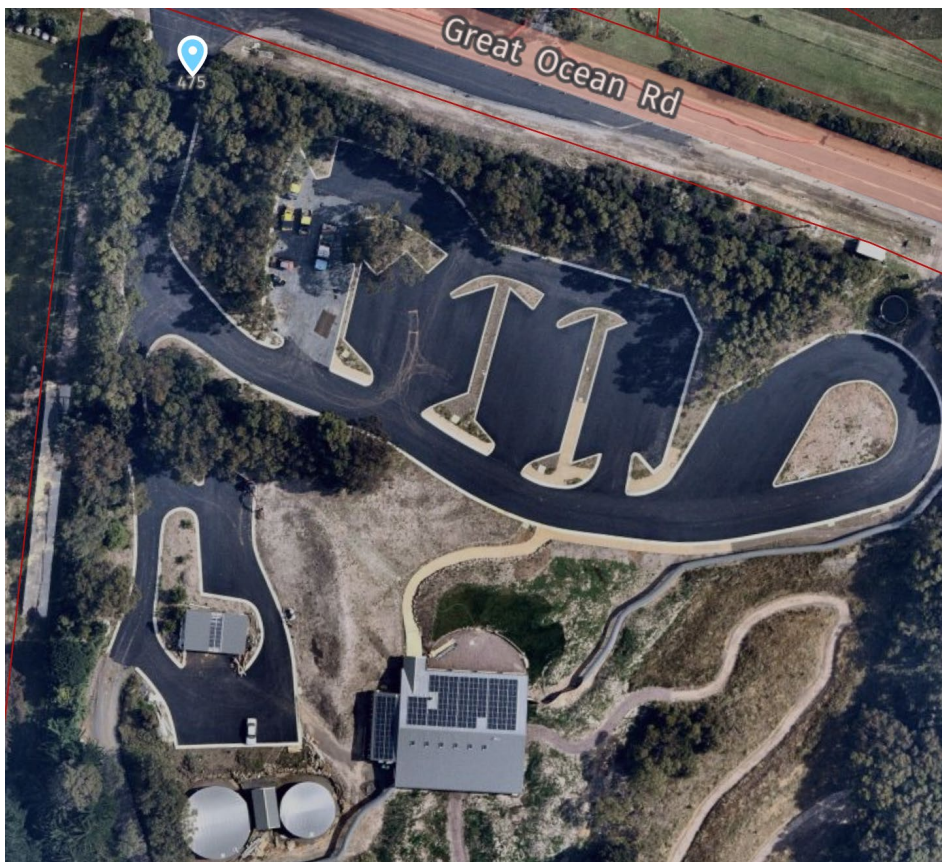


Figure 1 – Subject site (NearMap)

The proposed amendment required a number of changes to the permit including:

- What the permit allows
- Patron Numbers – Conditions 5 and 7
- Hours of Operation – Condition 8
- Amenity – Condition 23

The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

### 3. SITE & LOCALITY CONTEXT

The site is located on the southern side of the Great Ocean Road and has direct frontage to the coast. Access is via the Great Ocean Road. The site adjoins the Great Ocean Road Coastal Reserve.

The title particulars are Lot 1 TP322603X. There are no restrictions on title **Refer to Attachment 2 – Copy of Title.**

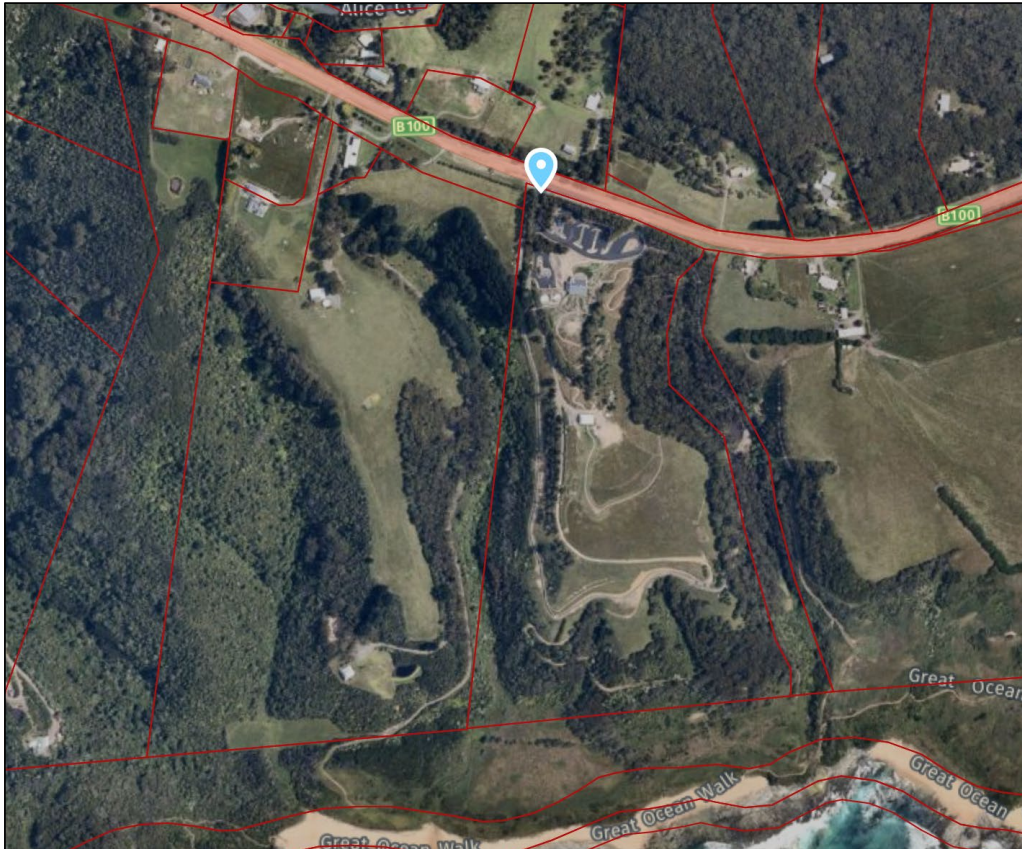


Figure 2 – Site Locality (Near Map)



The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

## 4. PLANNING POLICIES

The relevant Planning Policies which apply to this proposal are:

**Clause 12.01-1S Protection of biodiversity** aims to support important areas of biodiversity.

*Response*

An increase in the number of patrons, hours of operation and being a licensed premises will not impact on the biodiversity. Wildlife Wonders aim to preserve the amenity of the natural environment and also increase environmental awareness. The increase hours will be managed to minimise any impacts on the natural environment.

**Clause 13.02-4S Bushfire planning** applies to all decision making to applications in the Bushfire Management Overlay and Bushfire Prone Area. It is applicable to this amendment.

*Response*

A Bushfire Management has been prepared and the building and defendable space provides significance protection for patrons to the site. Wildlife Wonders Emergency Management Plan provides additional arrangements in the event of a high-risk bushfire event. The increase in the number of patrons will be contained to the building and the tour groups will not change from the original approval.

**Clause 13.07-1S 'Land use compatibility'** aims to 'protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts'.

*Response*

An increase in the number of patrons, hours of operation and being a licensed premises will not unreasonably impact on the amenity of the surrounding area.

Clause 13.05-1S Noise abatement seeks to assist with noise effect on sensitive land uses.

*Response*

The nearest sensitive land use is a dwelling located approximately 230m to the north-east of the existing building. The other surrounding buildings are located to the east and west on the southern side of the Great Ocean Road.

**Clause 17.04-1S and 17.04-1L Facilitating Tourism** encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

*Response*

Wildlife Wonders already provides a unique tourism experience for visitors however the business seeks to diversify its opportunities to address an alternative income stream during challenging economic conditions. This proposal strengthens the eco-tourism activities and an appropriate scale given the size of the site, and its location.



The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

## 5. PLANNING PROVISIONS

### Zones and Overlays

The subject land is zoned Rural Conservation Zone in the Colac Otway Planning Scheme. The objectives of the zone are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve the values specified in a schedule to this zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.



Figure 3 – Zone

The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

The permit was granted for *interpretive Native Wildlife Park incorporating Walking Track and Ancillary Buildings ('Visitor Entry' Building and 'Field Base')* which is an innominate use under Clause 55.06-1 (i.e. a use not defined in the Colac Otway Planning Scheme).

The proposal seeks to increase the use of the café, therefore it is proposed that permit to allow the use of the land as a restaurant. A restaurant is a 'Section 2' permit required use in the Rural Conservation Zone. A restaurant is defined as:

*Land used to prepare and sell food and drink, for consumption on the premises.  
It may include: Restaurant a) entertainment and dancing; and  
b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.  
It does not include the sale of packaged liquor*

#### Overlays

The land is also located in the Bushfire Management Overlay (BMO), Erosion Management Overlay (EMO), Schedule 1 to the Significant Landscape Overlay (SLO1) and Schedule 1 to the Vegetation Protection Overlay (VPO1). No works are proposed which would trigger a permit under the overlay provisions.

The site adjoins the Great Ocean Road which is affected by a Heritage Overlay. No changes are proposed to the existing access and egress from the site.

#### Clause 52.06 Car Parking

Clause 52.06 does not specify a car parking rate for the use, however the car parking rate for a Place of Assembly has been applied which is 0.3 spaces per patron. Based on this rate, 18 spaces would be required for 60 persons on the site at any one time.

The amended proposal seeks to use the land as restaurant. The car parking rate for a restaurant is 0.4 to each patron. Based on 120 patrons, 48 spaces are required.

The interpretative centre does not specify a parking rate however the 0.3 rate/ patron would require 24 spaces for 80 patrons.

The total spaces required is 72 spaces. The current car parking provision is 74 spaces plus three bus parking bays.

#### Clause 52.27 Licenced Premises

Pursuant to Clause 52.27 'Licenced Premises' a permit is required if a license is required under the *Liquor Control Reform Act 1998*. A licence is required for a 'restaurant and café' licence.

The proposed hours of operation are 7am to 9pm Monday to Friday (except ANZAC Day and Good Friday as per permitted hours).

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Clause 52.34 Bicycle Parking

The car parking rate in Clause 52.34 for a restaurant is 1 space per 100m<sup>2</sup> of floor area available to the public. The area for the 'restaurant' use is 250m<sup>2</sup> which would require 2 bicycle spaces. The interpretive centre use does not require the provision of bicycle parking on site.

Given the location of the site and configuration of the parking, there is adequate ability to provide bicycle parking on site.

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## 6. ASSESSMENT

### Proposed use

PP258/2016-2 allows for the land to be used as an *interpretive Native Wildlife Park incorporating Walking Track and Ancillary Buildings ('Visitor Entry' Building and 'Field Base')*. This proposal seeks to increase the number of patrons to 200 people on the site at any one time, including 120 patrons at the restaurant.

The use of the land for a restaurant can be accommodated on the site and the existing infrastructure can cater for the increased demand. The site is connected to sewer, managed by Barwon Water. There is sufficient parking on the site as discussed below.

It is proposed that the restaurant use of the land will provide an important income stream for Wildlife Wonders. COVID-19 has had a significant impact on the visitation and income, therefore Wildlife Wonders is seeking to attract additional revenue to support its continued operations.

As a not-for-profit organisation, Wildlife Wonders is an interpretative environmental experience and conservation centre. The primary use of the land is to protect the biodiversity and the acoustic music will be acoustic limited to 7pm.

### Traffic

The access to the site is via the Great Ocean Road, and existing car park has sufficient capacity for the additional car parking requirements. The original permit allows 120 persons on the site at any one time. The site includes 74 space and 3 bus parking bays. The car parking required for the restaurant is 48 spaces and there is no statutory or permit requirement for the current use of the land.

The use of the land of the restaurant for 120 patrons requires 48 spaces based on the 0.4 rate in 52.06. The bicycle parking of 2 spaces can be easily accommodated on the site.

### Noise

Clause 13.05-1S aims to protect the amenity of the surrounding area. It is proposed hours of operation and acoustic music will not impact the surrounding amenity. As a conservation centre, the protection of noise in the surrounding area is paramount. Any music will be restricted to acoustic outside of indoor to comply with the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (the updated SEPP N-2).

The extension to the hours will allow limited patrons (only those on the guided tours) to arrive at the site at 6am to maximise the ecological experience. The visitors will be required to be quiet to ensure that the fauna is not disturbed.

The additional hours are considered to not generate unreasonable noise levels within the site and off-site.

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Bushfire Risk

The Bushfire Management Plan under PP258/2016-2 is endorsed and its is not proposed to change as result of this application. **Refer to Attachment 3 – Bushfire Management Plan.**

The Bushfire Management specifies the defendable space from the main building and the management requirements around the site. Under the BMO, a permit is required for works only. This application does not seek to undertake any works. Clause 13.02-4S does require consideration of the change in use. The increase in the patrons on the site will be limited to the building which has been design in accordance with the approved Bushfire Management Statement (BMS). The BMS does specify the number of patrons, but given the access and design of the building, and additional emergency management procedures, there risk to life has been considered. For instance, in high bushfire risk days Wildlife Wonders would restrict visitor access to ensure safety to life is paramount.

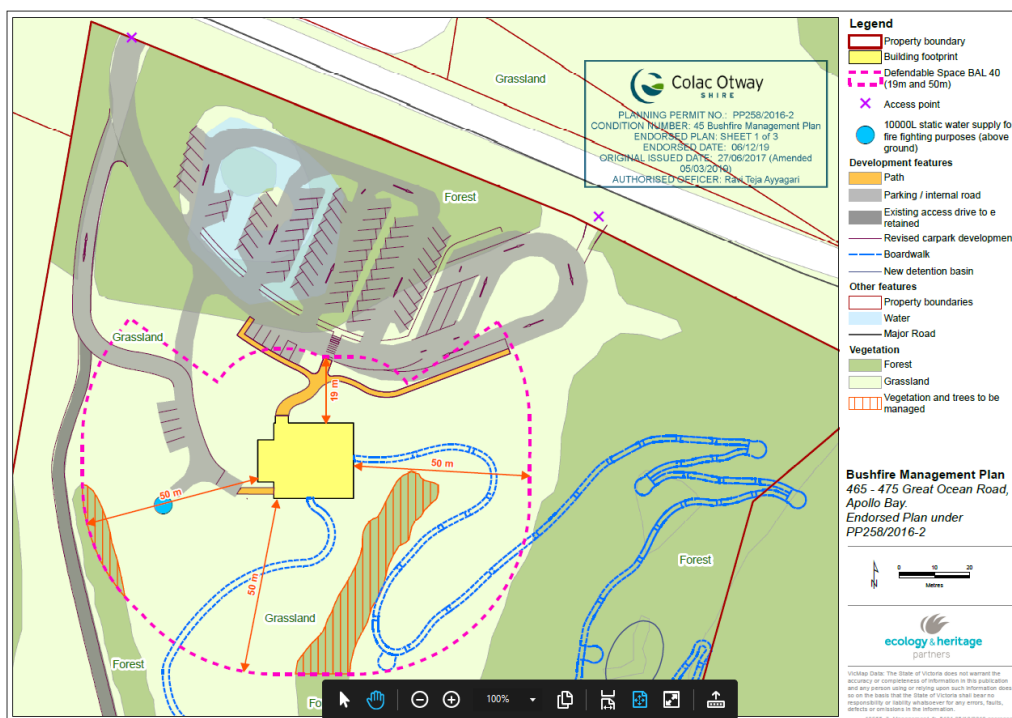


Figure 4 – Bushfire Management Plan

Licensed Premises

The proposal seeks approval under Clause 52.27 to use the land for the sale and consumption of Licensed premises. A ‘restaurant and café’ license is sought through the VCGLR. The proposed liquor license will be limited to the redline area in and around the existing building on the site including the indoor and outdoor area as illustrated in Figure 5.

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The consumption of liquor on the amenity of the surrounding area will be limited as is will only be associated with the food consumption on the premises. The hours are limited and most people will drive or have transport to and from the venue. There will not be unreasonable loitering associated with the licensed premises. There is no cumulative impact as there are not licenced venue in the immediate proximity of the site.



Figure 5 – Redline Area

Land Management

The subject land is affected by a s.173 Agreement which requires the land to be managed in accordance with the Land Management Plan endorsed under PP258/2016-2. The proposed amendment will not impact the Land Management Plan or contravene the s.173 Agreement.

Economic development

The Great Ocean Road is a nationally significant tourism destination which has been significantly impacted by COVID-19. Wildlife Wonders heavily relies on international tourism to fund its environmental programs. An expansion of its uses, hours of operation and number of patrons will greatly assist in providing an alternative income stream.



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## 7. CONCLUSION

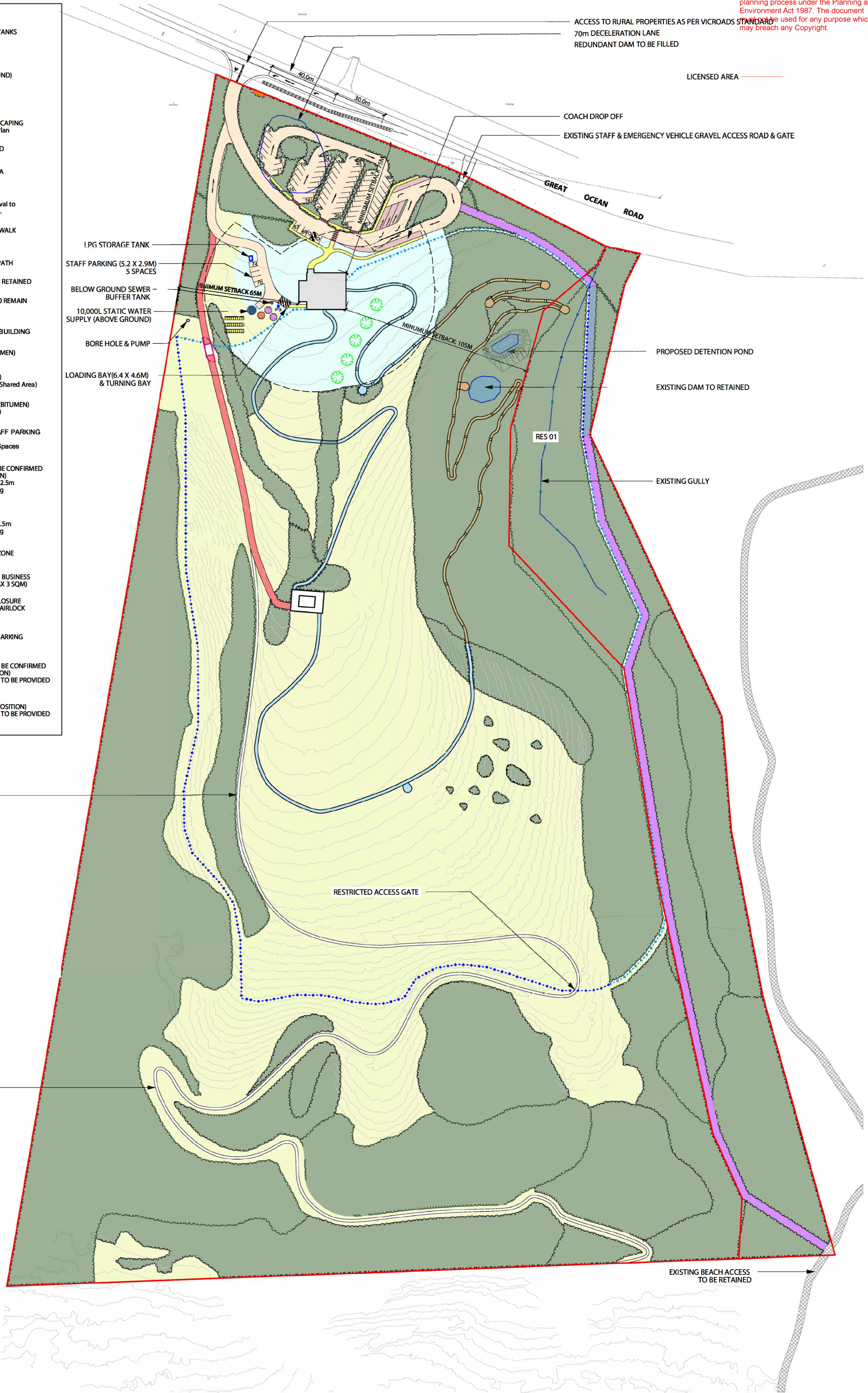
The proposed amendment to PP258/2016-2 will cater for increase visitors and increase the income to Wildlife Wonders. The proposed increase in the number of patrons and hours of operation will not cause unreasonable detriment in the surrounding area.

The proposed change of use to allow a restaurant and sale and consumption of liquor is also consistent with the



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- LEGEND**
- RAINWATER COLLECTION & STORMWATER DETENTION TANKS (BELOW GROUND)
  - SEWERAGE HOLDING TANK (BELOW GROUND)
  - PUMP STATION (BELOW GROUND)
  - SOLAR STATION
  - EXISTING AND PROPOSED NATIVE VEGETATION & LANDSCAPING Refer to Vegetation Removal Plan
  - EXISTING TREE TO BE RETAINED
  - EXISTING OPEN GRASSED AREA To be retained & enhanced
  - LOW FIRE THREAT PLANTING Planting & selective tree removal to satisfy defensible buffer zone.
  - RAISED STEEL/TIMBER BOARDWALK
  - 1.5m / 1.8m GRAVEL PATH
  - DDA CONCRETE COMPLIANT PATH
  - EXISTING ACCESS DRIVE TO BE RETAINED
  - EXISTING SHED STRUCTURE TO REMAIN Internal fit out ONLY
  - INTERIM VISITOR ARRIVAL BUILDING (ROOFLINE)
  - VISITOR/STAFF PARKING (BITUMEN) 4.9m x 2.8m Parking Bay 69 Spaces
  - DISABLED PARKING (BITUMEN) 4.9m x 2.9m Parking Bay (Plus Shared Area) 2 Spaces
  - CARAVAN, MINIBUS PARKING (BITUMEN) & COACH DROP OFF (6 Spaces)
  - LOADING/DESIGNATED STAFF PARKING (BITUMEN) 4.9m x 2.6m Parking Bay - 5 Spaces
  - PREDATOR PROOF FENCE (APPROXIMATE POSITION TO BE CONFIRMED ON SITE DURING INSTALLATION) 2m Height, Outside Clearance 2.5m Mesh wire with metal overhang
  - PREDATOR PROOF FENCE (CONFIRMED POSITION) 2m Height, Outside Clearance 2.5m Mesh wire with metal overhang
  - DEFENDABLE SPACE BUFFER ZONE
  - ZONE FOR NON-ILLUMINATED BUSINESS IDENTIFICATION SIGNAGE (MAX 3 SQM)
  - DOUBLE GATED VEHICLE ENCLOSURE 6.3m X 4.3m VEHICLE ACCESS AIRLOCK
  - TITLE BOUNDARY
  - PEDESTRIAN CROSSING LINEMARKING
  - SURFERS TRAIL (APPROXIMATE POSITION - TO BE CONFIRMED ON SITE DURING CONSTRUCTION) PUBLIC BEACH ACCESS TRACK TO BE PROVIDED WITH NO OBSTRUCTION
  - SURFERS TRAIL (CONFIRMED POSITION) PUBLIC BEACH ACCESS TRACK TO BE PROVIDED WITH NO OBSTRUCTION

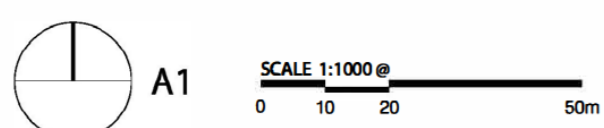


EXISTING BEACH ACCESS TO BE RETAINED

RESTRICTED ACCESS GATE

EXISTING BEACH ACCESS TO BE RETAINED

EXISTING BEACH ACCESS TO BE RETAINED



**475 Great Ocean Road, Apollo Bay - SITE PLAN**

Proposed Interpretive Nature Trail/ Walking Track

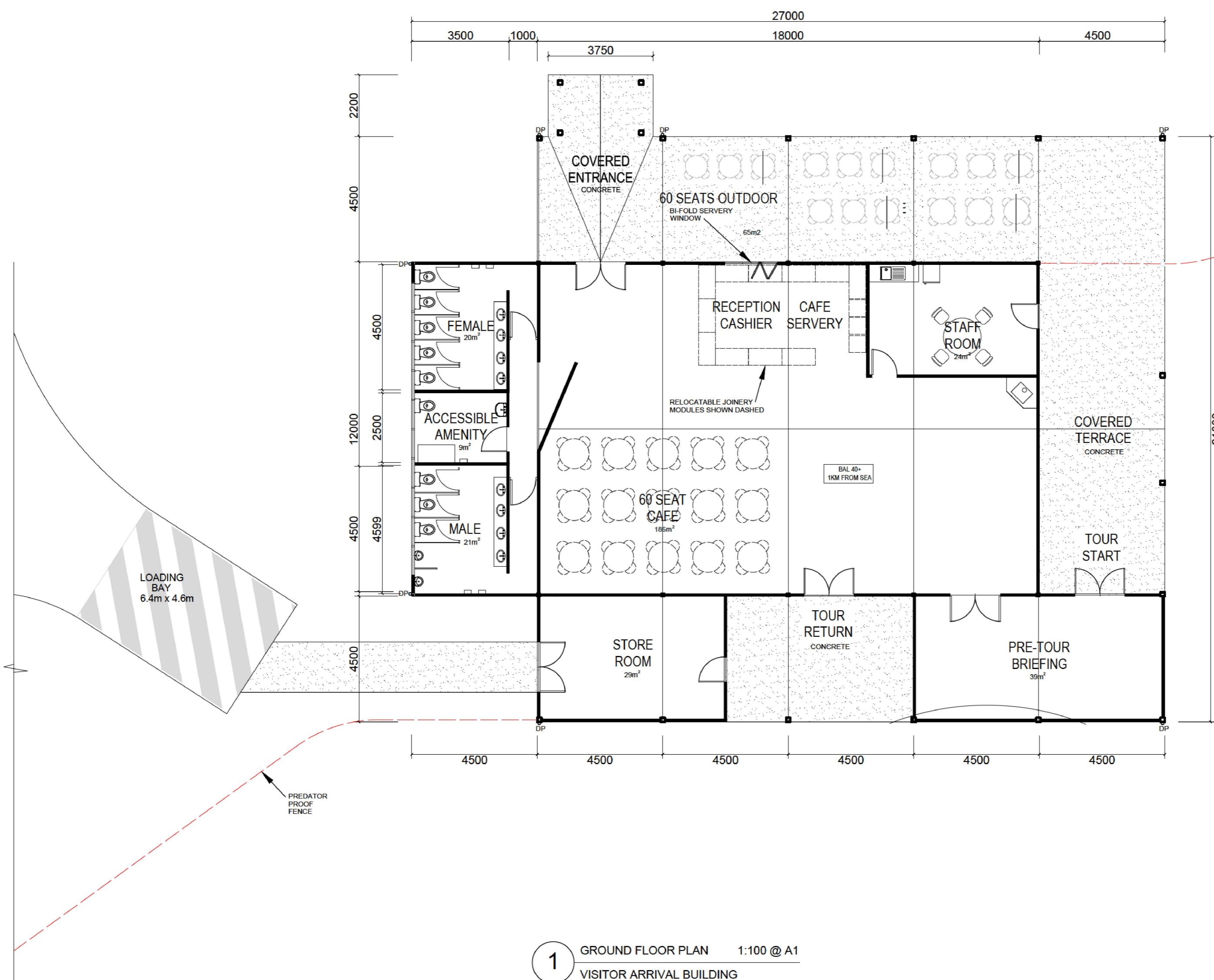
PROJ/DRG NO. 0315-0816-99 D001A

REV 05 DRAWN M.N. CHKD DC APPD DC DATE 20-11-2019

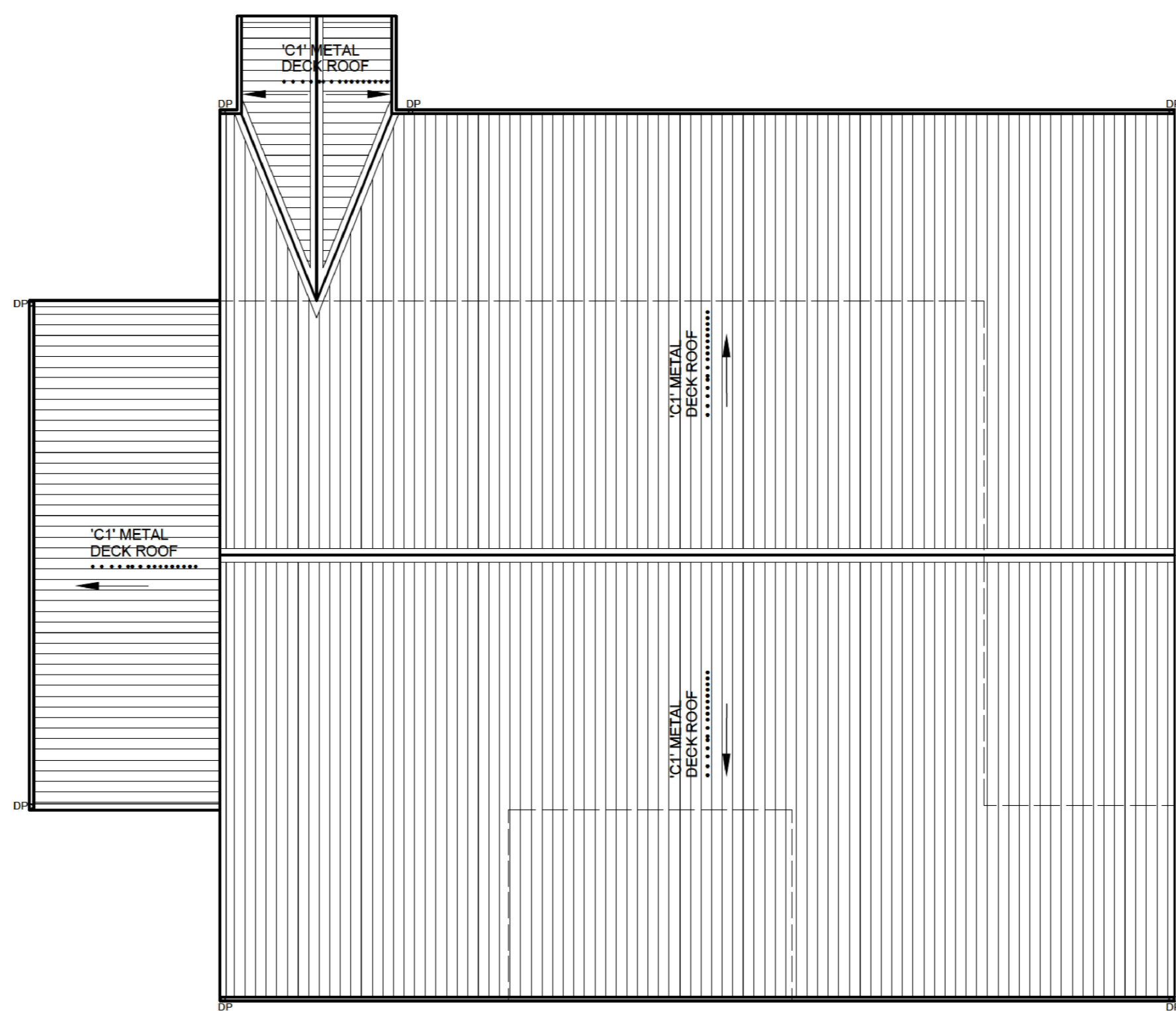




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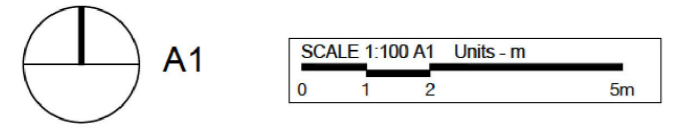


1 GROUND FLOOR PLAN 1:100 @ A1  
VISITOR ARRIVAL BUILDING  
GROSS INTERNAL FLOOR AREA 345m<sup>2</sup>



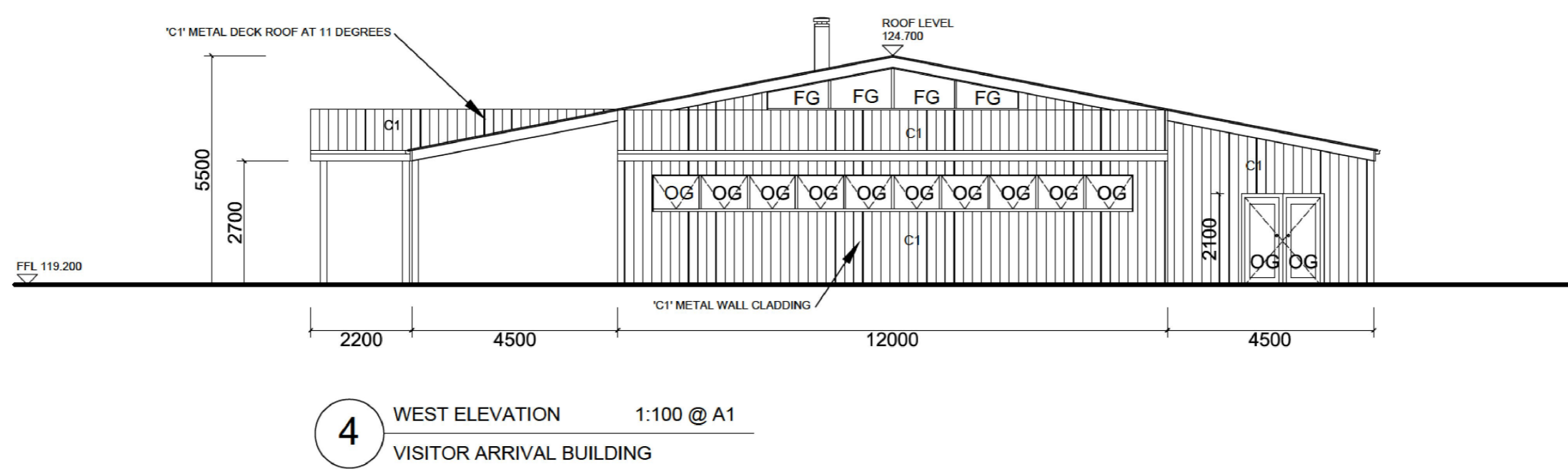
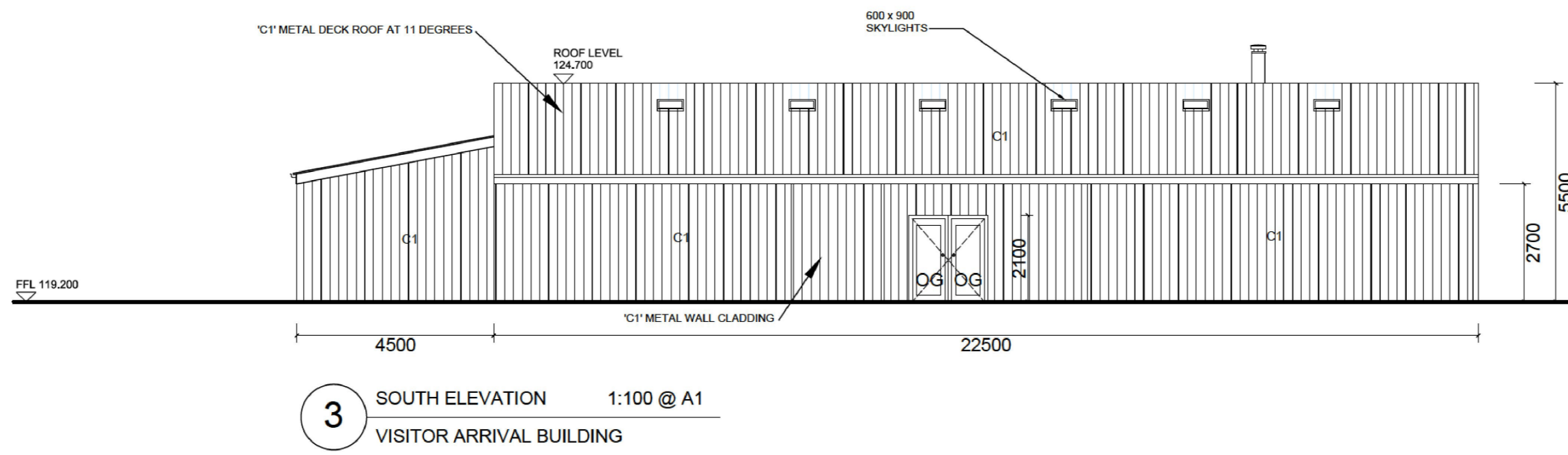
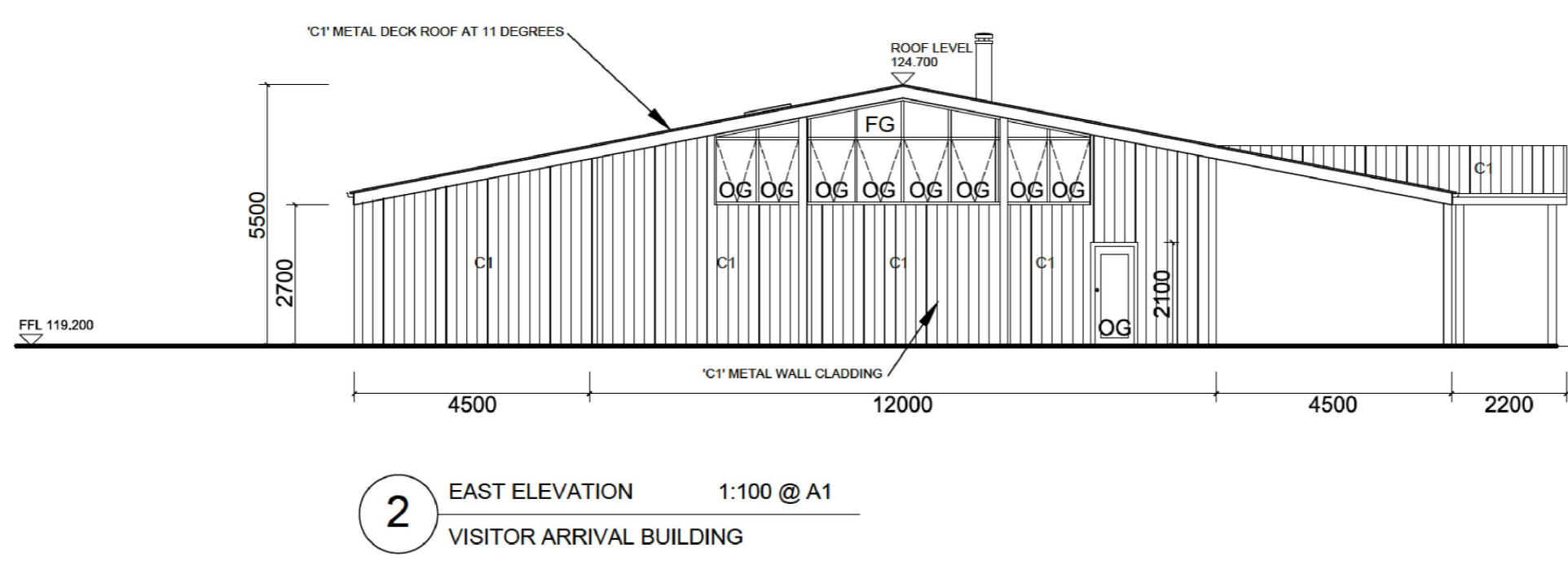
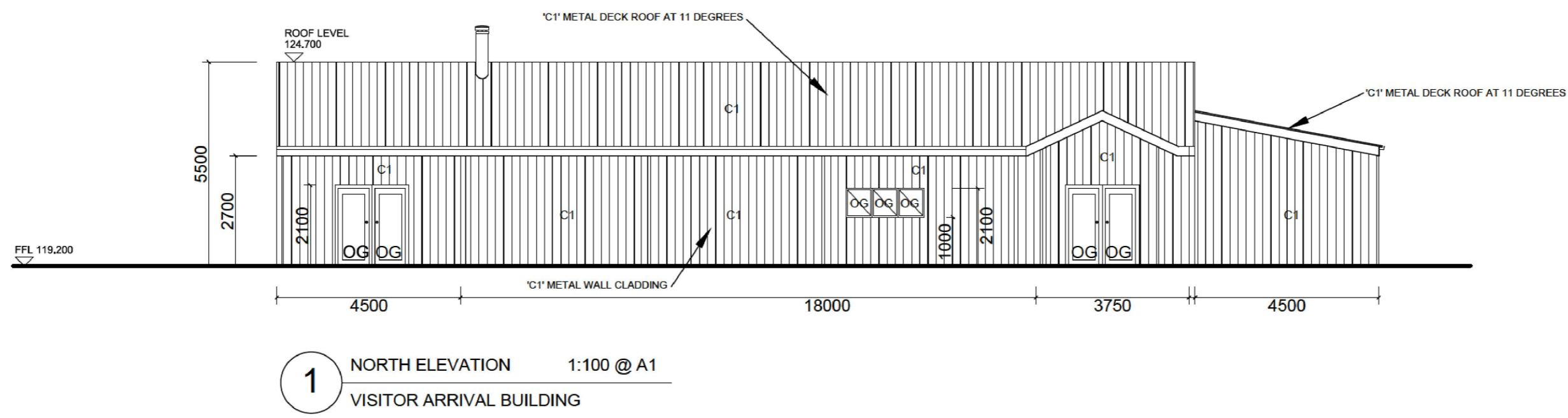
— ROOF OUTLINE  
- - - EXTERNAL WALL  
■ C1 = COLORBOND 'WOODLAND GREY' CLADDING  
EXTERIOR METAL DECK ROOF, WALLS, GUTTERS & DOWNPIPES

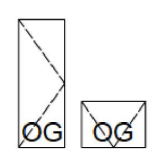



2 ROOF PLAN 1:100 @ A1  
VISITOR ARRIVAL BUILDING  
ROOF AREA 535m<sup>2</sup>

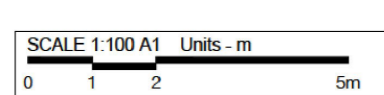


475 Great Ocean Road, Apollo Bay - VISITOR ARRIVAL BUILDING  
Proposed 'Wildlife Wonders' Interpretive Nature Trail

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-  OPENABLE FRAMED GLASS DOOR OR WINDOW
-  FIXED FRAMED GLASS WINDOW
-  C1 = COLORBOND 'WOODLAND GREY' CLADDING
-  EXTERIOR METAL DECK ROOF, WALLS, GUTTERS & DOWNPIPES

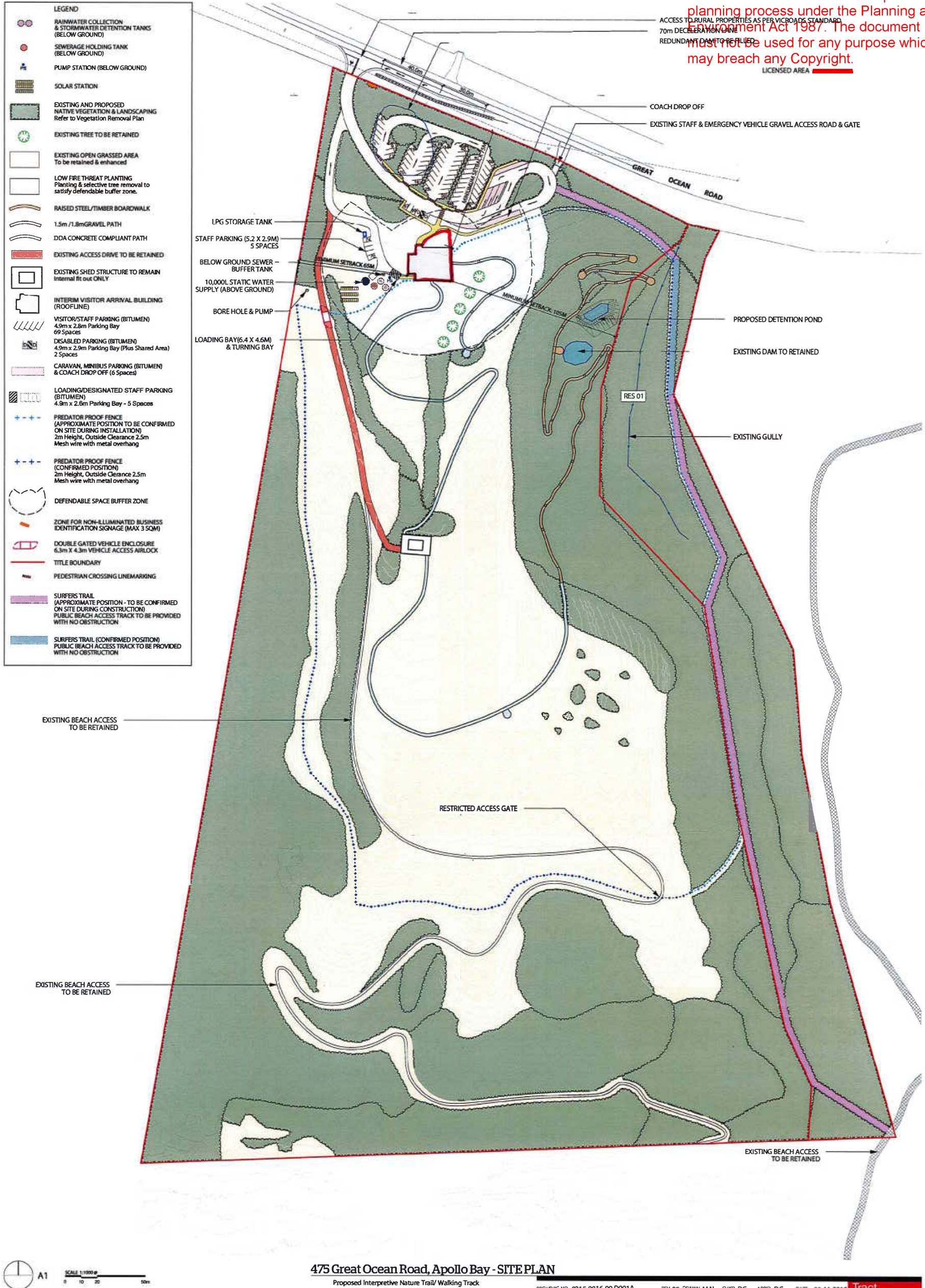


475 Great Ocean Road, Apollo Bay - VISITOR ARRIVAL BUILDING  
Proposed 'Wildlife Wonders' Interpretive Nature Trail

PROJ/DRG NO. 0315-0816-50 D003A REV 01 DRAWN/JP CHKD/JP APPD/JP DATE 17.10.2019 **Tract**

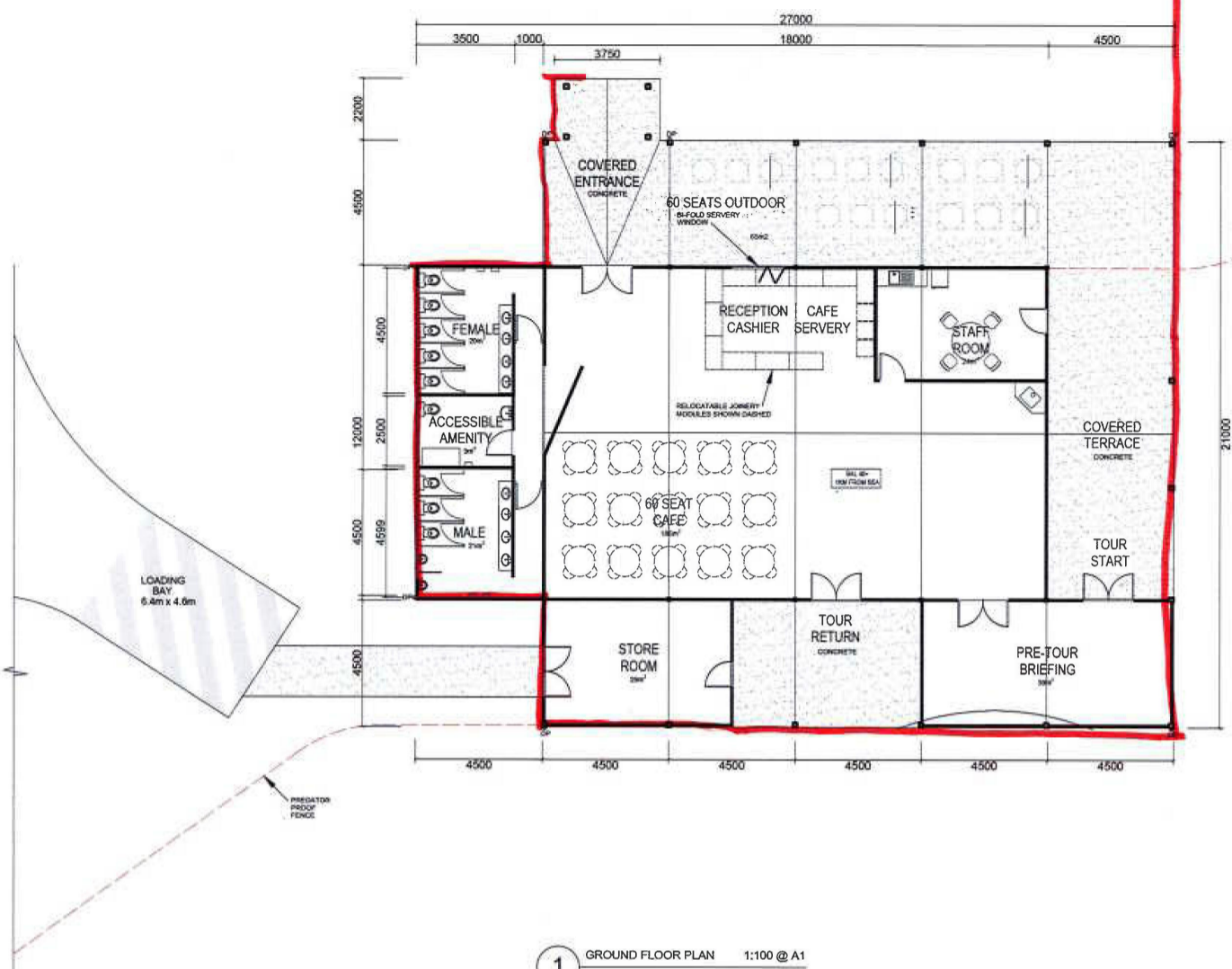


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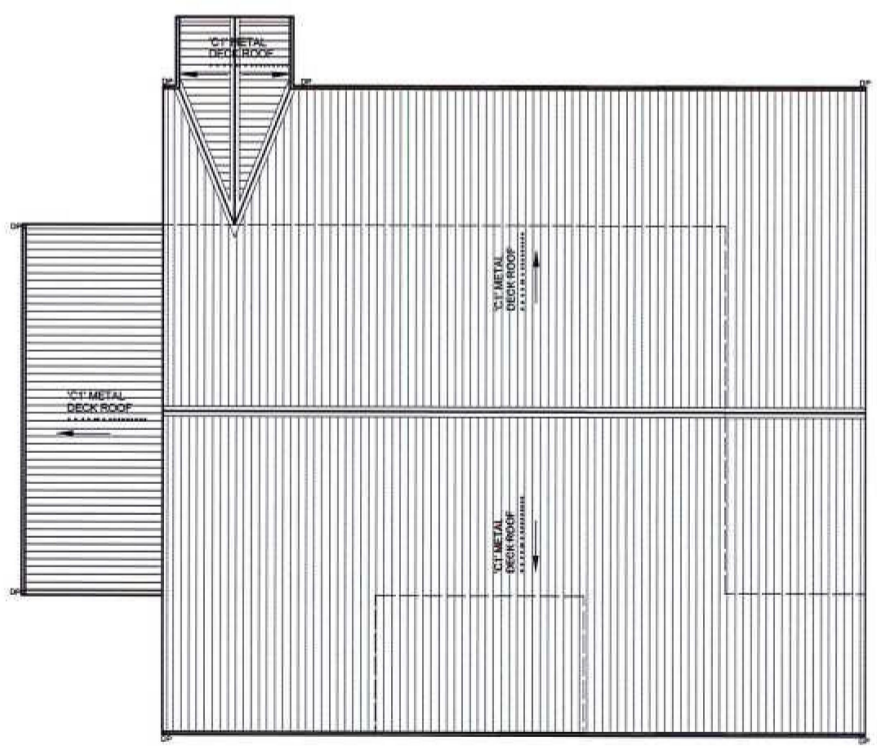




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1 GROUND FLOOR PLAN 1:100 @ A1  
VISITOR ARRIVAL BUILDING  
GROSS INTERNAL FLOOR AREA 345m<sup>2</sup>



2 ROOF PLAN 1:100 @ A1  
VISITOR ARRIVAL BUILDING  
ROOF AREA 535m<sup>2</sup>

— ROOF OUTLINE  
- - - EXTERNAL WALL  
■ C1 = COLORBOND 'WOODLAND GREY' CLADDING  
EXTERIOR METAL DECK ROOF, WALLS, GUTTERS & DOWNPIPES

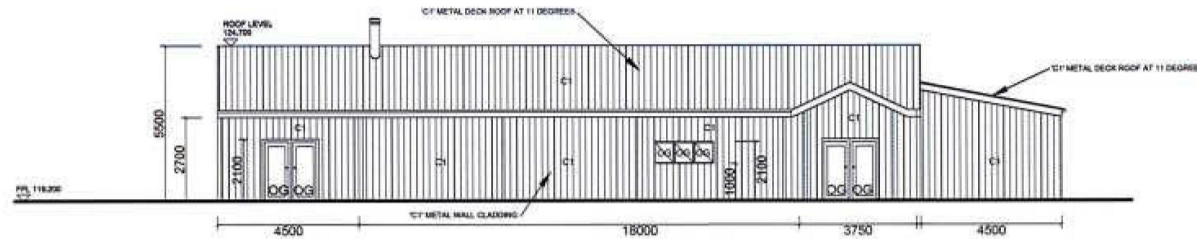


475 Great Ocean Road, Apollo Bay - VISITOR ARRIVAL BUILDING

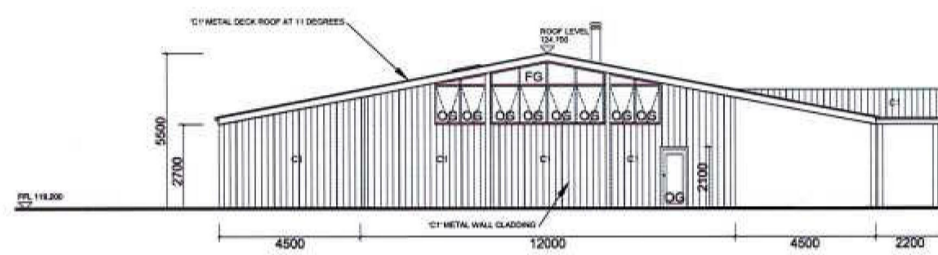
Proposed 'Wildlife Wonders' Interpretive Nature Trail

PROJDRG NO. 0315-0816-50 D002A REV 01 DRAWN JP CHKD JP APPD JP DATE 17.10.2019 **Tract**

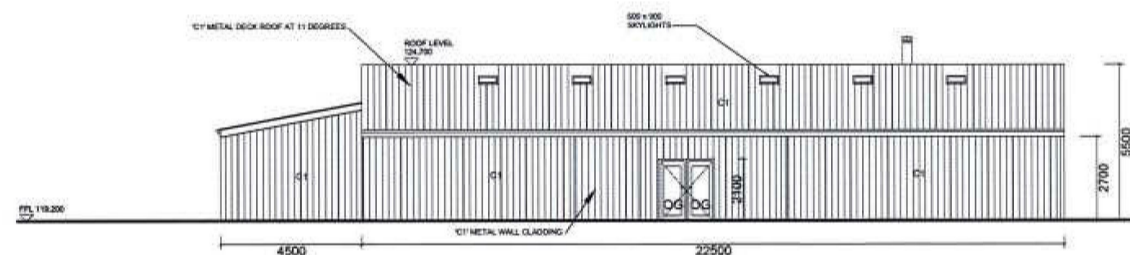
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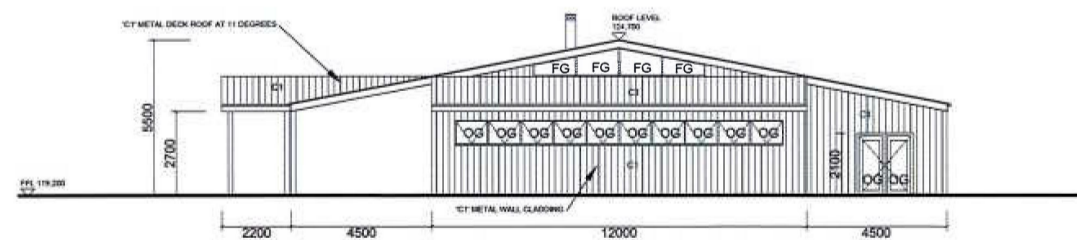
1 NORTH ELEVATION 1:100 @ A1  
VISITOR ARRIVAL BUILDING



2 EAST ELEVATION 1:100 @ A1  
VISITOR ARRIVAL BUILDING



3 SOUTH ELEVATION 1:100 @ A1  
VISITOR ARRIVAL BUILDING




4 WEST ELEVATION 1:100 @ A1  
VISITOR ARRIVAL BUILDING

-  OPENABLE FRAMED GLASS DOOR OR WINDOW
-  FIXED FRAMED GLASS WINDOW
-  C1 = COLORBOND 'WOODLAND GREY' CLADDING  
EXTERIOR METAL DECK ROOF, WALLS, GUTTERS & DOWNPIPES



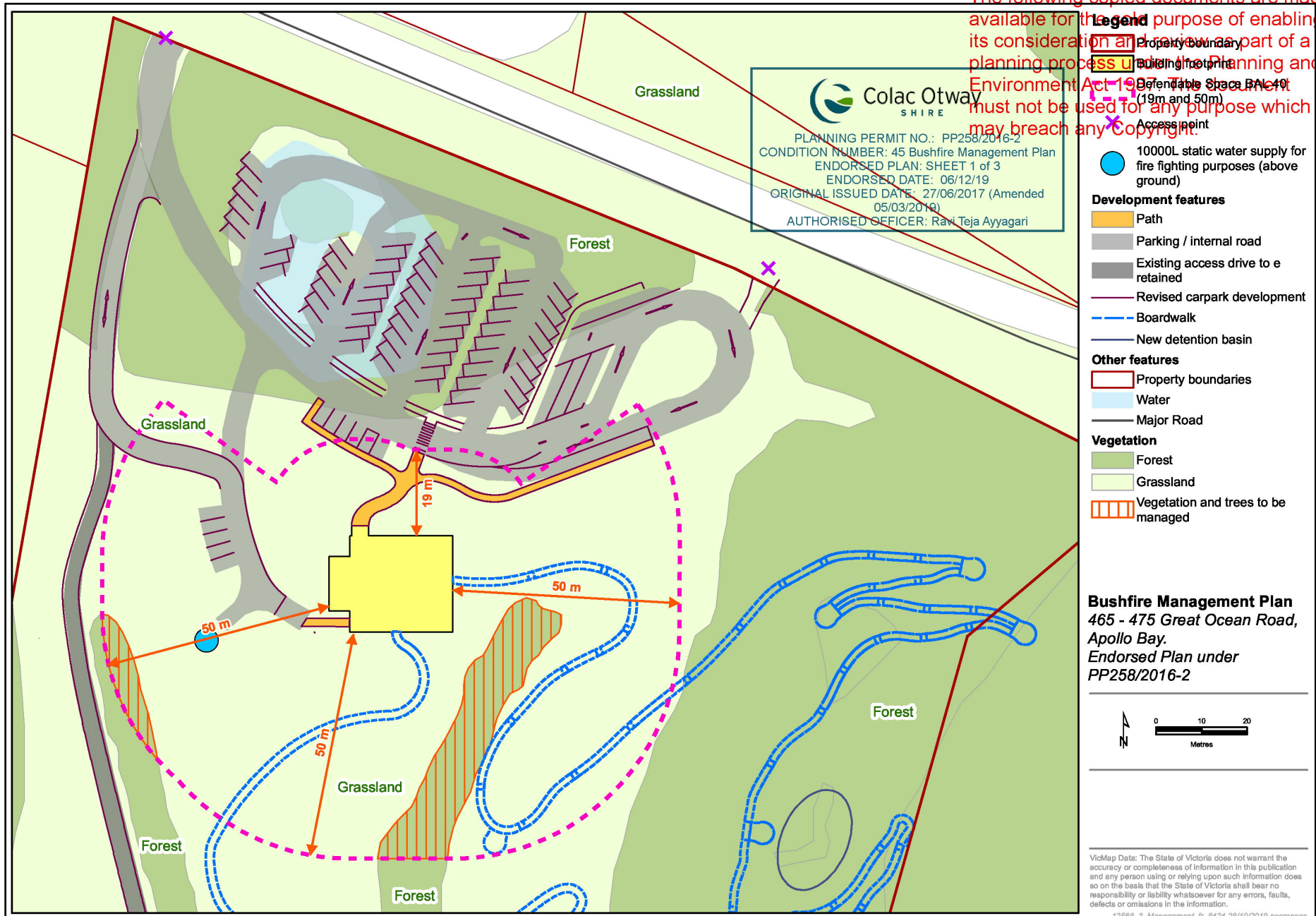
475 Great Ocean Road, Apollo Bay - VISITOR ARRIVAL BUILDING

Proposed 'Wildlife Wonders' Interpretive Nature Trail

PROJECT NO. 0315-0816-S0 D003A REV 01 DRAWNUP CHKD JP APPD JP DATE 17.10.2019 



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## BUSHFIRE MANAGEMENT PLAN SPECIFICATIONS

### Defendable Space Management (As per CFA's standard permit conditions – CFA 2014))

- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building;
- All leaves and debris must be removed at regular intervals during the declared fire danger period;
- Grass must be kept short, cropped and maintained during the declared fire danger period;
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building;
- Shrubs must not be located under the canopy of trees;
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres;
- Trees must not overhang or touch any elements of the building;
- The canopy of trees must be separated by at least 5 metres; and,
- There must be a clearance of at least 2 metres between the lowest tree branches and the ground.

### Water supply for firefighting purposes

Show 10,000 litres of effective water supply for firefighting purposes which will meet the following requirements:

- Is stored in an above-ground water tank constructed of concrete or metal;
- All fixed above-ground water pipes and fitting required for firefighting purposes must be made of corrosive resistant metal;
- Incorporate a ball or gate valve (British Standard Pipe (BSP)) 65mm and coupling (64mm CFA 3 thread per inch male fitting);
- The outlet of the water tank will be within 4 metres of the access way and be unobstructed;
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the CFA must be provided; and,
- Any pipework and fittings will be a minimum of 65mm (excluding the CFA coupling).





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## Access designed to accommodate CFA access (Clause 52.47 – Table 5)

- All-weather construction
- Load limit of at least 15 tonnes
- Curves will have a minimum inner radius of 10 metres;
- The average grade will be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres;
- Dips will have no more than a 1 in 8 (12.5%) (7.1 degrees) entry and exit angle; and,
- Will have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side, and 4 metres above the access way.

*If access is required by the CFA is greater than 100 metres (to access the dedicated water supply), then:*

- A turning area for fire fighting vehicles must be provided close to the building by one of the following:
  - A turning circle with a minimum radius of eight metres;
  - A driveway encircling the building; or,
  - The provision of other vehicle turning heads such as a T or Y head, which meets the specification of Austroad Design for an 8.8 metres service vehicle.

## Construction

The defendable space of 50 metres on the east, south and west aspect, and 19 metres on the northern has been determined using a minimum Bushfire Attack Level of **BAL-40** that any building/dwelling will be designed and constructed to in accordance with Australian Standard 3959.



### **WILDLIFE WONDERS - PLANNING PERMIT AMENDMENT APPLICATION PP258/2016-3**

Wildlife Wonders was established by the Conservation Ecology Centre (CEC) as a nature-based tourism initiative which provides education and raises funds for conservation and ecological research in the Otways. Wildlife Wonders is a wholly owned subsidiary of CEC.

Wildlife Wonders opened the visitor centre and interpretative nature trail and welcomed its first visitors in February 2021.

#### **What is proposed?**

This application seeks to amend PP258-2016-2 in order to provide premium dusk and dawn tours and serve alcoholic beverages in Wildlife Wonders' Emu Cafe. No building works are proposed.

#### Increased hours for walking tours and increase patrons (additional 20 people)

It is proposed to increase the hours to accommodate small group, guided tours to observe the natural habitat in the early morning and at dusk. It is proposed the experience will be enhanced by returning to the Emu Cafe for breakfast with a glass of sparkling wine (am) or canapes with a glass of sparkling wine (pm).

It is proposed to allow for three walking tours of 20 people on the trail at any one time, and one group of 20 people returning for a tour or preparing to depart.

The proposed hours of operation are 6:00am to 9:00pm to cater for dawn and dusk tours. Patrons will be required to leave the venue at 9:00pm which will ensure all patrons would be departed within 15 minutes of closing.

Each tour has a duration of approximately 1.5hrs, so only 20 patrons (max) will be on site for the initial 6am tour.

#### Café/restaurant increase hours and patron numbers (additional 60 people)

The current approvals include a small café and it is proposed to expand the on-site dining for visitors. Wildlife Wonders will continue to operate the kitchen and dining.

It is proposed to increase the dining from 60 patrons to 120 patrons at any one time. Up to 200 people may be on the site in total (including those on tours), but only 120 in the café/ restaurant. The seating arrangements would include 60 patrons inside and 60 outside. The proposed number of patrons is the upper limit and rarely expected to reach this capacity.

The restaurant will operate within the hours of 7:00am to 9:00pm (meal service would cease much earlier). Any music would be acoustic, played between 9:00am and 7:00pm. There will be no dancing.

#### Licensed Premises

The proposal seeks approval for a 'food and drink' licence which only allows the sale of alcohol with food, served on site within the red line area (ie inside the Visitor Centre and the outdoor courtyard dining area). No sale of alcohol for off-site consumption will be allowed.

The liquor license will allow Wildlife Wonders to sell a glass of wine or beer to patrons and will be carried out within the responsible serving of alcohol requirements.

The liquor license hours align with the restaurant hours and will be from 7am to 9pm.

**Is the proposal appropriate in a Rural Conservation Zone?**

Wildlife Wonders will continue to operate the café/ restaurant. The income generated will be reinvested into ecological research onground conservation activities and jobs in the region.

The objectives of the Rural Conservation Zone support use of the land which takes into account the conservation values of the locality. Wildlife Wonders core values are conservation and research and the expansion of the restaurant and number of patrons on the site will not compromise these activities.

**Potential Off-site impacts**

The proposal will not cause unreasonable amenity impacts on the nearby residents or the precious native fauna. The proposed increase of numbers to 200 people on the 50 acre site includes 3 groups of 20 people participating in walking tours, plus one group waiting or finishing. The people coming to the site are wanting to experience the natural environment so they understand the need to be quiet and respectful and they are accompanied at all times by a qualified Nature Guide.

In relation to the café/ restaurant patrons, up to 60 people will dine indoors and there is provision in peak times for up to 60 people outdoors. Again, people will be encouraged to respect the quiet amenity of the area. The alcohol service is limited to seated table service with food.

It is expected that patrons will arrive at different times, except for the small group of arrivals for the dawn experience. The departure is also expected to be staggered.

Any music will be for the enjoyment of the patrons and will only be in an acoustic form and limited to daytime and evening periods. It is not proposed to operate the restaurant in the night time period (Wildlife Wonders will close at 9pm).

**Social and economic benefits**

Wildlife Wonders promotes nature-based experiences, conservation, and sustainable employment. The venture works with local accommodation providers, tour operators, attractions, cafés and restaurants to provide a holistic experience to visitors and support the region as a whole.





Conservation  
Ecology Centre

26 September 2021

Thank you for taking the time to meet with us at the consultation meeting. It has been very helpful for us in understanding your concerns in relation to our proposed planning permit amendment.

An official response has been submitted to Colac Otway Shire by our Planning Consultant, NovoPlanning, but we wanted to also follow up with everyone individually.

Firstly, we would like to assure you that our proposal will not change the core business or nature of the Wildlife Wonders experience. The primary experience is that of an 'Interpretive Native Wildlife Park', and the opportunity to learn about wildlife and conservation is enhanced by the opportunity to also enjoy food and drink in the café. CEC's vision is a healthy and resilient Otways – everything we ever do is in keeping with this vision.

## Restaurant

'Restaurant' is a planning term and therefore the language we need to use in applying for the planning permit amendment, however, Wildlife Wonders has a small kitchen suitable for providing a simple café menu – soups, sandwiches, curries, salads, coffee and cake is the sort of fare we can offer. The café is not the core business, but it allows for visitors to enjoy food and drink onsite which adds to their experience. The café will continue to operate in the same areas – the outdoor courtyard area and inside the visitor centre.

There have been suggestions from some neighbours that the café be limited only to visitors who are participating in tours, however this limits the use of the space by our local community. The aged care residents of Laura Pengilley are regular visitors to the Wildlife Wonders café because of the peaceful ambience (and accessible toilets), and Wildlife Wonders also has a number of lovely programs which are valued by community members such as Children's Story Time (exploring a nature-themed story with pre-schoolers) and Kids' Wildlife Talks, alongside use of the café by groups such as the sewing group and book clubs who regularly use the cafe as a comfortable meeting space with coffee and cake. Community engagement is a key purpose of Wildlife Wonders and the café plays an important role.

We originally applied for an additional 60 seats in the café. Following our conversations with neighbours we have now advised Colac Otway Shire that we will reduce this to an additional 50 seats instead (so, a proposed total of 110 café seats). It is rare that we will ever approach this cap - 110 patrons dining will be an extremely rare occurrence but setting the cap at this level means that the space will feel full as we approach our limits, creating natural regulation of numbers and ensuring compliance. In winter the outside café area is unlikely to be used regularly due to the weather, further reducing the actual number of café patrons.

There was a concern raised that functions may be held on the site. Our proposal does not seek approval for functions such as weddings and the café will be used only for food and drinks service and not for dancing or live music events (other than gentle acoustic and background music).

### Liquor Licence

The service of alcohol will only be with food and in the redline area (the visitor centre and courtyard area). Wildlife Wonders will meet Responsible Service of Alcohol requirements. No takeaway alcohol will be permitted.

### Hours of Operation

Most wildlife species are crepuscular, meaning that they are most active at dawn and dusk. The light at this time is also stunning for photography, and the overall experience of watching the sun rise and set in such a beautiful place is just incredibly special. The opportunity to offer tours at these times is therefore extremely important for Wildlife Wonders.

Following the consultation meeting we have amended our proposal to operate under seasonal hours, Australian Eastern Daylight-Saving Time (AEDT) and Australian Eastern Standard Time (AEST).

The amended hours of operation we are proposing are:

AEDT – 6am to 9pm

AEST – 7am to 9pm

Throughout the year, food service prior to 8am will only be as part of the early morning tour booking package. At 8am the restaurant/café will open to the general public, and the kitchen will close to all patrons at 8pm. All patrons will have departed the site by 9pm.

We are also happy to commit to no deliveries by truck prior to 8am or after 6pm.

### Noise

The proposal is not projected to increase noise beyond the immediate area. The nature of the Wildlife Wonders experience is gentle and respectful, focussed on appreciation of nature. We are amenable to installing additional signage within the site to remind patrons this is a sensitive location and to leave in a quiet manner – we are pleased to discuss this with you.

### Traffic

Wildlife Wonders has been designed to provide safe access and egress from the site. Any driver along the Great Ocean Road, including those visiting Wildlife Wonders or the surrounding area, is expected to comply with traffic regulations.

### Emergency and Bushfire Management

The site has an endorsed Bushfire Management Plan and an Emergency Management Plan. Safety is fundamental to our organisation's culture and, in fact, a significant proportion of the volunteers of the Apollo Bay CFA Fire & Rescue Brigade are CEC and Wildlife Wonders employees.



## Funding and governance

The issues affecting biodiversity in the Otways are significant and cannot be adequately addressed with the level of funding available through traditional channels. This is why Wildlife Wonders was created - to provide financial support for the Conservation Ecology Centre to carry out ecological research and conservation activities across the Otways. 100% of profits from Wildlife Wonders are invested in the Conservation Ecology Centre's work.

Wildlife Wonders is a Certified Social Enterprise, and both Wildlife Wonders and the Conservation Ecology Centre are charities, registered by the Australian Charities and Not-for-profits Commission.

For further details on Wildlife Wonders' social enterprise purpose please see:

[www.wildlifewonders.org.au/our-story/social-enterprise/](http://www.wildlifewonders.org.au/our-story/social-enterprise/)

A proportion of Wildlife Wonders construction costs was contributed by state and federal government through competitive grants programs in order to support the development of a sustainable visitor economy and local jobs. While extremely helpful, government funding represents a small proportion (<25%) of the overall establishment costs. Wildlife Wonders has considerable loans to repay.

## Biodiversity

**Onsite:** Wildlife Wonders has created a safe environment for wildlife to be observed in their natural habitat, and animal welfare and habitat management demonstrate best practice. The site is protected from foxes and cats by a purpose-designed predator-proof fence, and ground-dwelling animals at Wildlife Wonders are all bred in captivity and have come to the site from zoos and wildlife parks. Aerial and arboreal animals come and go from the site as they choose (koalas and possums use interconnecting branches to traverse the fence – these interconnecting branches are strategically located higher than cats will climb).

There were (unfounded) concerns that animals at Wildlife Wonders may be subjected to undue levels of attention. Visitors are only able to explore the site as part of a Walking Tour – accompanied by a conservationist guide. The animals live freely within the 30acre predator proof habitat, never confined to cages. The tour groups stay on the path which means that animals have the choice to be seen by the walking groups or not – it is very different from a traditional wildlife park where the animals are kept in particular areas or cages. Wildlife Wonders is absolutely not a 'petting-zoo'. There is no touching or hand feeding of any animals onsite. The tour path traverses only a small portion of the overall site so animals living at Wildlife Wonders can choose to never see visitors at all. Health and condition are carefully monitored via remote motion sensing infrared cameras across the site – meaning minimal handling or disturbance to animals.

**Offsite:** Wildlife Wonders supports wildlife conservation, habitat restoration and research across the Otways. For an overview of current projects please see: [www.conservationecologycentre.org/discover](http://www.conservationecologycentre.org/discover)

## Impact on local business

Wildlife Wonders collaborates with local businesses including accommodation providers, cafes, restaurants and tour operators to build year-round, low impact, high-yield visitation in the region. By providing a high-quality nature experience we can help slow visitor itineraries. This has positive flow-on effects for a range of other local businesses, as visitors spend another night. We showcase local

produce in the cafe and especially support micro businesses, providing an outlet for local artists and makers via the Wildlife Wonders shop.

We are delighted to discuss any aspects of Wildlife Wonders and CEC governance, structure, purpose, obligations, and projects in further detail. We are also more than happy to welcome you to Wildlife Wonders to see the site and operations first-hand.

There are also a range of ways to get involved in our work – we'd love to speak with you about this if you are interested.

Please feel free to contact us anytime.

Many thanks,

Director  
Wildlife Wonders

Chief Executive & Founder  
Conservation Ecology Centre

Director  
Wildlife Wonders

Chief Operations Officer & Founder  
Conservation Ecology Centre

Date: 20 October 2021

Dear Sir/Madam

Planning Permit Application number: PP218-2016/3

Property Address: 465 & 475 Great Ocean Road, Apollo Bay

Please alter my planning permit application to change the proposal to read as follows:

Amend hours of operation and reduce number of patrons in accordance with the letter dated 27 September 2021.

This request is made under Section 57A of the Planning and Environment Act 1987 (as amended).

Should you require any further information, please contact me via:

27 September 2021

### **RESPONSE TO OBJECTIONS – PP258/2016-3**

continues to act for Wildlife Wonders and responds to objections and matters discussed in the consultation meeting on 15 September 2021.

#### Key Issues

##### *Rural Conservation Zone Objectives*

Wildlife Wonders is located in the Rural Conservation Zone (RCZ) which aims to protect and enhance the natural resources and biodiversity of the area. The objectives of the RCZ also support sustainable use and development of the land which *'takes into account the conservation values and environmental sensitivity of the location'*.

In addition to the objectives of the RCZ, the planning application has considered other policies in the Colac Otway Planning Scheme and the *Planning and Environment Act 1987*. Wildlife Wonders' proposal aims to encourage visitors to extend the length of their visit to the region by offering a unique, nature-based educational experience with food and drink.

##### *Restaurant use*

The amendment does not change the primary use of the land and the proposed restaurant (café) will operate as part of the Interpretative Native Wildlife Park. 'Restaurant' is a land use term defined in the Colac Otway Planning Scheme. The 'restaurant' will operate as a café. A 'café' is not defined in the planning scheme.

The original permit allowed for a café with up to 60 patrons as an ancillary use of the land. Following the community consultation session, Wildlife Wonders has reduced the amendment proposal from an additional 60 restaurant (café) patrons to 50 - a maximum of 110 restaurant (café) patrons.

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There was also concern at the consultation meeting that functions may be held on the site. This application is not seeking approval for functions such as weddings. It is intended that the restaurant (café) operates as a part of Wildlife Wonders, and not a separate business. The restaurant (café) will be only for food and drinks service and not for dancing or live music events (other than acoustic and background music).

The restaurant (café) will be serviced by the existing small, on-site kitchen and, while it offers inside and outside dining, it is expected that occupancy will be predominantly indoors.

#### *Liquor Licence*

The service of alcohol will only be with food and in the redline area. Wildlife Wonders will meet Responsible Service of Alcohol requirements. No takeaway alcohol will be permitted.

#### *Hours of Operation*

Following the consultation meeting it is proposed to operate under seasonal hours, Australian Eastern Daylight-Saving Time (AEDT) and Australian Eastern Standard Time (AEST).

The amended hours of operation are:

**AEDT – 6am to 9pm**

**AEST – 7am to 9pm**

Throughout the year, food service prior to 8am will only be as part of the early morning tour booking package. At 8am the restaurant/café will open to the general public, and the kitchen will close to all patrons at 8pm.

All patrons will have departed the site by 9pm.

#### *Deliveries*

No deliveries by truck will be permitted prior to 8am or after 6pm.

#### *Patron Numbers*

It is proposed to amend the maximum patron numbers from 200 to 190 with the following breakdown:

- 110 restaurant (café) patrons
- 20 patrons/ tour x 3 and 20 patrons waiting for a tour = 80 patrons

#### *Noise*

The proposal is not projected to increase noise beyond the immediate area. We are amenable to installing additional signage within the site to remind patrons this is a sensitive location and to leave in a quiet manner. Any noise will be managed in accordance with the EPA Noise Protocol.

#### *Traffic*

Wildlife Wonders has been designed to provide safe access and egress from the site. Any driver along the Great Ocean Road, including drivers visiting Wildlife Wonders or the surrounding area, is expected to comply with traffic regulations.

-3-

*Emergency and Bushfire Management*

The site has an endorsed Bushfire Management Plan and an Emergency Management Plan.

*Changes to proposed use and development*

There are no changes to the land use proposed. This application only seeks to expand seated dining, extend the hours of operation, increase the maximum patron numbers and allow for the sale of alcohol within the redline area.

*Biodiversity*

Wildlife Wonders has created a safe environment for wildlife to be observed in their natural habitat. As conservation professionals, Wildlife Wonders will continue to ensure that animal welfare and habitat management demonstrate best practice. Qualified staff monitor the health and wellbeing of the animals continuously.

Wildlife Wonders was created to provide financial support for Conservation Ecology Centre, an organisation that carries out ecological research and conservation activities across the Otways. 100% of profits from Wildlife Wonders are invested in the Conservation Ecology Centre. Wildlife Wonders is a Certified Social Enterprise, and both Wildlife Wonders and Conservation Ecology Centre are charities, registered by the Australian Charities and Not-for-profits Commission.

Further points were raised at the consultation meeting which are not relevant to planning considerations, but are addressed below:

*Impact on local businesses*

Wildlife Wonders contributes to a sustainable regional visitor economy by providing a world class, Advanced Ecotourism accredited visitor experience. The organisation collaborates with local businesses including accommodation providers, cafes, restaurants and tour operators to build year-round, high-yield visitation in the region.

*COVID-19*

Wildlife Wonders will operate in accordance with State Government Directions and its COVID Safe Plan.

Thank you for consideration of this response and if you have any further questions please contact

If you have any queries, please contact me on

Yours sincerely

## Item: 10.2

### Council COVID Assistance Package

<b>OFFICER</b>	Errol Lawrence
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	The purpose of this report is to provide Council with the opportunity to determine further COVID assistance to the community and businesses with the distribution of the balance of the COVID Community and Business Support Fund.

## 1. EXECUTIVE SUMMARY

Council has a balance of \$160K left from the COVID Community and Business Support Fund. Councillors have requested they be presented with possible options to use the fund to provide further financial relief to the Colac Otway community and/or businesses.

Along with the balance of the above fund, the State has recently made available the Outdoor Activation Fund, being two allocations of \$150K, enabling Council to access a total of \$300K of which a portion may be used for fee relief.

## 2. RECOMMENDATION

***That Council:***

- 1. Allocates \$28,343 from the COVID Community and Business Support Fund towards lease relief to Council tenants as mandated by the State Government.***
- 2. Allocates \$131,657 from the COVID Community and Business Support Fund towards a rebate on the 2021-2022 Health Registration Fees.***
- 3. Allocates the necessary amount, approximately \$65,000, from the Outdoor Activation Fund to provide the balance of the full rebate on the 2021-2022 Health Registration Fees.***
- 4. Note that approximately \$235,000 funding from the Outdoor Activation Fund remains available to provide alternative support for businesses impacted by COVID-19.***



### 3. KEY INFORMATION

#### Items for consideration in a COVID Relief Package

After giving consideration to possible options that may be considered to provide COVID relief, Council senior management provide the following in priority. This has been determined by considering what would provide the best value to the community/businesses with the least administrative burden on Council.

The State has now also provided extra funding in the form of an Outdoor Activation Fund, being two amounts of \$150K. The intention is to utilise approximately \$65K of this fund to enable 100 percent rebate of the 2021-22 Health Registration Fees

It should be noted that the lease relief has been mandated by the State.

1. Lease relief (State mandated)	\$28,343.00
2. Health Registration Fees – 50% rebate (estimated)	\$195,000.00

Health Registration Fees are considered a good option because they affect a significant number of ratepayers, including those that have paid Street Furniture Permits and may also include some of those paying interest on rates. Also the Health Registration Fees have not been invoiced yet, hence will not require any reversals or credits.

3. Street Furniture Fees	\$48,000.00
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Street Furniture Permits were considered, but because most of them have already been charged and paid, refunds/credits would be required. This would be messy and an administrative burden. This is not considered a good option.

4. Interest on rates (6 month estimated cost)	\$75,000.00
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Interest on rates was not considered a good option compared to the Health Registration Fees or the Street Furniture permits. It would involve more administration and wouldn't necessarily provide the level of benefit where it is really needed compared to the fees relief.

Council officers consider the most viable option is the combination of lease relief and Health Registration Fees, with \$160K allocated from the COVID Community and Business Support Fund and approximately \$65K from the Outdoor Activation Fund.

Of course, there is also the option to do nothing at this stage (with the exception of the lease relief), and for Council to give further consideration to possible support options at a later date.

### 4. COMMUNITY CONSULTATION & ENGAGEMENT

No community consultation is required.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

### Alignment to Council Plan 2021-2025:

#### Theme 1 – Strong and Resilient Economy

1.2 Attract, retain and grow business in our Shire

#### Theme 4 – Strong Leadership and Management

4.1 We commit to a program of best practice and continuous improvement

4.2 We are a financially robust organisation

4.3 We provide exceptional customer service

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Small though it may be, this support provided by Council could certainly provide economic benefit to its recipients.

### LEGAL & RISK

There are no legal and risk considerations.

### FINANCIAL & BUDGETARY

Council has a balance of \$160,000 available for allocation in its COVID Community and Business Support Fund. A further allocation of approximately \$65,000.00 will be made from the State Government Outdoor Activation Fund.

## 7. IMPLEMENTATION STRATEGY

Council officers will implement the appropriate action to accommodate the decision of Council

### COMMUNICATION

Any support provided will be communicated to the recipients.

### TIMELINE

Action to accommodate Council's decision will be taken in a timely manner.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Item: 10.3

## Council Policy Review - 20.1 Environmental Sustainability Policy

<b>OFFICER</b>	Dora Novak
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Environmental- Sustainability - Colac Otway (current) 20210813 [<b>10.3.1</b> - 4 pages]</li> <li>2. Environmental Sustainability Policy - Colac Otway - Reviewed - Final - 20210813(6) [<b>10.3.2</b> - 4 pages]</li> <li>3. Environmental Sustainability Framework - Colac Otway - Final - 2021 [<b>10.3.3</b> - 1 page]</li> </ol>
<b>PURPOSE</b>	To present the reviewed and updated Draft Council Policy 20.1 - Environmental Sustainability and related Environmental Sustainability Framework for Council endorsement and adoption.

### 1. EXECUTIVE SUMMARY

The purpose of the Colac Otway Shire Council Environmental Sustainability Policy is to describe and affirm Council's commitment to environmental sustainability. The policy informs decision-making and the development of all policy, strategy and plans as well as the delivery of Council's services, operations and the actions of contractors, volunteers and staff alike.

The Colac Otway Shire Council Environmental Sustainability Policy was endorsed and adopted by Council in June 2012 and has not been reviewed since.

The review undertaken reformats the original policy document in line with the current approved Council Policy template and more explicitly highlights Council's commitment and actions to combat the impacts of climate change through mitigation and adaptation.

The amended policy was presented to the Audit and Risk Committee on 12 August 2020 where it was generally supported and noted, with no changes requested.

In April 2021 Council was briefed about the reviewed policy. Council requested that the Environmental Sustainability Framework be developed to provide a practical reference framework which provides guidance, approaches and strategic pathways through which Council will implement the reviewed and

updated Colac Otway Shire Environmental Sustainability Policy. This framework has been developed and is attached.

At the Council meeting on 25 August 2021, a resolution was made to place the draft policy on Public Exhibition. Council has engaged in community consultation for a period of 6 weeks and no submissions were received. Council officers recommend that there be no change made to the draft policy and framework and Council endorses and adopts the draft policy and framework.

## 2. RECOMMENDATION

***That Council:***

- 1. Notes that no submissions were received during the consultation period for the Draft Environmental Sustainability Policy and the Environmental Sustainability Framework; and***
- 2. Adopts the Environmental Sustainability Policy and Environmental Sustainability Framework.***

## 3. KEY INFORMATION

The reviewed Colac Otway Shire (COS) Environmental Sustainability Policy represents a high-level commitment to sustainability and refreshes and consolidates our organisational approach. It will establish a common understanding of sustainability within Council and will help us to focus on actions leading to enhanced environmental outcomes. Understanding the issues and using this to inform decision making will assist in achieving a long lasting and integrated approach to improved environmental responsibility. Leadership, innovation and commitment are keys to a sustainable future.

In February 2010, Council adopted the COS Environment Strategy designed to promote sustainability and environmental best practice across all areas of Council's operations, advocacy with regional stakeholders and the boarder community.

One of the targets in the Environment Strategy was to:

*"Develop and implement a Council Environmental Sustainability Policy to direct Council's programs, projects, processes and services by 2012 and undertake audits to ensure compliance."*

The Environmental Sustainability Policy forms a documented organisational commitment to addressing sustainability in all Council operations and services. It is a 'Statement of Intent' that can be used to communicate to staff and the community a commitment to continually improving environmental sustainability over time.

The COS Environmental Sustainability Policy was formally adopted by Council on 27 June 2012 after comprehensive staff consultation and public exhibition of the policy. The policy has not been reviewed since.

The review undertaken reformats the original policy document in line with the current approved Council Policy template and more explicitly highlights Council's commitment and actions to combat the impacts of climate change through mitigation and adaptation.

Attachment 1 is the current Environmental Sustainability Policy and Attachment 2 is the reviewed and revised Policy draft.

The amended Policy was presented to the Audit Committee on 12 August 2020 where it was generally supported and noted with no changes requested. In April 2021 council was briefed about the reviewed policy. Council requested that the Environmental Sustainability Framework be developed to provide a practical reference framework which provides guidance, approaches and strategic pathways through which Council will implement the reviewed and updated Colac Otway Shire Environmental Sustainability Policy. This framework has been developed and is attached (Attachment 3).

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

At the Council meeting on 25 August 2021, a resolution was made to place the draft policy on Public Exhibition.

Council has engaged in community consultation for a period of 6 weeks.

The method of consultation involved making a copy of the draft policy available for download via a dedicated webpage on Council's website. The consultation period and access to the webpage was advertised in the Colac Herald, Apollo Bay News, Birre Mail and on Facebook. Feedback was open to be received via email, mail or phone via the customer assist number, with calls directed to the Environment Co-ordinator.

Council officers recommend that there be no change made to the draft policy and framework and Council endorses and adopts the draft policy and framework.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

### **Alignment to Council Plan 2021-2025:**

#### **Theme 1 – Strong and Resilient Economy**

1.2 Attract, retain and grow business in our Shire

#### **Theme 2 – Valuing the Natural and Built Environment**

2.2 We operate sustainably with a reduced carbon footprint

#### **Theme 4 – Strong Leadership and Management**

4.1 We commit to a program of best practice and continuous improvement

#### **Policies and Strategies**

- Environment Strategy 2010-2018
- Carbon Neutral Target 2020
- Carbon Neutral Roadmap 2013-2020
- Climate Change Adaptation Plan 2017-2027
- COS Procurement Policy 2020
- Resource Recovery and Waste Management Strategy 2021-2030 (DRAFT)

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

There are no environmental concerns related to this Policy and outcomes of the policy will only enhance and improve Council's environmental performance.

### LEGAL & RISK

There are no concerns associated with the proposal in this report. Conversely the adoption and adherence to the Policy will help to minimise risks associated with Council breaching relevant environmental legislation.

### FINANCIAL & BUDGETARY

The majority of the proposed policy principles can be addressed within current funding and resource constraints. The Environmental Sustainability Policy provides a policy basis for seeking extra sustainability related grant funding that would add value to budgeted activities.

## 7. IMPLEMENTATION STRATEGY

The Policy is already in place, so any amendment will be effective immediately upon adoption. When the amended COS Environmental Sustainability Policy is endorsed/adopted by Council, the Policy is to be programmed for review every two years going forward.

### COMMUNICATION

The Colac Otway Shire Environmental Sustainability Policy is to be posted on the Council website.

### TIMELINE

<b>Council Meeting:</b>	25 August 2021, complete
<b>Public Consultation:</b>	27 September- 21 October 2021, complete
<b>Council endorsement and adoption of Policy:</b>	24 November 2021 Council Meeting

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## COUNCIL POLICY

<b>Council Policy Title:</b>	<b>Environmental Sustainability</b>
<b>Council Policy ref. no:</b>	20.1
<b>Responsible Department:</b>	Sustainable Planning and Development
<b>Date of adoption/review:</b>	24 July 2013

### 1. INTRODUCTION

This Council **Sustainability Policy** formally adopts a way of thinking and a process that will help us work towards implementing the Colac Otway Shire Environment Strategy. The Environment Strategy states that Council aims to be a leader and champion of sustainability.

In February 2010, the Council adopted the Environment Strategy designed to promote environmental sustainability and best practice across all areas of Council's operations, advocacy with regional stakeholders and the broader community. An Environmental Action Plan was completed in September 2010 to detail and monitor our progress against targets.

This Policy renews a high-level commitment to environmental sustainability and refreshes and consolidates our corporate approach. It will establish a common understanding of sustainability within Council and will help us to focus on actions leading to enhanced environmental outcomes. Understanding the issues and using this to inform decision making will assist in achieving a long lasting and integrated corporate approach to improved environmental responsibility.

### 2. OBJECTIVES

The objectives of the Environmental Sustainability Policy are:

- To demonstrate Council's commitment to establishing, promoting and maintaining a culture of sustainability and environmental responsibility by councillors and staff;
- To provide clear direction for Council to incorporate environmental sustainability into all elements of its business;
- To support improvement measures and targets identified in Council's Environment Strategy and Environment Action Plan;
- To protect and enhance the natural environment, to conserve natural resources, protect biodiversity, to be waste wise, to reduce our greenhouse footprint, to travel smarter and to conserve our water resources and other natural assets; and
- To raise awareness of environmental sustainability and increase community participation.



### 3. FOCUS AREAS

To enable an effective and realistic response we have identified four target areas to make sustainability easier to promote, interpret and implement. These areas are where we will place our initial focus: Council Managed Land, Planning & Regulations, Physical Works & General Services, Education & Awareness Raising.

Specifically we will look at:

- Resource efficiency, saving energy & water and reducing waste.
- Sustainable land use planning, transport & mobility and other human impacts on the environment.
- Biodiversity conservation, protecting and enhancing biodiversity, natural areas, coasts and waterways.
- Adapting to climate change and becoming a more resilient municipality.
- Environmental/green procurement with waste avoidance and reduction in environmental impacts.

### 4. OUTCOMES

The major outcomes of the Policy are:

- Sustainability embedded in the organisation's work.
- All employees gained clear and shared understanding about what sustainability means and how they can apply it to their daily tasks.
- Management support, cross-program integration, corporate systems and new 'tools' developed to assist staff in their decision making.
- Continuous learning about sustainability and application of the best available sustainable technologies.
- Practical and realistic performance indicators established to measure and report on Council's progress with sustainability and meeting targets set in the Environment Strategy.

### 5. COUNCIL POLICY STATEMENT

The overarching Council Policy statement is:

"Colac Otway Shire Council commits to applying the principles of sustainability to all of our decision-making, our services and activities.

Sustainability principles will influence our decisions to maintain and enhance our quality of life now and in the future. It requires an integrated consideration of economic, environmental and community factors."

## 6. CORPORATE POLICY STATEMENT

The Corporate Policy statement is:

“Colac Otway Shire commits to undertake its business in an environmentally sustainable manner.

Colac Otway Shire Executive Team is committed to working towards environmental sustainability.

Colac Otway Shire commitment to environmental sustainability will be specifically supported in all Council plans, strategies and services.

Colac Otway Shire strives to exceed the requirements of environmental laws and regulations.

Colac Otway Shire will lead by example and become an inspiration to the Colac Otway community and the region.”

## 7. POLICY IMPLEMENTATION

It is ultimately the responsibility of the Chief Executive Officer and the Executive Management Team to develop a culture and values that enhance decision making processes to ensure sustainability is embedded in the work environment.

The Chief Executive Officer, together with the GM Sustainable Planning & Development is responsible for reviewing and updating the policy; Promoting the policy among staff to ensure it is implemented throughout Council; and Ensuring that new staff are informed of the policy during induction.

It is the responsibility of all Councillors, staff, contractors and volunteers to understand the concept and principles of sustainability outlined in this policy and to apply these principles in all planning, decision-making, activities and reporting.

This policy will be incorporated into key decision making processes of Council and the planning and reporting process with Managers, Co-ordinators and Team Leaders being responsible for educating their staff on the policy.

The Sustainability Working Group and Environment Unit is responsible for monitoring, reporting and coordinating implementation of this policy. The Sustainability fund can be used to support this coordination.

Council will develop tools to assist staff, contractors, volunteers and Councillors in their sustainable decision-making and competence in the application of sustainability principles. An ‘Operational Procedures’ document will be developed to provide a transparent and universal approach to implementing the policy and thereby addressing environmental sustainability considerations in all council projects, operations and services.

All Council staff are required to consider environment, economic and social outcomes and impacts in their work. Non-compliance of this policy will affect the quality of life for current and future generations of the Municipality.

## 8. DEFINITIONS

**Biodiversity** The variety of all life forms: the different plants, animals and micro-organisms, the genes they contain and the ecosystems they form It is a concept that emphasises the inter-relatedness of the biological world It is often considered at three levels: genetic diversity, species diversity and ecosystem diversity.

**Community engagement** The involvement of people, businesses and stakeholders in decision making There is a spectrum of ways in which we can involve people - from informing and consulting them, to collaborating and partnering with them.

**Integration** In this context, integration means bringing together multiple, sometimes conflicting, objectives and considerations – as well as time (short and long-term) and space (local, regional, global) It requires an understanding of how different objectives and systems are linked and affect each other.

**Natural resources** All the resources that are produced by the Earth's natural processes including mineral deposits, fossil fuels, soil, air, water, plants and animals and are used by people for agriculture, industry and other purposes.

**Quality of life** The level of enjoyment and fulfilment derived by humans from the life they live within their local economic, cultural, social and environmental conditions.

**Principles** To determine if a decision or action is likely to make a positive contribution to sustainability, we need a basic understanding of the key considerations or criteria of sustainability. They provide a set of core issues for consideration and broad objectives to be pursued as part of our decisions.

### ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
27 June 2012	Adopted by Council
24 July 2013	Review



## Council Policy

### 20.1 ENVIRONMENTAL SUSTAINABILITY POLICY

#### PURPOSE

The purpose of this policy is to describe and confirm Council’s commitment to environmental sustainability.

#### SCOPE

This policy informs Council’s decision-making and the development of all policy, strategy and plans as well as the delivery of services, operations and the actions of contractors, volunteers and staff alike.

#### DEFINITIONS

**Biodiversity** - The variety of all life forms: the different plants, animals and micro-organisms, the genes they contain and the ecosystems they form. It is a concept that emphasises the inter-relatedness of the biological world. It is often considered at three levels: genetic diversity, species diversity and ecosystem diversity.

**Community engagement** - The involvement of people, businesses and stakeholders in decision making. There is a spectrum of ways in which we can involve people - from informing and consulting them, to collaborating and partnering with them.

**Environmental sustainability** - acting in a way that ensures future generations have the natural resources available to live an equal, if not better, way of life as current generations.<sup>1</sup>

**Integration** - In this context, integration means bringing together multiple, sometimes conflicting, objectives and considerations – as well as time (short and long-term) and space (local, regional, global). It requires an understanding of how different objectives and systems are linked and affect each other.

**Natural resources** - All the resources that are produced by the Earth's natural processes including mineral deposits, fossil fuels, soil, air, water, plants and animals and are used by people for agriculture, industry and other purposes.

**Quality of life** - The level of enjoyment and fulfilment derived by humans from the life they live within their local economic, cultural, social and environmental conditions.

**Principles** - To determine if a decision or action is likely to make a positive contribution to sustainability, we need a basic understanding of the key considerations or criteria of environmental sustainability. They provide a set of core issues for consideration and broad objectives to be pursued as part of our decisions.

**Waste management hierarchy** - a hierarchy, which sets out an order of preference for how waste should be managed to help achieve the best possible environmental outcomes. From most preferred to least preferred - AVOID; REDUCE; REUSE; RECYCLE; RECOVER; TREAT; DISPOSE.

#### REFERENCES

- Colac Otway Shire Environment Policy 2010-2018 (currently under review)

<sup>1</sup> United Nations (UN) World Commission on Environment and Development,

**Uncontrolled when printed**

CM reference		Date of adoption	
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- Colac Otway Shire Council Carbon Neutral Roadmap 2013
- Colac Otway Shire Council Climate Adaptation Plan 2017-2027

#### STATEMENT OF POLICY

Council is committed to demonstrating environmental best practice in its operations, fostering environmentally responsible behaviour in its Councillors, staff and contractors and using its experience and influence to promote actions towards sustainability in the wider community.

Colac Otway Shire is well known for its green and blue panoramic vistas that are made up of rich productive rural landscapes, forests, rivers, lakes, oceans, mountains and unique biodiversity. The quality and beauty of our landscapes are fundamental to our community's quality of life, businesses income, the food we eat and recreation we enjoy.

This Council **Environmental Sustainability Policy** formally adopts a way of thinking and a process that will help us work towards implementing the Colac Otway Shire Environment Strategy. The Environment Strategy states that Council aims to be a leader and champion of sustainability.

The Council Policy statement is:

“Colac Otway Shire Council commits to applying the principles of environmental sustainability to all of our decision-making, our services and activities.

Environmental sustainability principles will influence our decisions to maintain and enhance our quality of life now and in the future. It requires an integrated consideration of economic, environmental and community factors.

Colac Otway Shire commitment to environmental sustainability will be specifically supported in all Council plans, strategies and services.

Colac Otway Shire will lead by example and become an inspiration to the Colac Otway community and the region.”

This Policy represents a high-level commitment to environmental sustainability and guides and consolidates our corporate approach. It establishes a common understanding of sustainability within Council and helps us to focus on actions leading to enhanced environmental and sustainability outcomes. Understanding the issues and using this to inform decision making will assist in achieving a long lasting and integrated corporate approach to improved environmental responsibility.

#### PRINCIPLES

The achievement of Council's environmental sustainability objectives requires leadership from Council and collaborative engagement and support from all sectors of the municipality. Council's management, staff and Councillors are committed to:

- Protecting and enhancing the natural environment, taking due care to avoid serious or irreversible environmental harm.
- Integrating the principles of sustainability and sustainable development and climate change resilience into decision making, considering both short-term and long-term perspectives.
- Encouraging sustainable procurement.
- Reducing resource consumption, particularly energy and water.
- Capturing renewable resources to generate energy, such as solar, wind and water.
- Considering the waste management hierarchy when procuring, using and disposing of resources and materials.
- Operating in a sustainable manner and reporting its sustainability performance transparently.

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CM reference		Date of adoption	
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- Encouraging and inspiring the community to live sustainable lifestyles and build their resilience to future climate change.

**OBJECTIVES**

The objectives of the Environmental Sustainability Policy are:

- To demonstrate Council’s commitment to establishing, promoting and maintaining a culture of sustainability and environmental responsibility by councillors and staff;
- To provide clear direction for Council to incorporate environmental sustainability into all elements of its business;
- To support improvement measures and targets identified in Council’s Environment Strategy and Environment Action Plan;
- To protect and enhance the natural environment, to conserve natural resources, protect biodiversity, to be waste wise, to reduce our greenhouse footprint, to travel smarter and to conserve our water resources and other natural assets; and
- To raise awareness of environmental sustainability and increase community participation.

**FOCUS AREAS**

To enable an effective and realistic response we have identified focus areas to make sustainability easier to promote, interpret and implement. These areas are where we will place our focus:

- **Natural Environment** - A healthy and connected natural environment where indigenous landscapes are protected, valued and accessible. A healthy environment that enhances natural ecosystems, public health and livability.
- **Built Environment** - Sustainable, resilient, and accessible facilities, towns and settlements.
- **Greenhouse Gas Reduction** – Council and its community is energy efficient and rapidly moving towards a zero carbon future for a safe climate.
- **Climate Change Adaptation** - Council and its community is adaptive and resilient to changes in short and long-term climatic conditions
- **Water** - A water sensitive shire with healthy waterways with focus on integrated water management, water sensitive urban design, reduced reliance on potable water and minimum urban impacts to waterways.
- **Waste** - A clean and safe Council and shire that minimises waste generation and maximises reuse and recycling.

**OUTCOMES**

The expected outcomes of the Policy are:

- Intergenerational decision-making.
- Sustainability embedded in all facets of the organisation’s work.
- All employees gained clear and shared understanding about what sustainability means and how they can apply it to their daily tasks.
- Management support, cross-program integration, corporate systems and new ‘tools’ developed to assist staff in their decision making.
- Continuous learning about sustainability and application of the best available sustainable technologies.

**ROLES AND RESPONSIBILITIES**

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

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Party / Parties	Roles and Responsibilities
Chief Executive	Ensure overall corporate compliance with the policy.
Environment & Infrastructure General Manager	Overall responsibility for the policy implementation.
General Managers	Ensure compliance with the policy by all Council Officers under their supervision.
Managers	Ensure compliance with the policy by all Council Officers under their supervision.
Coordinator Environment	Responsible for reviewing, updating and implementing policy. Together with the Environment Unit, primary source for environmental sustainability advice, training and guidance.

### POLICY IMPLEMENTATION

All Council staff are required to consider environment, economic and social outcomes and impacts in their work. Non-compliance of this policy will affect the quality of life for current and future generations of the Municipality. It is the responsibility of all Councillors, staff, contractors and volunteers to understand the concept and principles of sustainability outlined in this policy and to apply these principles in all planning, decision-making, activities and reporting.

Council will develop tools to assist staff, contractors, volunteers and Councillors in their sustainable decision-making and competence in the application of sustainability principles. Environmental Sustainability Framework document will be developed to provide a transparent and universal approach to implementing the policy and thereby addressing environmental sustainability considerations in all council projects, operations and services.

### RELATED DOCUMENTS

Colac Otway Shire Environment Strategy 2010-2018 (currently under review)

Colac Otway Shire Council Carbon Neutral Roadmap 2013

Colac Otway Shire Council Climate Adaptation Plan 2017-2027

Colac Otway Shire Council Procurement Policy 2019

Colac Otway Shire Council Waste Management Strategy 2021

### DOCUMENT CONTROL

Policy owner	Manager, Environment & Community Safety	Division	Environment & Infrastructure
Adopted by council	27 June 2012	Policy Number	20.1
File Number		Review date	

### Uncontrolled when printed

CM reference		Date of adoption	
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# Environmental Sustainability Framework

*The Environmental Sustainability Framework is the practical reference framework through which Council implements the Colac Otway Shire Environmental Sustainability Policy.*

## Sustainability Principles

- **Protecting and enhancing the natural environment**, taking due care to avoid serious or irreversible environmental harm.
- **Integrating the principles of sustainability and sustainable development and climate change resilience into decision making.**
- Encouraging **sustainable procurement.**
- **Reducing resource consumption**, particularly energy and water.
- Capturing **renewable resources to generate energy**, such as solar.
- **Considering the waste hierarchy** when procuring, using and disposing of resources and materials.
- Operating in a sustainable manner and **reporting sustainability performance transparently.**
- **Encouraging and inspiring the community to live sustainable lifestyles** and build their resilience to future climate change.

## Focus Areas

- **Natural Environment**
- **Built Environment**
- **Greenhouse Gas Reduction**
- **Climate Change Adaptation**
- **Water**
- **Waste & Pollution**

## Sustainability Priorities

	Natural Environment	Built Environment	Greenhouse Gas Reduction	Climate Change Adaptation	Water	Waste & Pollution
Vision	A healthy and connected natural environment where indigenous landscapes are protected, valued and accessible.	Sustainable, resilient, and accessible towns and communities	A municipality that is energy efficient and rapidly moving towards a zero carbon future for a safe climate	A municipality that is adaptive and resilient to changes in short and long-term climatic conditions	A water sensitive municipality with healthy waterways	A healthy, clean and safe municipality that that enhances natural ecosystems, public health and livability & minimises waste generation and maximises reuse and recycling
Approaches & Outcomes	<ul style="list-style-type: none"> <li>• Biodiversity protection and conservation</li> <li>• Adaptive environmental management</li> <li>• Connected natural systems</li> <li>• Engage and educate the community</li> <li>• Promote sustainable eco-tourism</li> </ul>	<ul style="list-style-type: none"> <li>• Urban Greening</li> <li>• Environmentally Sustainable Design</li> <li>• Building resilience and livability</li> <li>• Urban connectivity and active transport</li> <li>• Sustainable land use planning</li> </ul>	<ul style="list-style-type: none"> <li>• Improve and embed energy efficiency</li> <li>• Promote and utilise renewable energy</li> <li>• Environmentally Sustainable Design</li> <li>• Electrification of council fleet</li> </ul>	<ul style="list-style-type: none"> <li>• Climate risk management</li> <li>• Enhanced Emergency Management</li> <li>• Asset resilience and livability</li> </ul>	<ul style="list-style-type: none"> <li>• Integrated water management</li> <li>• Water sensitive urban design</li> <li>• Reduce reliance on potable water</li> <li>• Minimise urban impacts to waterways</li> </ul>	<ul style="list-style-type: none"> <li>• Resource Efficiency</li> <li>• Reduce, reuse and recycle</li> <li>• Litter management</li> <li>• Environmental risk management</li> </ul>
Strategic Path	<ul style="list-style-type: none"> <li>• Colac Otway Environment Strategy</li> <li>• Colac Otway Planning Scheme</li> <li>• Regulatory compliance</li> </ul>	<ul style="list-style-type: none"> <li>• Colac Otway Environment Strategy</li> <li>• Colac Otway Planning Scheme</li> <li>• Active Transport Strategy</li> <li>• Colac 2050 Growth Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Colac Otway Environment Strategy</li> <li>• Colac Otway Carbon</li> <li>• Neutral Roadmap</li> </ul>	<ul style="list-style-type: none"> <li>• Colac Otway Environment Strategy</li> <li>• Colac Otway Climate Change Adaptation Plan</li> <li>• Health and Well Being Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Colac Otway Environment Strategy</li> <li>• Colac Stormwater Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Colac Otway Waste Management Strategy</li> <li>• Regulatory compliance</li> </ul>

## Item: 10.4

### Quarterly Performance Report - July - September 2021

<b>OFFICER</b>	Melanie Duve
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Quarterly Performance Report - July to September 2021 [10.4.1 - 29 pages]
<b>PURPOSE</b>	To provide Council with the Quarterly Performance Report July – September 2021.

## 1. EXECUTIVE SUMMARY

This report provides information to Council and the community on the key activities and the status of Council's finances for the first quarter of the financial year (July to September 2021).

## 2. RECOMMENDATION

*That Council notes the Quarterly Performance Report 2021-22 for the period of 1 July to 30 September 2021.*

## 3. KEY INFORMATION

This Quarterly Performance Report 2021-22 provides Council with a progress report as at 30 September 2021.

The first quarterly performance report for 2021-22 does not include progress against Council Plan priorities, as the Council Plan was still in development at the time of reporting the first quarter.

Attached to this report is the Planning and Building Performance Report, and Finance Performance report.

As final reviews are completed some information is subject to change, final document presented at November Council meeting.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Comprehensive community consultation and engagement was undertaken during the development of the 2021-22 Budget.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 4 – Strong Leadership and Management**

- 4.1 We commit to a program of best practice and continuous improvement
- 4.2 We are a financially robust organisation

## 6. CONSIDERATIONS

### **ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC**

Not applicable

### **LEGAL & RISK**

Section 138 of the *Local Government Act 2020* requires financial reporting to be provided to Council on a quarterly basis.

### **FINANCIAL & BUDGETARY**

Financial and budgetary considerations are address in the body of the report.

## 7. IMPLEMENTATION STRATEGY

### **COMMUNICATION**

Not applicable

### **TIMELINE**

Not applicable

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



# Quarterly Performance Report 2021-22

**First Quarter**

**1 July - 30 September 2021**



**Colac Otway**  
SHIRE

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### **Acknowledgement**

The Colac Otway Shire Council respectfully acknowledge the Gulidjan and Gadubanud peoples of the Maar Nation as the traditional owners of the Colac Otway region, the land upon which the activities of the Colac Otway Shire Council is conducted on.

We pay our respects to their ancestors and elders, past, present and emerging. We recognise and respect their unique cultural heritage, beliefs and uphold their continuing relationship to this land.



## Council Plan 2021-2025

Council formally adopted the Council Plan 2021-2025 on 27 October 2021 at its Council Meeting. The Council Plan is a document that is developed in partnership with the community to guide Council's strategic direction over the next four years.

The key issues faced by our community, identified through the development of the Community Vision 2050, informs the choice of major projects and activities that Council identifies as its highest priorities.

### Community Engagement

Development of the Council Plan 2021-2025 included a comprehensive community engagement process, which conducted alongside development of the Community Vision 2050. The engagement process included:

- Regional roadshows at 12 community locations
- Online community sessions
- Community survey
- Stakeholder interviews
- Youth summit
- Community panel sessions
- Councillor workshops
- Exhibition of draft Community Vision 2050 and Council Plan 2021-2025

The Community Vision 2050 and Council Plan 2021-2025 is available for download from Council's website, or hard copies are available for viewing at Council offices in Colac and Apollo Bay.

### Council Plan 2021-2025 Strategic Themes

There are four themes in the Council Plan:

#### Theme One - Strong and Resilient Economy

We are committed to expanding our diverse industries, vibrant arts community, world-renowned tourism, and professional health services. A healthy, growing economy will provide sustainable industries and jobs, and opportunities for all ages.

#### Theme Two – Valuing the Natural and Built Environment

We will protect our natural environment and communities, by maintain and providing resilient infrastructure, and being leaders in sustainable living, modelling innovation and best practice.

#### Theme Three – Healthy and Inclusive Community

We will continue to be a great place to live. We embrace our diverse community, take care of our older community and prepare our children for success. We care for each other, are friendly and welcoming, and enjoy a vibrant and active lifestyle. We are a small population with big hearts.

#### Theme Four – Strong Leadership and Management

We will be leaders in good governance, transparency and strive for ongoing improvement.

## Chief Executive Report

The first quarter of the 2020-21 financial year for Colac Otway Shire Council was also the last for Peter Brown, my predecessor, and I acknowledge his contribution to the start of the financial year.

Shortly after my commencement as Chief Executive Officer, we found ourselves in a familiar landscape that was once again dominated by the management of COVID-19 restrictions, outbreaks and changes.

Council's COVID-19 response was centred on providing support to those in our community who were without their own support networks. Council support included the provision of food and other essential items, as well as increased communications to include our CALD communities. This also saw a coming-together of local major businesses, Council, media and health professionals to enable our communications to reach further.

In the north, we provided ongoing support for Colac Area Health with testing and vaccination sites, while in the south Great Ocean Road Health continued to deliver testing and vaccination services in the face of intermittent 'spikes' in wastewater testing. Council supported people in the community to stay at home when needed through coordination and supply of food and household supplies and the local, coordinated and targeted response by everyone was successful in containing the cases and avoiding a major outbreak.

Within our own organisation, Council has reinforced the 'work from home' orders and had to navigate double vaccination mandates. Our people are incredibly committed to delivering important services for our communities, but like the general community, our workforce has differing vaccination status and we are supporting people through the vaccination processes. While we continue to be flexible in our approach to ever-changing restrictions and support our staff as best we can during uncertain times, our core services continued.

We're now planning for the upcoming fire danger period, as well as the possibility of large COVID-19 outbreaks in the community and how to be prepared both as a workplace and as a region as borders open up and more visitors flock to the shire over summer.

Despite COVID-19 pulling us in different directions, we were able to hone our vision towards the 2021-2025 Council Plan, setting the strategic direction and priorities for the next four years, as well as reflecting on the past in the Annual Report for 2020-2021.

The Council Plan works to achieve the new 2050 Community Vision and this quarter saw a comprehensive engagement process come to a close, which included 24 community members who participated in a deliberative panel over three days and three evening sessions online.

For the first time, the Council Plan has been combined with the Municipal Health and Wellbeing Plan and incorporates the key themes of Strong and Resilient Economy; Valuing the Natural and Built Environment; Healthy and Inclusive Community; and Strong Leadership and Management. The Community Vision is designed to incorporate these themes.

In this quarter, we also prepared Council's Financial Plan, with a 10-year forecast period, prepared in accordance with the *Local Government Act 2020*. It's informed by a review of current services and incorporates some key financial targets that aim to address financial challenges in the years ahead.

While it was a challenging time for our organisation and community, there's a feeling of better times to come now that vaccination rates have reached peaks and I'm very much looking forward to seeing the vision of the Council Plan come to fruition, while meeting the financial challenges ahead.

### Anne Howard

Chief Executive  
Colac Otway Shire Council





# Planning & Building Performance Report

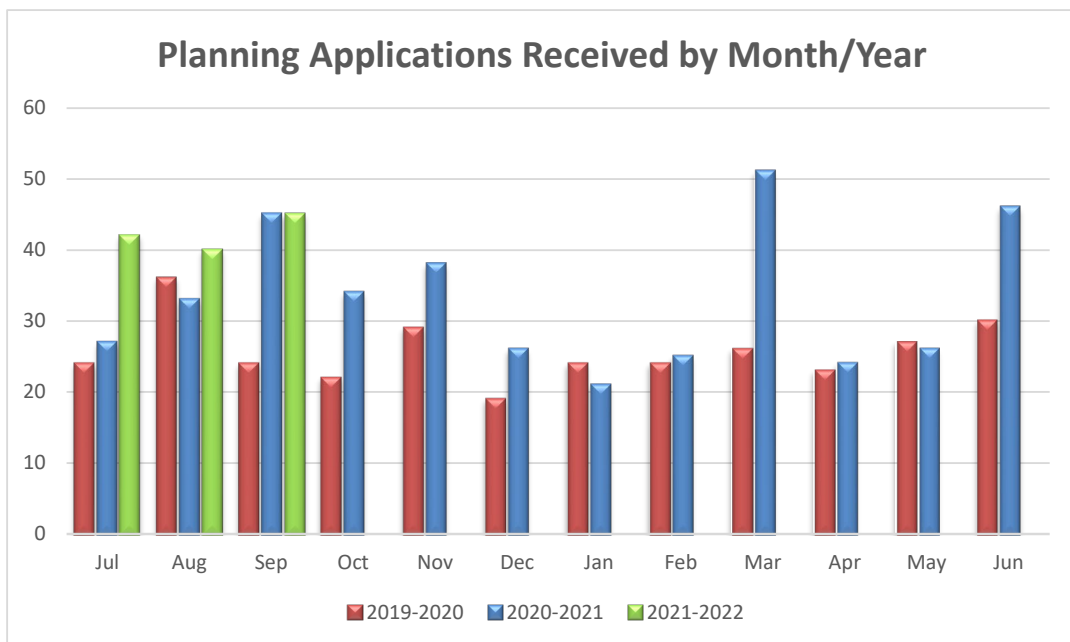
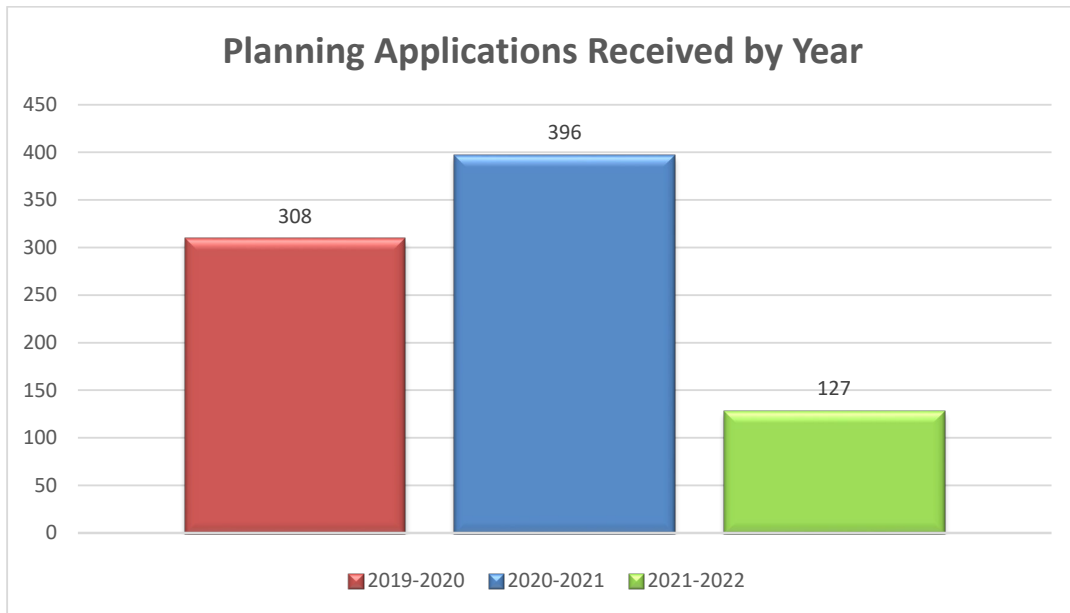
# Planning Performance Report | July - September 2021

The following is a brief summary of the performance and level of activity in Planning:

- The number of applications received in the 1<sup>st</sup> quarter of 2021/22 (127) is substantially higher than the 104 received for the same period in 2020 – an increase of 22%. The number of applications exceeded 40 each month for July, August and September, with July and August being higher than previous years.
- This follows a 28% increase in planning applications received in 2020/21 compared to the 2019/20 financial year, and reflects a continued upward trend in development activity.
- The higher level of planning permit activity, including associated work on amendments, extensions of time, Section 173 agreements, subdivisions and customer enquiries, is beginning to impact on the performance in processing times. Whilst the team determined a high number of applications each month compared to past years, this has not matched the number of incoming new applications, and workloads within the team are high. Staff are working longer hours whilst in the remote working environment which we are attempting to manage, and we have two part time contract planners assisting us (relatively consistently since November 2020).
- There has been an impact on processing times, with 64% of applications being determined in the statutory 60 days, down from 72% and 76% in August and July respectively, although 90% of VicSmart applications were determined in the 10 business days.
- The median number of days for a decision has risen sharply from 29.5 in August to 53.5 (well above the aspirational target of 40 days), although still well below the rural and per-urban averages.

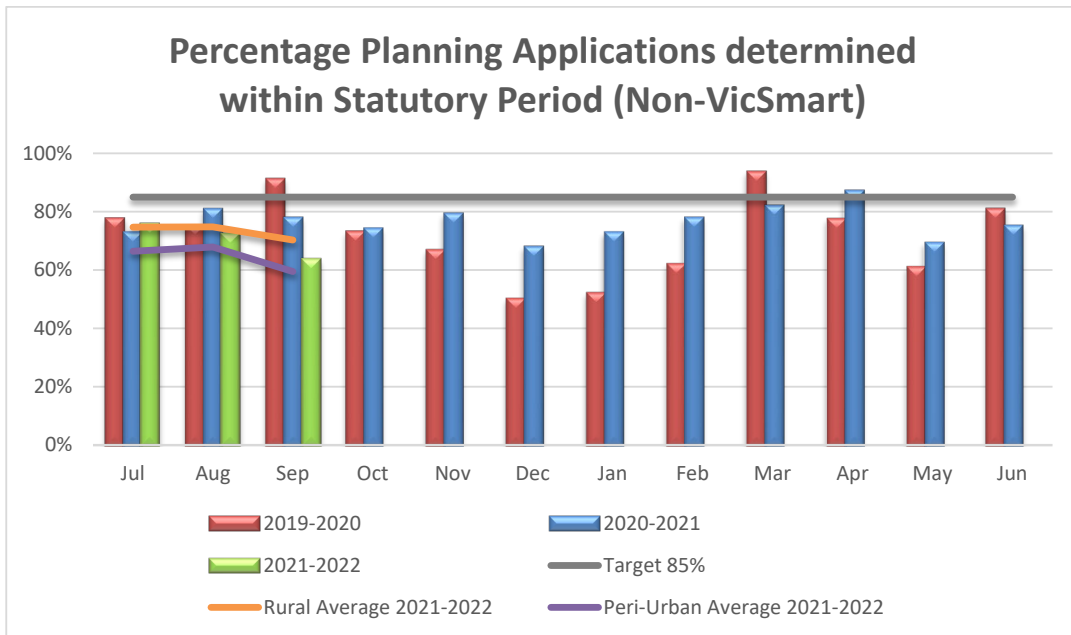
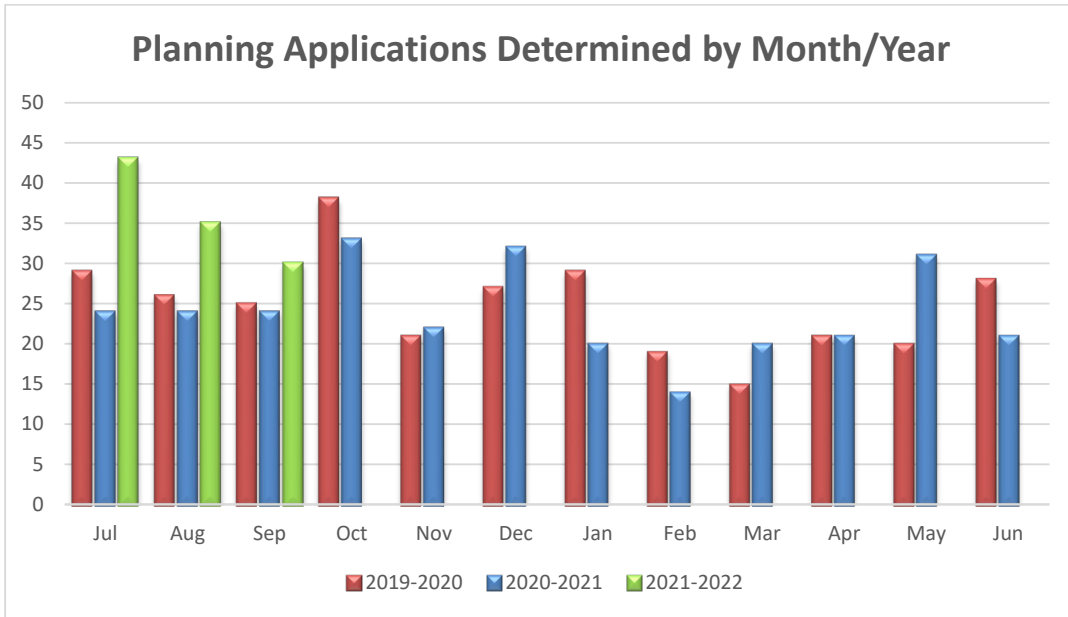


# Planning Performance Report | July - September 2021

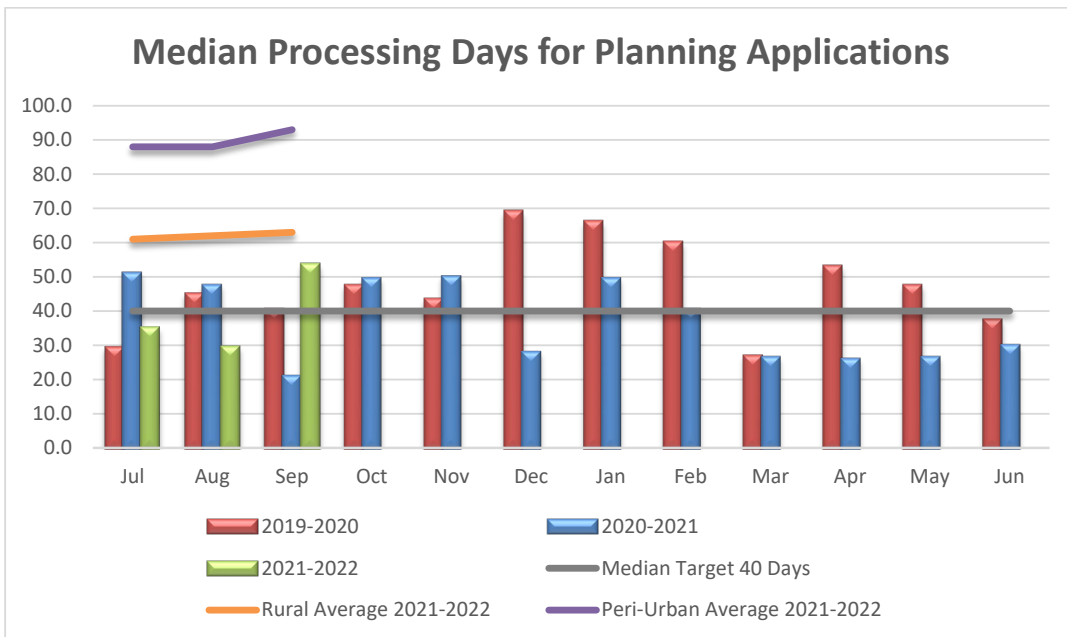
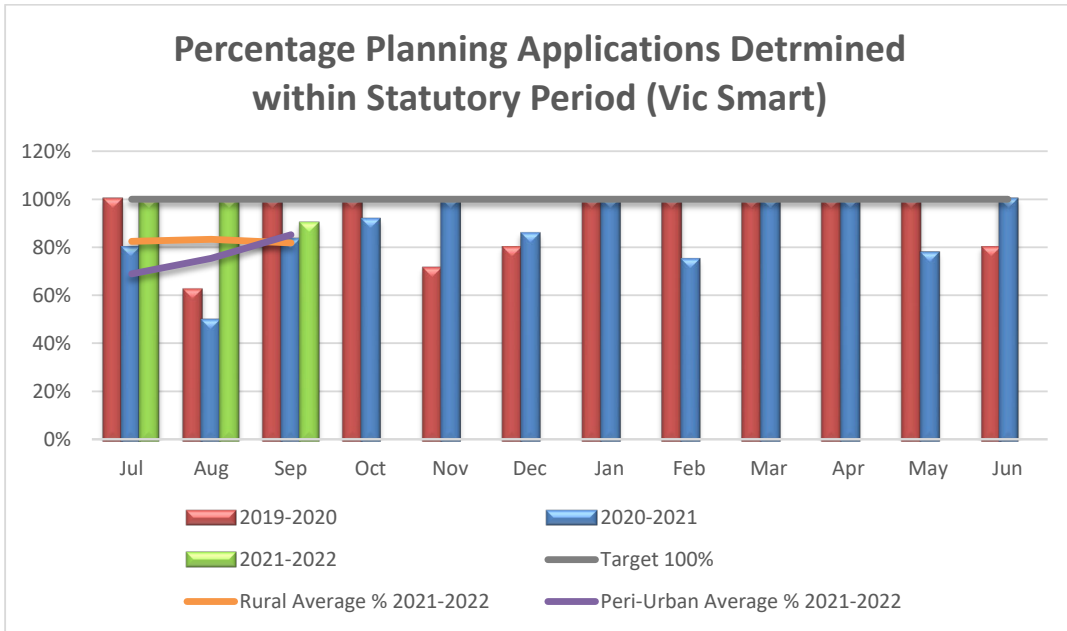




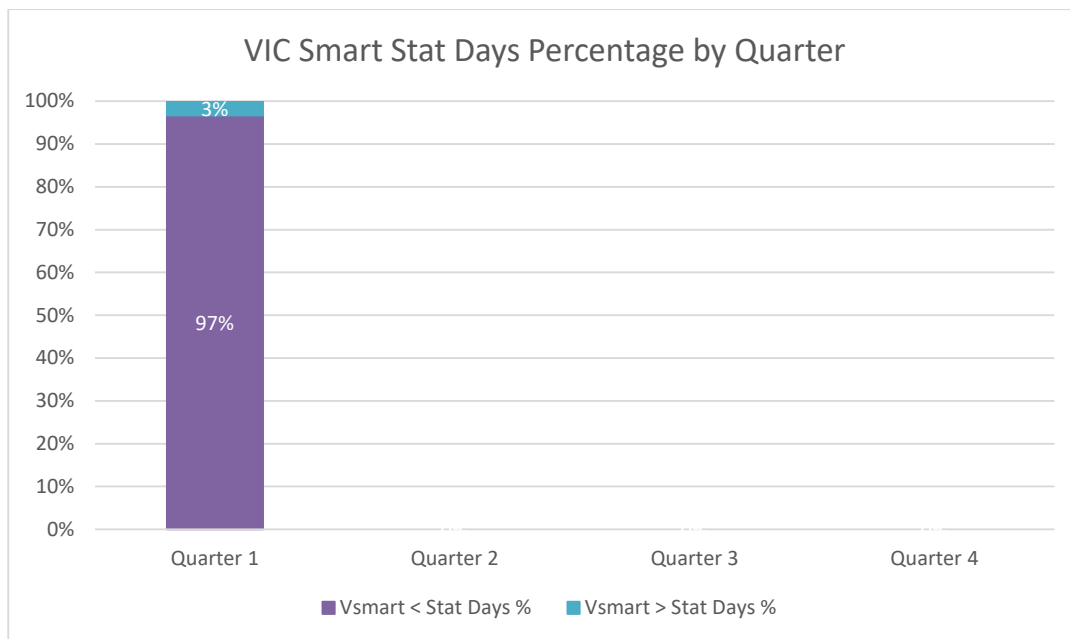
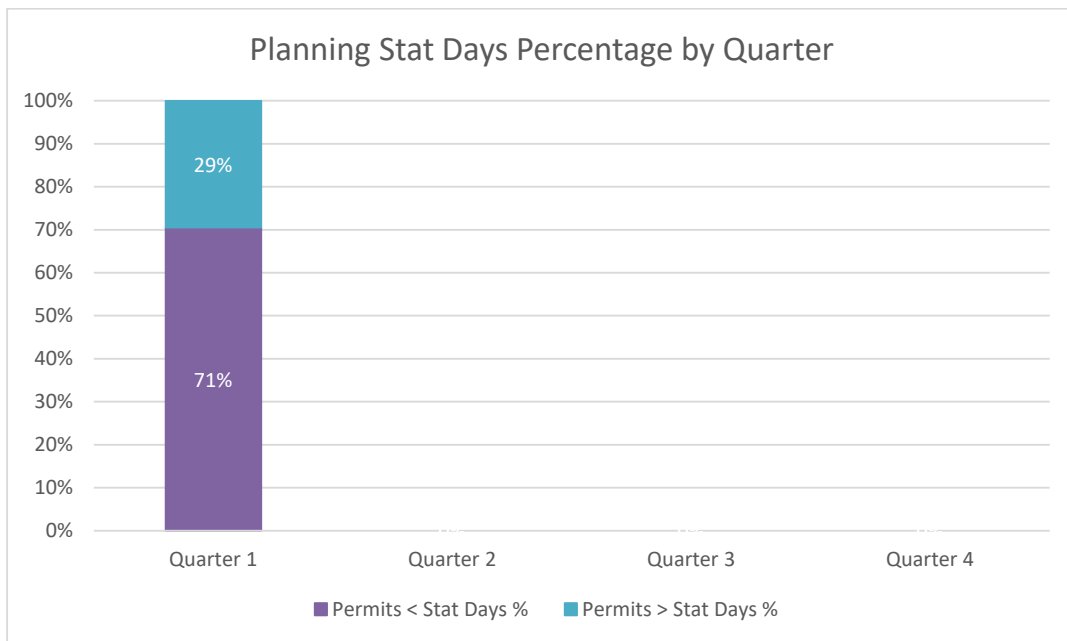
# Planning Performance Report | July - September 2021



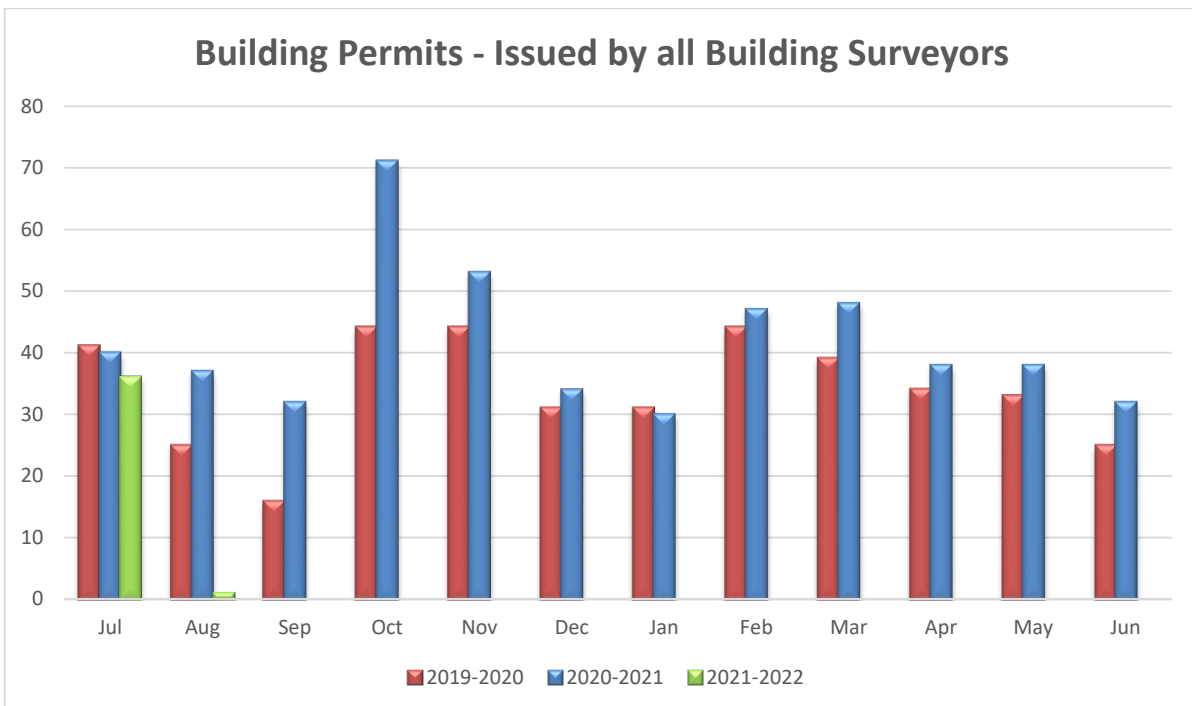
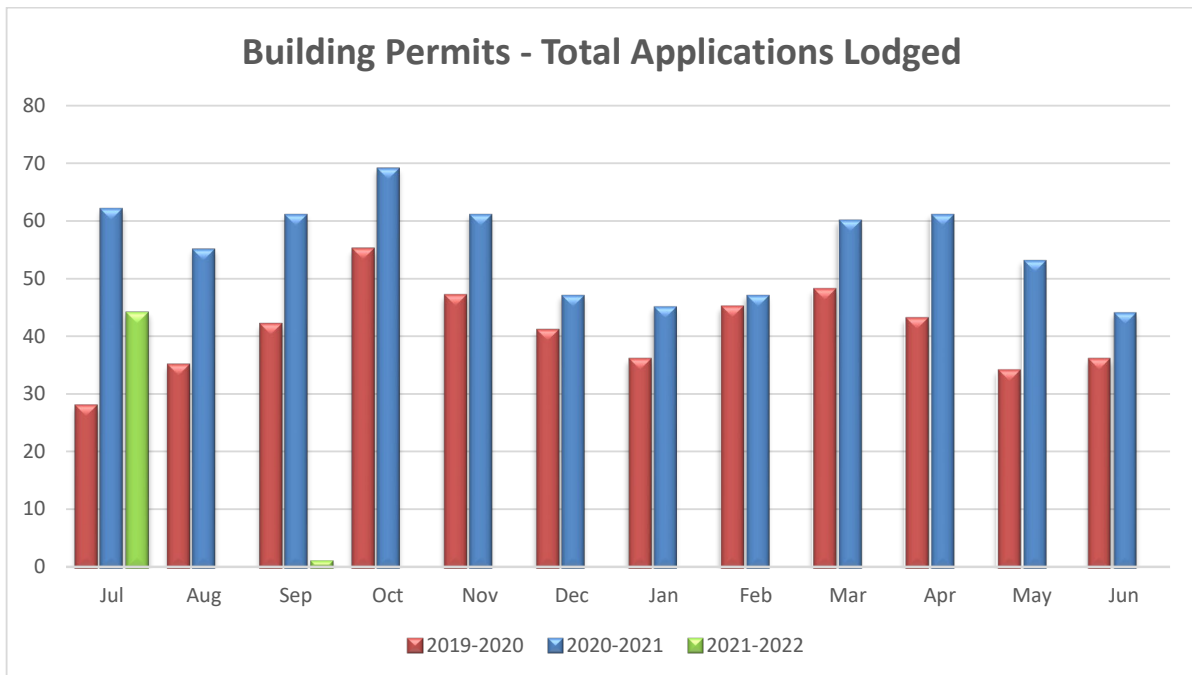
# Planning Performance Report | July - September 2021



# Planning Performance Report | July - September 2021

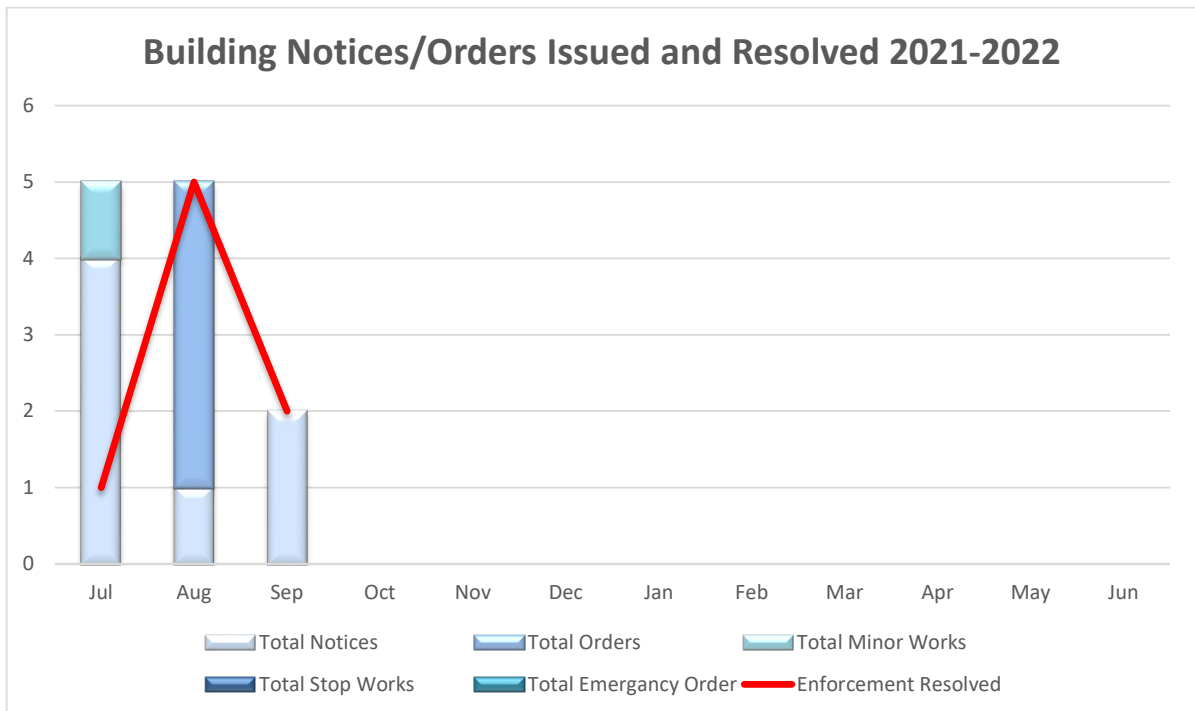
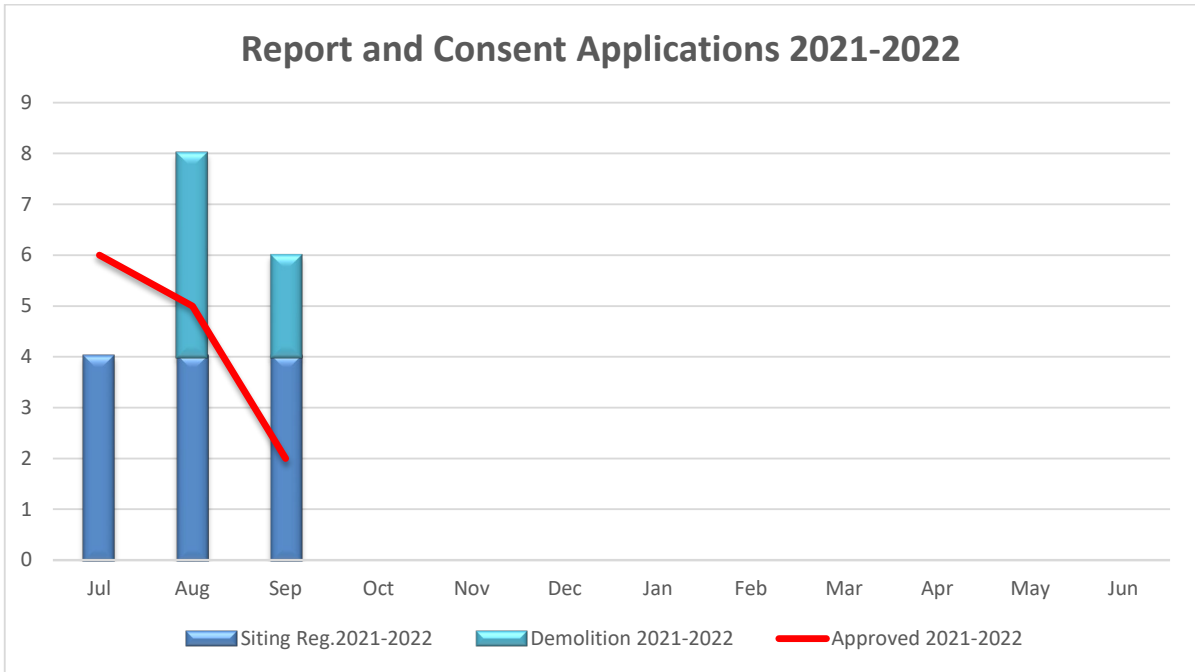


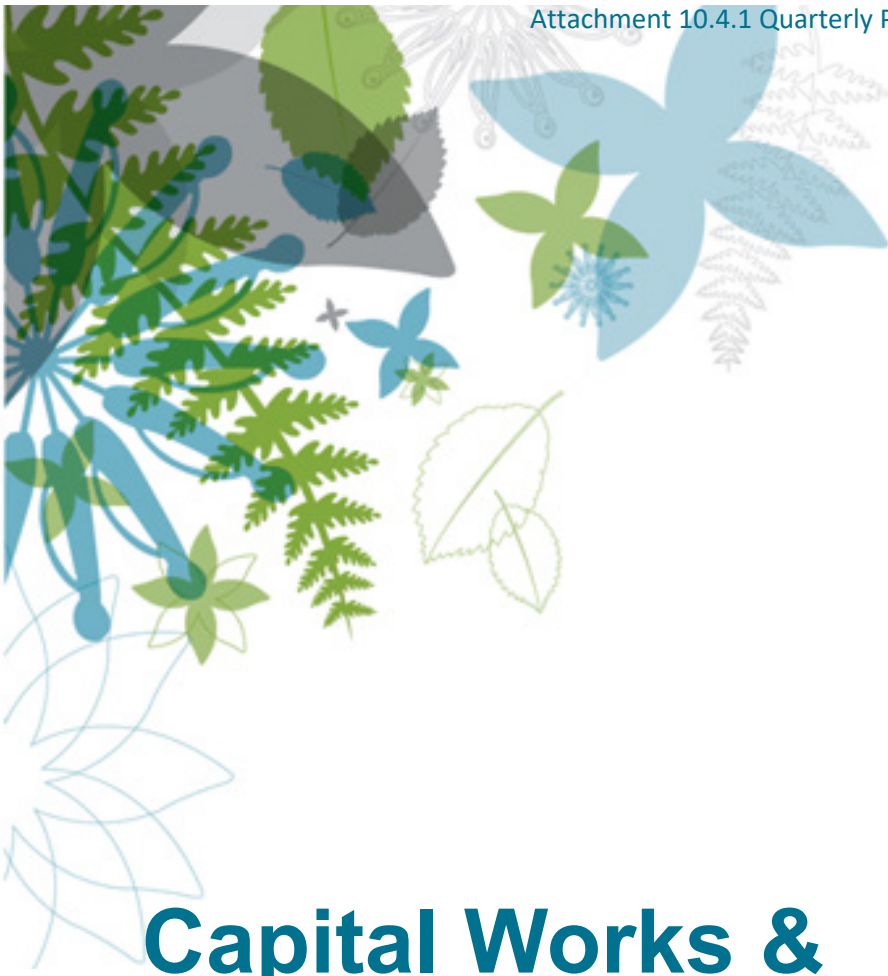
## Building Performance Report | July - September 2021



**Note:** The data for July - Sep in building permit activity is inaccurate as it does not contain all data of private building permits received/issued in those months.

## Building Performance Report | July - September 2021

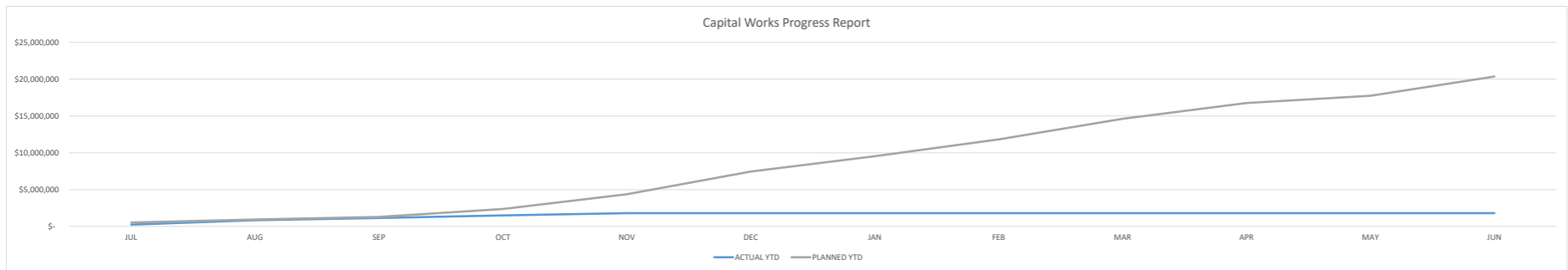




# **Capital Works & Major Initiatives Performance Report**



	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
ACTUAL YTD	\$	242,764	\$ 841,794	\$ 1,153,001	\$ 1,499,839	\$ 1,804,436	\$ 1,804,436	\$ 1,804,436	\$ 1,804,436	\$ 1,804,436	\$ 1,804,436	\$ 1,804,436	\$ 1,804,436
ACTUAL BY MONTH	\$	242,764	\$ 599,030	\$ 311,208	\$ 346,837	\$ 304,597	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PLANNED YTD	\$	531,059	\$ 949,144	\$ 1,295,178	\$ 2,376,055	\$ 4,372,786	\$ 7,448,107	\$ 9,530,384	\$ 11,829,389	\$ 14,623,140	\$ 16,771,786	\$ 17,754,937	\$ 20,365,545
PLANNED BY MONTH	\$	531,059	\$ 418,085	\$ 346,034	\$ 1,080,877	\$ 1,996,731	\$ 3,075,321	\$ 2,082,277	\$ 2,299,005	\$ 2,793,751	\$ 2,148,646	\$ 983,151	\$ 2,610,608



Program Status as at 30 September 2021

Programme	BUDGET		PROGRESS		RISKS						
	ANNUAL CURRENT BUDGET (\$)	FORECAST PROJECT COST (\$)	(UNDER)/ OVER BUDGET (\$)	SPENT TO DATE (\$)	(%) spent to date	OVERALL CURRENT programme risk rating	TIME	BUDGET	QUALITY	CM	STAKEHOLDER
<b>Totals</b>	<b>20,365,545</b>	<b>20,365,545</b>	<b>-</b>	<b>1,153,001</b>	<b>6%</b>						
Active Reserves	-	-	-	1,426	0%	COMPLETED	COMPLETED	EMERGING RISK	EMERGING RISK	COMPLETED	EMERGING RISK
Bridges Programme*	1,890,000	1,890,000	-	39,731	2%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Building Programme	1,509,547	1,509,547	-	20,118	1%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Footpath Programme*	284,000	284,000	-	14,813	5%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Furniture Programme	7,500	7,500	-	409	5%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
IT Projects	103,340	103,340	-	-	0%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Kerb and Channel Programme	80,000	80,000	-	6,222	8%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Land	-	-	-	22,004	0%	AT RISK	AT RISK	AT RISK	ON TRACK	ON TRACK	ON TRACK
Light Fleet Programme	760,000	760,000	-	117,501	15%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
LRCI	2,339,872	2,339,872	-	263,809	11%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Major Plant Programme	1,445,000	1,445,000	-	90,657	6%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Open Space Assets	136,000	136,000	-	50,304	37%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Open Space Programme	2,827,702	2,827,702	-	38,635	1%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Playground Programme *	679,230	679,230	-	58,694	9%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Reseal Programme	1,200,000	1,200,000	-	5,088	0%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Resheet Programme	1,276,747	1,276,747	-	287,713	23%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Road Safety Programme	210,000	210,000	-	6,777	3%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Road Improvement	784,979	784,979	-	15,017	2%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Road Stabilisation Programme	-	-	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Road Reconstruction	3,610,628	3,610,628	-	23,716	1%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Crack Seal Programme	108,000	108,000	-	3,501	3%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Roadslip Programme	631,000	631,000	-	6,463	1%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
Stormwater Programme	482,000	482,000	-	80,404	17%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK

Major Operational Projects (generally over \$50k and/ or risk and complexity rating of high)

PROGRAMME	ROLES				BUDGET			PROGRESS		RISKS							
	REPORTING MANAGER	OWNER	SPONSOR/S	PM	ANNUAL CURRENT BUDGET (\$)	FORECAST PROJECT COST (\$)	FORECAST (UNDER)/ OVER BUDGET (\$)	SPENT TO DATE (\$)	(% spent to date)	OVERALL CURRENT project risk rating	Specific risks						
											TIME	BUDGET	QUALITY	CONTRACT M'MENT	STAKEHOLDER		
					Totals	10,556,905	10,481,042	-	75,863	1,313,284	13%						
00035102 - 2018-19 Operating Projects - Memorial Square Toilet Design (Masterplan Implementation)	Maddy Bisits	Tony McGann	Nicole and James	Jagdish Kancharla	-	15,000	15,000	6,516	43%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036507 - 2019-20 Operating Project - City Deal Project - Great Ocean Walk Stage 1 Wild Dog to Skenes Creek	Frank Castles	Tony McGann	Nicole Frampton, James Myatt	Chris Baker	644,326	644,326	-	113,528	18%	AT RISK	ON TRACK	AT RISK	ON TRACK	AT RISK	ON TRACK	ON TRACK	ON TRACK
00036508 - 2019-20 Operating Project - City Deal Project - Infrastructure Improvements Kennett River	Frank Castles	Tony McGann	Tim Brain, James Myatt, Maddy Bisits, Nicole Frampton	Chris Baker	516,527	516,527	-	112,561	22%	EMERGING RISK	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	EMERGING RISK
00035905 - 18-19 Mid Year - Opreating Projects - Former Colac High School Site Master Plan	Doug McNeill	Ian Seuren	Simon Clarke	Simon Clarke	15,457	15,457	-	-	0%	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	EMERGING RISK
00035908 - 18-19 Mid Year - Operating Projects - Colac Civic Precinct Plan	Doug McNeill	Ian Seuren	Doug McNeill	Erin Sonogo	125,863	150,000	24,137	195	0%	EMERGING RISK	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035911 - 18-19 Mid Year - Opreating Projects - Development of Public Toilet Strategy	Maddy Bisits	Tony McGann	Nicole and James	Sally Conway	-	20,000	20,000	14,245	71%	EMERGING RISK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	EMERGING RISK
00035954 - 2019-20 Operating Project - City Deal Project - Apollo Bay Harbour Redevelopment	Frank Castles	Tony McGann	Doug McNeill, Maddy Bisits, Tim Brain, Nicole Frampton, James Myatt	TBC	3,753,327	3,753,327	-	517,685	14%	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK
00035974 - 2018-19 Major Project - Colac West Development Plan	Doug McNeill	Doug McNeill	Simon Clarke	Simon Clarke	-	25,000	25,000	7,506	30%	EMERGING RISK	EMERGING RISK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036241 - 2018-19 Operating Project - Apollo Bay Community Infrastructure Plan	Doug McNeill	Ian Seuren	Maddie Bisits	Sally Conway	36,933	36,933	-	10,335	28%	AT RISK	AT RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	AT RISK
00036356 - 2019-20 Major Project - J Barrys Road Industry Development Plan	Doug McNeill	Doug McNeill	Simon Clarke	Sean O'Keefe	41,312	41,312	-	9,210	22%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036430 - 2020-21 Operating Project - Forrest MTB Revitalisation RDV/Council	James Myatt	Ian Seuren	Nicole Frampton	Adrian Healy	750,000	750,000	-	-	0%	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
00036434 - 2020-21 Operating Project - Preparation Municipal Public Health & Wellbeing Plan	Tamzin McLennan	Ian Seuren	Tamzin McLennan	Peter Macdonald	27,926	27,926	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036436 - 2020-21 Operating Project - Colac City Reserves Master Plans (Western Reserve, Eastern Reserve, Lake Oval, Central Reserve)	Tamzin McLennan	Ian Seuren	Nicole Frampton	Nicole Frampton	80,000	80,000	-	19,500	24%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036439 - 2020-21 Operating Project - Apollo Bay Early Years Hub - Council Contribution	Maddy Bisits	Ian Seuren	Tamzin McLennan	Mark McLennan	500,000	500,000	-	-	0%	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	EMERGING RISK
00036442 - 2020-21 Operating Project - Development of the Council Plan 2021-2025	Tamzin McLennan	Anne Howard	Marlo	Peter Macdonald	9,200	9,200	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK

00036445 - 2020-21 Operating Project - Grant Preparation / Detailed Design	Maddy Bisits	Maddy Bisits	Various	Various	44,000	44,000	-	14,800	34%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036465 - 2020-21 Operating Project - ICT Program	Steve Crawford	Errol Lawrence	Steven Crawford	Sabina Ivancic	204,612	204,612	-	948	0%	EMERGING RISK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036471 - 2020-21 Operating Project - Community Vision Plan	Tamzin McLennan	Anne Howard	Various	Peter Macdonald	2,000	2,000	-	63	3%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036935 - 2020-21 Operating Project - Eastern Reserve - Baseball Batting Cage	Tamzin McLennan	Ian Seuren	Nicole Frampton	Ryan Supple	-	-	-	3,690	100%	0	0	0	0	0	0
00036982 - 2021-22 Operating Project - Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan	Doug McNeill	Ian Seuren	Maddy Bisits	Sally Conway	25,000	25,000	-	-	0%	AT RISK	AT RISK	ON TRACK	ON TRACK	ON TRACK	AT RISK
00036983 - 2021-22 Operating Project - Bruce Street Land Sale	Doug McNeill	Ian Seuren	Maddy Bisits	Paula Gardiner	10,000	10,000	-	-	0%	EMERGING RISK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036984 - 2021-22 Operating Project - Closed Landfill Aftercare Management Plan, Landfill Gas and Groundwater Investigation	Manager Environment	Tony McGann	New Project	New Project	135,000	135,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036986 - 2021-22 Operating Project - Deans Creek Precinct Structure Plan (Multi-year Project - Year 1)	Doug McNeill	Ian Seuren	Maddy Bisits	Simon Clarke	400,000	225,000	- 175,000	3,751	2%	EMERGING RISK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036988 - 2021-22 Operating Project - Kerbside Reform-Compulsory Fourth Glass Bin	Cameron Duthie	Cameron Duthie	Simone Robertson	Simone Robertson	450,000	450,000	-	293,065	65%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036989 - 2021-22 Operating Project - Hardwaste Collection	Cameron Duthie	Cameron Duthie	Cameron Duthie		240,000	240,000	-	-	0%	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036990 - 2021-22 Operating Project - Kitchen Caddy and Liners	Cameron Duthie	Cameron Duthie	Simone Robertson	Simone Robertson	87,000	87,000	-	10,866	12%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036991 - 2021-22 Operating Projects - ICT Officer Systems and Projects	Steven Crawford	Errol Lawrence	Steven Crawford	Sabina Ivancic	100,000	100,000	-	26,748	27%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036996 - 2021-22 Operating Project - RDV Digital Connectivity Program Grant Match	James Myatt	Ian Seuren	New Project	New Project	330,000	330,000	-	-	0%	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
00037001 - 2021-22 Operating Projects - Waste Transfer Station Upgrades for Glass Separation	Cameron Duthie	Cameron Duthie	Simone Robertson	Simone Robertson	150,000	150,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037002 - 2021-22 Operating Projects - Fit out of Apollo Bay Kindergarten	Tamzin McLennan	Ian Seuren	Sharyn Ryan	TBC	80,000	80,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037003 - 2021-22 Operating Projects - Design and Scoping Programme - Funding Ready V2	Maddy Bisits	Maddy Bisits	Various	Various	210,000	210,000	-	-	0%	EMERGING RISK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037005 - 2021-22 Operating Projects - Key Worker Housing Study Implementation	Doug McNeill	Ian Seuren	James Myatt	Doug McNeill	10,000	10,000	-	10,000	100%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037007 - 2021-22 Operating Project - Meeting Colac Otway Shire Council's Carbon Neutral 2020 Target	Manager Environment	Tony McGann	New Project	New Project	26,000	26,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037089 - 2021-22 - Operating Projects - Transfer Station Transition	Cameron Duthie	Cameron Duthie	Simone Robertson	Simone Robertson	223,656	223,656	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035095 - 2015-16 Major Project - Birregurra Stormwater Drainage Strategy	Doug McNeill	Maddy Bisits	Tim Brain	Simon Clarke	38,600	38,600	-	5,455	14%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036994 - 2021-22 Operating Project - Planning Scheme Amendment Birregurra Flood Study	Doug McNeill	Ian Seuren	Tim Brain/ Doug McNeill	Simon Clarke	50,000	50,000	-	4,290	9%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK

Minor Operational Projects (generally below \$50k or low risk)

ROLES	BUDGET	PROGRESS	RISKS
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PROGRAMME	REPORTING MANAGER	OWNER	SPONSOR/S	PM	ANNUAL CURRENT BUDGET (\$)	FORECAST PROJECT COST (\$)	FORECAST (UNDER)/ OVER BUDGET (\$)	SPENT TO DATE (\$)	(% spent to date)	OVERALL CURRENT project risk rating	Specific risks				
											TIME	BUDGET	QUALITY	CONTRACT M'MENT	STAKEHOLDER
Totals					1,014,479	1,024,479	10,000	101,895	10%						
00034870 - 2017-2018 - Small Town Improvement Programme (STIP) - Apollo bay Memorial Options Plan	Maddy Bisits	Ian Seuren	James Myatt	Sally Conway	7,000	7,000	-	-	0%	EMERGING RISK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036966 - 2020-21 Operating Project - MCH - Workforce Support Grant	Tamzin McLennan	0	0	0	10,000	10,000	-	-	0%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035012 - Roadside Weeds & Pests Management Project	Cameron Duthie	Cameron Duthie	Daniel Roberts	Daniel Roberts	15,411	15,411	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035910 - 18-19 Mid Year - Operating Projects - Revised Erosion Management Overlay Mapping	Doug McNeill	Doug McNeill	Simon Clarke	Sean O'Keefe	3,226	3,226	-	2,420	75%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035103 - 2018-19 Operational Projects - Apollo Bay Harbour Precinct Development Plan	Doug McNeill	Ian Seuren	Doug McNeill, James Myatt, Maddy Bisits Nicole Frampton, Tim Brain	Simon Clarke/Sally Conv	-	5,000	5,000	2,535	51%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035949 - 2019-20 Operating Projects - ICT - Works Management System	Cameron Duthie	Cameron Duthie	Darren Graham	Darren Graham	30,000	30,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037091 - 2021-22 Operating Project - Local Government Business Concierge & Hospitality Support Program	James Myatt	Ian Seuren	New Project	New Project	120,000	120,000	-	23,373	19%	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
00037006 - 2021-22 Operating Projects - VMS Board Contribution	Maddy Bisits	Maddy Bisits	Tim Brain	Tim Brain	8,050	8,050	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037004 - 2021-22 Operating Projects - Nimblex - Project management Module	Maddy Bisits	Maddy Bisits	Kristy Cochrane	Rachel Young	22,000	22,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036999 - 2021-22 Operating Projects - Street Name Sign Replacement	Cameron Duthie	Cameron Duthie	Cameron Duthie	Cameron Duthie	10,000	10,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036995 - 2021-22 Operating Project - Services and Operations Professional Development	Cameron Duthie	Cameron Duthie	Darren Graham	Darren Graham	15,000	15,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036992 - 2021-22 Operating Projects - Implementation of Victorian Protective Data Security Standards (VPDSS)	Steven Crawford	Errol Lawrence	Steven Crawford	Samara Riley	20,000	20,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036985 - 2021-22 Operating Project - Planning Scheme Amendments (inc. Cutting Red Tape Amendments)	Doug McNeill	Doug McNeill	Simon Clarke	Simon Clarke	40,000	40,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035086 - 2018-19 Operating Projects - Pound Road records archive remediation and administration	Steve Crawford	Errol Lawrence	Steven Crawford	Samara Riley	37,968	37,968	-	6,100	16%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035950 - 2019-20 Operating Projects - ICT - ePlanning - Public Portal	Doug McNeill	Ian Seuren	Steven Crawford	Unknown	41,187	41,187	-	-	0%	EMERGING RISK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00035968 - 2019-20 Operating Projects - Domestic Wastewater Management Plan Review	Doug McNeill	Doug McNeill	TBC	TBC	9,125	9,125	-	5,875	64%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036438 - 2020-21 Operating Project - SpendMapp - Regional Spend Data to evaluate Local Economy, Events, Visitor habits etc	James Myatt	Ian Seuren	James Myatt	NA	15,000	15,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036440 - 2020-21 Operating Project - COS Central Enrolment for Kindergarten	Tamzin McLennan	Ian Seuren	Tamzin McLennan	Sharyn Ryan	60,000	60,000	-	-	0%	COMPLETE					
00036443 - 2020-21 Operating Project - Services & Operations Bring Your Own Device (Phone)	Cameron Duthie	Cameron Duthie	Cameron Duthie	Darren Graham	11,087	11,087	-	3,234	29%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036993 - 2021-22 Operating Projects - Online Timesheets	Amanda Barber	Errol Lawrence	New Project	New Project	60,000	60,000	-	-	0%	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
00036997 - 2021-22 Operating Project - Operational Devices, Licences and System Integration - Legislative Road Management Plan	Cameron Duthie	Cameron Duthie	Darren Graham	Darren Graham	30,000	30,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037000 - 2021-22 Operating Projects - Township Tree Planting Program	Cameron Duthie	Cameron Duthie	Mark Robinson Maddy Bisits	Mark Robinson	45,000	45,000	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036998 - 2021-22 Operating Projects - Stage 2 - Management of Legacy Hardcopy Documents - Building and Planning	Steven Crawford	Errol Lawrence	Steven Crawford	Samara Riley	29,855	29,855	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00037008 - 2021-22 Operating Project - Cyber Security - Managed Service - Detection and Reponse & Penetration Testing	Steven Crawford	Errol Lawrence	Steven Crawford	Scott Adamson	115,000	115,000	-	93,435	81%	ON TRACK	EMERGING RISK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036596 - 2020-21 Operating Project - Local Planning & Change Management Grant	0	0	0	0	21,094	21,094	-	-	0%	0	0	0	0	0	0

00036468 - 2020-21 Operating Project - Recurrent Access and Compliance Works - Public Spaces and Facilities	Maddy Bisits	Maddy Bisits	Tamzin McLennan	Matthew Butler	13,870	13,870	-	2,085	15%	COMPLETE					
00036665 - 2020-21 Operating Project - Transition of Library Services	Tamzin McLennan	Ian Seuren		N/A	200,286	200,286	-	49,663	-25%	COMPLETE					
00036735 - 2020-21 - Operating Project - Amendment C109cola 10 Drapers Road, Colac East - Signage Amendment	Doug McNeill	Ian Seuren			-	-	-	285	100%	COMPLETE					
00036749 - 2020-21 Operating Project - Amendment C110cola - Cressy Restructure Plan Overlay Amendment	Doug McNeill	Doug McNeill	Simon Clarke	Simon Clarke	-	5,000	5,000	3,456	69%	AT RISK	AT RISK	ON TRACK	ON TRACK	ON TRACK	AT RISK
00036933 - 2020-21 Operating Project - Waste Strategy and Policies	Cameron Duthie	0	0	0	-	-	-	8,760	100%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK
00036980 - 2021-22 Operating Project - Colac Chamber of Commerce Contribution	James Myatt	Ian Seuren	New Project	New Project	10,000	10,000	-	-	0%	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
00036981 - 2021-22 Operating Project - Apollo Bay Chamber of Commerce Contribution	James Myatt	Ian Seuren	New Project	New Project	5,000	5,000	-	-	0%	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
00036664 - 2020-21 Major Project - Amendment C106 - Heritage Overlay	Doug McNeill	Doug McNeill	Simon Clarke	Erin Sonego	9,320	9,320	-	-	0%	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK	ON TRACK



# Financial Performance Report



# Quarterly Budget Report for 3 Months Ending 30 September 2021

## Executive Summary

The financial performance for the quarter ending September 2021 is favourable compared to the adopted budget 2021/22. As discussed below there are some variances to budget expected in the financial forecast, however these are not expected to materially alter Council's overall financial position.

After taking the 2020/21 actual financial results into consideration (including the carry forward balances relating to incomplete works for projects funded in 2020/21), the following summary can be provided in relation to the 2021/22 forecast financial results.

Forecast compared to the adopted budget:

- The adopted budget reported an operating surplus of \$3.27m.
- The full year forecast operating surplus at September 2021 has increased by \$0.97m to \$4.24m, predominantly due to operating and capital grant income carried over from 2020/21 (funding received for incomplete projects in 2020/21, or funding received in advance of project delivery) and expected completion of carry over recurrent and operating projects in 2021/22.
- Closing cash balance is currently forecasted to increase by \$3.06m to \$16.31m.
- 30 September 2021 cash balance is \$19.88m and is expected to reduce by approximately \$3.57m at 30 June 2022 as carry over works are completed.
- The full year forecast assumes that all carry over operating projects of \$1.21m and capital works of \$5.51m are complete by 30 June 2022.

Further detail of these results are provided in this report.

## OPERATING RESULT

**Colac Otway Shire Council**  
**Comprehensive Income Statement**  
**For the quarter ended 30 September 2021**

	Year-To-Date				Full Year			
	Actual \$'000	Budget \$'000	Variance \$'000	Variance %	Budget \$'000	Forecast \$'000	Variance \$'000	Variance %
<b>Income</b>								
Rates and charges	32,166	32,558	(392)	(1%)	32,773	32,773	-	0%
Statutory fees and fines	198	149	49	33%	826	826	-	0%
User fees	1,767	1,594	173	11%	6,548	6,548	-	0%
Grants - operating	4,270	4,147	123	3%	10,690	13,137	2,447	23%
Grants - capital	7,279	1,555	5,724	368%	4,691	11,083	6,392	136%
Contributions - monetary	80	104	(25)	(24%)	420	420	-	0%
Contributions - non monetary	-	-	-	0%	-	-	-	0%
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	121	506	(385)	(76%)	25	525	500	2000%
Share of net profits/(loss) of associates and joint ventures	-	8	(8)	(100%)	30	30	-	0%
Other income	(8)	261	(268)	(103%)	367	540	173	47%
<b>Total income</b>	<b>45,873</b>	<b>40,881</b>	<b>4,992</b>	<b>12%</b>	<b>56,370</b>	<b>65,882</b>	<b>9,512</b>	<b>17%</b>
<b>Expenses</b>								
Employee costs	4,879	5,578	699	13%	21,683	21,868	(185)	(1%)
Materials and services	5,866	8,680	2,814	32%	20,730	28,917	(8,187)	(39%)
Depreciation and amortisation	2,391	2,275	(116)	(5%)	9,100	9,100	-	0%
Bad and doubtful debts	-	5	5	100%	20	20	-	0%
Borrowing costs	10	10	(1)	(7%)	39	39	-	0%
Finance Costs - leases	-	35	35	100%	139	139	-	0%
Other expenses	455	688	233	34%	1,389	1,559	(170)	(12%)
<b>Total expenses</b>	<b>13,602</b>	<b>17,269</b>	<b>3,668</b>	<b>21%</b>	<b>53,101</b>	<b>61,642</b>	<b>(8,541)</b>	<b>(16%)</b>
<b>Surplus for the year</b>	<b>32,271</b>	<b>23,612</b>	<b>8,659</b>	<b>37%</b>	<b>3,269</b>	<b>4,240</b>	<b>971</b>	<b>30%</b>
<b>Other comprehensive income</b>								
<b>Items that will not be reclassified to surplus or deficit in future periods</b>								
Net asset revaluation increment/(decrement)	-	-	-	-	-	-	-	-
Share of other comprehensive income of associates and joint ventures	-	-	-	-	-	-	-	-
<b>Total comprehensive result</b>	<b>32,271</b>	<b>23,612</b>	<b>8,659</b>	<b>37%</b>	<b>3,269</b>	<b>4,240</b>	<b>971</b>	<b>30%</b>

The Council's net operating surplus for the quarter ended 30 September 2021 is \$32.27m. The higher year-to-date operating surplus reported reflects the expected timing of grant revenue and operating project expenses carried forward from 2020/21.

The Council's adopted operating budget reported a net surplus of \$3.27m.

The carried forward amounts relate to the unspent funds received for the approved projects that were not completed by 30 June 2021, but still require completing in 2021/22. These unspent funds support the working capital requirements of Council.

Actual results for the 3 months to 30 September 2021 indicates that Council will achieve the financial position of the 2021/22 adopted budget and further information is provided below:

## **Income**

### ***Rates and charges***

Rates and charges forecast no change to the adopted budget.

### ***Grants***

Operating and capital grants is forecast to increase above budget by \$8.84m primarily due to:

- \$4.40m: City Deals project new funding
- \$1.60m: Local Roads Community Infrastructure programme Round 2 funding
- \$1.49m: operating and capital grant revenue carried over from 2020/21, which was funded in 2020/21 or received in advance of the 2021/22 budget
- \$0.41m Forrest Mountain Trail Bike Revitalisation project additional funding
- \$0.40m Strategic Road Improvement – Swan Marsh Stoneyford Road additional funding
- \$0.30m: Port of Apollo Bay grant revenue carried over from 2020/21

### ***Net gain on disposal of property, infrastructure, plant and equipment***

The favourable variance of \$0.50m relates to an expected gain on sale of Bruce Street land due to anticipated sale during the current financial year. Note that this is an estimate at this point in time.

### ***Other income***

Other Income received in 2021/22 is forecasted to increase by \$173k due to the following:

- \$120k: Colac Civic Precinct Plan (carry over from 2020/21)
- \$53k: Eastern Reversal Baseball Batting Cage insurance income (carry over from 2020/21)

## **Expenses**

### ***Employee costs***

Employee costs for 2021/22 have been forecasted to increase by \$185k due to the following:

- \$139k: carry forward balances for work to be completed in 2021/22
- \$45k: additional salaries for the City Deal project

### ***Material and Services***

Materials and services for 2021/22 is forecast to increase by \$8.19m. The forecast movement includes:

- \$4.60m: City Deals (additional funding)
- \$2.70m carry forwards to complete delivery of operating projects
- \$0.93m: Forrest Mountain Bike Revitalisation (\$0.75m funded by RDV carry over from 2020/21 and \$0.18m additional funding by DELWP)
- \$0.30m: Port of Apollo Bay works (carry over from 2020/21)

### ***Other expenses***

Other expense for 2021/22 is forecast to increase by \$170k, mainly due to:

- \$105k: COVID -19 support package (carry forward from 2020/21)
- \$30k: Community grants (carry forward from 2020/21)
- \$20k: Family Children Services Contribution (carry forward from 2020/21)
- \$15k: Roadside weeds and pests (carry forward from 2020/21)

**BALANCE SHEET****Colac Otway Shire Council****Balance Sheet****As at 30 September 2021**

	Sep 2021	Full Year		
	Actual \$'000	Budget \$'000	Forecast \$'000	Variance \$'000
<b>Assets</b>				
<b>Current assets</b>				
Cash and cash equivalents	19,878	13,253	16,312	3,059
Trade and other receivables	35,299	2,748	4,084	1,336
Inventories	142	175	140	(35)
Non-current assets held for sale	715	-	-	-
Other assets	490	366	533	167
<b>Total current assets</b>	<b>56,525</b>	<b>16,542</b>	<b>21,069</b>	<b>4,526</b>
<b>Non-current assets</b>				
Right of use assets	165	638	55	(583)
Property, infrastructure, plant and equipment	370,944	362,565	379,309	16,744
Investments in associates, joint arrangements and subsidiaries	-	501	306	(195)
<b>Total non-current assets</b>	<b>371,109</b>	<b>363,704</b>	<b>379,670</b>	<b>15,966</b>
<b>Total assets</b>	<b>427,633</b>	<b>380,246</b>	<b>400,739</b>	<b>20,492</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Trade and other payables	8,374	5,685	6,486	(801)
Trust funds and deposits	592	661	678	(17)
Interest-bearing liabilities	108	596	596	-
Lease liabilities	110	100	110	(10)
Provisions	4,923	4,357	4,975	(618)
<b>Total current liabilities</b>	<b>14,106</b>	<b>11,399</b>	<b>12,845</b>	<b>(1,446)</b>
<b>Non-current liabilities</b>				
Interest-bearing liabilities	596	-	-	-
Lease liabilities	663	553	553	-
Provisions	5,783	9,005	5,792	3,213
<b>Total non-current liabilities</b>	<b>7,042</b>	<b>9,558</b>	<b>6,345</b>	<b>3,213</b>
<b>Total liabilities</b>	<b>21,148</b>	<b>20,957</b>	<b>19,190</b>	<b>1,767</b>
<b>Net assets</b>	<b>406,485</b>	<b>359,289</b>	<b>381,549</b>	<b>22,260</b>
<b>Equity</b>				
Accumulated Surplus	159,001	138,116	136,859	1,257
Reserves	247,485	221,173	244,690	23,517
<b>Total Equity</b>	<b>406,485</b>	<b>359,289</b>	<b>381,549</b>	<b>22,260</b>

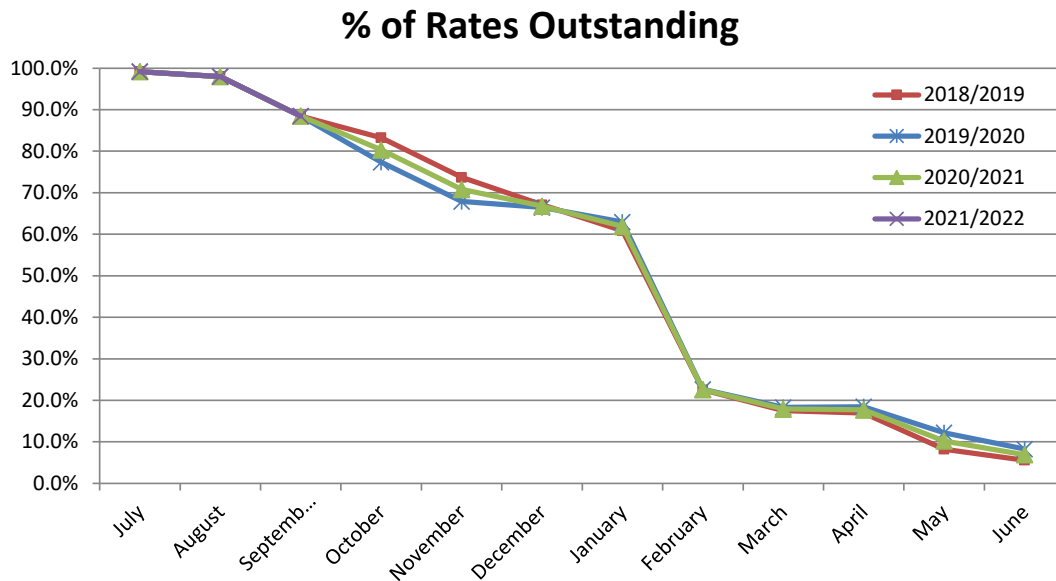
**Rate Debtors**

As at 30 September 2021, \$32.2 million was raised in rates and charges including batches of supplementary valuations generated by changes to Council's property base. At 30 September 2021 13% of the rates raised have been collected, which was an improved collection rate compared with the same period of the 2020/21 financial year of 11%.

The due date for ratepayers opting to pay in full is 15 February 2022. The due dates for ratepayers opting to pay via instalments are 30 September 2021, 30 November 2021, 28 February 2022 and 31 May 2022. Any ratepayer who has not opted for instalment payments is required to make the full payment before 15 February 2022.

The following graph 1 shows that current collection trends are closely following the 2019/20 and 2020/21 collection trends with some improvements post COVID recovery period:

**Graph 1: Outstanding rates**



**Capital Works**

The Council’s adopted capital budget totalled to \$13.69m. Table 2 provides a reconciliation to the current forecast of \$20.99m.

**Table 1: Original capital budget to the forecast**

	Full Year Forecast \$'000
<b>Capital works Budget</b>	<b>13,692</b>
Capital projects carried forward from 2020/21	4,341
Local Roads and Community infrastructure programme	2,340
Bluewater Roof and Heat Pump (Council resolution)	147
Cororooke Open Space masterplan implementation (Council resolution)	250
Changes to Lighting projects funding obligations	217
<b>Capital works Forecast at 30 September 2021</b>	<b>20,987</b>

**Borrowings**

The borrowings held by Council at 30 September 2021 is given below:

Borrowings	Current	Non-current	Meeting Schedule
9208 - Loan 12 - Colac livestock selling centre roof (\$1.178m)(CBA)	\$61,029	\$595,616	Y
9209 - Loan 13 - Street light Solar Photovoltaic Panels system installation (\$416k)	\$46,575	\$0	Y
<b>Total borrowings</b>	<b>\$107,604</b>	<b>\$595,616</b>	

As at 30 September 2021 principal repayments of \$35k have been made in 2021/22.

The following key ratios provide Council's performance on the borrowings at 30 September 2021:

Measure	Calculation	Explanation	30-Jun-21	30-Sep-21	Current Risk Rating
Indebtedness as a percentage of own-sourced revenue	Non-current liabilities divided by, own-sourced revenue	Non-current liabilities are liabilities due for settlement after 12 months. The higher the percentage, the less the entity is able to cover non-current liabilities from the revenues the entity generates itself. 21% of own-sourced revenue is required to settle the non-current liabilities as at 30 Sep 2021.  Own-sourced revenue is used, rather than total revenue, because it does not include grants or contributions.	16%	21%	Low
Borrowings as a percentage of rate revenue	Interest bearing loans divided by, rate revenue	Measurement of the proportion of borrowings against rate revenue raised. The higher the percentage the higher the proportion of available annual rate revenue is being used to back borrowings. 2% of rate revenue is required to settle the borrowings as at 30 Sep 2021.	2%	2%	Low



## STATEMENT OF CASH FLOWS

### Colac Otway Shire Council Statement of Cash Flows For the quarter ended 30 September 2021

	Sep 2021	Full Year		
	Actual \$'000	Budget \$'000	Forecast \$'000	Variance \$'000
<b>Cash flows from operating activities</b>				
Rates and charges	6,157	32,661	32,661	-
Statutory fees and fines	198	825	825	-
User fees	1,767	6,548	6,548	-
Grants - operating	2,357	10,671	13,214	2,543
Grants - capital	3,725	4,691	11,083	6,392
Contributions - monetary	80	420	420	-
Trust funds and deposits received/(paid)	149	(63)	(63)	-
Other receipts	(8)	368	570	202
Payments for Employees	(4,906)	(21,683)	(21,821)	(138)
Payments for materials and services (Incl GST)	(9,195)	(20,778)	(26,182)	(5,404)
Other payments	(595)	(1,389)	(1,559)	(170)
<b>Net cash provided by/(used in) operating activities</b>	<b>(272)</b>	<b>12,271</b>	<b>15,696</b>	<b>3,425</b>
<b>Cash flows from investing activities</b>				
Payments for property, infrastructure, plant and equipment	(1,953)	(13,692)	(21,200)	(7,508)
Proceeds from sale of property, infrastructure, plant and equipment	121	500	525	25
<b>Net cash provided by/(used in) investing activities</b>	<b>(1,832)</b>	<b>(13,192)</b>	<b>(20,675)</b>	<b>(7,483)</b>
<b>Cash flows from financing activities</b>				
Finance costs	(10)	(39)	(39)	-
Repayment of borrowings	35	(142)	(628)	(486)
Interest paid - lease liability	-	(29)	-	29
Repayment of lease liabilities	-	(110)	-	110
<b>Net cash provided by/(used in) financing activities</b>	<b>24</b>	<b>(320)</b>	<b>(667)</b>	<b>(347)</b>
Net increase (decrease) in cash and cash equivalents	(2,080)	(1,242)	(5,646)	(4,404)
Cash and cash equivalents at the beginning of the period	21,958	14,495	21,958	7,464
<b>Cash and cash equivalents at the end of the period</b>	<b>19,878</b>	<b>13,253</b>	<b>16,312</b>	<b>3,059</b>

● Unfavourable position

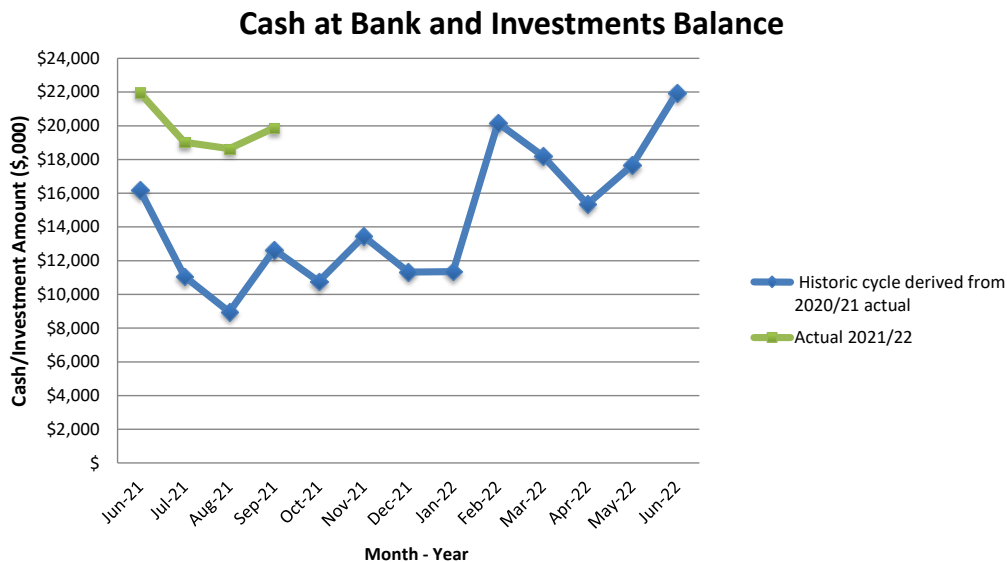
#### **Cash balance**

The current actual cash balance is \$19.88m as at 30 Sep 2021, which is forecast to be approximately \$3.65m more than anticipated spending on the capital program less grants and contributions carried forward. This forecast projects that all budgeted capital works and major projects, including carry overs, is complete by 30 June 2021. The net decrease in the cash forecast during the year is \$5.65m.

The graph 2 below shows how the Council's cash balance is expected to perform at 30 September 2021. The graph portrays:

- Historical Cycle – which is an estimation derived from 2020/21 actual cash balances that are expected to be achieved at the end of each month.
- The Actual – this is the actual balance at the end of each month from July to September 2021.

**Graph 2: Cash balance performance**



Every opportunity is taken to invest surplus cash to maximise investment returns in accordance with Council’s investment policy. Investment income received for the first three months to 30 September 2021 was \$3k. Investment income is subject to availability of cash flow and also impacted by a sustained period of low interest rates.

As at 30 September 2021, term deposits were earning an average of 0.27%. This is 0.17% above the cash rate of 0.10%, and below the investment policy’s performance benchmark, which is the Reserve Bank Cash rate plus 0.35% for the first quarter. Our investments were within the investment and risk rating limits set-out in the investment policy.

**Local Authorities Superannuation Fund - Defined Benefits**

Local government councils have a potential financial exposure to the Local Authorities Superannuation Fund – the Defined Benefits Plan. Under the Australian Prudential Regulation Standards (SPS160) the Defined Benefits funds must meet strict funding requirements. This funding requirement is measured by the Vested Benefits Index (VBI), which shows as a percentage of the ratio of investments held by the fund compared to the estimated benefits payable by the fund at the same time. The latest available Vested Benefits Index for the Vision Super Defined Benefits fund is listed in the table below:

<b>Date</b>	<b>Vested Benefits Index</b>
June 2019	107.10%
September 2019	107.30%
December 2019	107.70%
March 2020	102.10%
June 2020	104.60%
September 2020	104.50%
December 2020	109.60%
March 2021	111.50%
June 2021	109.70%

If the VBI falls below the nominated amount in any quarter then the Australian Prudential Regulation Authority may require that the fund must make a funding call to its members. Any funding call made must return the fund to a VBI position of over the nominated amount within 3 years.

A VBI must generally be kept above the nominated shortfall threshold of 97% when a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year.

As at 30 June 2021, the actual VBI for the sub-plan was 109.7%, which presents an increase compared to 30 June 2020. The VBI is primarily impacted by:

- The level of investment returns which impacts the asset pool supporting the defined benefit liabilities of the sub-plan; and
- The level of active member salary increases advised to Vision Super and pension increases in line with the CPI, which impacts the defined benefit liabilities of the sub-plan.

At the time of writing this report there was no information available regarding the final VBI estimations as at 30 September 2021.

**Contact**

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**Colac Otway**  
S H I R E

## Item: 10.5

# Bruce Street Land Sale: Consideration of s223 Submissions

<b>OFFICER</b>	Mark McLennan
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	1. Copy of Notice of Intention to Sell - Colac Herald [10.5.1 - 1 page]
<b>PURPOSE</b>	Proposed sale of 36-52 Bruce Street Colac – consideration of submissions (section 223 Local Government Act 1989)

## 1. EXECUTIVE SUMMARY

Council owns the property known as 36-52 Bruce Street, Colac. The land is zoned General Residential and is currently vacant. The former landfill site adjacent is not intended for disposal and is contained in a separate lot to the north.

At the Council Meeting held on 26 May 2021, Council resolved to advertise its intention to sell the land. Public Notice of Council's intention to sell the subject land was given, with written submissions on the proposal invited in accordance with section 223 of the *Local Government Act 1989* (the Act). Council determined to undertake a six-week public notice process.

There were six submissions received from five persons as a result of the process.

The purpose of this report is for Council to formally consider the submissions and resolve whether to sell the land. Submitters were offered the opportunity to be heard by the Council's Submissions Committee in accordance with its Terms of Reference on 1 September 2021, and one submitter requested to be heard. Submission 5 was received after the closing date.

A concern was raised that the Notice of Intention to Sell the land was advertised at the same time as an Expression of Interest process for sale of the land, however legal advice has confirmed that Council has followed proper process, and there has not been an absolute commitment to sell the land.

Other concerns related to the development of social housing on the site and whether appropriate environmental investigations had been carried out. It is considered however that on balance the land is suitable for housing given its zoning and represents an opportunity for some social housing to be provided through future development of the land should Council elect to do so. Such housing would

be well designed and sited to integrate with other housing. It is therefore recommended that Council resolve its intention to sell the land.

## 2. RECOMMENDATION

### *That Council*

- 1. Acknowledges the written submissions received and thanks the submitters for their contribution to the land sale consideration process.*
- 2. Acknowledges and notes the verbal comments made in support of written submissions at the Submissions Committee meeting held on 1 September 2021.*
- 3. Resolves to sell the land known as 36-52 Bruce Street, Colac.*
- 4. Notes that a decision on the sale of land will be considered at a future Council meeting.*

## 3. KEY INFORMATION

Council is the Registered Proprietor of the land and improvements known as 36-52 Bruce Street Colac. The land is zoned General Residential and is currently vacant. There is no intention to dispose of the former landfill site which is adjacent to the site to the north. Council will continue to manage the former landfill site into the future in accordance with its obligations.

At its Council Meeting on 26 May 2021, Council reaffirmed its intention to sell the Bruce Street land and resolved to give public notice of its intention in accordance with the provisions of the *Local Government Act 1989 and 2020*. Council resolved:

### *That Council:*

- 1. Notes the assessment of affordable housing options outlined in the recent UrbanXchange Affordable and Social Housing Review.*
- 2. Reaffirms its intention to sell its land at 36-52 Bruce Street, Colac for residential development.*
- 3. Resolves to advertise its intention to sell the land in accordance with the provisions of the Local Government Acts 1989 and 2020.*
- 4. As part of the sale process, establishes a competitive Expression of Interest (EOI) process to seek interest from suitable Community Housing providers and land developers to achieve, as a guide, a minimum of 15% of land that is to be developed for dwellings (exclusive of roads, reserves and other features outside of allotments to be sold) to be constructed and owned/managed by a Housing Association for rental as social housing (Build to Rent).*
- 5. Resolves that the Expression of Interest process should encourage other innovative forms of affordable housing such as Affordable Purchase and/or Affordable By Design to be provided in excess of the minimum social housing requirement, aimed at meeting the needs of key and essential workers in Colac, provided that an acceptable financial return from the site is realised.*
- 6. Notes that officers will develop an Evaluation Plan that establishes common criteria for evaluation of Expressions of Interest and specifies members of the Evaluation Panel, and that this will be the subject of a Council briefing prior to initiation of the formal process.*



7. ***Notes that officers will investigate the benefit of including a second step in the process following receipt of Expressions of Interest to seek a Request for Proposal from short listed proponents.***
8. ***Notes that a Probity Advisor will be engaged to oversee the process.***
9. ***Notes that whilst an option is for Council to develop and subdivide the land itself for sale as individual residential allotments, Council's position is that in order to achieve the best affordable housing outcomes for the site its preference is to sell the land as a whole for development by a suitable third party.***
10. ***Notes that nothing in this resolution is intended to exclude consideration of alternative proposals where it can be demonstrated that the proposal meets Council's stated objectives to provide extra residential land and increasing levels of social housing.***

Prior to selling land, Section 189 of the *Local Government Act 1989* (Act) provides that Council must give public notice of its intention to do so and obtain a valuation. The *Local Government Act 2020* has recently been passed, however the land sale process commenced prior to the commencement of the new Act. As a result, Council is continuing to follow the procedures as required by the 1989 Act.

Public notice of Council's intention to sell the subject land was given on 25 June 2021, both in the Colac Herald and on Council's website, inviting written submissions on the proposal in accordance with section 223 of the *Local Government Act 1989*.

Two public information sessions were also held at the Colac Otway Performing Arts Centre (COPACC) in the morning and evening of Tuesday 4 August 2021.

The six-week public notice process concluded on 6 August 2021.

### **Section 223 Process**

Section 223 of the Act provides that a person may lodge a written submission by a date set by Council that cannot be less than 28 days after the date on which the public notice is published. Where a person makes a written submission to Council requesting to be heard in support of their written submission, Council must permit that person to be heard before a meeting of the Council giving reasonable notice of the day, time and place of the meeting. Council has an established Submissions Committee, which is convened when necessary to hear verbal presentations from submitters to a S223 process.

Six written submissions were received. These are summarised on the next page and attached in full in the confidential section of this agenda. One submitter requested to be heard in support of their two written submissions before a meeting of the Committee that was held on 1 September 2021.

All submitters have been advised of Council's intention to consider written submissions at this meeting.

### **Overview of Submissions**

#### **Submission 1**

The first submitter agrees with the sale of the land for residential purposes but believes that the burden of requiring social housing to be provided will limit the market and is against the Local Government Best Practice Guide to selling land. The submission concludes: *"Therefore I am against the sale of 36-52 Bruce Street Colac in its current form as it limits the marketplace to achieve best value*

for the land and in turn short changing the COS ratepayers.” The submitter was heard at the Submissions Committee meeting on 1 September 2021.

- 1. Submits that the Council resolution (social housing) devalues the land by the restrictions and conditions of the Expression of Interest requirement for a developer to commit to 15% social housing.**

**Officer response:**

Council has made a conscious decision to facilitate both residential and social housing outcomes through the sale of this land, subject to considering submissions concerning the sale through the current process. Council’s view is that the development of the land will provide a range of benefits, and the value shouldn’t be viewed just from a financial perspective. The Colac Otway Social Housing Plan identifies the need for approximately 344 additional social housing dwellings and that this can be partly facilitated through development of government owned land, including Council land. Expressions of Interest for sale of the land with social housing as a requirement are being assessed against a range of criteria including financial benefit, and Council would retain the capacity to consider the options of proceeding with that process, or determining to change the nature of the sale process should financial outcomes being sought not be achieved. This would be the subject of a report to Council following completion of the EOI evaluation process.

- 2. Submits that there may have been a breach of the Local Government Act 1989 by not attempting to achieve the “maximum price” for the land.**

**Officer Response:**

Legal advice obtained by Council supports its approach and confirms that there has been no breach of the Local Government Act 2020, or Local Government Act 1989. As detailed above, the “maximum price” for the land does not necessarily reflect the best “value” of the land. It is important to consider both the economic and social benefits that may be achieved through the sale of the land.

- 3. Submits that “Council designs, approves and Titles the development before going out to the market”**

**Officer response:**

This is an option available to Council and was considered earlier in the year prior to the Council resolution to seek expressions of interest for private development of the land. To date, it has been considered that the land development sector is best placed to develop the land rather than Council itself. Councils typically acts as developer when there is market failure in a location. This is not the case in this instance, with strong interest from the private sector in developing land in Colac. Again, Council would be in a position to review the approach it takes to sale of the land when it considers proposals evaluated from the expression of interest process, to ensure that Council receives good financial value from the sale.

- 4. Submits that “numerous developers that have walked away from our town over the past few years because of the risk adverse nature of doing business with COS.”**

**Officer response:**

There is no evidence to support this claim. There was strong interest attracted to the sale and development of the land for housing through the recent Expression of Interest process. In addition, there is significant interest from the private sector in developing residential land in Colac.

## **Submission 2**

The second submission (submitted by the same individual above) relates to processes under the Local Government Act 1989 and 2020. The submitter believes that improper processes were undertaken in that Council has not followed its Community Engagement Policy, and in turn denied natural justice. The submission states that Council should have gone out for community consultation in regards to the inclusion of social housing as part of the sale process. Furthermore, it states that Council failed to wait for the mandatory four-week community consultation period to hear submissions under the Act on selling of land before engaging a service provider (real estate company) and advertising the land for sale. As noted above, the submitter was heard at the Submissions Committee meeting held 1 September 2021.

- 1. Submits that Council is “jumping the gun on procurement and selling instructions prior to hearing submissions on Council’s intent to sell land.” and that an “improper process has been followed in regard to Community Consultation”***

### **Officer response:**

Council made a conscious decision to run the two processes at the same time. The process that relates to an Expression of Interest will not conclude prior to the finalisation of the process that relates to the Notice of Intention to Sell. Council obtained legal advice that confirmed this approach was appropriate. Should Council, having considered all submissions received to the Notice of Intention to Sell, decided not to proceed with selling the land, it can elect to discontinue the sale process. Council has made no formal commitment to selling the land through the Expression of Interest process, and retains the option of ceasing the process at any time.

- 2. Submits that Council has engaged a service provider (Real Estate Agent) prior to hearing submissions in relation to the Notice of Intention to Sell Land and the impact that may have on prospective Developers if, as a result of the Submissions, there was some change to the Expression of Interest process.***

### **Officer Response:**

Real Estate Agents have not been engaged to sell land. A Service Provider was retained to assist with marketing the Request for Expressions of Interest.

- 3. Submits that “Council cannot use the mandatory consultation period with its intent to sell public land under the Local Government Act and disguise it as community engagement for the intended use of the site. They are separate processes. Natural justice has been denied for the entire community for the failure to conduct community engagement”***

### **Officer response:**

The submission relates to procedural and policy matters and as a result, Council officers have obtained legal advice to ensure compliance with the *Local Government Act 1989 and 2020*. The advice confirms that the procedure and processes being implemented by Council are sound and well founded.

Council acknowledges there is an urgent need for residential land development in the Shire. Council has attempted to facilitate this need and has opted to run the two processes in parallel. Legal advice was obtained which indicated that the s223 process did not need to be completed before releasing the Expression of Interest document. It is important to note that the real estate agent has been engaged by Council to market the potential opportunity and has not been engaged to sell the land.

In addition, Council has recently developed a Social Housing Plan which demonstrates the need for social housing. It also recommends that Council consider facilitating social housing development through Council and/or State Government owned land. The plan included a community engagement process with the draft plan placed on public exhibition for six weeks in accordance with Council's Community Engagement Policy and Framework.

### **Submission 3**

The submission is against the sale of the land. The submission raises a variety of concerns regarding safety, landfill contamination, property values, environmental audit and concentrated public housing on the site. The submitter was not heard at the Submissions Committee meeting.

- 1. Submits that "After the construction is finished I will have to contend with new residents which judging from your proposal, to build 'affordable' community housing, and social housing, not to mention the sheer number of buildings – over 340 of them – will attract a certain clientele. Also I am well aware that with this type of housing an increase in crime rate is also experienced"***

#### **Officer response:**

The Expression of Interest process advertised by Council requested proposals for residential development that contain 15% of dwellings being for social housing purposes. Given the size of the land, it is likely that it would accommodate between 40-70 dwellings, dependent on design, servicing and a range of factors. This would equate to between 6-10 houses being constructed for social housing. It would be expected that they would spread throughout the site to avoid being concentrated in one area and be well integrated with other housing being established. New social housing would be constructed to the same standard as other housing on the site, and not be easily identifiable. There is also a misunderstanding of what social housing represents, with significant demand being for older persons or single women. The adopted Social Housing Plan identifies a need for 344 new social housing units across the municipality, and the aim will be to achieve this over time, sprinkled throughout developed areas, including in greenfield residential areas, yet to be developed.

- 2. Submits that "Building properties behind my house will mean that my beautiful lake view will instead be of someone else's backyard or house. This in turns mean that other people will be able to see directly into my property "***

#### **Officer response:**

36-52 Bruce Street is included within the General Residential Zone. The purpose of the General Residential Zone is to encourage development that respects the neighbourhood character of the area and to encourage a diversity of housing types and housing growth particularly in locations offering good public transport.

Development of 36-52 Bruce Street for housing is consistent with this purpose. Typically, in residential neighbourhoods, houses back on to houses. Whilst the submitter has enjoyed views across the site historically, there is no right to views across private land that is zoned specifically for the purpose of housing. Similarly, privacy concerns can be addressed by other means (i.e. fencing, planting etc.).

- 3. Submits that "property price will plummet due to the type of housing being proposed."***

#### **Officer response:**

No evidence has been provided to support the claim that property prices in the area will be adversely impacted. To the contrary, property prices have risen dramatically in Colac over the past 18 months. As previously mentioned, the purpose of the zone is to encourage development that respects the neighbourhood character of the area and to encourage a diversity of housing types. It could be

expected that new development on the site would contribute positively to the visual appeal of the wider neighbourhood. It is unlikely that a small number of well-designed houses within the development used for social housing would impact negatively on values.

**4. *Submits concerns about migrating wildlife as a result of the development.***

**Officer response:**

The land at 36-52 Bruce Street is well-suited to residential development and is zoned as such. It is covered by pasture with no native vegetation on site that would provide habitat for wildlife. The land is also adjacent to the former Bruce Street Landfill site to the north that provides substantial undeveloped grassed area for wildlife to traverse or utilise while also providing connectivity to the Lake and the Bird Reserve.

**5. *Submits that there are other more suitable sites around Colac for this kind of development.***

**Officer response:**

The land at 36-52 Bruce Street is well-suited to a residential development that encourages a diversity of housing types. Land is available elsewhere, and where appropriately zoned, a diversity of housing types will also be encouraged in those locations.

**6. *Submits that there are concerns that Colac will be known as a “ghetto”.***

**Officer Response:**

Unfortunately, not everyone in our community can afford to purchase a home, with many also struggling to afford to rent a house. Council’s Social Housing Plan identifies that there is an urgent need for an additional 344 social and affordable housing dwellings in the Colac Otway Shire. The land at 36-52 Bruce Street represents an opportunity to supply land for this need. Council is committed to making the best use of all Council owned properties for the long-term benefit of the community. As noted above, any social housing provided would be well designed and located to integrate with other residential housing on the land.

**Submission 4**

The submission is against the sale of the land. The submission identifies concerns about the rationale behind the decision to sell, landfill site implications, and if the land could be kept for open space. The submitters were not heard at the Submissions Committee meeting held 1 September 2021.

**1. *Submits that “This area is considered Prime real estate, with lake frontage, and to have a portion of its housing utilised for affordable housing, does not seem to fit the dynamics of the land available.”***

**Officer response:**

As noted earlier in the report, housing established for social housing purposes would be designed and located so as to integrate well with other residential development on the land. There is an opportunity on the site to achieve a diverse range of housing types that meet different needs of the community.

**2. *Submits that there are concerns about the size of the proposed blocks and asked if there will be provisions for open space.***

**Officer response:**

The Expression of Interest process advertised in June 2021 was seeking proposals on how the land would be developed. There is an opportunity through this process to ensure there is an appropriate diversity of lot sizes that meet the needs of the community. It is unlikely that public open space would

be established on the land with residential development. It would be preferable to accept a cash contribution from any developer of the land in lieu of this, to pay for pedestrian links external to the site which enhance linkages to open space such as Lake Colac. This has been indicated in the Expression of Interest documentation.

**3. *Submits that there are concerns about the environmental safety and possible exposure to chemicals from the former land fill site.***

**Officer response:**

Council has undertaken a section 53X Environmental Audit that clears the site for use for residential purposes subject to conditions being met. One condition relates to the construction of a barrier to prevent the migration of former land fill gases across to the land. The barrier is to be installed prior to any development occurring at 36-52 Bruce Street.

**4. *Submits that there are concerns about the fairness of reduced price "affordable housing" when looking at existing land owners who have paid full price for land or housing***

**Officer response:**

As noted above, not everyone in our community can afford to purchase a home, with many also struggling to afford to rent. Council's Social Housing Plan identifies that there is an urgent need for additional social and affordable housing dwellings in the Colac Otway Shire, and this site represents an opportunity to supply land partly for this need. Council is committed to making the best use of all Council owned properties for the long-term benefit of the community.

**5. *Submits that consideration should be given to alternate use of the land such as open space.***

**Officer response:**

The land is zoned General Residential and is suitable for use for residential purposes. Significant areas of open space exist to the north of the land in and around the lake, as well as the showgrounds to the south. Officers do not believe there is a need for additional open space in this location.

**Submission 5**

Note that this Submission was received by Council after the closing date in the ordinary mail on 12 August 2021. Officers recommend that this submission is relevant and should be received.

The submission is against the sale of the land. The submission contains representations relating to the concentration of Social Housing, the possibility of affecting surrounding house prices and the placement of infrastructure. The submitters were not heard at the Submissions Committee meeting 1<sup>st</sup> September 2021

**1. *Submits that they were advised by a Real Estate Agent that the site would not be built on for 99 years.***

**Officer response:**

Council cannot be responsible for advice provided by others. The land in question is zoned General Residential and is appropriate for housing development. In addition, Council has undertaken the appropriate environmental studies required to demonstrate that the land can be developed for housing adjacent to the landfill site (subject to conditions). Council can only consider the current circumstances and make decisions about the appropriate future use of the land.



- 2. Submits that a “concern is the concentration and requirement for social housing. I agree that Colac has a shortage of social housing but to openly promote this can only devalue the existing land and also deter future buyers”**

**Officer response:**

This issue has been addressed earlier in the report.

- 3. Submits that 15% social housing requirement is “extremely excessive” and suggests 5% as an alternative.**

**Officer response:**

As noted above, the number of social housing homes on the site would not likely be more than 6-10 dependent on the total number of houses developed on the land, and any such housing would be well integrated with other development. Council has considered 15% as an appropriate level of social housing to date, but is able to review this position following evaluation of the Expressions of Interest should it choose to do so.

- 4. Submits that they are concerned about the town planning aspects of possibly having a road that would result in “car lights coming into my house all night” and the subsequent possible impact on the value of the resident's property.**

**Officer response:**

Any residential development of the land would require a planning permit and would need to be assessed against subdivision standards in the Planning Scheme. The process would include public notice to adjoining and nearby properties, providing an opportunity for residents to view the plans and lodge an objection if there are any concerns. Any objections will be carefully considered and taken into account when Council makes a planning decision. This should provide assurance that amenity issues will be properly considered.

**Submission 6**

Note that this submission was received on 13 September 2021. Officers recommend that this submission is relevant and should be received. The submitters were not heard at the Submissions Committee meeting held 1 September 2021.

- 1. Submits that residents were given assurances that the property would remain as a public reserve.**

**Officer response:**

Council has been unable to find any record stating that the land would remain as a public reserve. The land has been zoned General Residential for many years and is therefore appropriate for housing development.

- 2. Submits that Council is proposing “Housing Commission Style accommodation and that would impact on the local Crime rate.**

**Officer response:**

This has been addressed earlier in the report. Any new social housing would be designed to a similar standard as other housing and be well integrated into the development. New social housing is considerably different in appearance and standard to public housing that was constructed 50-60 years ago in Colac.

- 3. Submits that there are concerns about possible methane gas and a high-density housing development impacting on the environmental and safety concerns.**

**Officer response:**

As previously mentioned, Council has undertaken a section 53X Environmental Audit that clears the site for use for residential purposes and ensures that methane gas in the former landfill will not affect future housing on the site.

**Summary**

The land at 36-52 Bruce Street Colac is zoned General Residential and considered appropriate for residential development. It is located in a desirable area for housing, with surrounding residential housing and street frontages to the west and east, in close proximity to community facilities and the CBD, and adjacent to Lake Colac.

Council has undertaken a rigorous process to ensure that the land is suitable and safe for residential development, including a section 53X Environmental Audit that considered the potential for contamination associated with the former landfill and clears the site for residential purposes.

A number of submissions raise concern about the level of social housing to be included in a potential development of the site. It is important to reiterate the unmet need for social housing in the shire, which has been demonstrated in the Colac Otway Social Housing Plan. The Plan identifies the need for an additional 344 social housing dwellings and commits Council to identifying and considering the suitability of Council and other Government owned land that may be available for social housing initiatives.

Good urban design indicates that the future provision of social and affordable housing should be sprinkled throughout residential developments, rather than consolidated and intensified in one location. It will be important to establish a diversity of housing development in Colac as the city continues to grow.

After considering all points raised in the submissions, it is still considered appropriate that Council supports the sale of 36-52 Bruce Street Colac to facilitate development for residential housing.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Public Notice of Council's intention to sell the subject land was given on 25 June 2021, with written submissions on the proposal invited in accordance with section 223 of the *Local Government Act 1989*. Council elected to enter into a 6-week public notice Process that concluded on the 6 August 2021. Public information sessions were held at COPACC on Tuesday 4 August 2021, one held in the morning and one in the evening.

The Notice of Intention to Sell Land was placed in the Colac Herald and on Council's website. Furthermore, a letter to residents that adjoin the site was sent on 18 June 2021 that included information on Council's intention to sell the land and an FAQ regarding Social Housing.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:****Theme 1 – Strong and Resilient Economy**

1.1 Affordable and available housing will support our growing community and economy

Four Year Priorities:

- 1.1.3 Facilitate the delivery of more diverse housing stock in Colac & Apollo Bay
- 1.1.4 Increase residential land supply in Colac
- 1.1.5 Deliver a Social Housing Strategy

The sale of the land would facilitate the delivery of housing into the Colac market and assist in the delivery of a key action in the Social Housing Plan which seeks to utilise Council land where practical to achieve new social housing stock.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

In developing this report, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues because section 189 of the Act gives Council the legislative power to sell land. Section 223 of the Act also provides an opportunity for any person to make a written submission with respect to such a proposal.

Council has no intention at this point in time to dispose of the former landfill site adjacent to the land that is the subject of the Notice of Intention to Sell Land. The former landfill site is a separate lot and will continue to be managed by the Shire into the future.

Council engaged an Environment Protection Authority (EPA) accredited environmental auditor to prepare a Section 53X environment audit under the *Environment Protection Act 1970*. The audit confirmed that the site can be developed for residential purposes subject to an underground bentonite wall being installed along the northern boundary of the site to prevent any potential methane gas migration, and for there to be restrictions placed on future development preventing the establishment of basements underneath buildings. The audit also confirmed that there is no contamination of the site.

The sale, and in turn development, of the land for its intended zoned purpose will assist in addressing the known issues of residential land availability in Colac, which will support the economic growth of the Colac region.

It is important to note that Council has an obligation to receive best value from any sale of property. However, best value is not only considered in terms of dollar value. Best value can be considered in terms of positive community outcomes and other value adding outcomes.

### LEGAL & RISK

Council has received written advice from Minter Ellison Solicitors regarding the process for selling the land and running the s223 and marketing campaign concurrently. Council has satisfied itself that this process is suitable and notes that it has not made a final decision to sell the land until submissions to the process have been considered.

Council has operated within the requirements of the *Local Government Act 1989*. Council has been mindful to consider the *Local Government Act 2020* and has applied the highest standard considering both Acts.

## **FINANCIAL & BUDGETARY**

The process of hearing submissions is within Council's normal activities. Therefore, the costs associated with considering submissions is an operational administrative cost.

## **7. IMPLEMENTATION STRATEGY**

Should Council support the recommendation, Council will be asked to consider the outcome of the evaluation process for the Expressions of Interest, in order to resolve how it seeks to proceed with the sale. This will allow Council to consider how potential purchasers have responded to the invitation, and to resolve whether to proceed to a Request for Proposal phase with short listed candidates, or to instead follow a different process.

### **COMMUNICATION**

Submitters will be advised of Council's decision.

### **TIMELINE**

The Expression of Interest process, should this proceed, is expected to be completed mid-2022.

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



### Planning Committee Meeting

#### Cancellation | 14 July 2021

The Planning Committee Meeting scheduled for Wednesday 14 July, 2021 has been cancelled. There are no planning matters to be determined by the Committee at this time.



### Notice of project construction works - Apollo Bay P-12 College

Colac Otway Shire Council wish to advise Victorian School Building Authority project works and construction activity is scheduled to commence at Apollo Bay P-12 College, Pengilly Avenue from the week commencing 21 June 2021. These project works are the commencement of the Victorian Government build of a new kindergarten collocated with the existing P-12 College. In partnership with the Victorian School Building Authority, Colac Otway Shire Council has made a financial contribution to the build to support the inclusion of a dedicated maternal and child health space in the centre.

The community may notice some activity on the site including installation of fencing and site shed. Full construction is scheduled to commence from late July 2021.

The construction of the new facility at the Apollo Bay P-12 College site is a part of the Victorian State Government rollout to provide 15 hours of funded kindergarten for all three-year-olds by 2029.

For further information about the new kindergarten, please contact the Victorian School Building Authority on 1800 896 950 or email [vsba@education.vic.gov.au](mailto:vsba@education.vic.gov.au)



### Mooleric Road Quarry Consultative Committee

Nominations are sought for a community member to join the Mooleric Road Quarry Consultative Committee.

The Committee, made up of two community members, Council and other agency representatives, does not have any decision making powers, but does form a valuable forum for residents to raise any concerns about the quarry operations that might need to be addressed.

The committee meets twice a year, approximately every six months.

The Committee's Terms of Reference and a Nomination Form is available on Colac Otway Shire Council's website Have your Say page.

Nominations for the position must be lodged with Council by 5pm, Friday 23 July 2021. Applications can be mailed to Colac Otway Shire, PO Box 283, Colac, 3250, or they can be emailed to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

It is expected that nominations will be considered by the Council at its meeting on 25 August 2021.



### Notice of Intention to Sell Land

Colac Otway Shire Council HEREBY gives notice under Section 189 of the *Local Government Act 1989* (the Act) that it proposes to sell the land as shown at right.

On 26 May 2021, at an Ordinary Council Meeting, Colac Otway Shire Council resolved to advertise its intention to sell the land at 36-52 Bruce Street, Colac Victoria 3250, more particularly described in Certificate of Title Volume 12142 Folio 486 Part "A".

Council is seeking Expressions of Interest from suitable Community Housing providers and land developers to develop residential housing in Colac.

Further information regarding the proposed sale can be obtained by contacting Council's Strategic Property Coordinator, Colac Otway Shire Council at 2-6 Rae Street Colac VIC 3250, by phone 5232 9400 or emailing [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

Any person may make a written submission on the proposal. All submissions received by the Council on or before 3pm on Friday 6 August 2021 will be considered in accordance with section 223 of the Act, by the Council's Submissions Committee (Committee).

Any person may request to be heard in support of their written submission either personally, or by a specified representative, before a Committee meeting which will be held at a time and location to be advised.

Written submissions should be addressed to the Chief Executive and marked 'Submission - Intention to sell land at 36-52 Bruce Street'. Submissions must be lodged at Council's Customer Service Centres at 2-6 Rae Street, Colac or 100 Great Ocean Road, Apollo Bay, posted to Council at PO Box 283, Colac VIC 3250 or emailed to Council at [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)



### Notice of an Application for Planning Permit

The land affected by the application is located at: 111-117 Great Ocean Road APOLLO BAY

The application is for a permit to: Extend a Commercial Building (Bar), Use the Land for the Sale or Consumption of Liquor (General Liquor Licence), Reduce Car Parking from the Specified Rate [4 spaces], Vary an Easement and for a Four (4) Lot Subdivision

The applicant for the permit is: J M Riches

The application reference number is: PP76/2021-1

You may look at the application and any documents that support the application at the office of the responsible authority at Colac Otway Shire

# Quake shall shake coastal area

BY RACHEL SIMMONDS

The region's largest earthquake in more than 60 years has shaken residents at Apollo Bay.

Geoscience Australia recorded two earthquakes with magnitudes of 3.3 and 3.6 just after 5am Wednesday, with the epicentres within 10 kilometres of the Apollo Bay coast.

Seismology Research Centre chief scientist Adam Pascale said Wednesday's 3.6-magnitude earthquake was the largest in 61 years

within 50 kilometres.

Experts have previously identified fault lines over the Otway Ranges.

"The earliest earthquake on record in the area dates back to 1886, with the largest a magnitude 5.3 on Christmas morning 1960," Mr Pascale said.

"This month there have been 10 earthquakes in that area, starting on June 7 with a magnitude 2.6 and five more foreshocks between magnitude 1.0 and 2.3 before the magnitude 3.6 on June 23 at 5.09am," he said.

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**Colac Otway**  
SHIRE

**Colac  
News**



### June Council Meeting

For information on items discussed and voted on at the June visit Council's Latest News page on the website or view Colac Community News in next Friday's edition of the Colac Herald



### We're recruiting

Colac Otway Shire Council is an exciting place to work. If you are passionate about delivering great customer service, work progressive and innovative council, and making a difference to our community, we would love to hear from you!

- Communications Coordinator
- Community Care Worker
- Family Day Care Educators

See today's job listing in the classifieds for more information. Contact Human Resources on 5232 9529 or visit Council's website for a full description and to apply online.

Item: 10.6

## Key Worker Seasonal Housing - Local Law Exemption

<b>OFFICER</b>	James Myatt
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	1. Draft Temporary Worker Accommodation Permit - PDF [10.6.1 - 2 pages]
<b>PURPOSE</b>	To consider use of General Local Law No 2, Part 4, Section 55-57 to facilitate temporary worker housing.

### 1. EXECUTIVE SUMMARY

Across Australia a number of coastal and tourism towns have experienced affordable housing challenges due to the significant increase in property values and an increase in short-term rental accommodation, which has led to a lack of long-term rental accommodation. In addition, areas such as Apollo Bay and surrounds have experienced increasing worker shortages. The issue has been exacerbated during COVID-19 with lockdowns and border closures limiting access to labour markets. This report seeks to partly help address the issue of affordable peak season worker accommodation, however not the issue of access to labour markets or worker supply.

In Apollo Bay and other coastal and Otways towns, the labour force is required to reside locally due to the distance between the towns and larger population centres making commuting unfeasible. It is anticipated for the 2021-22 summer season key worker shortages will impact the ability of local businesses to trade at maximum capacity and recover post-COVID.

Officers have identified that Section 56.2 and 56.3 of the Colac Otway Shire Local Law No. 2 has the capacity to provide a permit facilitating additional short term worker accommodation in Colac Otway's tourism towns through the ability to provide additional worker temporary accommodation options. As Council has never received an application for a permit, or an exemption under Section 55, 56 or 57 of Local Law No.2, this report outlines a proposed permit and seeks Council approval of the aforementioned permit.



## 2. RECOMMENDATION

### ***That Council:***

- 1. Notes that Colac Otway Shire Local Law no 2, Part 4, Sections 56.2 and 56.3 allows temporary worker accommodation to be permitted by Council, however there is currently no guidance as to the administration or approval of any relevant permits.***
- 2. Notes that Local Law permits for temporary accommodation may contribute to addressing the key worker accommodation crisis over the 2021-22 peak summer period while medium to longer term solutions are sought.***
- 3. Approves the creation of a new Temporary Worker Accommodation Permit under Colac Otway Shire Local Law No 2, Part 4, Section 56.2 and 56.3 to be open for applications from 1 December 2021 onwards.***
- 4. Authorises no fee to be applied to the Temporary Worker Accommodation Permit.***
- 5. Approves permit conditions as per the attached Draft Temporary Worker Accommodation Permit to this report.***
- 6. Delegates authority to the Chief Executive Officer, General Manager Environment and Infrastructure, and Local Laws and Community Safety Coordinator to approve permit applications.***
- 7. Reserves the right to revoke a permit if it is deemed use of the permit is causing unacceptable negative impact on local amenity.***

## 3. KEY INFORMATION

### **The Need**

Workforce demands in towns such as Apollo Bay fluctuate on an annual cycle in-line with the tourism peak season being 1 November to 30 April inclusive. Traditionally seasonal workers have filled peak season workforce demands that may include demographics from Working Holiday Visa holders to school leavers on summer vacation. In recent years affordable accommodation availability for seasonal and annual workers has been impacted by the short-term rental market and rising property values. COVID-19 has put additional pressure on workforce availability leading to a potential shortfall in workforce availability for the 2021-22 summer season in Apollo Bay and other Coastal and Otways towns.

In early-mid 2021 the Apollo Bay Chamber of Commerce undertook a survey of Apollo Bay businesses to understand workforce needs, both long term and for the upcoming summer season. Anecdotally, Council understands results show there may be a workforce shortage in Apollo Bay and surrounds of over 100 workers for the 2021-22 summer season.

Engagement with local businesses and the Apollo Bay Affordable Worker Housing Taskforce identified a key limiting factor on summer workforce availability is affordable accommodation. Numerous temporary accommodation options were explored however most could not be implemented in the short-term. One option that has capacity to provide affordable accommodation in the short term is to increase the ability for workers to camp in tents, caravans, motor homes and/or portable tiny houses over the peak season period.

## Council's Local Law

The Colac Otway Shire Local Law No. 2 regulates the ability of individuals to camp in temporary accommodation on Council land, private land or in any public place. These regulations are in place to ensure that unregulated camping does not occur in places that have inadequate amenities, provide disturbance to neighbours or impact the environment among other considerations. The below is an extract of Colac Otway Shire Local Law No. 2, Part 4 showing Sections 54 to 57 inclusive that regulate Camping.

### Penalty: A Maximum of 10 Penalty Units

#### Camping

54. A person must not, without a permit, camp or allow any other person to camp on vacant land in a *Non-Rural Area*.

### Penalty: A Maximum of 10 Penalty Units

55. A person must not, without a permit, camp or allow any other person to camp on any *Council land* or *private land* (other than land referred to in clause 56) or in any *public place*, in:

- 55.1. a tent;
- 55.2. a caravan;
- 55.3. a *motor vehicle*; or
- 55.4. any other temporary or makeshift structure

unless the land is a:

- 55.5. registered *caravan* park or camping ground; or
- 55.6. camping area approved by *Council*.

### Penalty: A Maximum of 5 Penalty Units

56. The *owner* or occupier of land must not, without a permit, camp, or allow or suffer any other persons to camp, on the land:
- 56.1. in a manner that causes a nuisance; or
  - 56.2. for any more than four (4) consecutive weeks; or
  - 56.3. for any more than a total of three (3) months in any calendar year.

#### Exemption

57. *Council* or an *Authorised Officer* may from time to time exempt any:

- 57.1. person; or
- 57.2. class of persons;

from the requirement to obtain a permit under clause 55 and from the application of clause 54, 55 or 56.

Each section, 54 to 56 inclusive, holds the option for Council to provide a permit allowing individuals to camp outside of the stated regulations in the Local Law. Section 57 also provides the ability for

Council or an Authorised Officer to exempt a person or class of persons from the application of clauses 54, 55 or 56. This gives Council the ability to provide flexibility in the use of local law 56.2 and 56.3 to allow specified individuals to camp with a valid permit or exemption for more than four consecutive weeks and/or for more than a total of three months in any calendar year.

As demonstrated in the 'Need' section of this report, a key factor limiting workforce ability is the availability of affordable accommodation in our coastal areas. Providing permits or exemptions to Section 56.2 and/or 56.3 would facilitate an additional worker housing option, particularly in peak season, if individuals working at local businesses could camp on private land for more than 4 weeks continuously.

### **Implementation Considerations**

Council's Local Law No. 2 gives the flexibility to administer a temporary worker accommodation initiative for local businesses in a number of formats. Considerations include:

- Permit or Exemption:
  - Whilst both a permit and exemption would achieve the desired result for local business, a permit has the benefit of surety to Council, local businesses and the community that application of the scheme is in line with public interest. Additionally, the back-end administration process for Council and the application process would not differ significantly.
- Local Amenity Requirements:
  - One factor leading to the camping requirements under Council's Local Law No. 2 is Council's duty of care towards both temporary and permanent residents to ensure they are provided with basic amenities. To ensure all workers have access to basic facilities, permits will only be approved on properties where existing bathroom amenities exist, or can be catered for in their short-term accommodation, and the landowner confirms the worker will have access to the aforementioned amenities.
- Is the worker or the local business the applicant:
  - It is preferential for the 'sponsor business' to be the applicant in order to give ownership and enable local businesses to enter into negotiations with landowners to secure a peak season workforce. With the business as the applicant, they are also responsible for ensuring compliance with the permit as the major beneficiary to maintain their workforce.
- Duration of the permit/exemption:
  - Options exist to permit under Section 56.2 to allow camping for more than 4 consecutive weeks, or Section 56.2 and 56.3 to allow camping for more than 4 consecutive weeks and more than 3 months per calendar year. To maximise benefit to local businesses, the preferred maximum permit period would include the whole peak season being 1 November to 30 April each financial year. However, the permit could be for 3 consecutive months of employment between 1 November and 30 April in a financial year.

Consolidating the above options, to maximise benefit and ownership to local businesses, it is recommended to introduce a permit under Colac Otway Shire General Local Law No. 2, Part 4, Sections 56.2 and 56.3 to allow a business trading in Colac Otway Shire to sponsor a worker(s) to camp at a site, where they have access to amenities, for a continuous period of employment during 1 November

to 30 April inclusive. Consent from the landowner would be required to confirm access to facilities and that there would be no adverse amenity impact.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Discussed in the Key Information section of this report. This proposed approach is supported by the Apollo Bay Affordable Worker Housing Taskforce.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 1 – Strong and Resilient Economy**

1.2 Attract, retain and grow business in our Shire

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Discussed in the Key Information section of this report.

### FINANCIAL & BUDGETARY

Nil

## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

If the new Temporary Worker Accommodation Permit is approved by Council, the following communication methods will be implemented to ensure all local businesses are aware of the workforce accommodation option for this summer season:

- An E-Bulletin distributed to Council's Economic Development database on 26 November 2021.
- The Apollo Bay Chamber of Commerce and Colac Chamber of Commerce will be briefed on the permit implementation to enable them to assist their members to utilise it.
- The Apollo Bay Affordable Worker Housing Taskforce will be briefed on the implementation of the permit.
- Notification of the permit will be distributed in the Colac Herald and Apollo Bay Newsheet.
- Notification of the permit will be shared on Council's social media outlets.

### TIMELINE

Application portal to go live on Council's website from 1 December 2021.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## Permit for Temporary Worker Accommodation

General Local Law No. 2 – Part 4 - Section 56.2 and 56.3

**Permit No:** #

**Issued to:** *Sponsor Business Name*  
*Business Address*

**Worker Names(s)** *Names(s)*

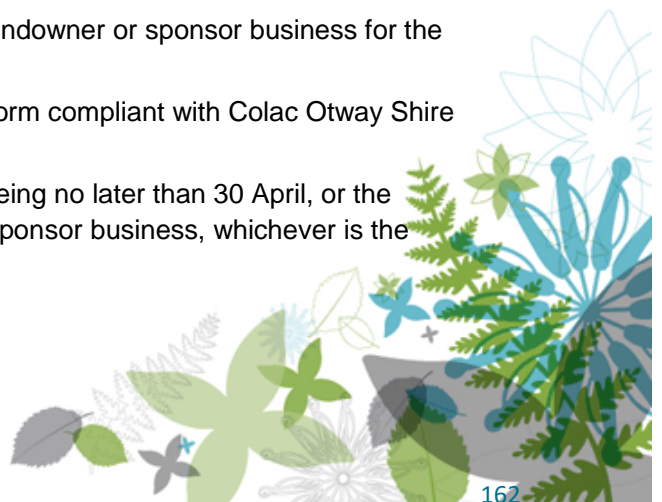
**Location of:** *Permit Location*

**Permit Allows:** Permit for the aforementioned workers to camp/reside in temporary accommodation at the above location for the permitted dates of employment at *Business Name* within peak tourist season being 1 November to 30 April inclusive.

**Permit Duration:**  
**(Employment Duration)** **Start Date:** *XX/XX/XXXX* **End Date:** *XX/XX/XXXX*

**The following conditions apply:**

1. The sponsor business is trading within the Colac Otway Shire.
2. The worker(s) residing in the temporary accommodation is(are) employed at the sponsor business for the duration of the permit.
3. It is the responsibility of the sponsor business to ensure the temporary accommodation does not affect local amenity and to respond to any amenity complaints arising from neighbouring properties or local residents.
4. The worker(s) will have full access to existing toilet and shower amenities at the permitted location.
5. All waste created by the worker(s) in the course of the temporary accommodation will be disposed of using the bin collection at the permitted location. If additional waste collection is required, it is the responsibility of the property owner to request additional bins.
6. The worker(s) cannot be charged a fee by the landowner or sponsor business for the temporary accommodation under this permit.
7. Accommodation for the worker(s) must be in a form compliant with Colac Otway Shire Council Local Law No 2 – Part 4 – Section 55.
8. This permit is valid until the stated expiry date being no later than 30 April, or the conclusion of the worker(s) employment at the sponsor business, whichever is the former.





## Permit for Temporary Worker Accommodation

General Local Law No. 2 – Part 4 - Section 56.2 and 56.3

### Special Conditions:

1. Owners of adjoining properties to the permitted location will be notified by Council of the issuing of this permit and be provided the sponsor businesses contact details for any enquiries/complaints.
2. If any amenity disputes between neighbouring properties and the sponsor business cannot be resolved to the reasonable satisfaction of Council, Council reserves the right to revoke this permit.

Permit Expiry Date:

XX/XX/XXXX

Date Issued:

XX/XX/XXXX

Authorised Officer: .....

Officer Name

Officer Position





Item: 10.7

## Winifred Nance Kindergarten playspace upgrade - Grant Proposal

<b>OFFICER</b>	Tamzin McLennan
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	1. CONFIDENTIAL REDACTED - Licence Agreement - Winifred Nance Kindergarten - BCYF - 2016 [10.7.1 - 34 pages]
<b>PURPOSE</b>	To seek Council's endorsement to apply for a grant to redevelop Winifred Nance Kindergarten's playspace.

### 1. EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval to apply for funding in a future round of the Victorian Government's Building Blocks grant program to redevelop Winifred Nance Kindergarten's playspace.

The origins of this project date back to early 2020 when Barwon Child Youth and Family (BCYF), which manages three kindergartens on behalf of Council, including Winifred Nance, was successful in securing a small grant (matched dollar-for-dollar) under Council's Community Grants for a playspace concept design. The purpose of the concept design is to prepare the project for an external funding application.

Officers wish to apply under the Building Blocks' Early Childhood Refurbishment and Minor Projects grants stream, and have been verbally informed by grant administrators that there will be a third and final round of this program in either late 2021 or early 2022. Grants up to \$500,000 are on offer under this scheme, and do not require a matching contribution. The current estimated project cost of a playspace development at the Winifred Nance Kindergarten is \$300,000.

Estimated whole-of-life costs for the playground are included in this report, so Council can understand the impact such an upgrade will have on the long-term financial plan.

## 2. RECOMMENDATION

### That Council:

1. *Notes that the draft Colac Otway Early Years Infrastructure Plan contains a recommendation to upgrade Winifred Nance's playspace, based on an assumption that the kindergarten will remain operating at 5 Gilmartin Street, Colac, for at least the next decade.*
2. *Notes that officers are working with Barwon Child Youth and Family (BCYF) and Winifred Nance Kindergarten staff to develop plans for a playspace redevelopment in preparation for a grant application.*
3. *Approves a future application to the Victorian Government's Building Blocks Early Childhood Refurbishment and Minor Projects grants scheme, which offers grants of up to \$500,000 with no matching co-contribution required.*
4. *Approves the Chief Executive Officer to make an application for the Winifred Nance Playspace with an estimated cost of \$300,000.*
5. *Authorises the Chief Executive Officer to enter a funding agreement if successful.*
6. *Notes that if constructed, the Winifred Nance Playspace will incur ongoing costs to Council in the order of \$17,000 per year.*

## 3. KEY INFORMATION

### Strategic justification



Winifred Nance Kindergarten is located at 5 Gilmartin Street, Colac. It is one of three kindergarten buildings in Colac that are owned by Council. Winifred Nance is peppercorn licensed to Early Years Management service Barwon Child Youth and Family (BCYF). It is currently licenced to provide 33 places and in 2021 ran two groups (being separate three-year-old and a separate four-year-old

program). This effectively means it is operating at capacity. In Colac, kindergarten attendance tends to be based on parent preference rather than the zoning or locality a family lives in, however it is worthwhile noting that Winifred Nance does serve a considerable proportion of residents from the Colac west area, many of whom live in disadvantaged neighbourhoods/circumstances.

Under Council's draft Early Years Infrastructure Plan, Winifred Nance Kindergarten is earmarked as a building that can continue to provide services for at least another decade. It has recently undergone an extensive redevelopment of the building.

Winifred Nance's playspace is safe and functional, but outdated and limited. Whilst individual pieces of equipment have been cyclically upgraded, many elements are up to 20 years old and no longer align with the kindergarten's aspirations for a modern educational outdoor play setting. The average asset life of a playspace is 15-20 years, which means the Winifred Nance playground is being extended beyond its expected operating life. To sum up, although outdated the playground asset has not reached the intervention level when Council would spend its own funds to renew it, although this will be required in the next 5-10 years.

BCYF, Winifred Nance kindergarten teachers and users of the facility represented by the parents' committee, have established a vision for an outdoor area that is less focussed on fixed/closed function equipment (such as a climbing structure) to elements that inspire imagination, engagement and resourcefulness (such as nature-based elements) in line with industry best practice. The kindergarten also aspires to provide play experiences that allow children to take measured risks to develop practical life skills (such as working in a garden space amongst bees or climbing a tree). Additionally, and importantly, Winifred Nance wants to ensure their playground is designed to be inclusive of and accessible to children with varying abilities.

### **Project history**

BCYF was successful in Council's 2020-21 Community Grants Program in securing a grant of \$4,680 (matched dollar-for-dollar) to develop a concept design for a new outdoor playspace. Additional work is needed to get the designs to a position where Council can apply for a grant under the Building Blocks funding, confident that the project plans have been adequately scoped and risk managed. An additional \$14,000 has been set aside in the 2021-22 budget to progress the designs to a funding-ready stage, which includes the requisite level of design detail, quantity surveying and play audits. The designs and supporting documentation are being prepared by Council's internal landscape architect, in partnership with BCYF and the Winifred Nance Kindergarten.

### **Building Blocks grants**

As part of the Victorian Government's Early Years Reform, the government is investing almost \$5 billion to support the introduction of universal funded 3-year-old kindergarten across the state. Building Blocks grants are the State Government's primary mechanism for helping the early years sector increase its capacity to meet the reforms.

Three streams of Building Blocks could apply to the proposed playground upgrade.

The Early Childhood Refurbishment and Minor Works stream offers grants up to \$500,000, which do not require a matching co-contribution. There have been two rounds offered (March and May) with a third and final round being offered in either late 2021 or early 2022. This is the grant stream officers in partnership with BCYF wish to apply for.

As a fall back, the Building Blocks Improvement Grants stream (Early Learning Facility Upgrades category) offers up to \$300,000 for renovating or refurbishing facilities to improve the quality of

learning environments for kindergarten children. This funding stream does require a co-contribution, although the guidelines do not specify how much. Verbal advice obtained via the grants helpline was that the co-contribution for these grants used to be 20%, so we should not offer more than that, however if we offer less, it comes down to how competitive our application is. A third alternative fall-back option under a staged approach is a Building Blocks \$200,000 Inclusion grant, which aims to provide safe and inclusive environments for children of all abilities. Inclusion grants do not require a co-contribution.

The State Government's Building Blocks grants provide an opportunity to upgrade the playground at a low cost to Council.

It should be noted that there are no other potential projects that Council would be looking to apply to the Building Blocks grants in the next round of funding. During September, Council was advised that our applications for toilet improvements at the Wydinia and Colac East Kindergartens were successful, and plans are being put in place for the implementation of those two projects.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

A new project plan has been prepared which clearly defines the involvement of BCYF and Winifred Nance Kindergarten in the design and grant application process.

BCYF and kindergarten staff are taking responsibility for engaging parents and children in the design process so that the brief is informed by their kindergarten community. BCYF will also lead a round of feedback once concepts are complete.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 1 – Strong and Resilient Economy**

1.3 Key infrastructure investment supports our economy and liveability

**Theme 3 – Healthy and Inclusive Community**

3.1 All people have the opportunity to achieve and thrive in our shire

3.2 People are active and socially connected through engaging quality spaces and places

3.3 We are a safe, equitable and inclusive community

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Local Government plays a legislated role in strategically planning and coordinating early years services within municipalities. Local Government contributes to the early years system by:

- Planning and coordinating services in the community.
- Supporting EYM service delivery.
- Providing early years infrastructure.
- In some cases, operating as an EYM organisation.

Evidence shows that the early years are crucial for the healthy development of a child, and a person's life successes, health and emotional wellbeing are dependent upon these years. We know that if we get it right in the early years, we can expect to see children thrive throughout school and their adult lives.

Caring and supportive environments that promote optimal early childhood development greatly increase children's chances of a successful transition to school. This, in turn, promotes children's chances of achieving better learning outcomes while at school and better education, employment and health after they have finished school.

For many children in the Colac Otway Shire, early childhood services such as childcare and kindergarten provide crucial 'protective' factors in their development. Participation in high-quality early childhood education is known to be a protective factor.

The importance of early years services, and the provision of fit-for-purpose infrastructure to support those services, cannot be understated. In Victoria, the Colac Otway Shire has a higher proportion of developmentally vulnerable children than state and national averages, as shown in the 2018 Australian Early Development Census data (AEDC).

**TABLE:** Percentage of children developmentally vulnerable in 2018

Domains explained [↗](#)

Export selected results [▼](#)

Geography	Physical <a href="#">i</a>	Social <a href="#">i</a>	Emotional <a href="#">i</a>	Language <a href="#">i</a>	Communication <a href="#">i</a>	Vuln 1 <a href="#">i</a>	Vuln 2 <a href="#">i</a>
Australia	9.6	9.8	8.4	6.6	8.2	21.7	11.0
VIC	8.2	8.8	8.1	6.4	7.4	19.9	10.1
Colac-Otway	10.7	11.1	10.7	6.3	7.1	23.3	10.3

Location <a href="#">▲</a>	Physical <a href="#">i</a> <a href="#">↕</a>	Social <a href="#">i</a> <a href="#">↕</a>	Emotional <a href="#">i</a> <a href="#">↕</a>	Language <a href="#">i</a> <a href="#">↕</a>	Communication <a href="#">i</a> <a href="#">↕</a>	Vuln 1 <a href="#">i</a> <a href="#">↕</a>	Vuln 2 <a href="#">i</a> <a href="#">↕</a>
Apollo Bay / Colac Otway South	7.1	7.1	14.3	7.1	3.6	21.4	10.7
Colac	9.9	11.7	12.6	9.0	8.1	22.5	10.8
Colac surrounds	5.2	5.2	5.2	3.4	5.2	19.0	3.4
Elliminyt	19.6	17.9	10.7	3.6	8.9	30.4	16.1

## LEGAL & RISK

Underpinning this report is a strong commitment to ensuring as much work as possible is done at the front end to de-risk the project. An ongoing risk that is out of Council's control is the rapid escalation of costs for civil and construction work. Our recent experience has been that thoroughly-scoped projects have received tenders with prices that far exceed quantity surveying estimates. Designing to

budget, designing for stages and ensuring there are adequate contingencies will be among the mitigation measures put in place.

The existing equipment is audited twice per year and is suitable for use.

## FINANCIAL & BUDGETARY

In addition to the grant provided by BCYF for playground concept designs, Council has committed \$14,000 in the 2021-22 budget to get the plans to a stage where an application can be made for a Building Blocks grant.

Playspaces (inclusive of equipment, softfall surfacing, hardscape elements such as edging, paths and soft landscaping), have an average asset life of 15 to 20 years. Some Councils choose to fully renew their playspaces or major play items every 15 years, however there are instances where playspaces have lasted beyond 25 years. Memorial Square is an example of a playspace that reached a life of 28 years before its removal. It should be noted that, whilst safety compliance requirements can be met for long periods of time through ongoing maintenance, repairs and modifications, playspaces that are older than 20 years rarely meet industry best practice or accessibility standards and are not as attractive to users or as user friendly. That said, Council will in the future need to consider the intervention level it adopts with playspaces, and determine whether the intervention level should be:

- A. replace when not safe; or
- B. replace when they don't meet the needs of the users/community.

Winifred Nance Kindergarten playspace and building surrounds are maintained at the cost of the Kindergarten Committee. Maintenance of the playspace includes; repairs, replacement of sub-components such as screws and fixings, treatment of timber elements, painting, topping up of surface materials such as gravel and meeting basic compliance requirements for the playground. Council is responsible for renewal, which includes replacement of items or components that have reached the end of their life, such as shade sails and play equipment items. Council is also responsible for procuring twice-yearly play audits. The Licence Agreement between Council and BCYF makes clear the requirements of each party.

In order to understand the actual cost to Council over the life of the asset (assuming 20 years) the following life cycle costs have been prepared for a \$300,000 project.

Life Cycle Cost	Description	Estimate over 20 years	Funding Source
Renewal Cost (includes disposal of existing playground)	Renewal of the asset at the end of its useful life. This assumes that it will need to be replaced and that Council will need to fund the work.	\$300,000	Council
Renewal Cost of minor components over its useful life	Assumes maintenance over 20 years plus some component replacement, (excluding full replacement after approximately 20 years)	\$40,000	Council
<b>Sub-total</b>		<b>\$340,000</b>	
<b>Total Lifecycle Cost</b>	<b>Calculated as an average over 20 years</b>	<b>\$17,500</b>	



The life cycle costs above assume include the conservative assumption that Council would need to fully fund the renewal project. It is also assumed that a playground would be required at the Kindergarten.

Colac Otway Shire does not operate an asset renewal reserve in order to fund future renewal of assets. Our practice is to account for the depreciation of the asset in our accounts. The trigger for depreciation to commence on an asset such as this is its capitalisation by the Finance Team once it is complete. The annual depreciation will be added to the depreciation of all of the other Council assets, thereby giving a total depreciation. We then measure our annual renewal capital works against our annual depreciation and express that as a percentage, aiming for a measure of 100%.

This methodology is generally sufficient for most assets but will not cope well when major assets such as COPACC or Bluewater require significant renewal. This is the reason that some Councils operate an Asset Renewal Reserve. For instance, annual renewal capital works might be \$9M but an additional \$0.5M might be sent to the reserve to cope with large spike expenditures required in future decades.

In the current case the situation is that we have:

- a. An asset which at best is nearing the end of its life.
- b. A definite need to renew it say within the next 5 years approximately.
- c. An opportunity to source all of that renewal funding externally at no cost to Council.

In addition to these Council costs the kindergarten will be responsible for maintenance and operations costs which could be as shown below, over the life of the project. The kindergarten will need to plan for these order of costs.

Life Cycle Cost	Description	Estimate over 20 years	Funding Source
Operation Cost	Assumes the only operational cost will be the water supply	\$8000	BCYF
Maintenance Cost	Protection of timber elements, repairs and component replacement, top up of materials, replanting, landscape maintenance.	\$100,000	BCYF/Kindergarten Committee
<b>Sub-total</b>		<b>\$108,000</b>	
<b>Total Lifecycle Cost to Kindergarten</b>	<b>Calculated as an average over 20 years</b>	<b>\$5,400</b>	

### Playspace costs

Playspace design trends have dramatically changed in the last 20 years. A growing awareness of the value of play, for early childhood development and social wellbeing, has driven a rapidly evolving trend of more intricate, landscape-driven play settings and customised play equipment. Further to this, there has been a strong mandate to make playspaces more inclusive, not just for people with physical disabilities but for children with sensory issues and their carers, who are often elderly. This trend has made its way into the early years sector, where an inclusive, nature based and imaginative, self-initiated play environment is recognised as a valuable education setting.

Designing and constructing these types of developments is far more involved and costly than the traditional approach of installing off-the shelf play equipment in mulch softfall with a timber edge.

The average square metre cost of a playspace development to current standards can range from \$500-2000 per metre square. The Memorial Square development cost approximately \$1100/m<sup>2</sup>. Based on the concept designs and cost estimates, Winifred Nance Playspace is significantly less than these rates, so would equate to a fairly cost-effective development. By comparison, the Newport Gardens Early Years playspace, which is the same size as Winifred Nance Kindergarten playspace, was constructed in 2013 at a cost of approximately \$450,000 (refer images below).





**Images Above:** Newport Gardens Early learning centre playspace features varying materials (sand, pebbles, mulch, rocks and timber) to create multiple options for movement and exploration.

## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

Officers are working with BCYF and Winifred Nance staff on the plans. These will be informed by previous engagement with parents and children. When concept plans are resolved, BCYF and Winifred Nance will carry out further engagement with parents and children to obtain feedback.

### TIMELINE

During 2020, there was a Building Blocks round offered in late November. Grant administrators have confirmed verbally that there will be a third round of the Early Childhood Refurbishment and Minor Works grants stream in late 2021 or early 2022.

Officers aim to have designs grant-ready by December to be in a position to apply for funding.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Item: 10.8

## Contract 2128 - Construct Only - King Track Bridge over Gellibrand River, Chapple Vale

<b>OFFICER</b>	Matthew Skewes
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	1. OCM Attachment KING TRACK BRIDGE Design [10.8.1 - 1 page]
<b>PURPOSE</b>	To approve and award Contract 2128 – Construct Only – King Track Bridge over Gellibrand River, Chapple Vale

### 1. EXECUTIVE SUMMARY

Tender submissions have been received for Contract 2128 - Construct Only - King Track Bridge over Gellibrand River, Chapple Vale.

Works under contract include demolition and removal of the existing structure and construction of a new bridge over Gellibrand River on King Track, Chapple Vale following a significant reduction in load limit on the existing bridge early in 2021.

A detailed bridge design has been completed and Contract 2128 is to procure a contractor to carry out the construction works. The works involve construction of an AS 5100 compliant structure that comprises a 36.8m long single lane bridge having a steel sub-structure and a precast concrete deck. The works also include abutment reconstruction, approach road work, guardrails and signage. The bridge design increases the width from the existing 3.9m, single lane structure, to a 4.2m trafficable width to comply with current bridge standard AS 5100 and provides for a design life of 80-100 years.

The contract is a lump sum AS4000 contract. The start date will begin on the day of awarding the contract and the practical completion date is specified as March 2022.

The preferred contractor has carried out bridge replacement works for Council in the past and demonstrated the capability and availability to undertake the works within the available budget.



## 2. RECOMMENDATION

**That Council:**

- 1. Awards Contract 2128 – Construct Only – King Track Bridge over Gellibrand River, Chapple Vale, to Murray Valley Piling Pty Ltd at the lump sum price of \$741,000 (exc GST).**
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.**
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal.**
- 4. Authorises the Manager Assets and Project Delivery as the Superintendent for Contract 2128, including managing variations in accordance with the contract conditions.**
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.**

## 3. KEY INFORMATION

### Background

King track Bridge (CS067) was constructed in the early 1950s and provides single lane vehicle access across the Gellibrand River. The load limit was recently reduced from 20 tonnes to 2 tonnes due to the deteriorating condition of the timber bridge and particularly the southern piles and abutment. The bridge has had significant maintenance works undertaken over the last two decades to maintain serviceability.



Image 1: King Track Bridge

The bridge provides access to a property just north of the bridge site, and is used by logging companies, Parks Victoria and DELWP for fire-fighting and other operations in the area. The bridge is beneficial for firefighting in the area, as it enables crews to manage a northerly fire front and retreat to the south. Equally it provides the property owner north of the bridge more direct emergency access during a bushfire via Gellibrand River Road to the south (refer image 2 below). The alternative route

is via a State Forest track to the north, which is managed by DELWP/Parks Victoria. Vehicle access north of the bridge is seasonal and not available from June – late October.

As a result of the reduced load limit, access to property and farming operations have been compromised over the past 2 years.



Image 2: The property impacted by the required bridge replacement is shown to the west of the bridge, with access to Gellibrand River Road to the south.

A detailed design for the new structure was sourced through an earlier RFQ process. The detailed design was used as the basis for the procurement of contractors. During the design phase the new bridge length was slightly increased to centralise the bridge over the waterway and the width was increased from 3.9m to 4.5m (4.2m trafficable width) to comply with current bridge standard AS 5100. The new structure is slightly higher (approx. 0.5m) than the existing bridge to satisfy the CCMA permit requirements to maintain safe access during 1% AEP flood events.

A practical approach to the bridge design load limit was taken with a 44 Tonne load limit mutually agreed upon during discussions between the Council Service Planner, bridge designer and the resident. The alternative 160 Tonne load limit would have significantly increased materials, footprint



and costs. The 44T load limit also enables the majority of access requirements for DELWP, Parks Victoria and logging companies.

### Tender Advertisement

A request for tender for Contract 2128 – Construct Only – King Track Bridge Replacement, Chapple Vale was advertised in the Colac Herald, the Geelong Advertiser and via eProcure Panel (MAV website) on 27 August 2021.

Tenders closed on 29 September 2021, and submissions were received from seven applicants.

### Evaluation of Tenders

Tenders are evaluated in accordance with Council's Procurement Policy and Tenders/Quotations and Purchasing Procedure, considering the following weighted selection criteria:

<b>Capacity</b>	<b>Weighting</b>
Availability and experience of key personnel	5.0%
Availability of suitable resources including plant and equipment.	10.0%
<b>Capability</b>	<b>Weighting</b>
Understanding of project requirements and outcomes to be delivered, including staging and technical requirements, and/or challenges and opportunities to be addressed	10.0%
Previous experience in completing similar contracts to the required standard.	10.0%
Ability to meet project timelines and milestones	10.0%
<b>Local contribution</b>	<b>Weighting</b>
Contribution to the financial, social and environmental wellbeing of the region, in respect to engaging and contracting with local suppliers and sub-contractors	5.0%
<b>Financial</b>	<b>Weighting</b>
Tendered lump sum	50.0%

The submission provided by Murray Valley Piling Pty Ltd was of a satisfactory quality, demonstrating good value for money, availability of suitable resources and previous experience in similar projects with the company successfully completing 2 previous bridge replacements for Colac Otway Shire Council in 2019.

Details of the tender evaluation are documented in the confidentially distributed document pertaining to this contract.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Council officers have had numerous conversations with the affected local resident and met onsite to discuss the scope of proposed works. The resident has been advised of the proposed design and the timeline for construction works. Officers have consulted with DELWP and Parks Victoria regarding their minimum load limit requirements.

Council officers and the Contractors will continue to liaise with the local residents affected to minimise traffic and access disruptions during the works.

Colac Otway Shire will permit a temporary road closure of King Track providing works are carried out during periods where alternative access is available via King Track to the north. The duration of any road closure will be minimised to limit disruption to residents, road users, private and government agencies. It is the Contractor's responsibility to implement any road closure measures including detours and notifications.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

### Alignment to Council Plan 2021-2025:

#### Theme 1 – Strong and Resilient Economy

1.3 Key infrastructure investment supports our economy and liveability

#### Theme 2 – Valuing the Natural and Built Environment

2.5 Provide and maintain an attractive and safe built environment

#### Theme 4 – Strong Leadership and Management

4.1 We commit to a program of best practice and continuous improvement

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The successful tenderer is required to provide a CEMP (Construction Environmental Management Plan) that addresses environmental and social considerations. The CEMP will be actively managed by Council staff throughout the contract term.

The works have received Works on Water exemption from the Corangamite Catchment Water Authority.

Consultants were engaged to report on Cultural Heritage status and have advised that there is no requirement for a Cultural Heritage Management Plan.

The project works will enable the removal of restrictive load limits and the recommencement of normal farming operations with full access to property, the works will enhance the overall safety and quality of the track for road users.

### LEGAL & RISK

The successful tenderer is required to provide adequate documentation for occupational health and safety requirements including site specific potential hazard assessment and Safe Work Method Statements (SWMs). This documentation will be thoroughly checked by Council staff prior to commencement and measures put in place to ensure it is adhered to throughout the work.

The successful tenderer is required to have the necessary Insurance to comply with Council's requirements.

## **FINANCIAL & BUDGETARY**

The total project budget for the King Track Bridge Replacement is \$900,000, inclusive of project management, contingencies, designs, preliminary investigations and temporary works.

The budget comprises:

- A \$450,000 contribution from the Federal Government Round 5 Bridge Renewal Program.
- A Council allocation of \$400,000 the 21/22 Bridge Renewal Program.
- A \$50,000 contribution from the property owner impacted by the reduced load limit on the bridge, Mr Chris Tipler.

\$830,000 has been allocated from the project budget for the construction of the bridge and associated contingencies. The recommended contractor has quoted within budget, with a balance of funding available for contingencies.

## **7. IMPLEMENTATION STRATEGY**

Upon Council's approval, the contract will be awarded in November 2021 and works will be programmed to commence. Conditional upon suitable weather, Officers propose that the Works Under Contract will commence as soon as practicable following contract award. The practical completion date has been listed as March 2022.

### **COMMUNICATION**

A letter of acceptance and contracts will be issued to the successful tenderer. The contracts shall be signed by both the Contractor and Council prior to the commencement of works.

Public notices of works will be circulated when a commencement date has been agreed.

### **TIMELINE**

Contract Award: 1 December 2021

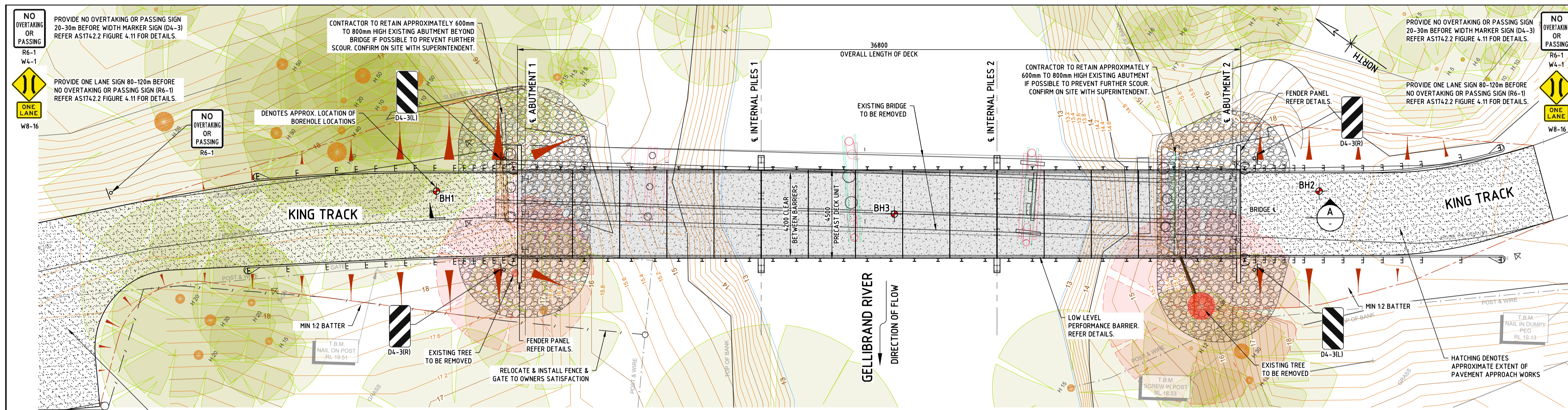
Works Commence: January 2022

Practical Completion: 31 March 2022

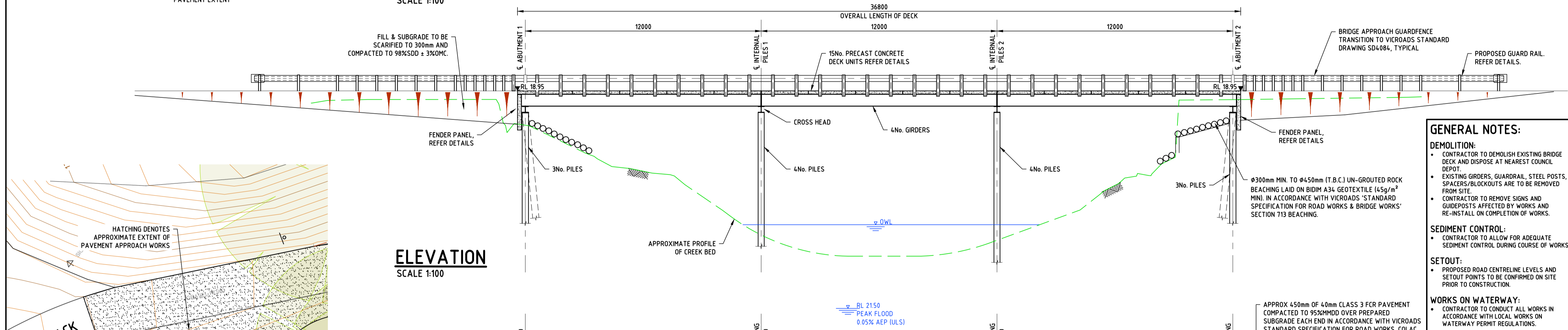
## **8. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

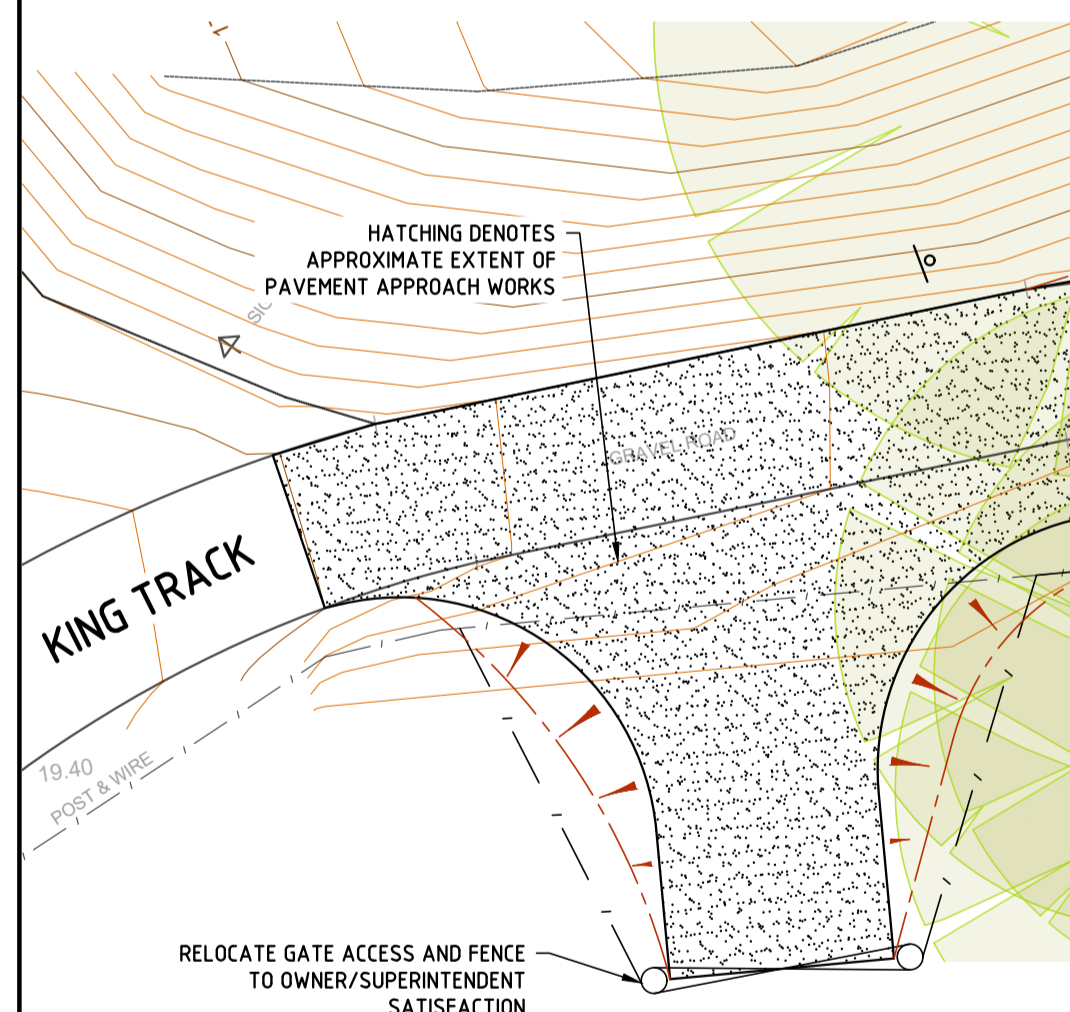




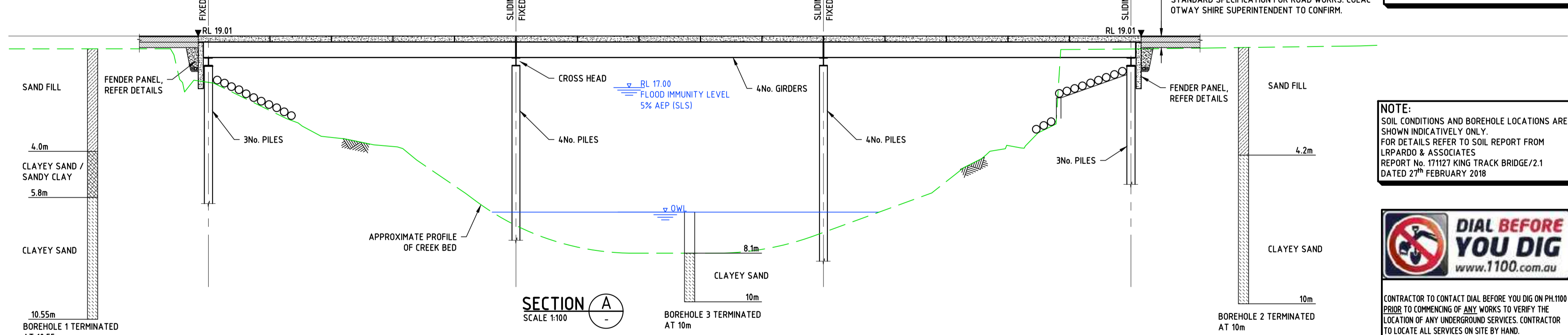
**GENERAL ARRANGEMENT PLAN**  
SCALE 1:100



**ELEVATION**  
SCALE 1:100



**PART PLAN**  
SCALE 1:100



**SECTION A**  
SCALE 1:100

- GENERAL NOTES:**
- DEMOLITION:**
    - CONTRACTOR TO DEMOLISH EXISTING BRIDGE DECK AND DISPOSE AT NEAREST COUNCIL DEPOT.
    - EXISTING GIRDERS, GUARDRAIL, STEEL POSTS, SPACERS/BLOCKOUTS ARE TO BE REMOVED FROM SITE.
    - CONTRACTOR TO REMOVE SIGNS AND GUIDEPOSTS AFFECTED BY WORKS AND RE-INSTALL ON COMPLETION OF WORKS.
  - SEDIMENT CONTROL:**
    - CONTRACTOR TO ALLOW FOR ADEQUATE SEDIMENT CONTROL DURING COURSE OF WORKS.
  - SETOUT:**
    - PROPOSED ROAD CENTRELINE LEVELS AND SETOUT POINTS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.
  - WORKS ON WATERWAY:**
    - CONTRACTOR TO CONDUCT ALL WORKS IN ACCORDANCE WITH LOCAL WORKS ON WATERWAY PERMIT REGULATIONS.

**NOTE:**  
SOIL CONDITIONS AND BOREHOLE LOCATIONS ARE SHOWN INDICATIVELY ONLY. FOR DETAILS REFER TO SOIL REPORT FROM LIPARDO & ASSOCIATES REPORT No. 171127 KING TRACK BRIDGE/2.1 DATED 27<sup>th</sup> FEBRUARY 2018



CONTRACTOR TO CONTACT DIAL BEFORE YOU DIG ON PH1100 PRIOR TO COMMENCING ANY WORKS TO VERIFY THE LOCATION OF ANY UNDERGROUND SERVICES. CONTRACTOR TO LOCATE ALL SERVICES ON SITE BY HAND.

REV	DATE	DESCRIPTION
C1	17/08/2021	FOR CONSTRUCTION
P2	22/07/2021	PRELIMINARY - CLIENT REVIEW
P1	02/06/2021	PRELIMINARY - CONCEPT

**Colac Otway SHIRE**

**WRIGHT BARRAT**  
CIVIL AND STRUCTURAL ENGINEERS  
ABN 37 150 331 752  
556 HUME STREET  
ALBURY NSW 2640  
TELEPHONE: 02 6021 3335  
FAX: 02 6021 1619  
www.wrightbarrat.com.au

CLIENT: COLAC OTWAY SHIRE

PROJECT: PROPOSED BRIDGE AT KING TRACK CHAPPLE VALE, VIC

DRAWING TITLE: GENERAL ARRANGEMENT PLAN, ELEVATION & SECTION

CONSTRUCTION

DESIGNED: N. WRIGHT	CHECKED: N. BARRAT
DRAWN: H. PHILLIPS	APPROVED FOR CONSTRUCTION: 17/08/2021
SCALE: AS INDICATED	DRAWING SIZE: A1
PROJECT No. 20506	DRAWING No. S02
	REVISION C1



Item: 10.9

**Road Reconstruction Contracts 2119 (McLachlan Street, Apollo Bay), 2124 (Stewart Street, Colac), 2200 (Strachan Street, Birregurra) and 2203 (Forest Street, Colac)**

<b>OFFICER</b>	Kristy Cochrane
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Contract 2219 - Mc Lachlan Street Design - OCM Attachment [10.9.1 - 2 pages]</li> <li>2. Contract 2124 - Stewart Street Design - OCM Attachment [10.9.2 - 2 pages]</li> <li>3. Contract 2200 - Strachan Street Design - OCM Attachment [10.9.3 - 4 pages]</li> <li>4. Contract 2203 - Forest Street Designs - OCM Attachment [10.9.4 - 5 pages]</li> </ol>
<b>PURPOSE</b>	To approve and award Contracts 2119, 2124, 2200 and 2203 for road reconstruction projects.

## 1. EXECUTIVE SUMMARY

Tenders were called for four separate road construction projects as part of Council's Annual Sealed Road Reconstruction Renewal Program. The roads to be reconstructed are:

- McLachlan Street, Apollo Bay between Cawood and Thomson Streets – Contract 2119
- Stewart Street, Colac between Wilson and Wheal Streets – Contract 2124
- Strachan Street, Birregurra between Main and Barry Streets – Contract 2200
- Forest Street, Colac between Colanda Road and Hearn Street – Contract 2203

The preferred contractor for each project has demonstrated the ability to deliver the projects within the required timelines, and within the total available construction budget allocated in the 21/22 Sealed Road Reconstruction Renewal Program. The combined value of the four preferred reconstruction tenders is \$2,507,408.

The works under contract are summarised for each project below. The contracts are individual lump sum AS 4000 contracts. The start dates will likely vary, but are expected to commence soon after award with all works anticipated to be completed by end of May 2022.

### **McLachlan Street, Apollo Bay - Contract 2119**

Works under contract include the supply of the necessary materials and construction works to complete the pavement upgrade, kerb and channel works and drainage works for a section of McLachlan Street, Apollo Bay between Cawood Street and Thomson Street, including driveway modification work as required and linemarking.

The preferred contractor has demonstrated the capability and availability to undertake the works within the available budget.

### **Stewart Street, Colac - Contract 2124**

Works under contract include the supply of the necessary materials and construction works to complete the pavement reconstruction, kerb and channel works and drainage works for a section of Stewart Street, Colac between Wilson Street and Wheal Street, including driveway modification work as required and linemarking.

The preferred contractor has demonstrated the capability and availability to undertake the works within the available budget.

### **Strachan Street, Birregurra - Contract 2200**

Works under contract include the supply of the necessary materials and construction works to complete the pavement reconstruction, footpath, kerb and channel and drainage works for the section of Strachan Street from Main Street to Barry Street, Birregurra, including pavement widening, sealing the unsealed shoulders, drainage works, and minor driveway modification works as required.

The preferred contractor has demonstrated the capability and availability to undertake the works within the available budget.

### **Forest Street, Colac - Contract 2203**

Works under contract include the widening of the road pavement and placing a 125mm thick asphalt layer from Colanda Street through to Hearn Street, excluding the bridge deck and approaches of the recently upgraded Forest Street bridge. The works include the installation of drainage, kerb and channel, modification of driveways and footpaths as required.

The preferred contractor has demonstrated the capability and availability to undertake the works within the available budget.

## **2. RECOMMENDATION**

### **RECOMMENDATION 1**

#### ***That Council:***

- 1. Awards Contract 2119 - Road Reconstruction McLachlan Street, Apollo Bay to R Slater & Sons Pty Ltd for the tendered price of \$637,710 (ex GST).***
- 2. Authorises the Chief Executive Officer to execute the contracts for Contract 2119 - Road Reconstruction McLachlan Street, Apollo Bay.***
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal for Contract 2119 - Road Reconstruction McLachlan Street, Apollo Bay.***



- 4. Authorises the Manager Assets and Project Delivery as the Superintendent for Contract 2119 - Road Reconstruction McLachlan Street, Apollo Bay, including managing variations in accordance with the contract conditions.*
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.*

#### **RECOMMENDATION 2**

**That Council:**

- 1. Awards Contract 2124 - Road Reconstruction Stewart Street, Colac to Draper's Civil Contracting Pty Ltd for the tendered price of \$409,065 (ex GST).*
- 2. Authorises the Chief Executive Officer to execute the contracts for Contract 2124 - Road Reconstruction Stewart Street, Colac.*
- 3. Authorises the Chief Executive to perform all roles of the Principal for Contract 2124 - Road Reconstruction Stewart Street, Colac.*
- 4. Authorises the Manager Assets and Project Delivery as the Superintendent for Contract 2124 - Road Reconstruction Stewart Street, Colac, including managing variations in accordance with the contract conditions.*
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.*

#### **RECOMMENDATION 3**

**That Council:**

- 1. Awards Contract 2200 - Road Reconstruction Strachan Street, Birregurra to Blue Civil & Construction Pty Ltd for the tendered price of \$644,508 (ex GST).*
- 2. Authorises the Chief Executive Officer to execute the contracts for Contract 2200 - Road Reconstruction Strachan Street, Birregurra.*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal Contract 2200 - Road Reconstruction Strachan Street, Birregurra.*
- 4. Authorises the Manager Assets and Project Delivery as the Superintendent for Contract 2200 - Road Reconstruction Stewart Street, Colac, including managing variations in accordance with the contract conditions.*
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.*

#### **RECOMMENDATION 4**

**That Council:**

- 1. Awards Contract 2203 - Road Reconstruction Forest Street, Colac to R. Slater & Sons Pty Ltd for the tendered price of \$814,125 (ex GST).*
- 2. Authorises the Chief Executive Officer to execute the contracts Contract 2203 - Road Reconstruction Forest Street, Colac.*

3. *Authorises the Chief Executive Officer to perform all roles of the Principal for Contract 2203 - Road Reconstruction Forest Street, Colac.*
4. *Authorises the Manager Assets and Project Delivery as the Superintendent for Contract 2203 - Road Reconstruction Forest Street, Colac, including managing variations in accordance with the contract conditions.*
5. *Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.*

### 3. KEY INFORMATION

Council's Annual Sealed Road Reconstruction Renewal Program ensures the continuous investment into Council's sealed road network.

The roads listed to be awarded under contract have all been identified as having reached the optimum intervention level for renewal, to ensure that service levels are maintained for the community, whilst minimising total life cycle costs.

Officers have engaged suitably qualified designers to prepare the pavement and road designs to ensure roads constructed meet the requirements of modern road construction methodologies, with regard for the users and varying settings particular to each of these projects. Geotechnical investigations were undertaken for all sites to inform the designs and understand the expected conditions prior to works starting. While these investigations aren't foolproof, and unexpected latent conditions can still exist, it is a reasonable risk mitigation tool and ensures that the pavement design is appropriate for local conditions, ensuring greater asset longevity.

Due to the impact of the construction industry shutdown during September, the tender period needed to be extended to allow tenderers from outside of locked down areas to visit the proposed works sites. The tender period was extended for a period of one week.

The submissions were evaluated by the Tender Evaluation Panels (TEP) using a set list of weighted criteria that considered not only financial value (45%) but also capacity (20%), capability (30%) and local contribution (5%). The following qualitative criteria were used in the assessment of all four road reconstruction tenders:

<b>Capacity</b>	<b>Weighting</b>
Experience and qualifications of key personnel.	10.0%
Availability of suitable resources including plant and equipment and materials.	10.0%
<b>Capability</b>	<b>Weighting</b>
Understanding of project requirements and outcomes to be delivered	15.0%
Relevant experience in performing similar or comparable services	5.0%
Ability to meet project timelines and milestones.	10.0%
<b>Local contribution</b>	<b>Weighting</b>
Contribution to the financial, social and environmental wellbeing of the region, in respect to engaging and contracting with local suppliers and sub-contractors	5.0%

Aerial images show the approximate location of each reconstruction project, and extracts from each design are attached, as are the tender evaluation reports.

### McLachlan Street, Apollo Bay (Cawood St to Thomson St)

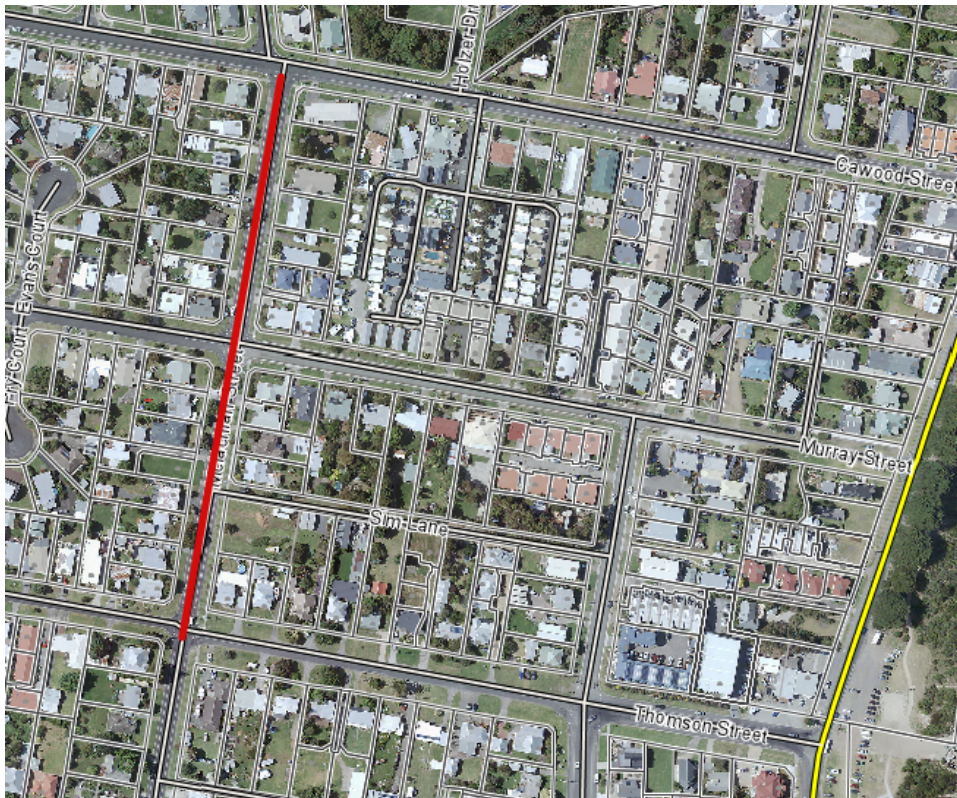


Image: MacLachlan Street, Apollo Bay. Cawood Street to Thomson Street section noted in red.

McLachlan Street is classified as an urban secondary road and the project consists of a full depth pavement reconstruction from kerb to kerb and includes the installation of sub soil drains and drainage improvements. The road predominantly services residential properties and the length of reconstruction to be undertaken is 350 metres.

#### Budget

The pre-tender estimate for this project was \$670,000, with the preferred tenderer's submission fitting within this budget.

#### Tender details

Two tender submissions were received by the tender closing date of 15 October and both were determined to be conforming submissions.

R Slater & Sons Pty Ltd are the preferred tenderer to undertake this road reconstruction project and are the preferred contractor for the Forest Street Tender. During the post-evaluation interview with the tenderer, they have advised that they have a work crew based in Apollo Bay who operate largely independently of the Colac based crew and are able to deliver the work concurrently with the recommended Forest Street, Colac works.

They are a well-established and very accomplished local civil contractor who the panel feels are well able to deliver this important reconstruction project.



## Stewart Street, Colac (Wilson St to Brown St)



Image: Stewart Street, Colac. Wilson Street to Brown Street section noted in red.

Stewart Street is classified as an urban minor road and the projects consist of a full depth pavement reconstruction from kerb to kerb as well as the installation of sub soil drains and other drainage improvements. The road predominantly services residential properties and the length of reconstruction to be undertaken is 260 metres.

### Budget

The pre-tender estimate for this project was \$405,000, with the preferred tenderer's submission being 2% higher.

### Tender details

Three tender submissions were received by the tender closing date of 15 October and all were determined to be conforming submissions.

Drapers Civil Contracting Pty Ltd are the Panel's preferred tenderer to undertake this road reconstruction project.

Drapers are a well-established and experienced contractor who is known to the panel members as being capable of managing this project well.

**Note:** The designs for this project include additional sections of roadway which are NOT to be reconstructed, and the plans are notated as such (referred to as Stage 2 Works). All remaining contract documentation was clear on the scope of the sections to be included.



## Strachan Street, Birregurra (Main St to Barry Street)



Image: Strachan Street, Birregurra. Main Street to Barry Street section noted in red.

The current road has an existing 6 metre seal, with wide unsealed shoulders and kerb and channel. This project includes road widening to 2 x 3.5m through lanes with provision for parallel parking and some angled parking closer to the Hall, drainage improvements, footpath works, and minor improvements to parking in the area and the length of reconstruction to be undertaken is 250m. This road is classified as an urban minor road; however, it is an important connection for the community as it provides access to the Birregurra Hall, Health Centre, Recreation Reserve, Hutchinsons Buslines depot and residences.

### Budget

The pre-tender estimate for this project was \$702,000, with the preferred tenderer's submission being within this estimate.

### Tender details

Six tender submissions were received by the tender closing date of 15 October and all were determined to be conforming submissions.

Blue Civil & Construction Pty Ltd are the Panel's preferred tenderer to undertake this road reconstruction project. The qualitative score for Blue Civil & Construction Pty Ltd was the highest, and the panel was impressed with the submission by this local civil contractor. The project includes full depth pavement reconstruction, kerb and channel repairs, drainage improvements and subsoil drainage.

## Forest Street, Colac (Colanda Street to Hearn Street)

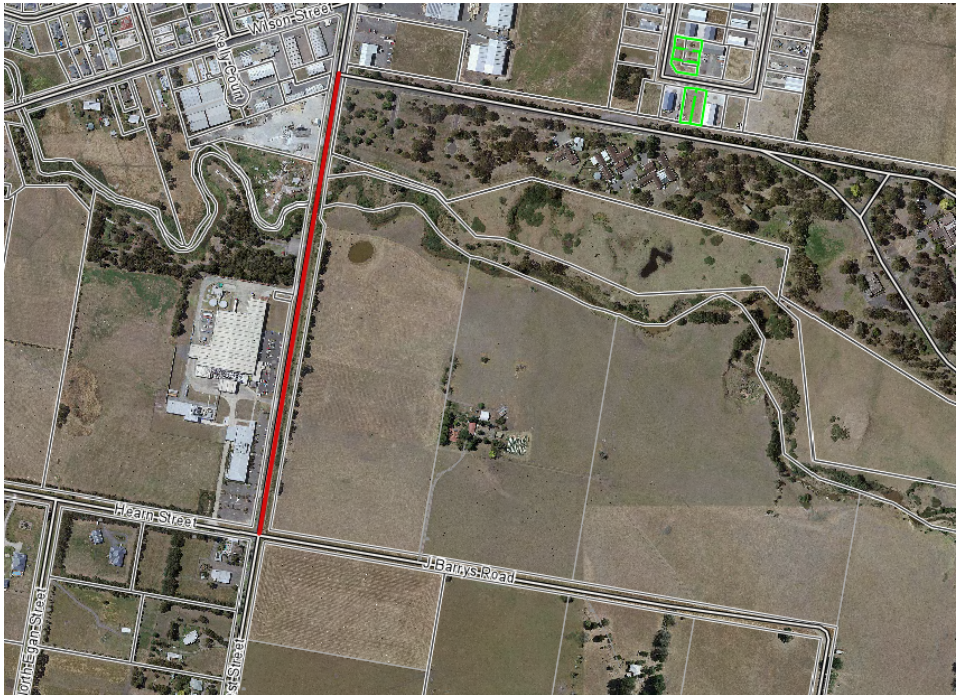


Image: Forest Street, Colac. Colanda to Hearn Street section noted in red.

Forest Street is classified as an urban, secondary road servicing one of Colac's key industrial locations, and provides access to a number of businesses including; Bulla, Clearwater Logging and Transport, AKD Softwoods, Holcim Concrete, CMTP and CCP Civil and Precast. The design for this project needed to consider the shallow depth of the 300mm diameter asbestos cement (AC) water main servicing Barwon Water's supply, as well as numerous other services located within the road reserve. To minimise the impact to the services, the design has been developed in consultation with Barwon Water to avoid interactions where possible, with barrier kerb to be installed on the east side only, and repairs to failed sections of pavement on the west side followed by an asphalt overlay with the length of reconstruction to be undertaken of 547 metres.

### Budget

The pre-tender estimate for this project was \$750,000, with the preferred tenderer's submission being approximately 9% in excess of this. This can be managed through adjustments to other projects within the broader Sealed Road Reconstruction Renewal Program. The need to avoid or minimise interactions with existing underground services has led to an increase beyond original budget expectations.

### Tender details

Five tender submissions were received by the tender closing date of 15 October and all were determined to be conforming submissions.

R Slater & Sons Pty Ltd are the preferred tenderer to undertake this road reconstruction project, which continues the improvement of this important industrial connection following the recent upgrade of the bridge over the Barongarook Creek. R Slater & Sons Pty Ltd are a well-established and very accomplished local civil contractor who were also involved as a sub-contractor for the recently completed bridge construction and widening works. They demonstrated an excellent understanding of the requirements of working around Barwon Water assets in the vicinity. This is a key risk and



constraint for this project which will be mitigated by appointing a contractor who has experience and understanding working with these conditions.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Preliminary communications will be undertaken with all affected residents and businesses within and affected by the works areas prior to construction commencing. Each will be notified by mail or email of the impending works. Communications will outline the works proposed, timeframes for construction and any project specific information such as disruption to access and how this will be managed.

Further notification will be provided by the contractor for each contract at least five days prior to works commencing, with more specific details regarding dates and times/ levels of disruption. Each contractor is required to ensure safe access with minimal disruption for motorists and pedestrians during the works period.

Broader communications regarding the works will be presented on Council's website and social media and via local media channels such as: Apollo Bay Newsheet, Birre Mail and the Colac Herald.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 2 – Valuing the Natural and Built Environment**

2.5 Provide and maintain an attractive and safe built environment

## 6. CONSIDERATIONS

### **ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC**

Contractors are required to rehabilitate areas of work including all disturbed surfaces (nature strips, road pavement and road surfaces), all spoil is to be disposed off-site and sites cleaned up on departure.

Contractors must comply with VicRoads Standards in Traffic Management, OH&S, Environmental Management, and other relevant standards and codes of practice.

Works in coastal areas will be avoided during public holidays and peak holiday periods if possible. Contractors are required to advise any affected residents and businesses by letter drop at least 5 days prior to works commencing. All efforts will be made to minimise traffic disruptions to residents and business during works.

### **LEGAL & RISK**

The successful tenderers are required to provide adequate documentation for occupational health and safety requirements including site specific potential hazard assessment and Safe Work Method Statements (SWMs). This documentation will be thoroughly checked by Council staff prior to commencement and measures put in place to ensure it is adhered to throughout the works period.

The successful tenderers are required to have the necessary Insurances to comply with Council's requirements.

## **FINANCIAL & BUDGETARY**

The funds for the projects will be drawn from the 21/22 Sealed Road Reconstruction Renewal Program, which totals \$3.36m (including carry forward funds).

A range of projects will be delivered under the Program this year. The total combined allocation from the Program for these four reconstruction projects is \$2,527,000, inclusive of project management and contingencies. This figure was informed by pre-tender estimates, based on detailed designs.

Overall, the tendered prices have come in within \$19,592 or less than 1% of the pre-tender estimate, however project management and contingencies are not accounted for in that figure. The recommended amount required for project management and contingencies through construction over all four projects is \$353,000.

The Strachan Street and Forest Street contracts include approximately \$145,000 worth of provisional items that may not be required. In combination with the \$19,592, this provides some assurance that contingencies will be covered. However, as an added precaution, it is recommended to hold on the delivery of the Conns Lane Culvert Widening project (estimated at \$260,000) until these four projects are completed. Conns Lane Culvert Widening could be delivered at the completion of these projects if sufficient budget remains, or the project will be deferred as the top priority for delivery in the 22/23 financial year.

## **7. IMPLEMENTATION STRATEGY**

Upon Council's approval, the contract will be awarded in November 2021 and works will be programmed to commence. Conditional upon suitable weather, Officers propose that the Works under Contract will commence immediately following contract award.

### **COMMUNICATION**

Letters of acceptance and contracts will be issued to the successful tenderers. The contracts shall be signed by both the Contractors and Council prior to the commencement of works.

Public notices of works will be circulated when commencement dates have been agreed to for each project.

### **TIMELINE**

Contract Award 24 November 2021

#### **McLachlan Street, Apollo Bay**

Works Commence: (estimated) Early February 2022

Practical Completion: End May 22

#### **Stewart Street, Colac**

Works Commence: (estimated) 20 January 2022

Practical Completion: Mid May 2022

**Strachan Street, Birregurra**

Works Commence: (estimated) January 2022

Practical Completion: Late May 2022

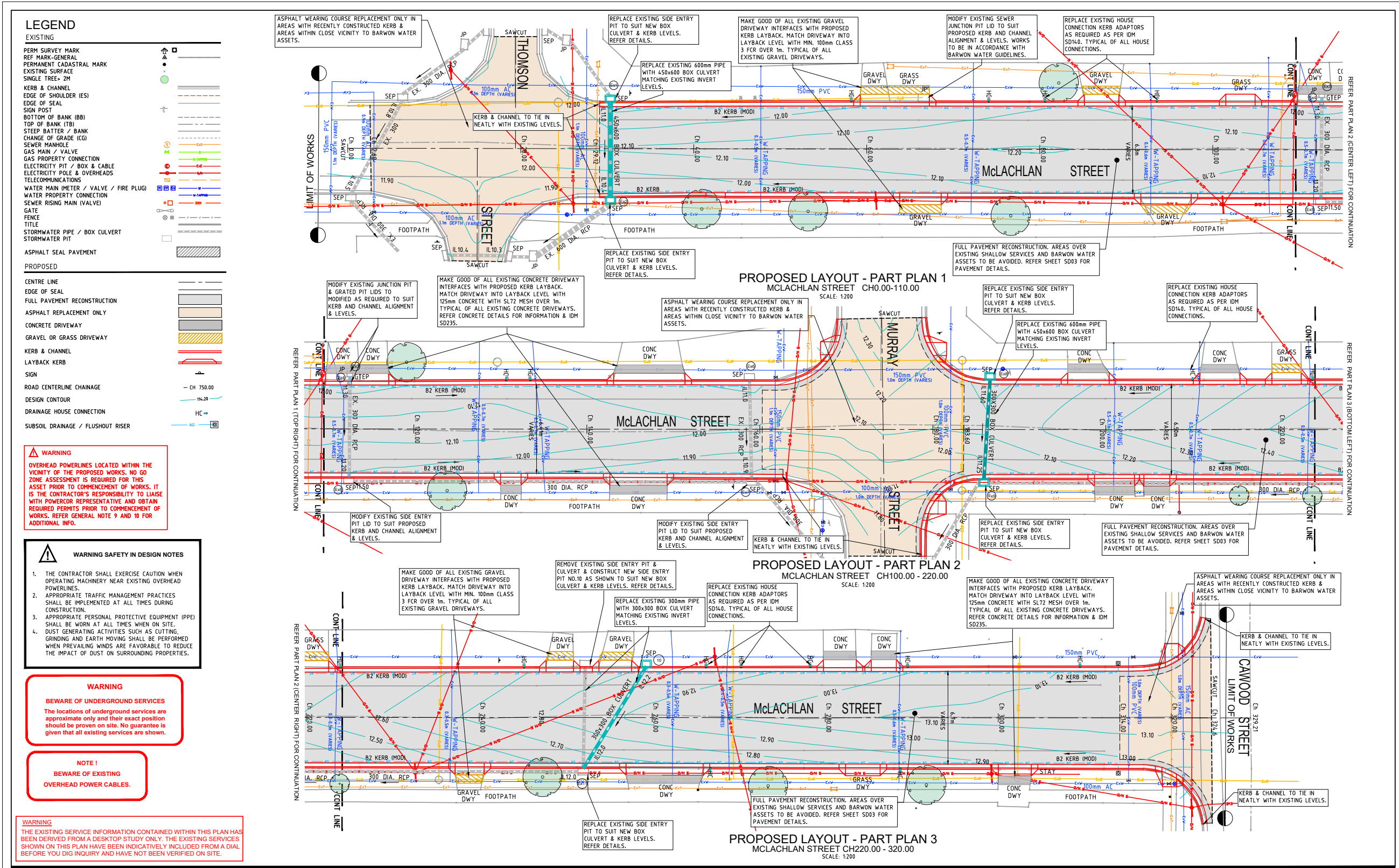
**Forest Street, Colac**

Works Commence: (estimated) January 2022

Practical Completion: Late May 2022

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



**PRELIMINARY FOR TENDER**

NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
P9	PRELIMINARY FOR TENDER	10.09.21	PRELIMINARY	JH
P8	PRELIMINARY FOR APPROVAL	25.08.21	PRELIMINARY	JH
P7	PRELIMINARY FOR TENDER	10.02.21	PRELIMINARY	JH
P6	PRELIMINARY FOR TENDER	28.01.21	PRELIMINARY	JH
P5	PRELIMINARY FOR TENDER	22.01.21	PRELIMINARY	JH
P4	PRELIMINARY FOR APPROVAL	21.12.20	PRELIMINARY	JH
P3	PRELIMINARY FOR DISCUSSION	22.10.20	PRELIMINARY	JH
P2	PRELIMINARY FOR DISCUSSION	23.06.20	PRELIMINARY	JH
P1	PRELIMINARY FOR DISCUSSION	13.12.19	PRELIMINARY	JH
NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.

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DESIGNED JH NOV 19  
DRAWN JH NOV 19

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**COLAC OTWAY SHIRE**

**ROAD, KERB & CHANNEL DESIGN**

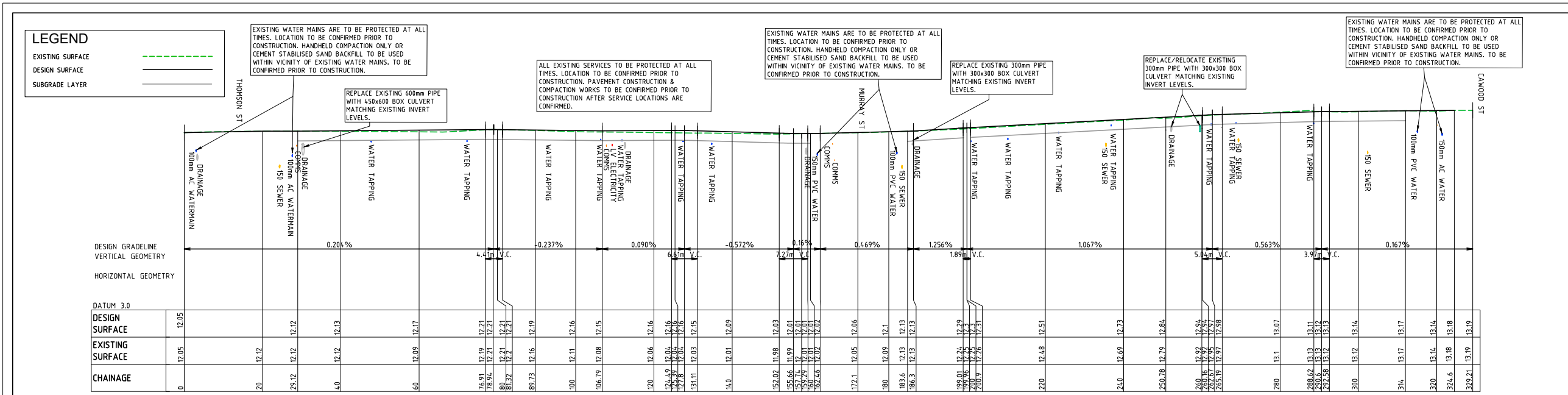
**MCLACHLAN STREET**

**APOLLO BAY, VICTORIA**

**PROPOSED LAYOUT PLAN**

**PART PLANS 1, 2 & 3**

DRAWING NO.	19092.01_SD02
SHEET NO.	02 of 09
REVISION NO.	P9
A1	
CAD:	19092.01_SD.dwg



McLACHLAN STREET CENTERLINE LONGITUDINAL SECTION



**PRELIMINARY FOR TENDER**

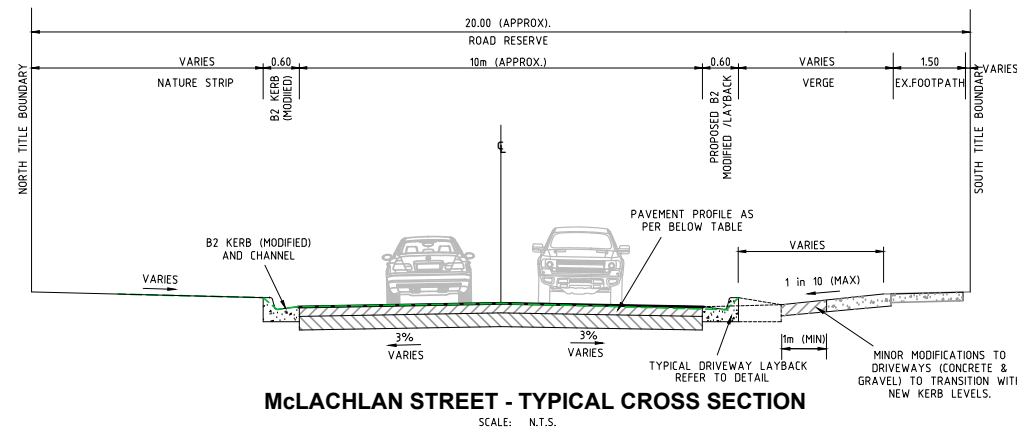
**WARNING**  
 OVERHEAD POWERLINES LOCATED WITHIN THE VICINITY OF THE PROPOSED WORKS. NO GO ZONE ASSESSMENT IS REQUIRED FOR THIS ASSET PRIOR TO COMMENCEMENT OF WORKS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CHASE WITH POWERCOR REPRESENTATIVE AND OBTAIN REQUIRED PERMITS PRIOR TO COMMENCEMENT OF WORKS. REFER GENERAL NOTE 9 AND 10 FOR ADDITIONAL INFO.

**WARNING**  
 BEWARE OF UNDERGROUND SERVICES  
 The locations of underground services are approximate only and their exact position should be proven on site. No guarantee is given that all existing services are shown.

**NOTE!**  
 BEWARE OF EXISTING OVERHEAD POWER CABLES.

**WARNING SAFETY IN DESIGN NOTES**

- THE CONTRACTOR SHALL EXERCISE CAUTION WHEN OPERATING MACHINERY NEAR EXISTING OVERHEAD POWERLINES.
- APPROPRIATE TRAFFIC MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AT ALL TIMES DURING CONSTRUCTION.
- APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT (PPE) SHALL BE WORN AT ALL TIMES WHEN ON SITE.
- DUST GENERATING ACTIVITIES SUCH AS CUTTING, GRINDING AND EARTH MOVING SHALL BE PERFORMED WHEN PREVAILING WINDS ARE FAVORABLE TO REDUCE THE IMPACT OF DUST ON SURROUNDING PROPERTIES.



PAVEMENT MAKEUP - GEOTECH REPORT 23409 G1 - TABLE 5

COURSE	THICKNESS (mm)	PAVEMENT MATERIAL	REMARKS
SPRAY SEAL/WEARING SURFACE	-	TWO COAT BITUMEN FINISH: FIRST COAT 10mm AGGREGATE, SECOND COAT 7mm AGGREGATE.	PLACED IN ACCORDANCE WITH COUNCIL & VICROADS SPECIFICATIONS.
BASE	120mm	CLASS 2 FCR (SIZE 20mm) OR COUNCIL APPROVED EQUIVALENT	COMPACTED TO 98% MOD MDD
SUB-BASE	120mm	CLASS 3 FCR (SIZE 20mm) OR COUNCIL APPROVED EQUIVALENT	COMPACTED TO 98% MOD MDD
SUBGRADE (IMPROVEMENT LAYER)	240mm	CLASS 4 FCR OR VICROADS TYPE A FILL WITH GEOFABRIC REQUIRED FOR MOISTURE SEPARATION WITH SUBGRADE OR PULVERISE IN-SITU CLAY SUBGRADE MIN 250mm DEEP & BLEND WITH 5% BRIGHTON HYDRATED LIME (OR EQUIVALENT), COMPACTED TO 98% STD COMPACTION WITHIN +/-2% OF OPTIMUM MOISTURE CONTENT.	COMPACTED TO 98% STD MDD
SUBGRADE	-	-	3%(MIN) CBR NEEDS TO SATISFY PROOF ROLL TEST.
TOTAL	500mm	-	EXL. SPRAYED SEAL

NOTE:  
 CONSTRUCTION OF SUBGRADE IMPROVEMENT LAYERS IS TO BE UNDERTAKEN IN ACCORDANCE WITH SECTION 4.5 & 4.6 OF THE GEOTECH REPORT NO. 23409 G1 PREPARED BY YITRUP.

- GENERAL PAVEMENT DESIGN NOTES:**
- DESIGN PAVEMENT PROFILES ARE AS PER THE GEOTECH REPORT & PAVEMENT DESIGN PREPARED BY PJ YITRUP & ASSOCIATES NO.23409 G1 MCLACHLAN STREET, APOLLO BAY. ALL WORKS ARE TO BE IN ACCORDANCE WITH THIS REPORT OR AS SPECIFIED BY COUNCIL SUPERINTENDENT. ANY DISCREPANCIES BETWEEN THE REPORT AND SITE CONDITIONS IS TO BE BROUGHT TO THE ATTENTION OF THE SUPERINTENDENT PRIOR TO CONSTRUCTION.
  - ANY CONSTRUCTION RELATED ISSUES OR DISCREPANCIES REGARDING THE PAVEMENT PROFILE ARE TO BE DISCUSSED & CONFIRMED DIRECTLY BY THE GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.
  - ANY ALTERNATIVE PAVEMENT PROFILES ARE TO BE CONFIRMED BY THE GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.
  - ANY SOFT SPOTS FOUND IN THE SUB-GRADE ARE TO BE INSPECTED BY THE SUPERINTENDENT OR GEOTECH AND UNDER THEIR DIRECTION THEY ARE TO BE REMOVED AND REPLACED WITH VICROADS TYPE A CAPPING MATERIAL IN 150mm LAYERS TO 95% MODIFIED MAXIMUM DRY DENSITY. ADVICE SHOULD BE SOUGHT FROM GEOTECHNICAL ENGINEER AS REQUIRED IF SOFT SPOTS ARE ENCOUNTERED.
  - ITS NOTED THAT A NUMBER OF SERVICES ARE LOCATED WITHIN CLOSE VICINITY TO THE SUBGRADE LEVELS. IT IS CONTRACTORS RESPONSIBILITY TO LOCATE ALL SERVICES PRIOR TO CONSTRUCTION AND PROTECT THEM THROUGHOUT THE EXTENT OF WORKS. HANDHELD COMPACTION ONLY OR CEMENT STABILISED SAND BACKFILL IS REQUIRED WHERE THERE IS INSUFFICIENT COVER OVER SERVICES AND WHERE ANY ASBESTOS CEMENT SERVICES EXISTS. SERVICES HAVE ONLY BEEN LOCATED USING ELECTRONIC TECHNIQUES AND BASED ON DIAL BEFORE YOU DIG DATA AND HAVE NOT BEEN PROVEN USING NON-DESTRUCTIVE TECHNIQUES. IT IS NOT GUARANTEED THAT ALL SERVICES ARE SHOWN.
  - EXISTING BARON WATER ASSETS ARE TO BE PROTECTED AT ALL TIMES. HANDHELD COMPACTION ONLY IS REQUIRED WITHIN VICINITY OF WATER MAINS.
  - ANY VOIDS CREATED BY THE REMOVAL OF EXISTING CULVERTS ARE TO BE REPLACED WITH CLASS 3 FCR COMPACTED IN MAX. 150mm LAYERS TO 98% MODIFIED MAXIMUM DRY DENSITY TO SUBGRADE LEVEL.
  - THE BASE MATERIAL THAT SHALL COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 812 - CRUSHED ROCK FOR BASE AND SUBBASE PAVEMENT.
  - ALL BASE MATERIAL IS TO BE PLACED AND COMPACTED IN ACCORDANCE WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 304 - UNBOUND FLEXIBLE PAVEMENT CONSTRUCTION.
  - THE PAVEMENT IS TO BE PREPARED FOR BITUMINOUS SEALING IN ACCORDANCE TO VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 310 - PREPARATION OF GRANULAR PAVEMENTS FOR BITUMINOUS SURFACING.
  - ALL BITUMINOUS SEALING IS TO COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 408 - SPRAYED BITUMINOUS SURFACING AND SECTION 831 - AGGREGATE FOR SPRAYED BITUMINOUS SURFACING.

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**RELEASE DETAILS**

NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
P9	PRELIMINARY FOR TENDER	10.09.21	PRELIMINARY	JH
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P6	PRELIMINARY FOR TENDER	28.01.21	PRELIMINARY	JH
P5	PRELIMINARY FOR TENDER	22.01.21	PRELIMINARY	JH
P4	PRELIMINARY FOR APPROVAL	21.12.20	PRELIMINARY	JH
P3	PRELIMINARY FOR DISCUSSION	22.10.20	PRELIMINARY	JH
P2	PRELIMINARY FOR DISCUSSION	23.06.20	PRELIMINARY	JH
P1	PRELIMINARY FOR DISCUSSION	13.12.19	PRELIMINARY	JH
NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.

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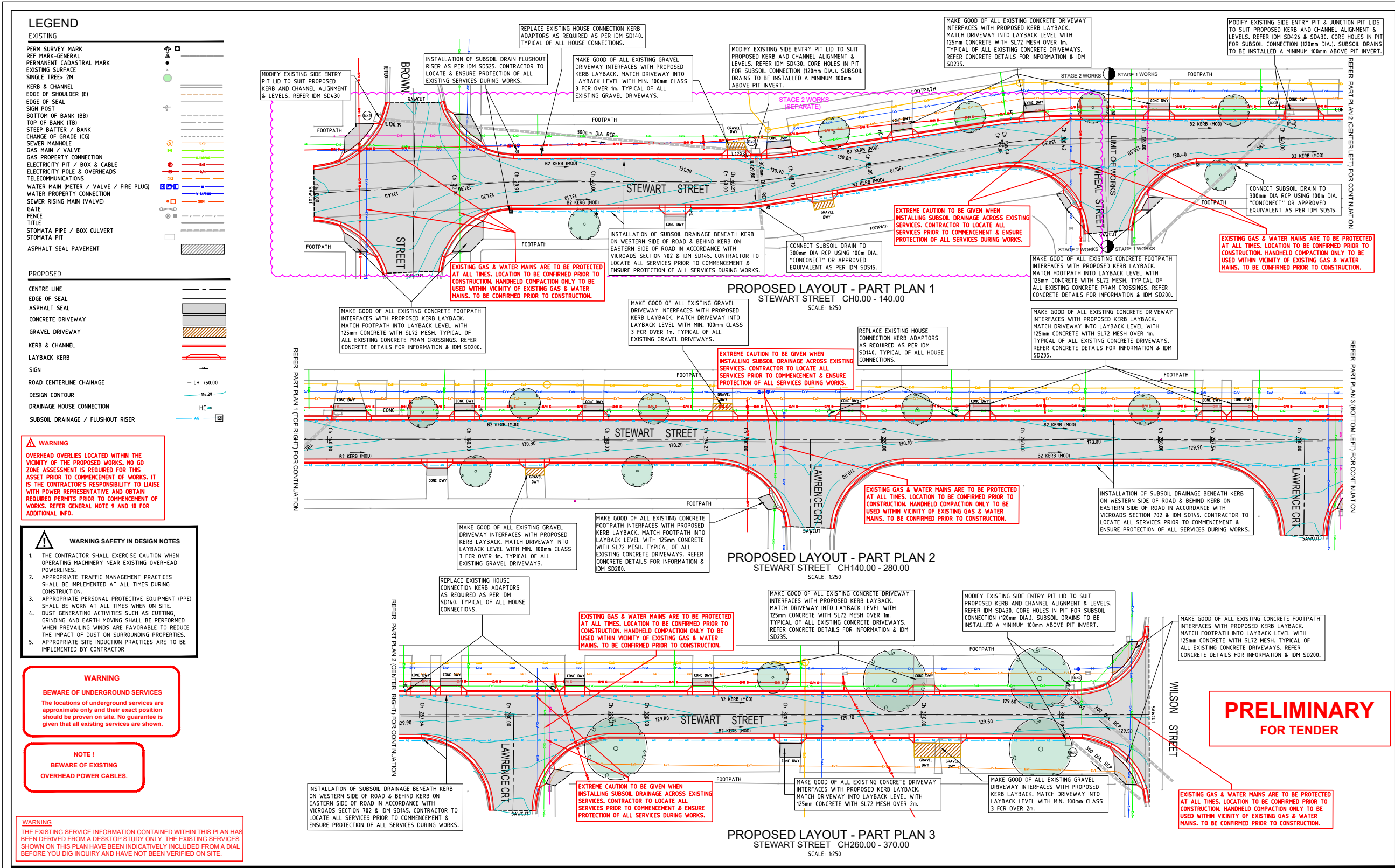
DESIGNED JH NOV 19  
 DRAWN JH NOV 19

Scale AS SHOWN

**COLAC OTWAY SHIRE**  
**ROAD, KERB & CHANNEL DESIGN**  
**MCLACHLAN STREET**  
**APOLLO BAY, VICTORIA**  
**LONGITUDINAL SECTION & TYPICAL DETAIL**

DRAWING NO. 19092.01\_SD03  
 SHEET NO. 03 of 09  
 REVISION NO. P9  
 A1  
 CAD: 19092.01\_SD.dwg





RELEASE DETAILS

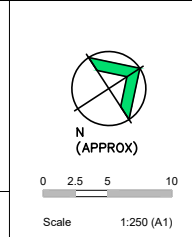
NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
P7	PRELIMINARY FOR TENDER	13.09.21	PRELIMINARY	JH
P6	PRELIMINARY FOR TENDER	30.07.21	PRELIMINARY	JH
P5	PRELIMINARY FOR TENDER	28.01.21	PRELIMINARY	JH
P4	PRELIMINARY FOR TENDER	22.01.21	PRELIMINARY	JH
P3	PRELIMINARY FOR APPROVAL	21.12.20	PRELIMINARY	JH
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DESIGNED JH NOV 19  
DRAWN JH NOV 19



**COLAC OTWAY SHIRE**

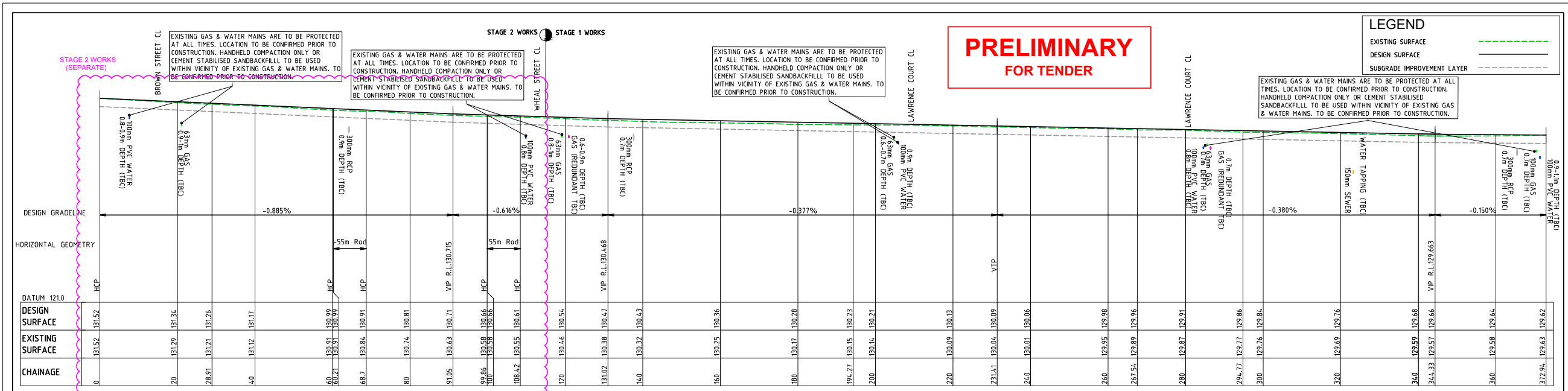
**ROAD, KERB & CHANNEL DESIGN**

**STEWART STREET**  
COLAC, VICTORIA

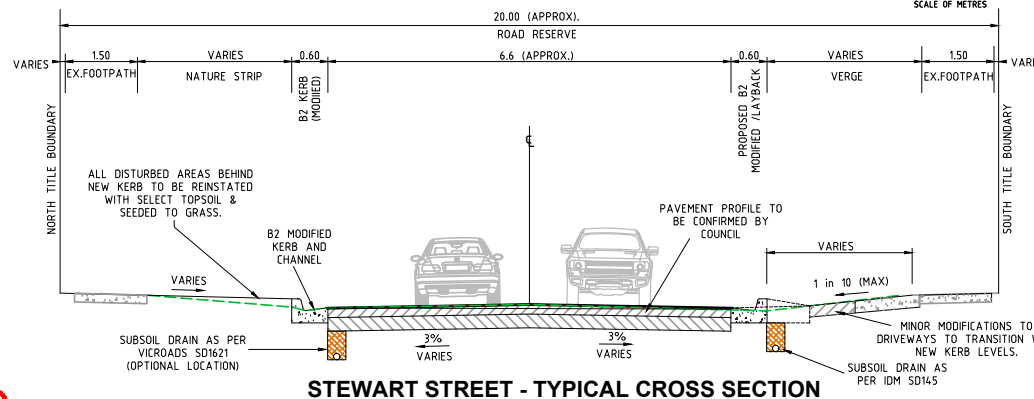
**PROPOSED LAYOUT PLAN**  
PART PLANS 1, 2 & 3

DRAWING NO. 19092.03\_SD02  
SHEET NO. 02 of 09

REVISION NO. P7  
A1  
CAD: 19092.03\_SD.dwg



STEWART STREET CENTERLINE LONGITUDINAL SECTION



STEWART STREET - TYPICAL CROSS SECTION

PAVEMENT MAKEUP - GEOTECH REPORT 201723 - ADDENDUM 1, OPTION 1

COURSE	THICKNESS (mm)	PAVEMENT MATERIAL	REMARKS
AC WEARING	20	DOUBLE/DOUBLE SPRAYED SEAL - SIZE 7/14mm AGGREGATE, CLASS C19 BINDER	REFER ITEM RC500.22 APP. D IN GEOTECH REPORT 201723 AND IDM
PRIMER	-	-	ALLOW TO CURE FOR 3 HOT DAYS BEFORE SEAL COAT APPLICATION
BASE	100mm	CLASS 2 FCR (SIZE 20mm) OR COUNCIL APPROVED EQUIVALENT	COMPACTED TO 100% MOD MDD
SUB-BASE	180mm	CLASS 3 FCR (SIZE 20mm) OR COUNCIL APPROVED EQUIVALENT	COMPACTED TO 98% MOD MDD
SUBGRADE IMPROVEMENT	150mm	VICROADS TYPE A CAPPING MATERIAL, (CBR >15%)	COMPACTED TO 95% MOD MDD
SUBGRADE	-	-	COMPACTED TO 95% STD MOD OR SATISFY PROOF ROLL TEST
TOTAL	450	-	INC. ASPHALT

GENERAL PAVEMENT DESIGN NOTES:

- DESIGN PAVEMENT PROFILES ARE AS PER THE GEOTECH REPORT PREPARED BY LR PARDO & ASSOCIATES NO.201723 STEWART ST/3 & 3.1 - ADDENDUM 1. ALL WORKS ARE TO BE IN ACCORDANCE WITH THIS REPORT OR AS SPECIFIED BY COUNCIL SUPERINTENDENT.
- ANY CONSTRUCTION RELATED ISSUES OR DISCREPANCIES REGARDING THE PAVEMENT PROFILE ARE TO BE DISCUSSED & CONFIRMED DIRECTLY BY THE GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.
- ANY ALTERNATIVE PAVEMENT PROFILES ARE TO BE CONFIRMED BY THE GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.
- ANY SOFT SPOTS FOUND IN THE SUB-GRADE ARE TO BE INSPECTED BY THE SUPERINTENDENT AND UNDER THEIR DIRECTION THEY ARE TO BE REMOVED AND REPLACED WITH VICROADS TYPE A CAPPING MATERIAL IN 150mm LAYERS TO 95% MODIFIED MAXIMUM DRY DENSITY. ADVICE SHOULD BE SOUGHT FROM GEOTECHNICAL ENGINEER AS REQUIRED IF SOFT SPOTS ARE ENCOUNTERED.
- IT IS NOTED THAT A NUMBER OF SERVICES ARE LOCATED WITHIN CLOSE VICINITY TO THE SUBGRADE LEVELS. IT IS CONTRACTORS RESPONSIBILITY TO LOCATE ALL SERVICES PRIOR TO CONSTRUCTION AND PROTECT THEM THROUGHOUT THE EXTENT OF WORKS. HANDHELD COMPACTION ONLY OR CEMENT STABILISED SAND BACKFILL TO SUBGRADE LEVELS IS REQUIRED WHERE THERE IS INSUFFICIENT COVER OVER SERVICES.
- EXISTING BARWON WATER & SP AUSNET ASSETS ARE TO BE PROTECTED AT ALL TIMES. CONTRACTOR IS TO CONFIRM CONSTRUCTION TECHNIQUES WITH COUNCIL SUPERINTENDENT &/OR GEOTECHNICAL ENGINEER PRIOR TO COMMENCEMENT. HANDHELD COMPACTION ONLY IS REQUIRED WITHIN VICINITY OF WATER MAINS AND GAS MAINS. BARWON WATER LOADING LIMITS & COMPACTION ZONES:  
- 450mm COVER OVER EXISTING SERVICE - LIMIT TO 5 TONNES (MAX)  
- 750mm COVER OVER EXISTING SERVICE - LIMIT TO 10 TONNES (MAX)
- ANY VOIDS CREATED BY THE REMOVAL OF EXISTING CULVERTS ARE TO BE REPLACED WITH CLASS 3 FCR COMPACTED IN MAX. 150mm LAYERS TO 98% MODIFIED MAXIMUM DRY DENSITY TO SUBGRADE LEVEL.
- THE BASE MATERIAL THAT SHALL COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 812 - CRUSHED ROCK FOR BASE AND SUBBASE PAVEMENT.
- ALL BASE MATERIAL IS TO BE PLACED AND COMPACTED IN ACCORDANCE WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 304 - UNBOUND FLEXIBLE PAVEMENT CONSTRUCTION.
- THE PAVEMENT IS TO BE PREPARED FOR BITUMINOUS SEALING IN ACCORDANCE TO VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 310 - PREPARATION OF GRANULAR PAVEMENTS FOR BITUMINOUS SURFACING.
- ALL BITUMINOUS SEALING IS TO COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 408 - SPRAYED BITUMINOUS SURFACING AND SECTION 831 - AGGREGATE FOR SPRAYED BITUMINOUS SURFACING.

DRAINAGE PIT SCHEDULE

PIT NAME	PIT TYPE	INTERNAL WIDTH	INTERNAL LENGTH	INLET DIA.	INLET INVERT	OUTLET DIA.	OUTLET INVERT	PIT LID LEVEL	PIT DEPTH	COVER & DETAILS	COMMENTS
Ex.1	SEP	900	600			EX.300	130.19	131.55	1.36	MODIFY EXISTING SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL ALIGNMENT AND HEIGHT AS REQUIRED. INSTALL A NEW 900x600 LIGHT WEIGHT LID (R&S GRATING CODE: FRP227-r-GREEN CLASS B INCLUDING SURROUND.	MODIFY SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL. REFER DETAILS.
Ex.2	SEP	900	600	EX.300	129.80	EX.300	129.80	131.00	1.20	MODIFY EXISTING SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL ALIGNMENT AND HEIGHT AS REQUIRED. INSTALL A NEW 900x600 LIGHT WEIGHT LID (R&S GRATING CODE: FRP227-r-GREEN CLASS B INCLUDING SURROUND.	MODIFY SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL. REFER DETAILS.
Ex.3	SEP	900	600			EX.300	TBC	130.49	TBC	MODIFY EXISTING SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL ALIGNMENT AND HEIGHT AS REQUIRED. INSTALL A NEW 900x600 LIGHT WEIGHT LID (R&S GRATING CODE: FRP227-r-GREEN CLASS B INCLUDING SURROUND.	MODIFY SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL. REFER DETAILS. INVERT LEVELS TO BE CONFIRMED
Ex.4	JP	900	600	TBC	TBC	TBC	TBC	130.36	TBC	MODIFY EXISTING JUNCTION PIT TO MATCH THE PROPOSED CONCRETE DRIVEWAY LAYBACK. HEAVY DUTY JUNCTION PIT TYPE APPROVED BY COUNCIL.	CONTRACTOR TO CONFIRM INVERT DETAILS PRIOR TO COMMENCEMENT OF WORKS. UNABLE TO OPEN PIT AT TIME OF FEATURE SURVEY
Ex.5	SEP	900	600			EX.300	128.65	129.66	1.01	MODIFY EXISTING SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL ALIGNMENT AND HEIGHT AS REQUIRED. INSTALL A NEW 900x600 LIGHT WEIGHT LID (R&S GRATING CODE: FRP227-r-GREEN CLASS B INCLUDING SURROUND.	MODIFY SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL. REFER DETAILS.
Ex.6	SEP	900	600			EX.300	TBC	129.55	TBC	MODIFY EXISTING SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL ALIGNMENT AND HEIGHT AS REQUIRED. INSTALL A NEW 900x600 LIGHT WEIGHT LID (R&S GRATING CODE: FRP227-r-GREEN CLASS B INCLUDING SURROUND.	MODIFY SIDE ENTRY PIT TO MATCH PROPOSED KERB AND CHANNEL. REFER DETAILS. INVERT LEVELS TO BE CONFIRMED

- NOTES
- PIT LID LEVEL & SETOUT REFERS TO CENTRE OF PIT
  - PIT LID TO BE INSTALLED TO MATCH DESIGN SURFACE GRADE
  - PIT LID AND SURROUND TO BE APPROVED BY SUPERINTENDENT PRIOR TO PLACEMENT

**WARNING**  
OVERHEAD POWERLINES LOCATED WITHIN THE VICINITY OF THE PROPOSED WORKS. NO GO ZONE ASSESSMENT IS REQUIRED FOR THIS ASSET PRIOR TO COMMENCEMENT OF WORKS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LIAISE WITH POWERCOR REPRESENTATIVE AND OBTAIN REQUIRED PERMITS PRIOR TO COMMENCEMENT OF WORKS. REFER GENERAL NOTE 9 AND 10 FOR ADDITIONAL INFO.

**WARNING**  
BEWARE OF UNDERGROUND SERVICES  
The locations of underground services are approximate only and their exact position should be proven on site. No guarantee is given that all existing services are shown.

**NOTE!**  
BEWARE OF EXISTING OVERHEAD POWER CABLES.

**WARNING SAFETY IN DESIGN NOTES**

- THE CONTRACTOR SHALL EXERCISE CAUTION WHEN OPERATING MACHINERY NEAR EXISTING OVERHEAD POWERLINES.
- APPROPRIATE TRAFFIC MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AT ALL TIMES DURING CONSTRUCTION.
- APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT (PPE) SHALL BE WORN AT ALL TIMES WHEN ON SITE.
- DUST GENERATING ACTIVITIES SUCH AS CUTTING, GRINDING AND EARTH MOVING SHALL BE PERFORMED WHEN PREVAILING WINDS ARE FAVORABLE TO REDUCE THE IMPACT OF DUST ON SURROUNDING PROPERTIES.
- APPROPRIATE SITE INDUCTION PRACTICES ARE TO BE IMPLEMENTED BY CONTRACTOR

RELEASE DETAILS

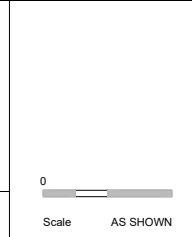
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P6	PRELIMINARY FOR TENDER	30.07.21	PRELIMINARY	JH
P5	PRELIMINARY FOR TENDER	28.01.21	PRELIMINARY	JH
P4	PRELIMINARY FOR TENDER	22.01.21	PRELIMINARY	JH
P3	PRELIMINARY FOR APPROVAL	21.12.20	PRELIMINARY	JH
P2	PRELIMINARY FOR DISCUSSION	23.06.20	PRELIMINARY	JH
P1	PRELIMINARY FOR DISCUSSION	13.12.19	PRELIMINARY	JH
NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.

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DESIGNED JH NOV 19  
DRAWN JH NOV 19



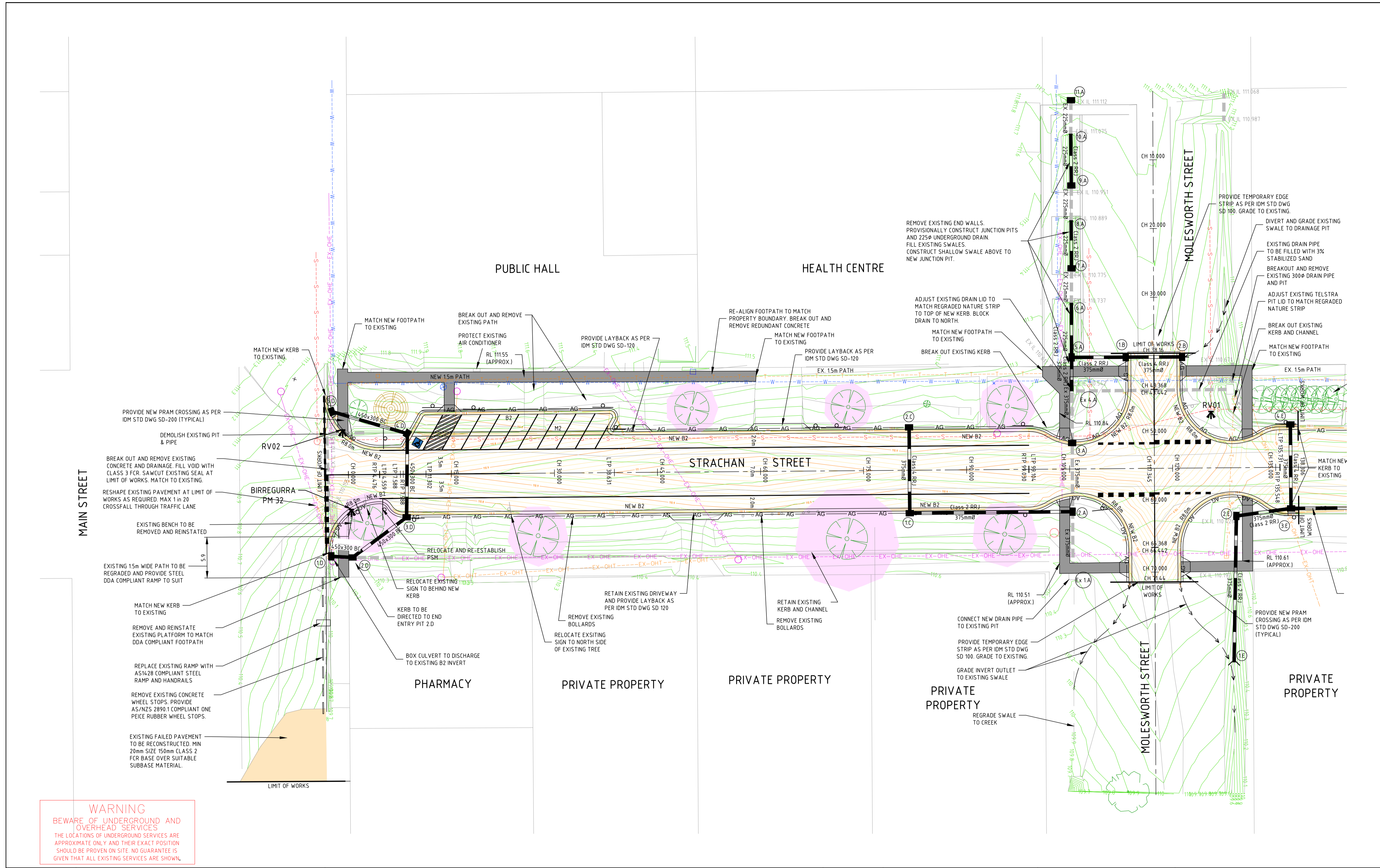
**COLAC OTWAY SHIRE**  
ROAD, KERB & CHANNEL DESIGN  
STEWART STREET  
COLAC, VICTORIA  
LONGITUDINAL SECTION  
& TYPICAL DETAIL

DRAWING NO. 19092.03\_SD03  
SHEET NO. 03 of 09

REVISION NO. P7  
A1  
CAD: 19092.03\_SD.dwg

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**WARNING**  
 BEWARE OF UNDERGROUND AND OVERHEAD SERVICES  
 THE LOCATIONS OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT POSITION SHOULD BE PROVEN ON SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.

**WARNING-UNDERGROUND SERVICES**  
 THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL AUTHORITIES TO DETERMINE THE LOCATION OF UNDERGROUND SERVICES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORK. THE CONTRACTOR SHALL ENSURE THAT ALL SERVICES ARE FULLY PROTECTED DURING CONSTRUCTION. ANY SERVICES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.

REV	DATE	BY	APP	REVISION DESCRIPTION
E	14.09.21	TB	PDR	TENDER ISSUE.
D	01.09.21	TB	PDR	DESIGN ISSUE.
C	18.08.21	TB	PDR	COUNCIL REVIEW.
B	11.08.21	TB	PDR	LEGEND AND NOTES AMENDED.
A	02.08.21	TB	PDR	PRELIMINARY DESIGN

REV	DATE	BY	APP	REVISION DESCRIPTION

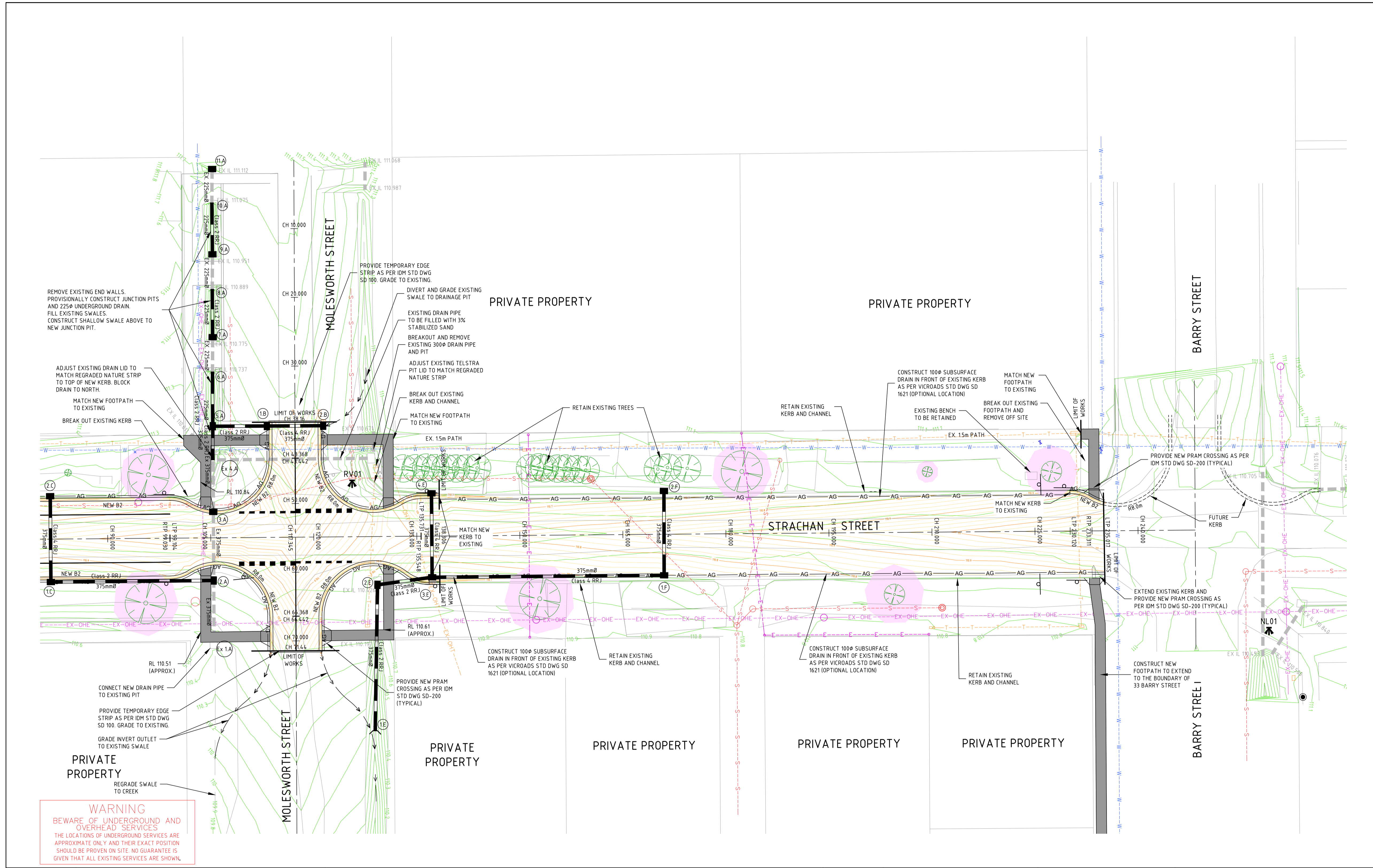
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 DESIGNER MF  
 DRAWN MF  
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 APPROVED PDR

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PROJECT: STRACHAN STREET  
 PM PROJECT No.: W.COS-13899  
 CLIENT: COLAC OTWAY SHIRE COUNCIL

DWG No.: 13899CD200  
 TITLE: DETAIL PLAN - SHEET 1  
 SCALE: 5 0 5 10 @A1 1:250  
 REV: E





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D	01.09.21	TB	PDR	DESIGN ISSUE.					
C	18.06.21	TB	PDR	COUNCIL REVIEW.					
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A	02.08.21	TB	PDR	PRELIMINARY DESIGN					

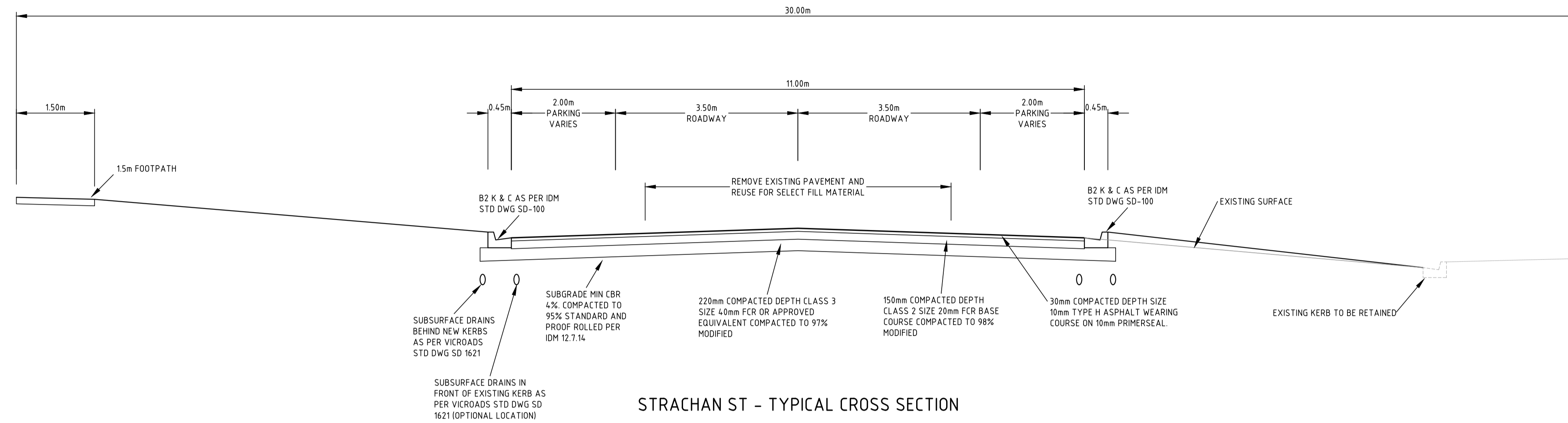
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DRAWN	MF
CHECKED	TB
APPROVED	PDR

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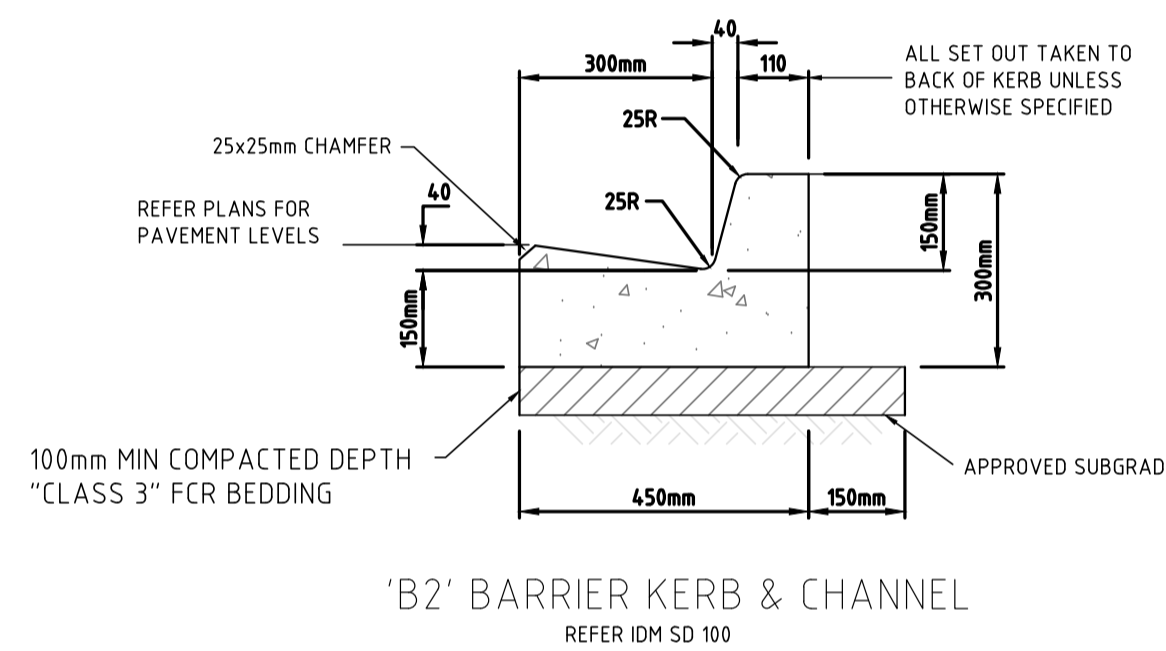
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 PM PROJECT No.: W.COS-13899  
 CLIENT: COLAC OTWAY SHIRE COUNCIL

DWG No.: 13899CD201  
 TITLE: DETAIL PLAN - SHEET 2  
 SCALE: 5 0 5 10 @ A1  
 REV: E

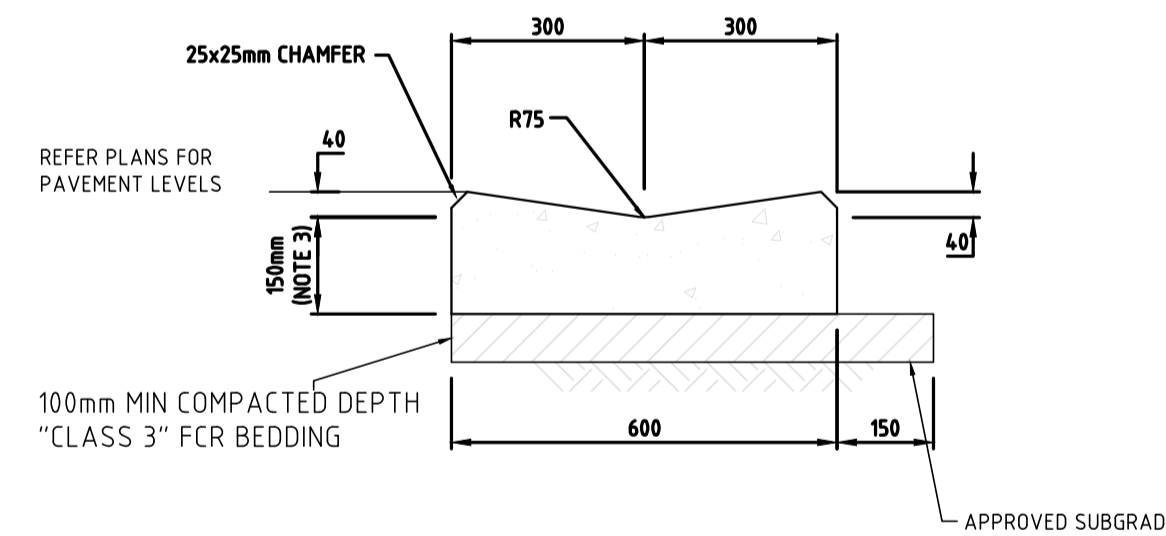




STRACHAN ST - TYPICAL CROSS SECTION  
(FULL WIDTH RECONSTRUCTION)



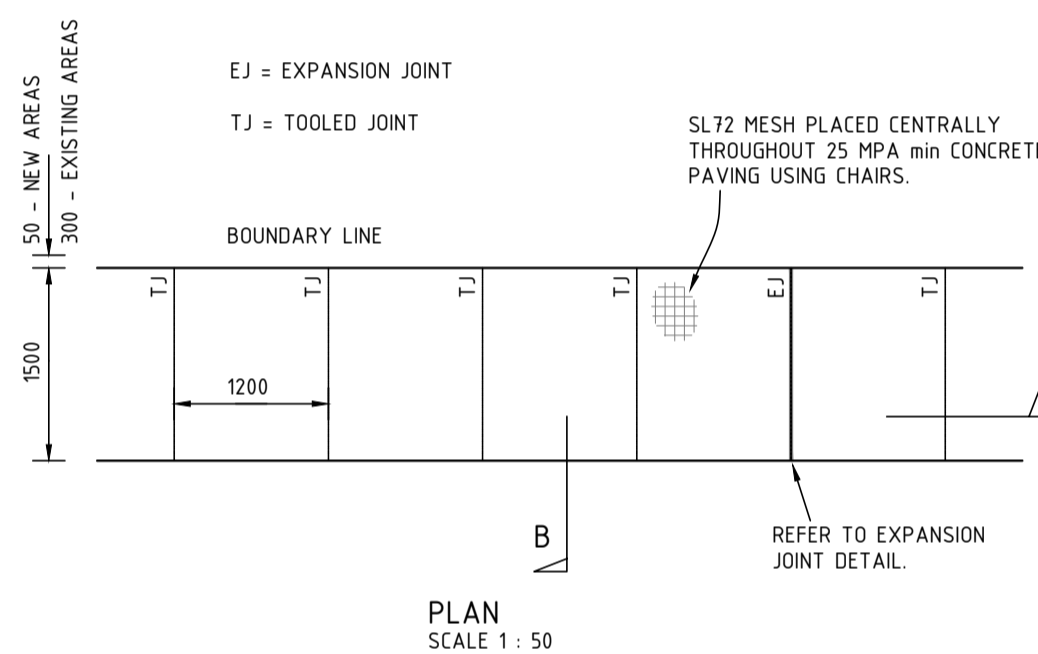
'B2' BARRIER KERB & CHANNEL  
REFER IDM SD 100



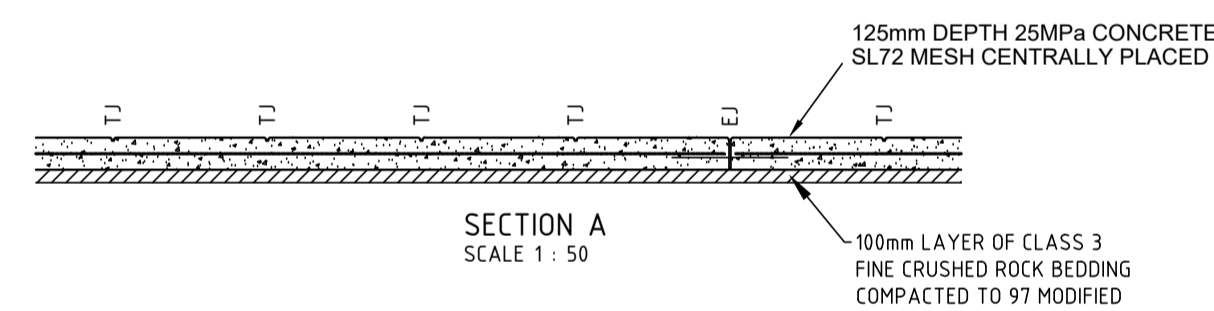
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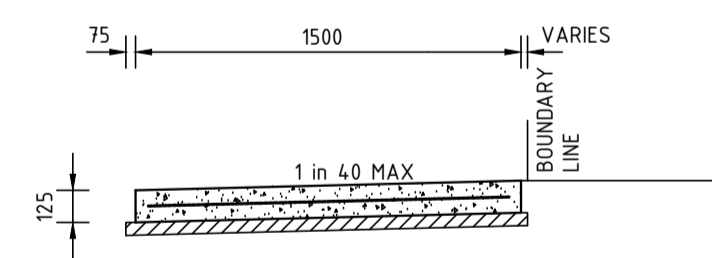
1. ALL MEASUREMENTS ARE IN MILLIMETRES.
2. CONCRETE SHALL BE NORMAL CLASS N25 STANDARD STRENGTH GRADE COMPLYING WITH THE REQUIREMENTS OF AS 1379. REFER TO VICROADS.
3. TRANSITIONS BETWEEN KERB TYPES SHOULD BE DEVELOPED OVER ONE METER (MIN).
4. REFER TO AUSTRROADS GUIDE TO ROAD DESIGN 2016 PART 3 GEOMETRIC DESIGN FOR RECOMMENDED USE OF KERBS AND CHANNELS.
5. BEDDING TO BE COMPACTED CLASS 3 F.C.R. UNLESS OTHERWISE DIRECTED. (REFER SD 100)



PLAN  
SCALE 1:50

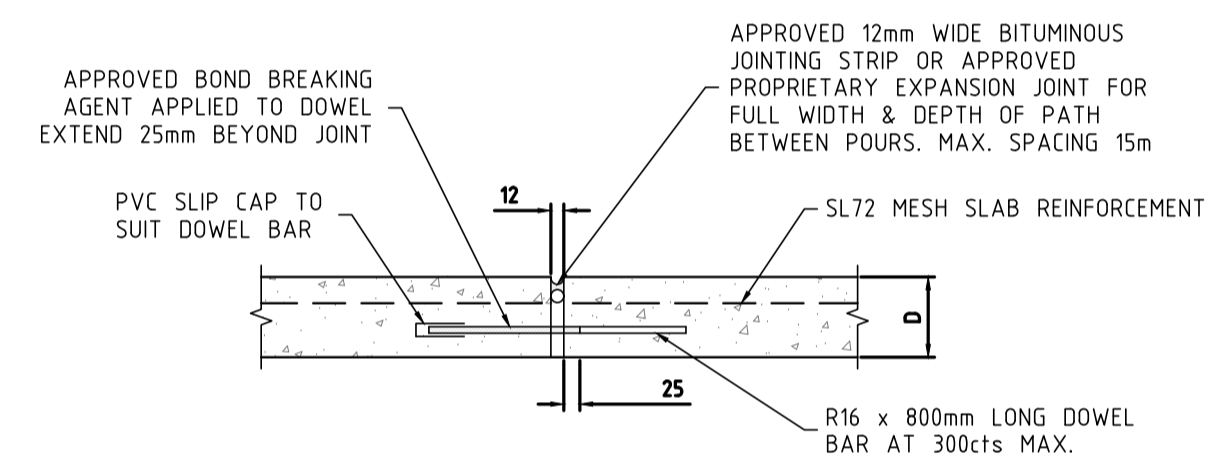


SECTION A  
SCALE 1:50

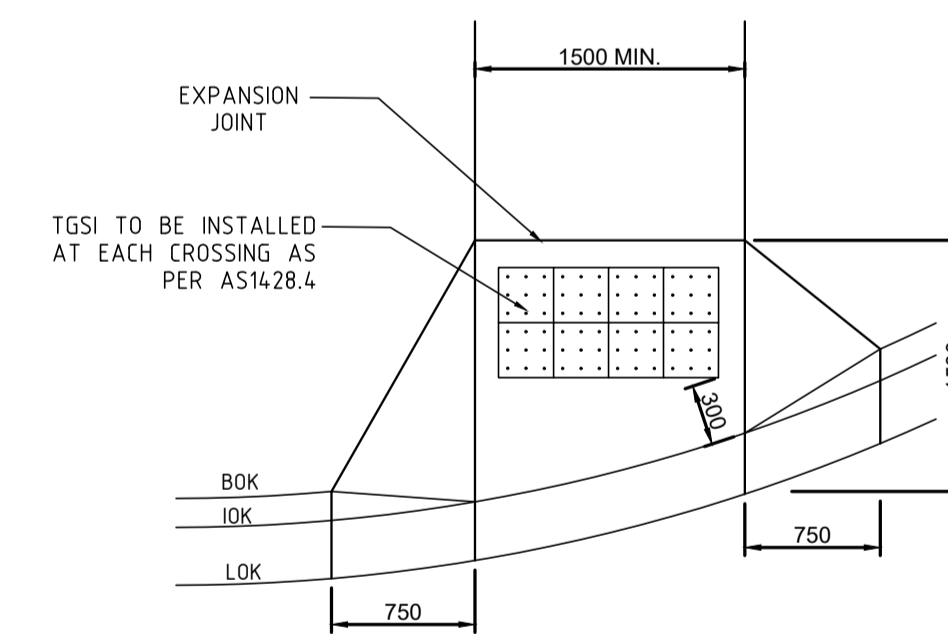


SECTION B  
SCALE 1:50  
(REFER IDM SD 205)

FOOTPATH PAVEMENT DETAIL



FOOTPATH EXPANSION JOINT  
REFER IDM SD 210



PEDESTRIAN CROSSING  
REFER IDM SD 200

NOTES:

1. CONCRETE TO BE SMOOTH TROWELLED FINISH ON TRAY.
2. CONCRETE TO BE SPONGE FINISHED ON LAYBACK.
3. BEDDING TO BE COMPACTED CLASS 3 F.C.R. SUPPLIED BY THE CONTRACTOR UNLESS OTHERWISE DIRECTED.
4. TGSIS ARE TO BE INSTALLED ACCORDING TO AS1428.4 - TACTILE INDICATORS.

**WARNING-UNDERGROUND SERVICES**  
THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL AUTHORITIES TO DETERMINE THE LOCATION OF UNDERGROUND SERVICES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORK. THE CONTRACTOR SHALL ENSURE THAT ALL SERVICES ARE FULLY PROTECTED DURING CONSTRUCTION. ANY SERVICES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.

REV	DATE	BY	APP	REVISION DESCRIPTION	REV	DATE	BY	APP	REVISION DESCRIPTION
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D	01.09.21	TB	PDR	DESIGN ISSUE					
C	18.09.21	TB	PDR	COUNCIL REVIEW					
B	11.09.21	TB	PDR	DETAILS AMENDED					
A	02.09.21	TB	PDR	PRELIMINARY DESIGN					

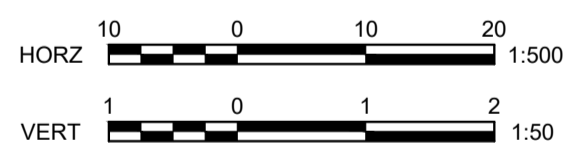
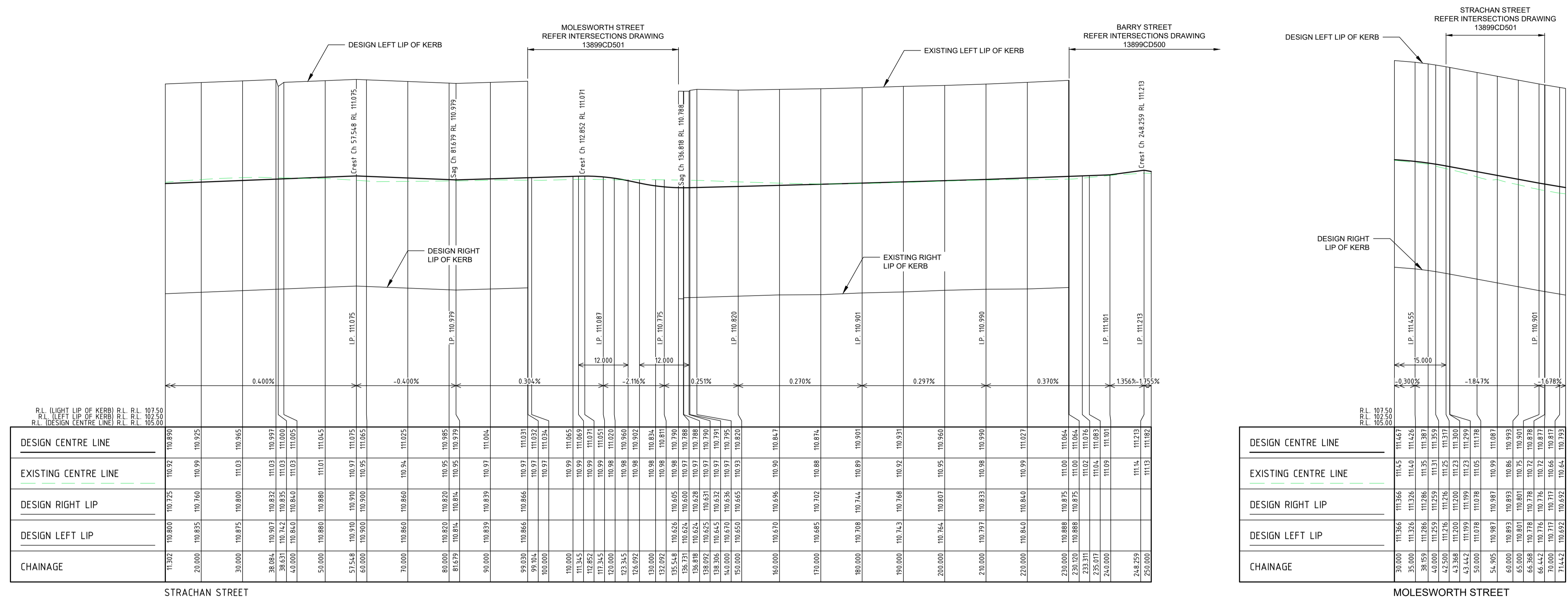
ENGINEER	TB
DESIGNER	MF
DRAWN	MF
CHECKED	TB
APPROVED	PDR

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PROJECT:  
STRACHAN STREET  
PM PROJECT No.: W.COS-13899  
CLIENT: COLAC OTWAY SHIRE COUNCIL

DWG No.: 13899CD700  
TITLE:  
TYPICAL DETAILS  
AS SHOWN @A1 REV: E





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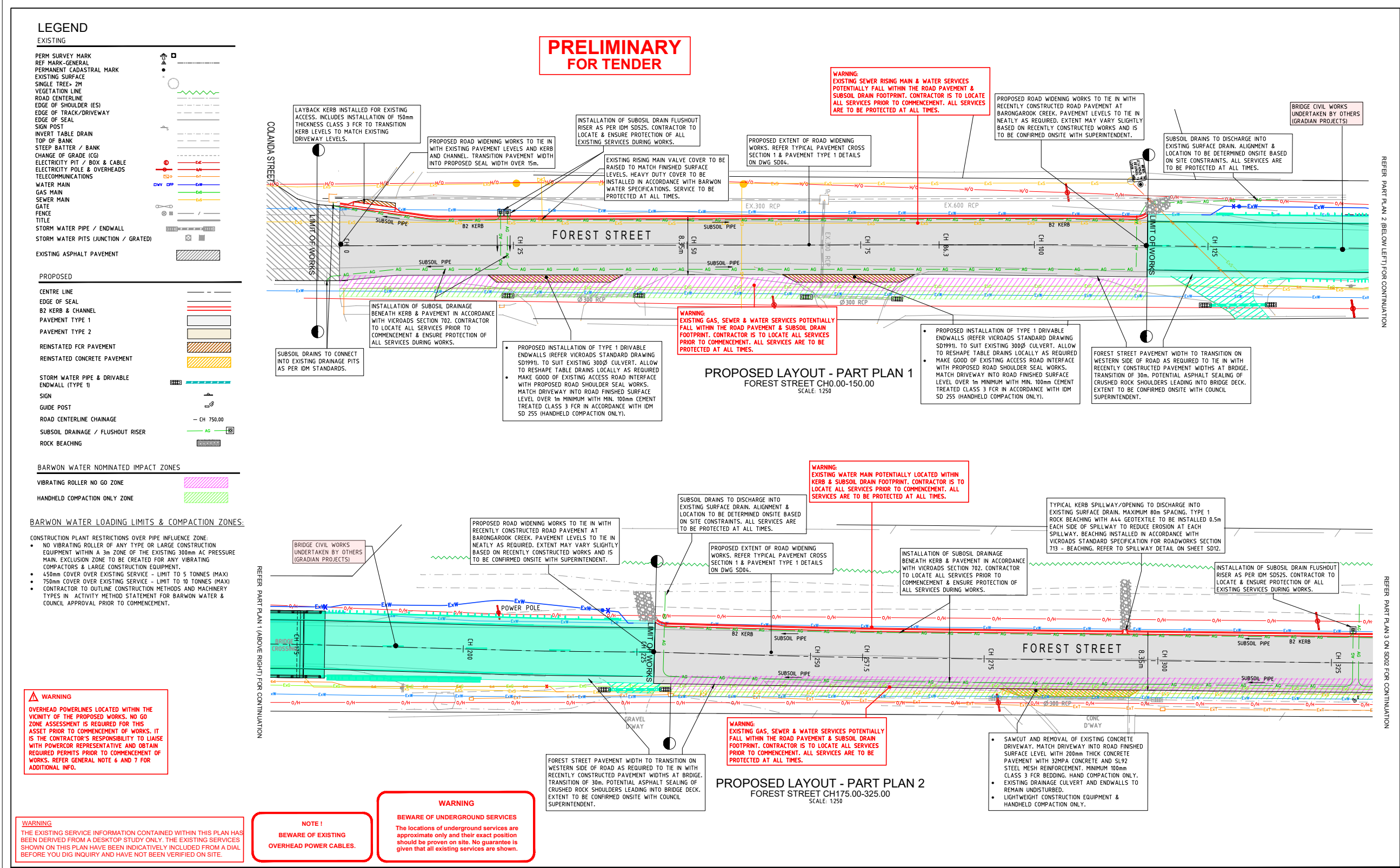
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D	01.09.21	TB	PDR	DESIGN ISSUE					
C	18.09.21	TB	PDR	COUNCIL REVIEW					
B	11.08.21	TB	PDR	NOTES AMENDED					
A	02.08.21	TB	PDR	PRELIMINARY DESIGN					

ENGINEER	TB
DESIGNER	MF
DRAWN	MF
CHECKED	TB
APPROVED	PDR

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PROJECT:	STRACHAN STREET
PM PROJECT No.:	W.COS-13899
CLIENT:	COLAC OTWAY SHIRE COUNCIL

DWG No.:	13899CD300
TITLE:	LONGITUDINAL SECTIONS
AS SHOWN	@A1 REV: E



**WARNING SAFETY IN DESIGN NOTES**

- THE CONTRACTOR SHALL EXERCISE CAUTION WHEN OPERATING MACHINERY NEAR EXISTING OVERHEAD POWERLINES.
- APPROPRIATE TRAFFIC MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AT ALL TIMES DURING CONSTRUCTION.
- APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT (PPE) SHALL BE WORN AT ALL TIMES WHEN ON SITE.
- DUST GENERATING ACTIVITIES SUCH AS CUTTING, GRINDING AND EARTH MOVING SHALL BE PERFORMED WHEN PREVAILING WINDS ARE FAVORABLE TO REDUCE THE IMPACT OF DUST ON SURROUNDING PROPERTIES.

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NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
P13	PRELIMINARY DESIGN FOR TENDER	13.08.21	PRELIMINARY ONLY	
P12	PRELIMINARY DESIGN FOR APPROVAL	29.07.21	PRELIMINARY ONLY	
P11	CONCEPT DESIGN	09.06.21	CONCEPT ONLY	
P10	CONCEPT DESIGN	08.06.21	CONCEPT ONLY	
P9	CONCEPT DESIGN	21.05.21	CONCEPT ONLY	
P8	CONCEPT DESIGN	06.04.21	CONCEPT ONLY	
P7	CONCEPT DESIGN	18.03.21	CONCEPT ONLY	
P6	CONCEPT DESIGN	22.07.20	CONCEPT ONLY	
P5	CONCEPT DESIGN	06.05.19	CONCEPT ONLY	
NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.

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DESIGNED JH FEB 19  
DRAWN MQ FEB 19

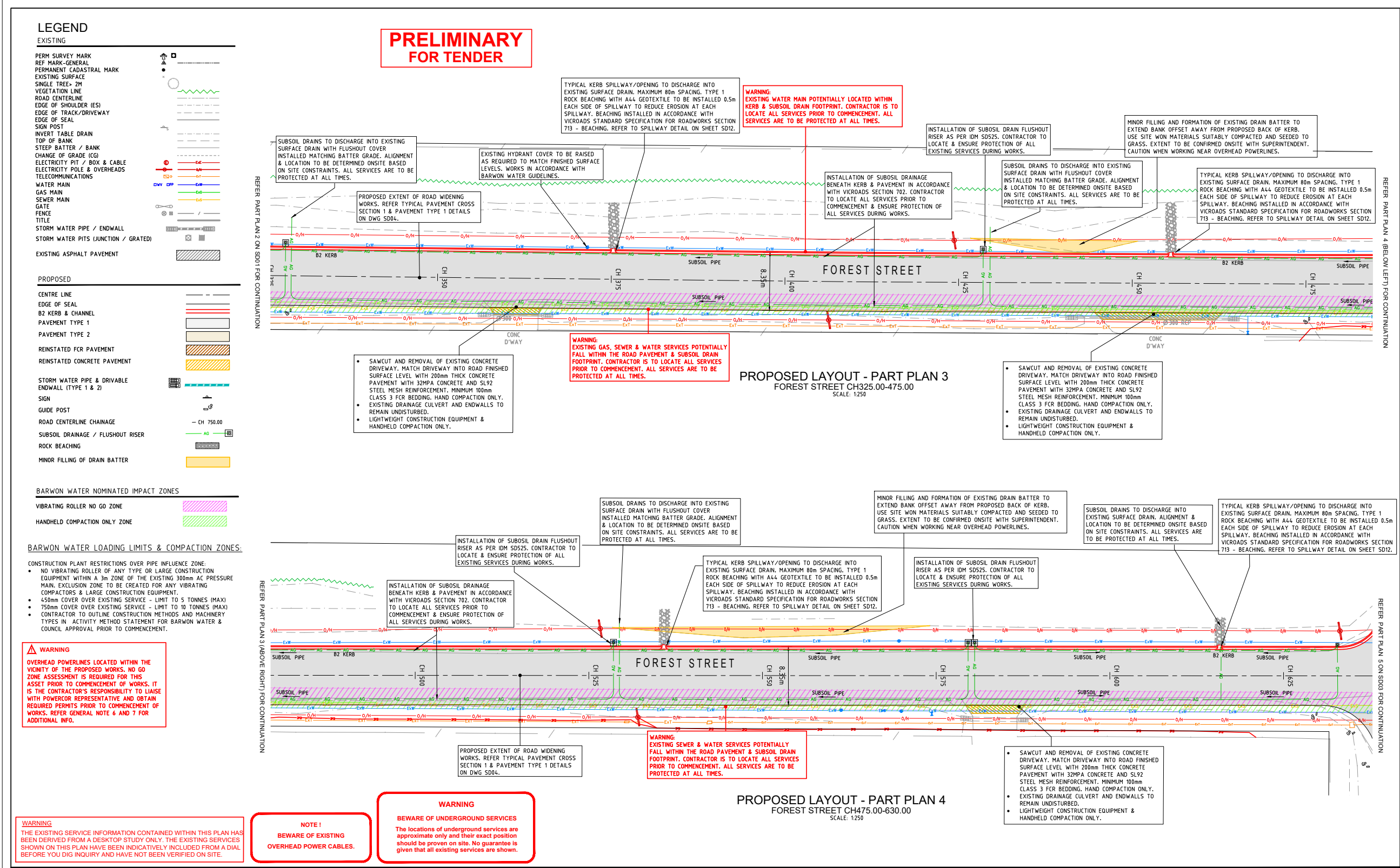
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**COLAC OTWAY SHIRE**  
**FOREST STREET, COLAC**  
**ROAD WIDENING & SEALING WORKS**  
**COLAC**  
**LAYOUT PLAN**  
**PART PLANS 1 & 2**

DRAWING NO. 19019\_SD01  
SHEET NO. 01 of 12

REVISION NO. P13  
A1  
CAD: 19019\_SD.dwg





**WARNING SAFETY IN DESIGN NOTES**

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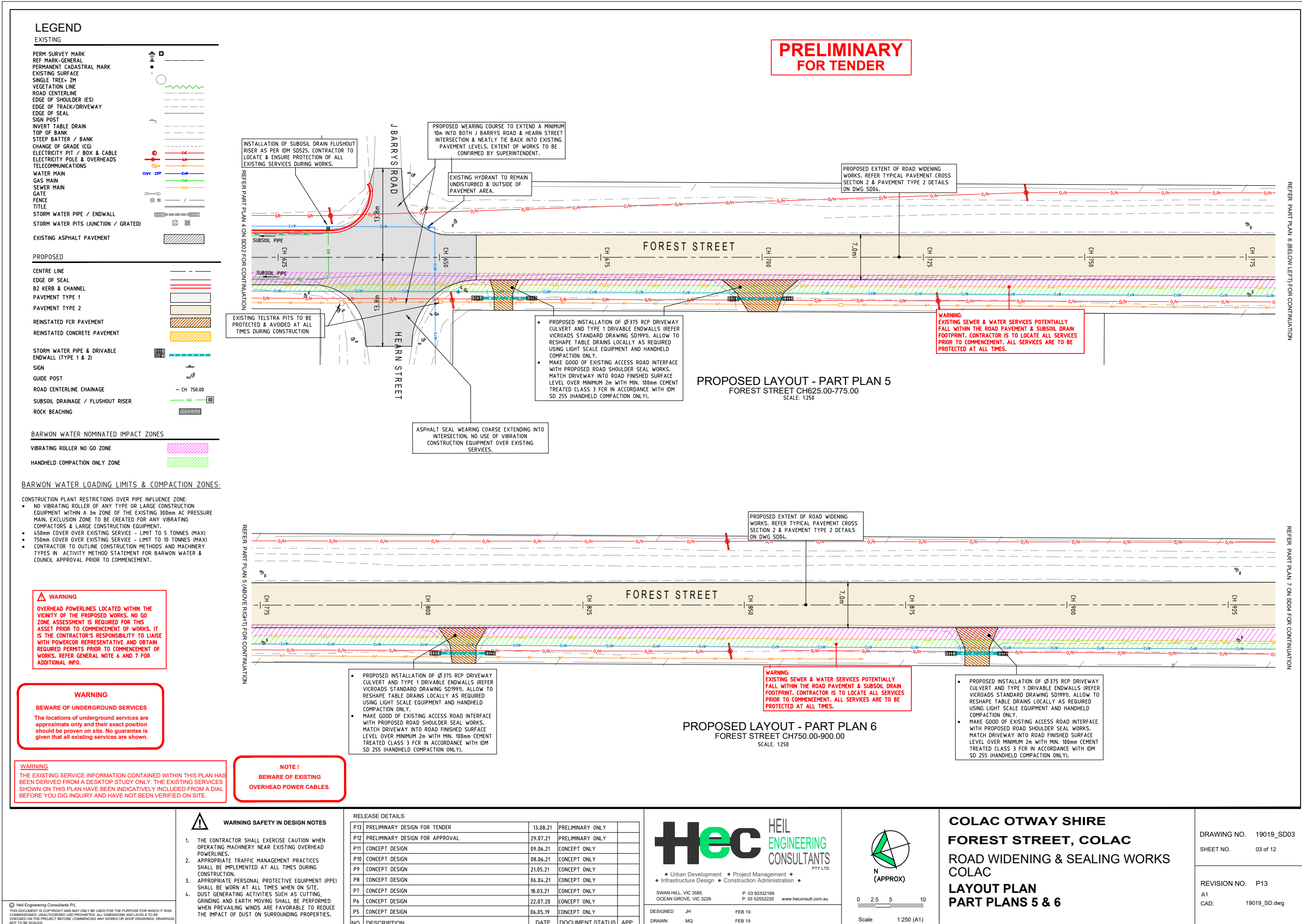
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DRAWN MQ FEB 19

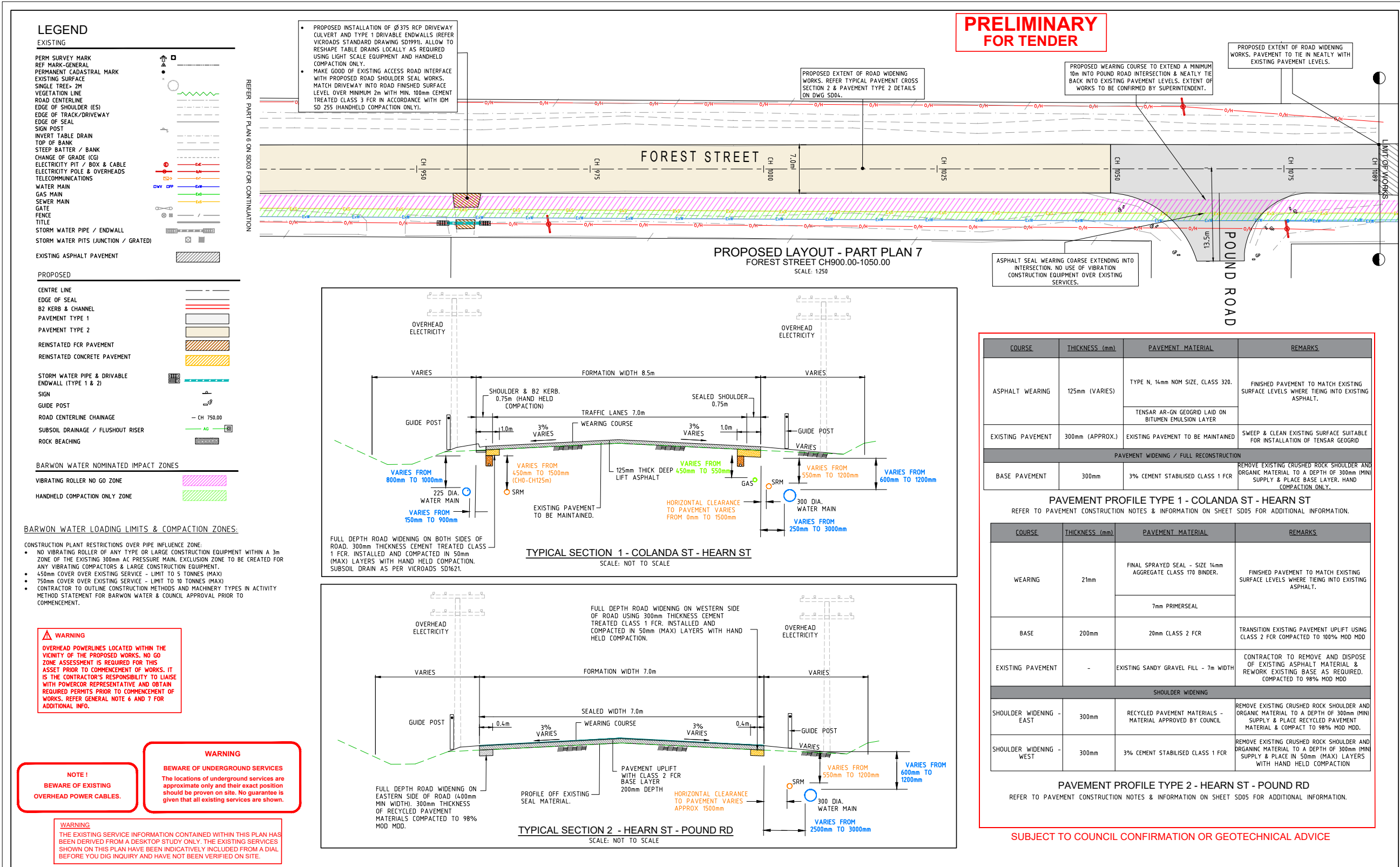
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**COLAC OTWAY SHIRE**  
**FOREST STREET, COLAC**  
**ROAD WIDENING & SEALING WORKS**  
**COLAC**  
**LAYOUT PLAN**  
**PART PLANS 3 & 4**

DRAWING NO.	19019_SD02
SHEET NO.	02 of 12
REVISION NO.	P13
A1	
CAD:	19019_SD.dwg







**LEGEND**

**EXISTING**

- PERM SURVEY MARK
- REF MARK-GENERAL
- PERMANENT CADASTRAL MARK
- EXISTING SURFACE
- SINGLE TREES- 2M
- VEGETATION LINE
- ROAD CENTERLINE
- EDGE OF SHOULDER (ES)
- EDGE OF TRACK/DRIVEWAY
- EDGE OF SEAL
- SIGN POST
- INVERT TABLE DRAIN
- TOP OF BANK
- STEEP BATTER / BANK
- CHANGE OF GRADE (CG)
- ELECTRICITY PIT / BOX & CABLE
- ELECTRICITY POLE & OVERHEADS
- TELECOMMUNICATIONS
- WATER MAIN
- GAS MAIN
- SEWER MAIN
- GATE
- FENCE
- TITLE
- STORM WATER PIPE / ENDWALL
- STORM WATER PITS (UNCTION / GRATED)
- EXISTING ASPHALT PAVEMENT

**PROPOSED**

- CENTRE LINE
- EDGE OF SEAL
- B2 KERB & CHANNEL
- PAVEMENT TYPE 1
- PAVEMENT TYPE 2
- REINSTATED FCR PAVEMENT
- REINSTATED CONCRETE PAVEMENT
- STORM WATER PIPE & DRIVABLE ENDWALL (TYPE 1 & 2)
- SIGN
- GUIDE POST
- ROAD CENTERLINE CHAINAGE
- SUBSOIL DRAINAGE / FLUSHOUT RISER
- ROCK BEACHING

**BARWON WATER NOMINATED IMPACT ZONES**

- VIBRATING ROLLER NO GO ZONE
- HANDHELD COMPACTION ONLY ZONE

**BARWON WATER LOADING LIMITS & COMPACTION ZONES:**

- CONSTRUCTION PLANT RESTRICTIONS OVER PIPE INFLUENCE ZONE.
- NO VIBRATING ROLLER OF ANY TYPE OR LARGE CONSTRUCTION EQUIPMENT WITHIN A 3m ZONE OF THE EXISTING 300mm AC PRESSURE MAIN. EXCLUSION ZONE TO BE CREATED FOR ANY VIBRATING COMPACTORS & LARGE CONSTRUCTION EQUIPMENT.
- 450mm COVER OVER EXISTING SERVICE - LIMIT TO 5 TONNES (MAX)
- 750mm COVER OVER EXISTING SERVICE - LIMIT TO 10 TONNES (MAX)
- CONTRACTOR TO OUTLINE CONSTRUCTION METHODS AND MACHINERY TYPES IN ACTIVITY METHOD STATEMENT FOR BARWON WATER & COUNCIL APPROVAL PRIOR TO COMMENCEMENT.

**WARNING**  
OVERHEAD POWERLINES LOCATED WITHIN THE VICINITY OF THE PROPOSED WORKS. NO GO ZONE ASSESSMENT IS REQUIRED FOR THIS ASSET PRIOR TO COMMENCEMENT OF WORKS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LIAISE WITH POWERCOR REPRESENTATIVE AND OBTAIN REQUIRED PERMITS PRIOR TO COMMENCEMENT OF WORKS. REFER GENERAL NOTE 6 AND 7 FOR ADDITIONAL INFO.

**WARNING**  
BEWARE OF UNDERGROUND SERVICES  
The locations of underground services are approximate only and their exact position should be proven on site. No guarantee is given that all existing services are shown.

**NOTE 1**  
BEWARE OF EXISTING OVERHEAD POWER CABLES.

**WARNING**  
THE EXISTING SERVICE INFORMATION CONTAINED WITHIN THIS PLAN HAS BEEN DERIVED FROM A DESKTOP STUDY ONLY. THE EXISTING SERVICES SHOWN ON THIS PLAN HAVE BEEN INDICATIVELY INCLUDED FROM A DIAL BEFORE YOU DIG INQUIRY AND HAVE NOT BEEN VERIFIED ON SITE.

- WARNING SAFETY IN DESIGN NOTES**
- THE CONTRACTOR SHALL EXERCISE CAUTION WHEN OPERATING MACHINERY NEAR EXISTING OVERHEAD POWERLINES.
  - APPROPRIATE TRAFFIC MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AT ALL TIMES DURING CONSTRUCTION.
  - APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT (PPE) SHALL BE WORN AT ALL TIMES WHEN ON SITE.
  - DUST GENERATING ACTIVITIES SUCH AS CUTTING, GRINDING AND EARTH MOVING SHALL BE PERFORMED WHEN PREVAILING WINDS ARE FAVORABLE TO REDUCE THE IMPACT OF DUST ON SURROUNDING PROPERTIES.

**RELEASE DETAILS**

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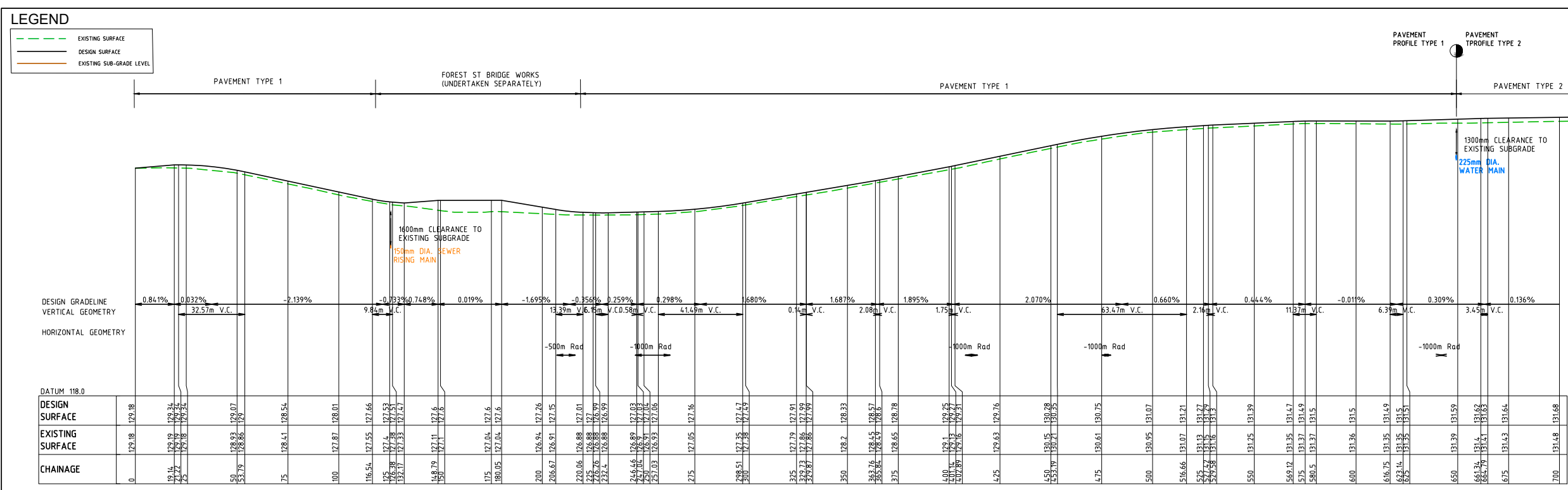
Scale 1:250 (A1)

**COLAC OTWAY SHIRE**  
**FOREST STREET, COLAC**  
**ROAD WIDENING & SEALING WORKS**  
**COLAC**  
**LAYOUT PART PLAN 7**  
**& CONSTRUCTION DETAILS**

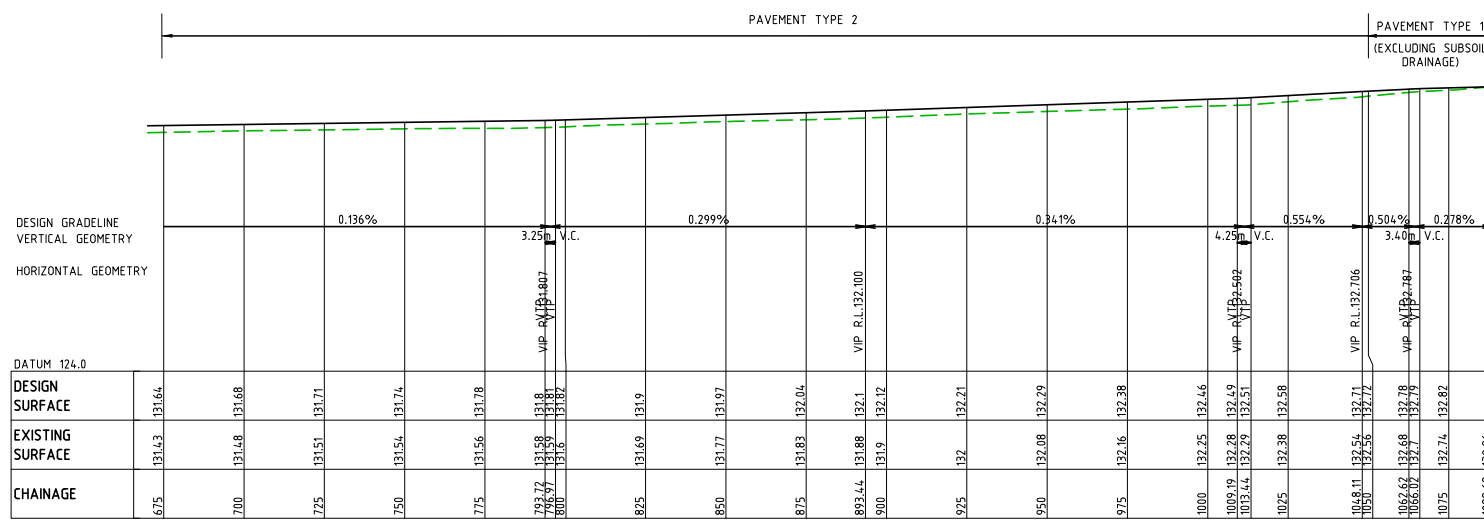
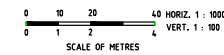
DRAWING NO. 19019\_SD04  
SHEET NO. 04 of 12

REVISION NO. P13  
A1  
CAD: 19019\_SD.dwg

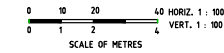




FORREST STREET LONGITUDINAL SECTION - PART 1 (CH:0.0 - CH:700)



FORREST STREET LONGITUDINAL SECTION - PART 2 (CH:675 - CH:1088.68)



PAVEMENT TYPE 1 DESIGN NOTES:

- EXCAVATE/BOX OUT EXISTING SHOULDER MATERIAL INCLUDING CLAY & ORGANIC MATERIAL OVER A 1m WIDTH (MIN) FROM PROPOSED EDGE OF SEAL TO EXISTING PAVEMENT SUBGRADE LEVELS (300mm MIN DEPTH). LIGHTER SCALE EQUIPMENT WHEN IN VICINITY OF SERVICES.
- INSTALLATION OF SUBSOIL DRAINAGE AS DETAILED ON BOTH SIDES OF ROAD AS DETAILED. EXTREME CAUTION IS TO BE GIVEN WHEN TRENCHING WITHIN CLOSE VICINITY TO EXISTING SERVICES. ALL SERVICES ARE TO BE LOCATED & CONFIRMED AT REGULAR INTERVALS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- INSTALLATION OF KERB & CHANNEL ON EASTERN SIDE OF ROAD AS DETAILED. HANDHELD COMPACTION TECHNIQUES ONLY.
- REPLACE BOXED OUT WIDENED AREAS WITH CEMENT TREATED 20mm CLASS 1 FCR OR COUNCIL APPROVED EQUIVALENT TO EXISTING PAVEMENT LEVELS IN 50mm LAYERS USING HANDHELD COMPACTION TECHNIQUES ONLY.
- EXCAVATE EXISTING ROAD PAVEMENT FAILED AREAS NOMINATED BY COUNCIL TO A MINIMUM 300mm DEPTH & REPLACE WITH CEMENT TREATED 20mm CLASS 1 FCR OR COUNCIL APPROVED EQUIVALENT TO EXISTING PAVEMENT LEVELS IN 50mm LAYERS USING HANDHELD COMPACTION TECHNIQUES ONLY.
- SWEEP CLEAN EXISTING ROAD PAVEMENT & INSTALL TENSAR AR-GN GEOGRID ON BITUMEN EMULSION LAYER DIRECTLY OVER EXISTING AND WIDENED PAVEMENT AREA.
- PLACE 125mm THICK TYPE N 14MM NOMINAL SIZE ASPHALT WITH CLASS 320 BINDER IN TWO LAYERS. THICKNESS VARIES SLIGHTLY AT ROAD EDGE TO ENSURE 3% CROSSFALL FROM CENTERLINE. ASPHALT LAYERS COMPACTED AS FOLLOWS:
  - INITIAL COMPACTION LIMITED TO 4 TONNE STEEL WHEELED STATIC ROLLER NOT EXCEEDING 5 KMH.
  - SECONDARY COMPACTION AND SEALING OF THE SURFACE USING A PNEUMATIC MULTI-TYRED ROLLER LIMITED TO 10 TONNE BALLASTED MASS NOT EXCEEDING 6 KMH.
  - FINAL ROLLING USING A STEEL WHEELED ROLLER AS PER THE INITIAL COMPACTION.
- NO VIBRATING ROLLERS ARE TO BE USED FOR COMPACTION. WEIGHT OF EQUIPMENT NOT TO EXCEED 10 TONNES.

PAVEMENT TYPE 2 DESIGN NOTES:

- EXCAVATE/BOX OUT EXISTING SHOULDER MATERIAL INCLUDING CLAY & ORGANIC MATERIAL OVER A 400mm WIDTH (MIN) FROM PROPOSED EDGE OF SEAL TO EXISTING PAVEMENT SUBGRADE LEVELS (300mm MIN DEPTH). LIGHTER SCALE EQUIPMENT WHEN IN VICINITY OF SERVICES.
- REPLACE BOXED OUT WIDENED AREAS AS SPECIFIED BELOW:
  - WEST SIDE OF FOREST STREET, REPLACE BOXED OUT WIDENED AREAS WITH CEMENT TREATED 20mm CLASS 1 FCR OR COUNCIL APPROVED EQUIVALENT TO EXISTING PAVEMENT LEVELS IN 50mm LAYERS USING HANDHELD COMPACTION TECHNIQUES ONLY.
  - EAST SIDE OF FOREST STREET, REPLACE BOXED OUT WIDENED AREAS WITH SUITABLE RECYCLED PAVEMENT MATERIALS COMPACTED TO 98% MODIFIED MDD.
- EXCAVATE EXISTING ROAD PAVEMENT FAILED AREAS NOMINATED BY COUNCIL TO A MINIMUM 300mm DEPTH & REPLACE WITH CEMENT TREATED 20mm CLASS 1 FCR OR COUNCIL APPROVED EQUIVALENT TO UNDERSIDE OF EXISTING ASPHALT LEVELS IN 50mm LAYERS USING HANDHELD COMPACTION TECHNIQUES ONLY.
- COLD MILLING TO REMOVE EXISTING ASPHALT MATERIAL & DISPOSAL OFFSITE.
- TRIM AND PREPARE EXISTING SUBBASE PAVEMENT MATERIAL LEVELS TO ENSURE LEVELS FOR SUBGRADE ARE A MINIMUM 200mm BELOW DESIGN BASE LEVELS.
- PLACE AND COMPACT PROPOSED BASE PAVEMENT LAYER OVER EXISTING SUB-GRADE LAYER AS SPECIFIED. COMPACT USING A PNEUMATIC MULTI-TYRED ROLLER LIMITED TO 10 TONNE (MAXIMUM) BALLASTED MASS NOT EXCEEDING 6 KMH.
- PLACE FINAL WEARING COURSE LAYER AS SPECIFIED USING PNEUMATIC MULTI-TYRED ROLLER LIMITED TO 10 TONNE (MAXIMUM) BALLASTED MASS NOT EXCEEDING 6 KMH.
- NO VIBRATING ROLLERS ARE TO BE USED FOR COMPACTION. WEIGHT OF EQUIPMENT NOT TO EXCEED 10 TONNES.

GENERAL PAVEMENT DESIGN NOTES:

- DESIGN PAVEMENT PROFILES HAVE BEEN NOMINATED BY COLAC OTWAY SHIRE COUNCIL. ALL CONSTRUCTION TECHNIQUES AND CONSTRUCTION EQUIPMENT PLANNED TO BE USED IS TO BE APPROVED BY COUNCIL SUPERINTENDENT PRIOR TO CONSTRUCTION.
- ANY SOFT SPOTS FOUND IN THE SUB-GRADE ARE TO BE INSPECTED BY THE SUPERINTENDENT AND UNDER THEIR DIRECTION THEY ARE TO BE REMOVED AND REPLACED WITH CEMENT TREATED 20mm CLASS 1 FCR OR COUNCIL APPROVED EQUIVALENT PLACED IN 50mm LAYERS AND HAND COMPACTED TO 98% MODIFIED MAXIMUM DRY DENSITY.
- THE BASE MATERIAL THAT SHALL COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 812 - CRUSHED ROCK FOR BASE AND SUBBASE PAVEMENT.
- ALL BASE MATERIAL IS TO BE GENERALLY PLACED AND COMPACTED IN ACCORDANCE WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 304 - UNBOUND FLEXIBLE PAVEMENT CONSTRUCTION.
- THE PAVEMENT IS TO BE GENERALLY PREPARED FOR BITUMINOUS SEALING IN ACCORDANCE WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 310 - PREPARATION OF GRANULAR PAVEMENTS FOR BITUMINOUS SURFACING.
- ALL BITUMINOUS SEALING IS TO COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 408 - SPRAYED BITUMINOUS SURFACING AND SECTION 831 - AGGREGATE FOR SPRAYED BITUMINOUS SURFACING.
- A NUMBER OF EXISTING SENSITIVE SERVICES ARE LOCATED WITHIN CLOSE VICINITY OF THE PAVEMENT WORKS AND ARE TO BE PROTECTED AT ALL TIMES. LIGHTER SCALE CONSTRUCTION EQUIPMENT IS TO BE USED FOR ALL WORKS WHEN LOCATED WITHIN CLOSE VICINITY OF THE EXISTING SERVICES. THE CONTRACTOR IS TO INDICATE TYPE, SIZE AND WEIGHT OF MACHINERY TO BE USED AND GAIN APPROVAL FROM THE COUNCIL SUPERINTENDENT PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION INCLUDING EXCAVATION, COMPACTION AND PROOF ROLLING.

SUBJECT TO COUNCIL CONFIRMATION OR GEOTECHNICAL ADVICE

**WARNING**  
BEWARE OF UNDERGROUND SERVICES  
The locations of underground services are approximate only and their exact position should be proven on site. No guarantee is given that all existing services are shown.

**NOTE!**  
BEWARE OF EXISTING OVERHEAD POWER CABLES.

**PRELIMINARY FOR TENDER**

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DESIGNED JH FEB 19  
 DRAWN MQ FEB 19

Scale AS SHOWN

**COLAC OTWAY SHIRE**  
**FOREST STREET, COLAC**  
**ROAD WIDENING & SEALING WORKS**  
**COLAC**  
**CENTERLINE LONGITUDINAL SECTION**

DRAWING NO. 19019\_SD05  
 SHEET NO. 05 of 12  
 REVISION NO. P13  
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Item: 10.10

## Two Way Radio Bank Funding Finalisation and Hardware Disposal

<b>OFFICER</b>	Errol Lawrence
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To provide Council with the information to enable them to make a decision to finalise the bank contract for the two-way equipment and to dispose of the two-way radio hardware.

### 1. EXECUTIVE SUMMARY

On 26 September 2018 Council awarded a 10-year contract to Commsite Integrated Communications Pty Ltd (Commsite) for the provision, installation and maintenance of two-way radio equipment. The procurement process resulted in Council entering two contracts in December 2018 as follows:

1. A contract with Commsite regarding the provision, installation and maintenance of the equipment; and
2. A contract, in effect an operating lease, with the Bank of Queensland (BoQ) whereby Council would make monthly payments to the BoQ to rent the radio equipment, and the BoQ was to make milestone payments to Commsite based on written authorisation that milestones were being met.

Shortly after the initial contracts were established, a supplementary agreement was established with BoQ for the supply of additional equipment.

In summary, under the original contracts, Council was to make:

- 120 monthly rental payments to the BoQ x \$12,965.66.
- 60 monthly rental payments to the BoQ x \$472.27.
- Total payments \$1,584,215.40.

Council authorised two milestone payments to be made to Commsite before it went into liquidation on 3 June 2019. As a result of Commsite entering into liquidation it could not fulfil its obligations and

its contract with Council is in effect ended. However, Council remains contractually obliged to make payments to BoQ until it can resolve an early termination of the contracts.

The total payments made by BoQ to Commsite exceed the total payments made by Council to BoQ and BoQ is seeking to recover costs incurred. It is in Council's interest to draw this remaining contract with BoQ to a conclusion and this issue is the subject of this report.

## 2. RECOMMENDATION

**That Council:**

- 1. Agrees to pay out the two agreements for two-way radio equipment with the Bank of Queensland as at 30 November 2021 for the discounted amount of \$697,675.97 ex GST.**
- 2. Agrees to pay \$4,600.00 ex GST to the Bank of Queensland for clear title to the two-way radio hardware and equipment held by Colac Otway Shire.**
- 3. Agrees to dispose of the two-way radio hardware and equipment for an amount of \$70,000.00 ex GST, plus the cost of freight.**
- 4. Agrees that the payments to the Bank of Queensland be paid from the Plant Replacement Reserve.**
- 5. Notes that the Plant Replacement Reserve will be replenished through plant recharge rates and that the cashflow in the reserve will be managed by officers through scheduling of future purchases.**
- 6. Agrees that the proceeds of the sale of the two-way radio equipment be deposited into the Plant Replacement Reserve.**

## 3. KEY INFORMATION

Prior to Commsite entering into liquidation the following transactions occurred:

- 21 December 2018 – Milestone 1 payment was made by BoQ to Commsite \$674,386.25
- 19 February 2019 – Milestone 2 payment was made by BoQ to Commsite \$91,342.40

Post Commsite entering into liquidation:

- 6 September 2019 - Administration fee of \$32,499.31 paid by BoQ to the liquidators for the release of hardware and equipment.

### Communication system

Council considered how to proceed with the objective of establishing a reliable and effective communication system and identified that using satellite phones provided a more cost effective solution continuing with implementation of the planned radios and therefore the stored equipment is surplus to Council's needs.

### BoQ arrangements

After Commsite went into liquidation Council continued to meet its contractual obligations to make the monthly payments to BoQ. Initially those payments were based on the original contracts as detailed in the Executive Summary above. In September/October 2020 the arrangement was renegotiated with a revised schedule for the amount drawn down, being Milestone 1, Milestone 2 and the administration fee to release the hardware. This totalled \$798,227.96.

The process of renegotiating the contracts with BoQ took place while Council was considering its options for a communications system.

Understanding there is no longer a supplier arrangement in place for a radio system, negotiations have continued with the BoQ to finalise the contracts with them and to determine the future of the equipment held by Council.

### **BoQ Rental Contracts**

The BoQ acknowledges the circumstances for COS with respect to Commsite going into liquidation and, as a consequence, has agreed to discount the payout of the rental contracts by an amount of future interest payable. The payout amount at the 30 November 2021 is \$697,675.97 (ex GST). This includes a discount of approximately \$90,000.00.

### **Hardware and Equipment**

As mentioned above, COS was able to secure an amount of hardware and equipment from the Commsite liquidators. As this equipment is under a rental agreement with BoQ, title to the equipment remains with BoQ. BoQ has agreed that for a nominal fee of \$4,600.00 Council can retain the equipment, with clear title.

Council has sought independent valuations/offers from specialist suppliers/prospective purchasers of radio and electrical equipment. Six suppliers/prospective purchasers were approached. Each of them was sent a detailed list of the equipment. As a result an offer of \$70,000.00 plus freight has been negotiated with a prospective purchaser.

The disposal of these assets is not subject to specific legislation and the processes is established through Council's Policy 16.6 – Asset Accounting Policy – Disposal of Assets, which states that ***“disposal of assets should be open and result in effective competition.”***

Competition has been demonstrated through approaching six prospective purchasers and the consideration of disposal is part of this report which is a public document making it transparent to the community and interested parties. The policy reference to the process being “open” is normally satisfied through some form of public notice or advertisement. In this instance it is considered unlikely that there would be any greater interest beyond the six companies already contacted.

Council may decide to proceed with disposal of sale on the basis of the actions completed to date on the understanding that it provides the best possible outcome under the circumstances.

### **Governance Improvements**

Council has recognised is that a series of project and contractual governance failings contributed to the circumstances that it finds itself in. These matters are not addressed within this report, which is focussed on resolving the outstanding contracts. Council knows that Councillors and the community expect and reasonably need confidence in its management of public money. Council has already implemented a range of corrective actions including:

- Improved project management governance processes; and
- Improved management of officer delegations supported by officer training.

Internal reviews are not yet finalised and further corrective actions and improvements are expected to be identified and implemented.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

No community consultation or engagement is required.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 4 - Strong Leadership and Management**

4.1 We commit to a program of best practice and continuous improvement

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

There are no environmental, social and cultural, and economic considerations.

### LEGAL & RISK

There are no legal considerations.

There is a financial risk that should Council decide not to pay out the BoQ on or before 30 November 2021, Council may lose the opportunity of a discounted payout of the rental agreements.

Also, even though the offer of \$70,000.00 for the equipment has no stated time constraints, there is the risk it could be withdrawn should a Council decision not be forthcoming in the near future.

### FINANCIAL & BUDGETARY

There is no budget for the payout of the BoQ rental agreements.

The monthly rental payments to date have been budgeted and paid from the Plant Replacement Reserve. The charge out rates for Service and Operations equipment have been increased to accommodate the payments. This arrangement has been in place since the inception of the agreements with BoQ.

It is proposed that the payout amounts to the BoQ come from the Plant Replacement Reserve and the arrangement with the charge out rates continues as a means to repay the Reserve.

It is also proposed that the proceeds of the sale of the equipment are deposited to the reserve.

It is anticipated with close management of the light and heavy fleet over the next couple of years the payment will be satisfactorily accommodated.

In summary:

- After paying out the rental agreements to the BoQ, along with the rental payments made to date, Council will have paid a total of \$1,055,502.00 to the BoQ.
- BoQ has paid Commsite (in liquidation) on behalf of Council \$798,228.00.
- Council secured from Commsite liquidators, equipment with an original contract value of approximately \$450,000.00, now valued with a sale price of \$70,000.00.
- The net result for COS is a loss in cash terms of \$985,000.00.



## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

Council's decision will be communicated to the BoQ and the proposed purchaser on 25 November 2021.

### TIMELINE

Rental agreements will be finalised on or before 30 November 2021.

Should Council agree with the sale, an agreement to dispose of the equipment and hardware will be formalised as soon as possible after the decision.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## Item: 10.11

# Communications Policy

<b>OFFICER</b>	Sarah Osborne
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. 20211124 - Draft Communications Policy [<b>10.11.1</b> - 7 pages]</li><li>2. 2.7 Social Media Policy [<b>10.11.2</b> - 7 pages]</li></ol>
<b>PURPOSE</b>	For Council to adopt the updated Communications Policy, following community consultation.

## 1. EXECUTIVE SUMMARY

The draft Communications Policy (draft Policy) is a new, consolidated policy that aims to provide a clear framework for consistent, accurate messaging for all print, verbal and online communications. The Policy combines key points from Council's Social Media Policy (adopted in 2014) and both the Media Relations and the Web Content Operational Policies, to create a succinct overarching guideline for communications for employees and Councillors. The draft Policy recognises the rapid evolution of media. Since the adoption of the Social Media Policy in 2014, online platforms have become a primary platform for timely communications. The draft Policy also incorporates broad policy on:

- Spokespeople
- Advertising
- Use of logos
- Distribution of communications, including via traditional methods such as print media and radio, and electronic platforms including website, radio, email, SMS
- Databases.

## 2. RECOMMENDATION

***That Council:***

- 1. Adopts the updated Communications Policy (at Attachment 1), incorporating community feedback.***
- 2. Revokes the Social Media Policy dated 26 February 2014 (at Attachment 2).***

### 3. KEY INFORMATION

The draft Communications Policy combines key points from Council’s 2014 Social Media Policy and both the Media Relations and the Web Content Operational Policies, to create a succinct overarching guideline for communications for employees and Councillors.

The draft Communications Policy acknowledges the significant role that Council’s website and social media now plays in its proposed Policy Statement: Colac Otway Shire Council recognises online communications is an effective way to engage with the community.

The addition of reference and guidelines for a Council news publication via email paves the way for the creation of a database to distribute news electronically, in addition to communication through newspaper, radio, community newsletters and television.

### 4. COMMUNITY CONSULTATION & ENGAGEMENT

The draft Communications Policy was placed on public exhibition for a period of six weeks in accordance with Council’s Community Engagement Policy. Feedback was received from one member of the community. The table below summarises the feedback and officer responses.

Summary of Feedback	Officer response
<i>Feedback point 1: Consider moving the ‘related documents’ (referred to in the References section of the Policy) to underneath the Scope.</i>	The list of related documents within the Policy is a style guideline of Council; to remain consistent with other Council policies, the related documents will remain as currently listed.
<i>Feedback point 2: Interested in subscribing to the Colac Otway E-News database but was informed by Council staff that the service does not exist. If its implementation is not imminent perhaps it should not be mentioned in the policy.</i>	<p>It is the intention of Council’s Communications Department to develop a regular e-News service which will be emailed to subscribers.</p> <p>The feedback has highlighted the need to amend the Communications Policy to remove reference to the e-News service, which is still in being considered.</p> <p>Council’s news and media section includes media releases sent to the media. The public can subscribe to a news feed from this page on Council’s website to be alerted via email when new media releases are available.</p>
<i>Feedback point 3: Will Council consider the strategic use of SMS to engage with residents?</i>	<p>Colac Otway Shire Council currently uses a text message service in the case of emergency; Council’s Rates Department also issue text messages with regards to information related to rates payment or distribution.</p> <p>Officers consider the current communication channels are appropriate but will continue to monitor and reassess the use of such a network in the future.</p>

The above feedback has been considered and the Publications section amended to remove reference to a regular e-News service, which is still under consideration.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 3 – Healthy and Inclusive Community**

3.3 We are a safe, equitable and inclusive community

**Theme 4 - Strong Leadership and Management**

4.1 We commit to a program of best practice and continuous improvement

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL / CULTURAL AND ECONOMIC

A consolidated, up-to-date Communications Policy will guide timely, consistent and accurate communications across all platforms, providing significant benefits for our well-informed community.

### LEGAL AND RISK

Not applicable.

### FINANCIAL AND BUDGETARY

Not applicable.

## 7. IMPLEMENTATION STRATEGY

The draft Policy was considered by the Audit and Risk Committee (ARC) in August 2020. The ARC noted the report and did not have any feedback.

The Draft Communications Policy has been through Council's consultation process and, if adopted, will be uploaded and available for the public to view on Council's website.

### COMMUNICATION

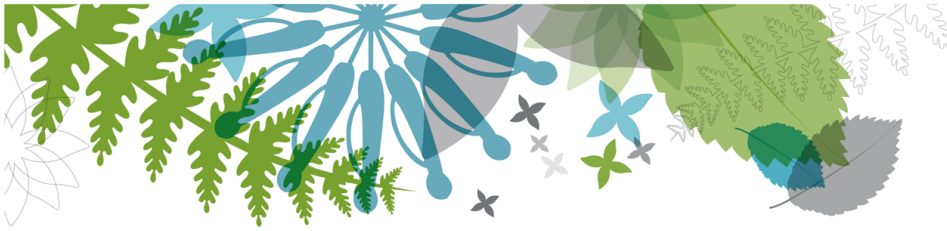
The draft Communications Policy was released for public consultation for a six-week period (29 June to 11 August), and the opportunity for community to provide feedback was advertised via the *Colac Herald*, community newsletters and Council's social media platforms and website.

### TIMELINE

If adopted, the Communications Policy will be reviewed after a period of four years, or at such time as required.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## Council Policy

### POLICY NUMBER DRAFT COMMUNICATIONS POLICY

#### PURPOSE

The purpose of this policy is to provide understanding and guidance for the appropriate use of communications tools, including verbal, printed, and online platforms, by Colac Otway Shire employees, Councillors and contractors while conducting Council business.

The Communications Policy is an important document to protect Council's reputation by ensuring consistency and accuracy in the information Council places in the public realm.

#### SCOPE

This policy applies to elected Councillors, the Executive Management Team and employees including full-time, part-time, contract, casual, work experience and trainees, contractors, and volunteers of Colac Otway Shire. This policy may also apply to agencies and individuals who provide services to Council and may be included in relevant external supplier contracts.

In all forms of communication, including verbal, printed or digital, Councillors, employees and contractors must adhere to the highest standards of ethical practice and professional competence. This policy should be read in conjunction with all related documents.

#### DEFINITIONS

<b>Council</b>	Colac Otway Shire Council being a body corporate constituted as a municipal Council under the Local Government Act 2020
<b>Councillors</b>	Individuals holding the office of a member of Colac Otway Shire Council
<b>Council Officer</b>	Chief Executive and staff of Council appointed by the Chief Executive
<b>Print media</b>	Printed publications including, but not limited to, newspapers and community newsletters
<b>Broadcast media</b>	Television, commercial radio, community radio
<b>Online</b>	Websites, social media and other digital platforms
<b>Social media</b>	The definition of social media continues to evolve as platforms and technologies develop. Overall, it refers to any web-based practices that can be used to share content. This includes, but is not limited to, Facebook, Instagram, Twitter, YouTube, and Blogs
<b>Email</b>	Electronic method of exchanging digital messages across the internet or other computer networks.

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## REFERENCES

Council Plan

Colac Otway Shire Councillor Code of Conduct

Colac Otway Shire Council Employee Code of Conduct

*Local Government Act 2020*

Colac Otway Shire Style Guide

*Copyright Act 1968 (Cth)*

*Privacy and Data Protection Act 2014 (Vic)*

*Privacy Act 1988 (Cth)*

*Public Records Act 1973 (Vic)*

Web Content Accessibility Guidelines version 2 (WCAG 2.0)

## STATEMENT OF POLICY

Council recognises that the key to building positive and lasting partnerships with the community requires effective two-way communication. It is Colac Otway Shire Council's policy to communicate openly and honestly as a transparent organisation and to maximise public knowledge of our activities.

Council is committed to developing and implementing communication policies, practices and resources that:

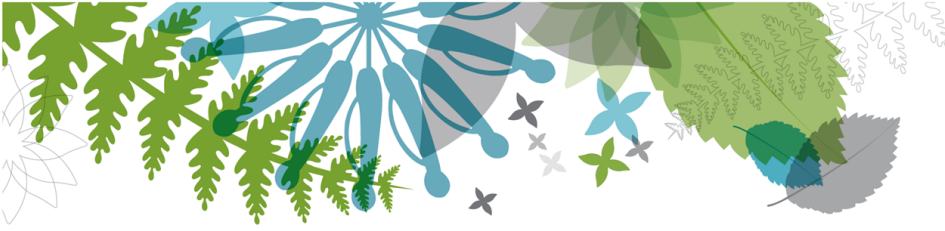
- \* Inform the community of key Council decisions, services, programs and initiatives.
- \* Promote transparency and accountability of Council's decision-making processes.
- \* Promote opportunities for the community to participate in Council activities.
- \* Promote accessibility by the community to Councillors and Council officers.
- \* Build civic pride through a positive image of Colac Otway Shire Council.

Councillors and employees of Colac Otway Shire will demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies.

Council communicates with key stakeholders through a variety of channels to engage with their needs, concerns, ideas and aspirations to ensure Colac Otway Shire is delivering services in accordance with community needs and expectations.

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Council accepts the important role of the media to report on issues of interest to the community and its right to scrutinise Council activities. Council will strive to maintain positive and respectful relationships with media outlets.

Councillors and employees will adhere to the communications requirements of Colac Otway Shire's Election Period Policy during the Election Period, prior to Local Government elections.

### KEY COMMUNICATION METHODS

#### Media Releases & Statements

The Mayor and Chief Executive Officer are Council's official spokespeople for all media enquiries/statements/releases in relation to Council decisions, policy, service levels or major issues.

The Communications Department is responsible for coordinating, approving and distributing all media releases, photo opportunities and media briefings following appropriate authorisation.

Council staff will not provide information directly to the media (either verbally or via a media release/statement) without authorisation and all media enquiries will be referred to the Communications Department.

The Chief Executive Officer, the Manager Governance & Communications or the Communications Coordinator can authorise an officer to speak where appropriate.

The Mayor may provide approval for another Councillor to comment on Council matters and/or decisions, where appropriate.

All statements and information will be provided to the Communications Department so they can be recorded and issued.

Media releases are distributed by the Communications Department to media outlets and posted on Council's website.

#### Websites

Colac Otway Shire, COPACC, Great Ocean Road Visitor Information Centre & Bluewater websites provide a range of content specific to the services, events and programs offered by Colac Otway Shire; they also provide an avenue to distribute information to the community and media.

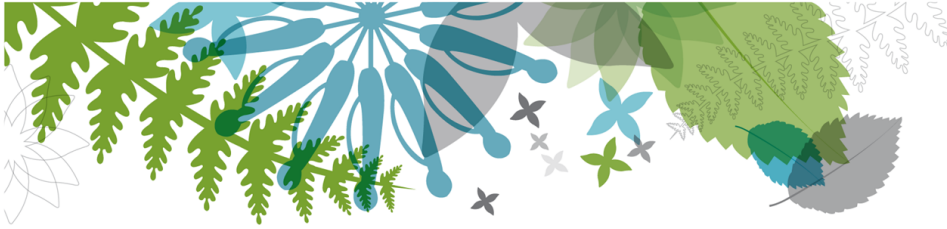
Content published on Council's websites aims to conform to Level AA of the Web Content Accessibility Guidelines version 2 (WCAG 2.0).

All content must be approved by the Communications Department and relevant officers trained in the use of the website, through a work-flow process prior to it being published online.

The development of additional sub-sites, including social media pages, is discouraged, and all requests must be approved by the Communications Coordinator.

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### Publications

The Communications Department prepares and issues communications – via online, broadcast and print publications. This may include advertising and editorial content, media releases, flyers and other printed materials. Privacy and anti-spamming legislation must be adhered to, including the ability for people to opt-in/unsubscribe to any database lists.

Council's news and media section includes media releases the Communications Department has sent to the media. The public is able to subscribe to a news feed from this page on Council's website to be alerted via email when a new media releases are available.

### SMS

SMS will be used at times to contact residents who consent to be listed on a database for the purpose of being contacted by Council.

It is vital that the wording in a text message is clear and concise and does not exceed 160 characters.

Abbreviations can be used if necessary; however, care must be taken to ensure that this is understood by a wide audience.

It must be identified in the text that the message is from Colac Otway Shire and provide some form of contact detail, whether that is an email address, physical address or a telephone number.

An opt-out system will be made available and people who request not to be contacted by SMS will be removed from the database.

### Social Media

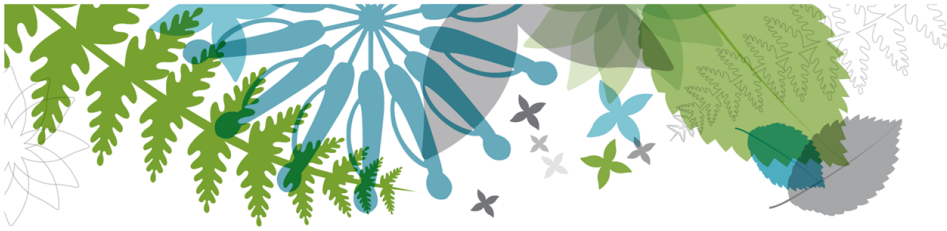
Colac Otway Shire Council recognises online communications are an effective way to engage with the community. Council creates specific content that captures the attention and meets the expectations of a target audience in each digital platform, and is in line with Colac Otway Shire's Council Plan.

The Communications Coordinator and Officer are authorised to manage content and maintain dialogue with the community, posting only as Colac Otway Shire on each platform, and are permitted to authorise other officers to manage content and maintain dialogue.

COPACC, Bluewater and Tourism (VIC) Managers are authorised to manage content and maintain dialogue with the community, posting only as administrators through each platform, and are permitted to authorise other officers to manage content and maintain dialogue.

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Administrators using social media will:

- Adhere to Colac Otway Shire Council codes of conduct, policies and procedures.
- Behave with caution, courtesy, honesty and respect.
- Comply with relevant laws and regulations.
- Reinforce the values of Colac Otway Shire Council.

The following content is not permitted on Council's social media sites at any time:

- Abusive, offensive or sexually explicit material.
- Content which is false or misleading.
- Confidential information about Council or third parties.
- Copyright or Trademark protected materials.
- Discriminatory material on the grounds of race, gender or religion.
- Illegal material or materials designed to encourage law breaking.
- Material that could compromise council, employee or system safety.
- Material which would breach legislation.
- Material which would bring the Council into disrepute.
- Personal details or references to Councillors, Council staff or third parties, which may breach privacy laws.
- Spam, meaning the distribution of unsolicited bulk electronic messages.
- Statements which may be considered to be bullying or harassment.

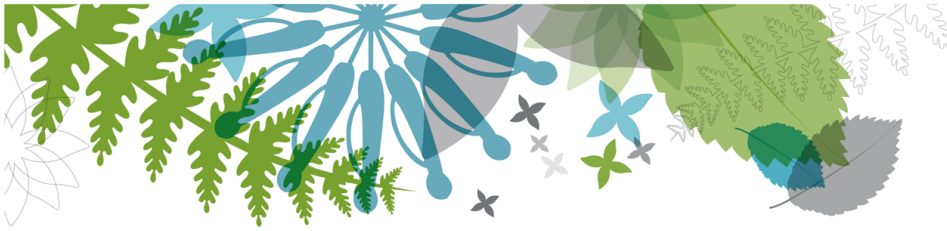
Councillors, employees and contractors will meet the same expectations as administrators listed above, when commenting on a Council matter on any social media post, and Council will not tag individual Councillors or employees in posts.

Councillors, employees and contractors posting on social media should be mindful of both the Councillor and Employee Codes of Conduct, and only post information that is not in breach of their responsibilities under the Codes, any Council or Operational Policies or relevant legislation.

Failure to adhere to the above guidelines may result in disciplinary action.

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CM reference		Date of adoption	
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All content published or communicated by or on behalf of Colac Otway Shire Council using social media will be monitored and recorded.

The Communications Department will monitor social media for relevant contributions that impact on the municipality, its operations and reputation.

Colac Otway Shire Council reserves the right to remove, where possible, content that violates this policy or any related policies. This policy will be published and promoted to Councillors, employees and contractors.

### Advertising

Council will advertise to communicate information and promote community engagement, events, activities and services to both the local community and beyond. Advertising is recognised as a key tool for marketing purposes.

Advertising will be placed within the channel most appropriate to reach the target audience with the relevant content and includes (but is not limited to):

- Commercial Radio
- Community Radio
- Print Media
- Community Newsletters.

All public advertisements must be authorised by the Communications Department and meet the Colac Otway Shire Style Guide requirements.

### Branding Requirements

The Communications Department is the custodian of the Colac Otway Shire brand and Style Guide; all representations of the brand must be authorised by the Communications Department prior to being distributed.

Third parties wishing to use the Colac Otway Shire branding in any form of promotional or advertising material must seek the relevant approvals from the Communications Department prior to printing.

### Logo Usage

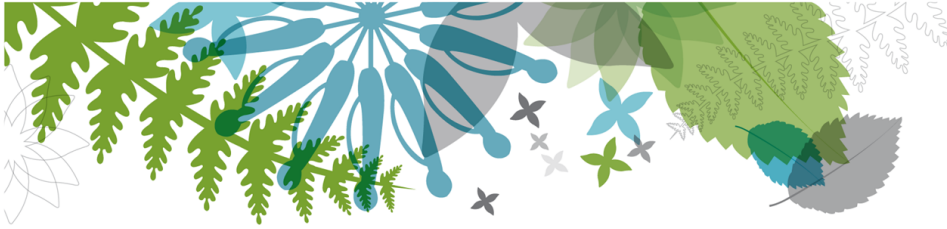
Colac Otway Shire logos must appear on all Council communications including correspondence, publications, forms, advertisements, displays, signage, electronic communications and any other relevant communication platforms.

The Colac Otway Shire logo is to be used in line with Style Guide. Approval must be sought by the Communications Department prior to using a logo. Using a Council logo without permission is in breach of Council's copyright and intellectual property.

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CM reference		Date of adoption	
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### Signage

All Colac Otway Shire signs are to adhere to the standards outlined in the Colac Otway Shire Style Guide.

### RELATED DOCUMENTS

Information Privacy Policy  
 Confidential Information Policy  
 Community Engagement Policy  
 Election Period Policy  
 Public Transparency Policy

### DOCUMENT CONTROL

Policy owner		<<State position title, not person's name>>	Division	
Adopted by council			Policy Number	
File Number			Review date	

### Uncontrolled when printed

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## COUNCIL POLICY

<b>Council Policy Title:</b>	<b>Social Media Policy</b>
<b>Council Policy ref. no:</b>	2.7
<b>Responsible Department:</b>	Executive
<b>Date of adoption/review:</b>	26 February 2014

### 1. Policy statement

Council is committed to engaging with the community and recognises that social media affords Council another avenue to communicate. Social media can complement Council's existing communication methods and further improve information, access and delivery of key services.

### 2. Purpose

The purpose of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by users for the purpose of conducting Council business.

### 3. Scope

This policy applies to all councillors, employees, contractors, agents and volunteers of Colac Otway Shire Council who use social media in relation to their involvement with Council.

This policy will also apply to agencies and individuals who provide services to Council and will be included in all relevant external supplier contracts.

The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct council business. It aims to:

- Inform appropriate use of social media tools for Colac Otway Shire Council
- Promote effective and productive community engagement through social media
- Minimise miscommunication or mischievous communications
- Help Council manage the inherent challenges of speed and immediacy

The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including:

- Blogs
- Bulletin boards
- Citizen journalism and news sites
- Forums and discussion boards
- Instant messaging facilities
- Microblogging sites (e.g. Twitter)

- Online encyclopaedias (e.g. Wikipedia)
- Podcasts
- Social networking sites (e.g. Facebook, MySpace, Bebo, Friendster, LinkedIn)
- Video and photo sharing sites (e.g. Flickr, YouTube)
- Video podcasts
- Wikis
- Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

As it is not possible to list all specific sites or kinds of social media outlets, the absence of a reference to a particular site or kind of social media activity does not limit the application of this policy.

This policy is not intended to cover personal use of social media where:

- the author publishes information in their personal capacity and not on behalf of, or in association with Colac Otway Shire Council, and
- no reference or inference is made to Council, its councillors, staff, policies and services, suppliers or other stakeholders or council related issues.

This policy should be read in conjunction with other relevant policies and procedures of Colac Otway Shire Council.

#### **4. Legislative and Policy Framework**

Councillors and staff of Colac Otway Shire Council are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies. A list of relevant legislation and documents which may be used as a guide is included in at point 8.

#### **5. Using Social Media**

When engaging with social media Users are expected to:

- Adhere to Colac Otway Shire Council codes of conduct, policies and procedures
- Behave with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Reinforce the values of Colac Otway Shire Council.

The following content is not permitted on Council's social media sites at any time:

- Abusive, profane or sexual language
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or Trademark protected materials
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation
- Illegal material or materials designed to encourage law breaking
- Material that could compromise council, employee or system safety
- Material which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material which would bring the council into disrepute

- Personal details or references to councillors, council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages
- Statements which may be considered to be bullying or harassment

**Further guidelines for Councillors**

Councillors must comply with the Council Code of Conduct when using social media related to the Colac Otway Shire Council.

**Further guidelines for staff, and other Users identified in this Policy excepting Councillors****Authorisation**

Ensure appropriate authorisation has been obtained before using social media including but not limited to uploading content and acting as a spokesperson on behalf of Council.

**Expertise**

Do not comment outside your area of expertise. Do not commit Council to actions or undertakings.

**Disclosure**

Only discuss publicly available information. Do not disclose confidential information, internal discussions or decisions of Council, employees or third parties. This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of councillors, Council staff or third parties.

**Accuracy**

Be accurate, constructive, helpful and informative. Correct any errors as soon as practicable. Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive.

**Identity**

Be clear about professional identity or any vested interests. Do not use fictitious names or identities that deliberately intend to deceive, mislead or lie. Do not participate anonymously or covertly via a third party or agency.

**Opinion**

Clearly separate personal opinions from professional ones and be mindful of Council's Employee Code of Conduct when discussing or commenting on council matters. In general, don't express personal opinions using Council # tags or other identifications. Only where this is not possible, consider using a formal disclaimer to separate official council positions from personal opinions and distance council from comments made by public and other outside interests.

**Privacy**

Be sensitive to the privacy of others. Seek permission from anyone who appears in any photographs, video or other footage before sharing these via any form of social media. If asked to remove materials do so as soon as practicable. Ensure you comply with all laws and regulations relating to privacy.

**Intellectual Property**

Seek permission from the creator or copyright owner, to use or reproduce copyright material including applications, audio tracks (speeches, songs), footage (video), graphics (graphs,

charts and logos), images, artwork, photographs, publications or music. Also seek permission before publishing or uploading material in which the intellectual property rights, such as Trademarks, are owned by a third party e.g. company logos. Seek permission from the website's owner wherever possible before linking to another site (including a social media application).

**Defamation**

Do not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements which may negatively impact the reputation of another.

**Reward**

Do not publish content in exchange for reward of any kind.

**Transparency**

Do not seek to buy or recompense favourable social media commentary. Encourage online publishers to be open and transparent in how they engage with, or review council personnel, services or wares.

**Political bias**

Do not endorse any political affinity or allegiance when using social media on behalf of Council.

**Respect**

Always be courteous, patient and respectful of others' opinions, including detractors.

**Discrimination**

Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.

**Language**

Be mindful of language and expression.

**State of Mind**

Do not use social media if inebriated, irritated, upset or tired.

**Be safe**

Protect your personal privacy and guard against identity theft.

**Media**

Do not issue statements or make announcements through social media channels unless authorised. Do not respond directly if approached by media for comment through social media. Refer the inquiry to the Public Relations Unit as per Council's media policy.

**Modification and moderation**

Ensure that any social media sites created or contributed to can be readily edited, improved or removed and appropriately moderated.

**Access**

Be mindful of the requisite government web standards for accessibility. Information made available via non-compliant platforms should be made accessible in another form where practical.

**Be responsive**

Specify the type of comments and feedback that will receive a response and clearly



communicate a target response time. Make it easy for audiences to reach Council via other methods by publishing Council's phone number, generic email, Facebook, Skype and Twitter accounts.

## 6. Roles and Responsibilities

Role	Responsibilities
Councillors	<ul style="list-style-type: none"> <li>• Ensure Social Media use complies with the Councillor Code of Conduct</li> <li>• Do not use Council branding unless given prior authorisation from the Mayor and Public Relations Unit</li> <li>• Understand and comply with relevant provisions in this policy</li> <li>• Seek training and development if required</li> <li>• Seek advice from the Mayor if unsure about applying the provisions of this policy</li> </ul>
Staff and contractors	<ul style="list-style-type: none"> <li>• Seek approval from relevant manager for business strategy incorporating social media</li> <li>• Seek authorisation from the Public Relations Unit on using social media and developing a communications plan to support business strategy</li> <li>• Seek approval for council branding of social media</li> <li>• Register social media account/tools/site with the Public Relations Unit</li> <li>• Seek training and development for using social media</li> <li>• Understand and comply with the provisions in this policy</li> <li>• Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent practicable</li> <li>• Seek advice from the Legal or Public Relations Unit if unsure about applying the provisions of this policy</li> <li>• Ensure contractors are provided with a copy of this policy</li> <li>• Familiarise self with the End User Licence Agreements of any external social media tools being used</li> </ul>
Unit Managers	<ul style="list-style-type: none"> <li>• Approve business strategy incorporating use of social media</li> <li>• Ensure staff obtain authorisation from the Public Relations Unit on their planned use of social media</li> <li>• Ensure contractors are provided with a copy of the social media policy</li> <li>• Offer training for staff using social media</li> <li>• Advise Information Services of approval to access social media for business purposes</li> </ul>
Information Services Unit	<ul style="list-style-type: none"> <li>• Facilitate secure access to support delivery of council business via social media</li> <li>• Regularly back up and archive internally hosted social media sites</li> </ul>
Public Relations Unit	<ul style="list-style-type: none"> <li>• Authorise use of social media tools for conducting Council business</li> <li>• Provide advice and assist with the development of communication plans using social media</li> <li>• Educate councillors, staff and contractors about this policy and their responsibilities when using social media</li> <li>• Advise appropriate precautions eg disclaimers</li> <li>• Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience</li> <li>• Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs</li> </ul>

	<ul style="list-style-type: none"> <li>• Monitor social media accounts/tools/sites registered for conducting Council business</li> <li>• Monitor social media for references to the Colac Otway Shire Council</li> <li>• Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council.</li> </ul>
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## 7. Enforcement

All content published or communicated by or on behalf of Colac Otway Shire Council using social media must be recorded (including the author's name, date, time and media site location) and kept on record.

Colac Otway Shire Council actively monitors social media for relevant contributions that impact on the municipality, its operations and reputation. Council will be able to find – and act upon – contributions made by councillors and staff if deemed necessary.

This policy will be published and promoted to councillors and staff of Council. Breaching this policy may result in disciplinary action, performance management and review. Serious breaches may result in suspension or termination of employment or association.

Colac Otway Shire Council reserves the right to remove, where possible, content that violates this policy or any associated policies.

## 8. References

### Policies and Guidelines

Council policies and guideline provisions which must be adhered to in relation to the use of social media include the following:

RM-01 Occupational Health & Safety Manual  
RM-05 Working from Home Policy

HR-10 Disciplinary Procedure  
HR-12 Unacceptable Workplace Behaviour Policy

OD-03 Employee Code of Conduct

C-01 Media Relations Policy  
C-02 Web Content Policy  
C-03 Photographic Use Policy

IS-01 Information Systems and Security policy and procedures  
IS-03 Information Management Policy  
IS-04 Smart Phone and Tablet Usage  
IS-05 Smart Phone and Tablet Usage guidelines

Public Records Office Victorian Local Government Records - General Records Authority 2002  
Councillor Code of Conduct

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Social Media Response Guide for Staff  
 Social Media procedure  
 Social Media Response Guide for Councillors  
 Social Media response guide for responding to comments and opinions

### Relevant Legislation

- *Copyright Act 1968 (Cth)*
- *Crimes Act 1958 (Vic)*
- *Defamation Act 2005 (Vic)*
- *Fair Trading Act 1999 (Vic)*
- *Fair Work Act 2009 (Cth)*
- *Freedom of Information Act 1982 (Vic)*
- *Local Government Act 1989 (Vic)*
- *Equal Opportunity Act 2010 (Vic)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Information Privacy Act 2000 (Vic)*
- *Spam Act 2003 (Cth)*
- *Privacy Act 1988 (Cth)*
- *Public Records Act 1973 (Vic)*
- *Racial and Religious Tolerance Act 2001 (Vic)*
- *Wrongs Act 1958 (Vic)*

### ADOPTED/AMENDMENT OF POLICY

Reviewed Date	Reason for Amendment
26 February 2014	Adopted by Council

## Item: 10.12

# Councillor Code of Conduct

<b>OFFICER</b>	Marlo Emmitt
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Councillor Code of Conduct - final - adopted 24 February 2021 [10.12.1 - 27 pages]
<b>PURPOSE</b>	To issue the Councillor Code of Conduct for public consultation following Councillor review.

## 1. EXECUTIVE SUMMARY

The *Local Government Act 2020* (Act) requires Council to develop and maintain a Councillor Code of Conduct (Code) that includes the standards of conduct expected to be observed by councillors that are prescribed in the *Local Government (Governance and Integrity) Regulations 2020*. A Code may also include any other matters which the Council considers appropriate.

Under the Act, Council must review and adopt the Code within four months of the general election.

The existing Code was adopted by Council on 24 February 2021. The Council resolution also stipulated that there be a review of the Code (to begin within nine months of the resolution being passed), with consideration to be given for public input.

## 2. RECOMMENDATION

*That Council:*

- 1. Notes the Councillor Code of Conduct (as Attachment 1) was reviewed at a Councillor Briefing session on 20 October 2021 and no changes were recommended.**
- 2. Issues the Councillor Code of Conduct for the purpose of public consultation.**
- 3. Determines that the public consultation period shall be no less than six-weeks from the public notice.**
- 4. Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee to be determined.**

5. ***Considers any submissions prior to the adoption of the final Councillor Code of Conduct at a future Council meeting.***
6. ***Notes that where no submissions/feedback is received, the Councillor Code of Conduct will remain unchanged without further resolution of Council***

### 3. KEY INFORMATION

The Councillor Code of Conduct (Code) was adopted by Council on 24 February 2021 in accordance with the requirements of the *Local Government Act 2020* (Act).

There is no requirement under the Act for community engagement or public consultation to be undertaken in the review of the Code. However, following question time at the 24 February 2021 Council meeting, it became apparent there was a desire from the community to provide input.

As such, Council resolved as follows:

***That Council:***

1. ***Revokes the Councillor Code of Conduct dated February 2019.***
2. ***Adopts the revised Councillor Code of Conduct dated February 2021.***
3. ***Reviews the Code of Conduct with the review to start within 9 months and the review to consider the opportunity for public input.***

In accordance with the above resolution, Councillors reviewed the Code at a Councillor Briefing session held on 20 October 2021. No changes to the Code were recommended.

### 4. COMMUNITY CONSULTATION & ENGAGEMENT

While there is no legislative requirement for community consultation or engagement on the Councillor Code of Conduct, Council is providing the public with the opportunity for input, following its review.

### 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 4 - Strong Leadership and Management**

- 4.1 We commit to a program of best practice and continuous improvement

### 6. CONSIDERATIONS

**ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC**

Not applicable.



## **LEGAL & RISK**

Section 140(1) states that Council may review or amend the Councillor code of Conduct at any time (once it has adopted the initial Code of Conduct), however, Council can only amend the Councillor Code of Conduct by a formal resolution of the Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council.

## **FINANCIAL & BUDGETARY**

Not applicable.

## **7. IMPLEMENTATION STRATEGY**

### **COMMUNICATION**

The current Councillor Code of Conduct will be promoted on the 'Have Your Say' section of Council's website, via the *Colac Herald*, community newsletters and Council's social media platforms, as soon as practicable following the Council meeting.

Following a minimum six-week consultation period, any written and verbal submissions will be considered at a Submissions Committee meeting with the final Councillor Code of Conduct presented to Council for adoption at a Council meeting in the New Year.

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



# COUNCILLOR CODE OF CONDUCT

**Adopted by Council: 24 February 2021**





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## 1. Introduction

The Councillor Code of Conduct (Code) forms part of Colac Otway Shire's Governance Framework, which is set out in the *Local Government Act 2020* (the Act). The primary objective for the Colac Otway Shire Council (Council) is to endeavour to achieve the best outcomes for the local community having regard to the long term cumulative effect of its decisions.

This Code is a public declaration that Councillors of the Council are committed to governing the municipality effectively and will observe the principles of good governance and integrity.

The Code was adopted by Council on 24 February 2021 and is required to be reviewed within four months of a general election.

## 2. First Nations Acknowledgment

Council proudly acknowledges the Gulidjan (Goole-ee-jan) and Gadubanud (Gad-a-ban-nood) peoples as the traditional custodians of the Colac Otway Region. We acknowledge that the Council is located on and conducts business upon lands of the Gulidjan and Gadubanud people.

We will observe the appropriate protocols for acknowledgement of the original inhabitants of this land. The following Acknowledgement of Council is read by the Mayor (or Chief Executive, as appropriate) at all formal Council meetings and civic receptions prior to commencement of any formal proceedings:

*"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."*

## 3. Purpose

The purpose of the Code is to set out the standards of conduct expected to be observed by Councillors in the course of their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.

## 4. Scope

This Code applies to the Councillors of the Colac Otway Shire Council.

## 5. Legislative context

The *Local Government Act 2020* requires Council to develop and maintain a Councillor Code of Conduct that includes the standards of conduct expected to be observed by Councillors prescribed in the *Local Government (Governance and Integrity) Regulations 2020*. A Councillor Code of Conduct may also include any other matters which the Council considers appropriate.

## 6. Councillor Standards of Conduct

Councillors must comply with the prescribed Standards of Conduct in Schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020*.

A breach of the conduct standards constitutes *misconduct* as defined under the Act.





### 6.1. Standard 1 – Treatment of others

In performing the role of a Councillor, we will treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that we:

- take positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*
- support Council in fulfilling its obligation to achieve and promote gender equality
- do not engage in abusive, obscene or threatening behaviour in our dealings with members of the public, Council staff and Councillors
- in considering the diversity of interests and needs of the municipal community, treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.

### 6.2. Standard 2 – Performing the role of Councillor

In performing the role of a Councillor, we will do everything reasonably necessary to ensure that we perform the role of a Councillor effectively and responsibly, including by ensuring that we:

- undertake any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor
- diligently use Council processes to become informed about matters which are subject to Council decisions
- are fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity
- represent the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

### 6.3. Standard 3 – Compliance with Good Governance Measures

In performing the role of a Councillor, to ensure the good governance of Council, we will diligently and properly comply with the following:

- any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors
- the Council Expenses Policy adopted and maintained by the Council under section 41 of the Act
- the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act
- any directions of the Minister issued under section 175 of the Act.



#### 6.4. Standard 4 – Councillor Must Not Discredit or Mislead Council or Public

In performing the role of a Councillor, we will:

- ensure that our behaviour does not bring discredit upon Council
- not deliberately mislead Council or the public about any matter related to the performance of our public duties.

#### 6.5. Standard 5 – Standards do not Limit Robust Political Debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

## 7. Roles and Responsibilities

### 7.1. Role of Council

The primary role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Council must perform its role in accordance with the Overarching Governance Principles (refer Appendix 2).

### 7.2. Role of Councillor

The role of every Councillor is to:

- participate in the decision making of the Council
- represent the interests of the municipal community in that decision making
- contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

In performing the role of Councillor, each Councillor will:

- consider the diversity of interests and needs of the municipal community
- support the role of the Council
- acknowledge and support the role of the Mayor
- act lawfully and in accordance with the oath or affirmation of office
- act in accordance with the standards of conduct
- comply with Council procedures required for good governance.

### 7.3. Role of the Mayor

The role of the Mayor is to:

- chair Council meetings and be the principal spokesperson for the Council
- lead engagement with the municipal community on the development of the Council Plan
- report to the municipal community, at least once each year, on the implementation of the Council Plan
- promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct
- assist Councillors to understand their role



- take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer
- provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings
- perform civic and ceremonial duties on behalf of the Council.

#### 7.4. Role and Powers of the Deputy Mayor

Where the Mayor is not present but his or her attendance is required to carry out the Mayoral functions or duties, the Deputy Mayor will perform the role of the Mayor and may exercise any of the powers of the Mayor.

#### 7.5. Role of the Chief Executive Officer

The role of the Chief Executive Officer is prescribed in section 46 of the Act, but in general terms the Chief Executive Officer is responsible for supporting the Mayor and Councillors in the performance of their roles and ensuring the effective and efficient management of the day to day operations of the Council.

## 8. Specific Councillor Conduct Obligations

The following section sets out specific conduct obligations that are agreed by all Councillors.

### 8.1. Councillor Values and Behaviours

In undertaking our role as Councillors we will uphold the following agreed values of being:

- Community focussed
- Fair and inclusive
- Respectful
- Transparent and open
- Collaborative
- Prepared, efficient and productive
- Strategic, with a view to the future
- Respectful of diversity of opinions and differences
- Supportive of an open and safe environment in which to have robust discussions
- Accountable for delivering results.

In undertaking our roles as Councillors we agree that the following behaviours underpin these values:

- Listening actively and showing respect for one another and our roles
- Greeting each other courteously
- Being prepared when coming together to discuss Council business and engaging with an empathetic approach towards each other's viewpoints
- Maintaining an approach to things with an optimistic perspective
- Acknowledging good work



- Moving on and letting go of things to move forward together.

A list of behaviours we do not want see are included at Appendix 3.

## 8.2. Council Decision Making

In performing the role of Councillor, we commit to making all decisions impartially and in the best interests of the community. We will actively participate in the decision-making process and appropriately inform ourselves of the matter at hand. We will abide by the Governance Rules, which govern the conduct of Council meetings. Once a decision has been made, we will respect the making of that decision.

We will observe due regard to procedural fairness, the absence of bias in decision-making and will conform with relevant legislation and policies in the consideration of matters, including conflict of interest provisions, and the Councillor Interaction with Council Staff Protocol.

We understand that Council is bound by the decisions made at Council meetings, and that while we may not agree with all decisions made, it is our collective responsibility to ensure the stability of governance in our Shire.

## 8.3. Conflict of Interest

Each Councillor is required to identify, manage and disclose any conflicts of interest they may have in accordance with sections 126 to 131 of the Act, and Chapter 5 of the Governance Rules.

We acknowledge that we have read and understand these provisions and will abide by them. In the event that we consider that we have an actual or perceived conflict of interest in relation to a matter, we will declare and identify this at the commencement of any discussion on the matter. We will seek advice from the Chief Executive Officer or other appropriate person if we need assistance on interpretation of the legislative provisions.

We understand that the declaration must be in writing, and must be made at any Council meeting, delegated committee meeting or meeting conducted under the auspices of Council, at which the matter is to be discussed. Failure to comply with these provisions may constitute *serious misconduct*.

## 8.4. Use of Council resources

We commit to using Council resources effectively and economically and in accordance with all Council policies. In particular, we will:

- use Council resources, which may include equipment, information, staff resources, property of any kind and other assets, which have been provided to us only for the purposes of our duties as a Councillor and not for private purposes unless properly authorised to do so
- maintain adequate security over Council property, facilities and resources in our possession or control
- ensure that any claim for expenses that we may make will be in accordance with all legislative obligations and Council policies
- not use public funds or resources in a manner that is improper or unauthorised.



### 8.5. Councillor and Staff Interactions

The Chief Executive Officer is responsible for managing interactions between Councillors and Council Staff and ensuring the appropriate policy, protocols and practices are in place. Councillors acknowledge that the relationship between Councillors and Council Officers must be one of mutual cooperation and support.

Interactions are guided by the *Council and Staff Interactions – Chief Executive Officer Protocol*.

### 8.6. Political Activity

We are committed to ensuring that elections conducted by the Colac Otway Shire Council are done so fairly and democratically and in accordance with the highest standards of governance. Where we are a sitting Councillor during an election period we will abide by the requirements of the applicable legislation and the Council-endorsed Election Period Policy (which forms part of the Council's adopted Governance Rules) and, whether or not we are standing for re-election, we will at all times act respectfully towards all candidates for the election.

### 8.7. Bullying, vilification and victimisation

Council is committed to maintaining a workplace that is free from bullying, vilification and victimisation, where all people are treated with dignity and respect. In performing our role as Councillors, we must take positive action to eliminate victimisation in accordance with the *Equal Opportunity Act 2010*.

We will uphold Council's obligations to support a safe workplace, and will not engage in repeated unreasonable behaviour toward another Councillor or member of Council staff that creates a risk to the health and safety of that other Councillor or member of Council staff.

We will take all reasonable steps to eliminate bullying, vilification and victimisation at Council.

### 8.8. Human rights and equal opportunity

In performing our role as Councillors we must take positive action to eliminate discrimination in accordance with the *Equal Opportunity Act 2010* and support Council in fulfilling its obligation to achieve and promote gender equality.

We acknowledge the human rights that are protected under the *Victorian Charter of Human Rights and Responsibilities Act 2006* and undertake to exercise our duties in a manner that is compatible with the rights set out in the Charter.

We acknowledge this undertaking extends to all our relationships as a Councillor, including with other Councillors, the Chief Executive Officer and Council employees, as well as any member of the public with whom we may have contact, and any decisions we participate in as a Councillor.

We are committed to treating all people with dignity and respect and recognise that there is no place for unlawful discrimination, harassment (sexual or otherwise), racial and religious vilification and victimisation of any individual. We will:

- take all reasonable steps to eliminate all forms of discrimination at Council
- support Council to fulfil its obligation to achieve and promote gender equality.





### 8.9. Occupational health and safety

Council is committed to providing and maintaining a safe workplace for all and recognises the provisions of the *Occupational Health and Safety Act 2004* (OHS) apply to Council and Councillors. The Chief Executive Officer has a clear accountability for OHS matters, given their mandate under the Act, and will put policies in place from time to time to ensure a safe workplace for Councillors to carry out their civic duties.

As Councillors, we understand that occupational health and safety is a shared responsibility. Accordingly, we will:

- take reasonable care to protect our own health and safety as well as the health and safety of others in the workplace
- take reasonable care to make sure Council carries out, through the Chief Executive Officer, its general duties to ensure a safe workplace that is without risks to health by ensuring appropriate systems and policies are in place to manage those risks and consider any health and safety implications of Council decisions.

### 8.10. Sexual Harassment

Sexual harassment is against the law and will not be tolerated under any circumstances. In performing our role as Councillors, we must take positive action to eliminate sexual harassment in accordance with the *Equal Opportunity Act 2010*.

We will not engage in any unwelcome conduct of a sexual nature towards another individual where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the individual harassed would be offended, humiliated or intimidated. We will take all reasonable steps to eliminate sexual harassment at Council.

### 8.11. Interacting with children and young people

Council prides itself on being a child safe organisation and has zero tolerance for child abuse. Council adheres to the Victorian Child Safe Standards and related legislation which governs the protection of children and young people and deals with the failure to report harm, failure to protect and grooming offenses.

Accordingly, we undertake to:

- maintain the highest standards of professional conduct in our attitude, behaviour and interactions with children and young people
- support and maintain Council's commitment to the safety and wellbeing of children and young people and including through any decision we participate in as a Councillor
- take all reasonable steps to protect children and young people from harm, including complying with Council's obligations under State and Federal child protection legislation and the Victorian Child Safe Standards.



### 8.12. Personal Dealings with Council

When dealing with Council in a personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a permit), we will not expect or request preferential treatment.

To ensure transparency and fairness, complaints received by Councillors should be treated the same way as ones made to Council officers. We must not seek to direct or influence the complaint handling process.

We are aware the same service standards apply to a Councillor request, as a request for service from a community member.

### 8.13. Councillor and officer engagement

We have read and understood the requirements of Section 124 of the Act and will not seek to improperly direct or influence members of Council staff in the exercise of their duties. We will follow all procedures and protocols which set out interaction between Councillors and the Chief Executive Officer, senior management and other employees.

### 8.14. Gifts, Benefits or Hospitality

Councillors should avoid situations that give rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment.

We will comply with Council's Gifts, Benefits and Hospitality Policy and other applicable legislation.

### 8.15. Community Diversity

Council is committed to providing a welcoming and positive experience for all, regardless of background, culture, nationality, sexual orientation, gender identity or accessibility needs.

### 8.16. Reporting Unethical Behaviour

Ethical behaviour is an integral part of responsible, effective and accountable government. We acknowledge Council's obligations under the *Public Interest Disclosures Act 2012* to facilitate the making of disclosures of improper conduct by public officers and public bodies, including Council, its employees and Councillors.

We will immediately report to the Chief Executive Officer and/or appropriate integrity body, in line with the Council's Public Interest Disclosures Procedures, any suspected, potential or actual fraudulent, criminal, unethical, corrupt or other unacceptable behaviour that comes to our knowledge. We will participate as required to the best of our ability in any subsequent investigation whether undertaken internally or externally.

### 8.17. Media and Communications

Councillors have an obligation to effectively and satisfactorily communicate the decisions of Council and to respond to the community as required. To ensure that clear and consistent messages are communicated, the Council's Communications Policy sets out the management of media enquiries, release of information and nominated spokespersons.

Whilst it is understood that it is acceptable for an individual Councillor to publicly state that they did or did not vote in favour of any Council decision (made in open session) and the reasons, each Councillor agrees that this is to be done in a manner which is respectful of Council.



We will:

- respect the roles of Council's official spokespersons
- respect Council's decisions by not actively undermining any decisions which have been made
- not bring Council into disrepute through any of our words or actions
- not speak on behalf of Council without authority
- ensure any personal opinions or views we express publicly are identified as our own and not those of Council
- ensure any communications we make are not offensive, derogatory, insulting or otherwise damage the reputation of Council.

### 8.18. Use of Council Information

We acknowledge that information which is 'confidential information' within the meaning of section 3 and section 125 of the Act, and Chapter 6 of the Governance Rules may not be disclosed by us except in certain specified circumstances (refer Appendix 1).

We understand that Council information may also be subject to other legislation including the *Health Records Act 2001*, *Privacy and Data Protection Act 2014* and *Freedom of Information Act 1982*. We understand that all briefing material provided to Councillors shall be considered confidential unless that information is otherwise made publicly available by resolution of Council or the Chief Executive Officer.

We will comply with any legislative provisions and Council policies concerning our access to, use of, or disclosure of Council information, whether confidential or otherwise.

### 8.19. Land Use Planning, Development Assessment and Other Regulatory Functions

The safety and integrity of Council and Councillors in performance of their duty is of primary importance.

We recognise the separation of our roles and responsibilities from those of the Chief Executive Officer and Council officers and as such will abstain from involvement in functions such as the issuing of permits (unless referred to Council for a formal resolution), the consideration of fines, prosecutions and other similar regulatory functions of the Council.

When proposing to meet with a planning permit applicant, either for the purpose of discussing the application or where the application is likely to become controversial, we will seek a meeting via the Planning Manager to ensure a Council planning officer is present.

## 9. Dispute Resolution Process

### 9.1. Purpose

This part describes the processes for Councillors who wish to report and resolve a dispute with another Councillor under the Code. Councillors recognise that the democratic process of local government involves holding, and expressing, different and sometimes opposing viewpoints. It is a normal, and vital, function of this process that these different views are shared in a considered and informed way. Although all Councillors strive to engage in positive, constructive and respectful interactions, conflict and/or disputes may arise.



All Councillors recognise that they hold an individual and collective responsibility to resolve disputes in a proactive, positive and courteous manner before they are escalated, to avoid such disputes threatening the effective operation of Council.

The primary purpose of an internal resolution procedure is to provide Councillors with support and mechanisms to resolve conflicts and disputes in a manner that enables them to move forward and establish and maintain effective working relationships. The procedure also provides avenues and guidance for escalating more serious issues and allegations where required.

This procedure:

- is not intended to resolve differences in policy or decision making, which are appropriately resolved through discussion and voting in council and committee meetings
- does not include a complaint made against a Councillor or Councillors by a member or members of Council staff, or by any other person, or a “disclosure” under the *Public Interest Disclosures Act 2012*.

## 9.2. Scope

This procedure operates alongside, and does not displace, any external avenues provided for by legislation for the reporting and resolution of issues and disputes.

For the purposes of this part:

- This procedure does not deal with allegations of criminal misconduct as they are envisaged to be raised with Victoria Police or other relevant mechanisms.
- Nothing in this procedure prevents an individual Councillor with a specific issue or dispute from pursuing other avenues available to them under the law.

Where members of the public would like to raise a complaint against a Councillor for a possible breach or offence under the Act or this Code, this may be directed to the Local Government Inspectorate or the Colac Otway Shire Councillor Conduct Officer. For the avoidance of doubt, a member of the public may raise a formal complaint through any available channel external to Council as provided by law.

In particular, some allegations of Councillor *misconduct* under this Code may also constitute *serious misconduct* under the Act. In these instances, it is open to Council, a Councillor, or a group of Councillors, to make an application for a Councillor Conduct Panel. For allegations of gross misconduct, Council, a Councillor(s) or members of the public can raise complaints to the Local Government Inspectorate.

## 9.3. Responsibilities

### 9.3.1. Mayor and Deputy Mayor

The Mayor and Deputy Mayor have a responsibility to:

- establish and promote appropriate standards of conduct
- support good working relations between Councillors
- support Councillors in dispute resolution.



### 9.3.2. *Councillor Conduct Officer*

The Councillor Conduct Officer has a responsibility to:

- assist Council in the implementation and conduct of the internal resolution procedure
- assist the Principal Councillor Conduct Registrar to perform the functions specified in section 149 of the Act.

### 9.3.3. *Chief Executive Officer*

The Chief Executive Officer has a responsibility to:

- ensure that support and assistance is available to all Councillors where it is required
- take all reasonable steps to ensure the consistent and accountable application of this policy across Council
- comply with all relevant legislation as the senior officer within Council administration.

### 9.3.4. *Councillors*

Councillors as defined in this section have a responsibility to:

- co-operate with any investigation into, or arbitration of, a complaint made under this procedure
- maintain confidentiality regarding any complaint.

## 9.4. Informal Internal Resolution Between Parties to a Dispute

### 9.4.1. *Discussion*

Before commencing a formal dispute resolution process, the Councillors who are parties to a dispute are encouraged to use their best endeavours to resolve their issue or dispute in a courteous and respectful manner between themselves, stop any behaviour that is causing issues, and to avoid the issue escalating and threatening the effective operation of Council.

Where the issue or dispute remains unresolved or where the circumstances make informal resolution inappropriate, the parties may resort to Council's internal dispute resolution processes set out below.

## 9.5. Formal Internal Resolution Between Parties to a Dispute

### 9.5.1. *Interpersonal Disputes and Alleged Contravention of the Councillor Code of Conduct*

Interpersonal disputes between Councillors involve conflict where there may be a breakdown in communication, a misunderstanding, a disagreement between Councillors, or strained working relationships. Disputes may also relate to an alleged contravention of the Code.

Interpersonal disputes between Councillors or alleged contraventions of the Code may be managed via:

- a resolution discussion (facilitated by the Mayor or Deputy Mayor)
- mediation with an external mediator (via application to the Councillor Conduct Officer)

#### 9.5.1.1. *Internal Resolution Discussion*

Where Councillors who are in dispute have not been able to resolve their dispute informally between themselves, a party may request in writing that the Mayor or Deputy Mayor (the 'Convenor') convene a confidential meeting of the parties to discuss the dispute. The Councillor





requesting the meeting is to provide the Convenor with the name of the other Councillor and the details of the dispute in writing. They should also notify the other Councillor of the request and provide a copy of the written request to them.

The Convenor or the Councillor Conduct Officer is to ascertain whether or not the other party is prepared to attend the meeting. If the other Councillor is not prepared to attend the meeting, the Convenor is to advise the party seeking the meeting. No further action is required of the Convenor.

If the other Councillor consents to a meeting, the Convenor is to hold a confidential meeting of the parties.

Unless one or both parties are unavailable, this should be arranged within ten working days of receipt of the meeting request.

The Convenor may provide the parties with guidelines in advance of the meeting or at the meeting, to help facilitate the meeting. If the parties cannot resolve the dispute at the meeting, a further meeting may be convened.

The role of the Convenor at the meeting is to assist the parties to resolve the dispute. In the process of doing this they may provide guidance about what is expected of a Councillor including in relation to the role of a Councillor under section 28 of the Act and the Code. The Convenor is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties and a copy kept by the Councillor Conduct Officer. Where the dispute remains unresolved, a party may request mediation, or make an application for arbitration (where alleged contravention of the Councillor Conduct Standards apply).

#### *9.5.1.2. Internal Independent Mediation*

A Councillor or a group of Councillors may request that their dispute be referred to mediation.

The mediation would be conducted by an external accredited mediator.

The party seeking the mediation is to notify the other party of the request and details of the dispute in writing at the same time that it is submitted to the Councillor Conduct Officer. The Councillor Conduct Officer is to ascertain (in writing) whether or not the other Councillor is prepared to participate in the mediation.

If the Councillor declines to participate in the mediation, they are to provide their reasons for not doing so in writing to the Councillor Conduct Officer. These reasons may be taken into account if the matter is subsequently the subject of an application for a Councillor Conduct Panel.

If the other party agrees to participate in mediation, the Councillor Conduct Officer is to advise the party seeking the mediation, the Mayor and Chief Executive Officer.

The Councillor Conduct Officer will engage the services of an external mediator to conduct the mediation at the earliest opportunity. All parties will cooperate with the dispute resolution process and provide reasonable assistance to the external mediator and the Councillor Conduct Officer.

If the parties cannot resolve the dispute at the mediation meeting, a further meeting may be convened with the consent of both parties. The mediator is to document any agreement reached. Copies of the agreement are to be provided to both parties and the Councillor Conduct Officer.



### 9.5.2. *Internal Arbitration Process for Breaches of the Prescribed Standards of Conduct*

The internal arbitration process applies to any breach by a Councillor of the prescribed standards of conduct.

An internal arbitration involves a party (the Applicant) to a dispute requesting the Principal Councillor Conduct Registrar to appoint an impartial third party (the Arbiter) to make findings in the relation to allegations concerning another Councillor(s) (the Respondent) and whether they have engaged in misconduct under the Act.

An application for an internal arbitration process to make a finding of *misconduct* against a Councillor can be made by:

- Council following a resolution of Council; or
- a Councillor or a group of Councillors.

The application must:

- specify the name of the Councillor alleged to have breached the conduct standards
- specify the clause of the conduct standards in the *Local Government (Governance and Integrity) Regulations 2020* that the Councillor is alleged to have breached
- specify the misconduct that the Councillor is alleged to have engaged in that resulted in the breach of the conduct standards
- include evidence in support of the allegation
- name the Councillor appointed to be their representative where the application is made by a group of Councillors
- be signed and dated by the Applicant or the Applicant's representative
- be made within three months of the alleged misconduct occurring
- be given to the Principal Councillor Conduct Registrar in the manner specified by the Principal Councillor Conduct Registrar in any guidelines published under section 149(1)(c) of the Act.

After receiving an application, the Councillor Conduct Officer will provide the application to the Councillor who is the subject of the application.

On receiving an application, the Principal Councillor Conduct Registrar will:

- advise the Chief Executive Officer (and the Mayor as appropriate) of the application without undue delay
- identify an Arbiter to hear the application
- obtain from the Arbiter written advice that they have no conflict of interest in relation to the Councillors involved
- notify the parties of the name of the proposed Arbiter and provide them with the opportunity (two working days) to object to the person proposed to be the Arbiter
- consider the grounds of any objection and appoint the proposed Arbiter or identify another Arbiter
- provide a copy of the Application to the Arbiter as soon as practicable after the opportunity for the parties to object to an Arbiter has expired
- after consultation with the Arbiter, advise the Applicant and the Respondent of the time and place for the hearing
- attend the hearing(s) and assist the Arbiter in the administration of the process.



The Principal Councillor Conduct Registrar, after examining an application, will appoint an Arbiter to Council to hear the matter if satisfied that:

- the application is not frivolous, vexatious, misconceived or lacking in substance.
- there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct as specified in the application.

In identifying an Arbiter to hear the application, the Principal Councillor Conduct Registrar will select an Arbiter who is suitably independent and able to carry out the role fairly.

The Arbiter must be selected from a panel of eligible persons established by the Secretary to conduct an internal arbitration process.

The role of the Arbiter includes:

- consider an application alleging a contravention of the prescribed standards of conduct
- make findings in relation to the application
- provide a written statement of reasons supporting the findings to the parties at the same time as providing the findings to Council
- recommend an appropriate sanction or sanctions where the Arbiter makes a finding of misconduct against a Councillor.

An Arbiter:

- may find that a Councillor who is a Respondent to an application has not engaged in misconduct
- may find that a Councillor has engaged in misconduct
- may hear each party to the matter in person or solely by written or electronic means of communication
- is not bound by the rules of evidence and may be informed in any manner the Arbiter sees fit
- may at any time discontinue the hearing if the Arbiter considers that the application is vexatious, misconceived, frivolous or lacking in substance or the applicant has not responded, or has responded inadequately, to a request for further information
- will suspend the process during the election period for a general election
- must refer the matter in writing to the Principal Councillor Conduct Registrar if the Arbiter believes that the conduct that is the subject of the application for an internal arbitration process appears to involve *serious misconduct* and would more appropriately be dealt with as an application to the Councillor Conduct Panel under section 154 of the Act.

The Arbiter is to provide a copy of his or her findings and the statement of reasons to:

- Council
- The applicant or applicants
- The Councillor who is the subject of the allegation.
- The Principal Councillor Conduct Registrar.

A copy of the Arbiter's decision and statement of reasons must be tabled at the next Council meeting after Council has received the copy of the Arbiter's decision and statement of reasons and recorded in the minutes of the meeting.

If the Arbiter's decision and statement of reasons contains any confidential information, the confidential information must be redacted before submission to the Council meeting.



If an Arbiter has made a finding of *misconduct* the Arbiter may do any one or more of the following:

- direct the Councillor to make an apology in a form or manner specified by the Arbiter
- suspend the Councillor from the office of Councillor for a period specified by the Arbiter not exceeding one month
- direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the Arbiter
- direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the Arbiter
- direct a Councillor to attend or undergo training or counselling specified by the Arbiter.

A Councillor will cooperate with the arbitral process and provide reasonable assistance to the Arbiter.

An application cannot be made for an internal resolution by arbitration during the election period for a general election. Any internal resolution procedure that is in progress is to be suspended during the election period for a general election.

#### 9.5.3. Failure to Participate in Internal Arbitration Process

A Councillor who does not participate in the internal arbitration procedure may be guilty of *serious misconduct*.

#### 9.6. Application to Councillor Conduct Panel

Councillor Conduct Panels may hear an application that alleges *serious misconduct* by a Councillor.

An application for a Councillor Conduct Panel to make a finding of *serious misconduct* against a Councillor may be made by:

- The Council following resolution of the Council to do so;
- A Councillor or group of Councillors; or
- The Chief Municipal Inspector.

An application must be made within 12 months of the alleged serious misconduct occurring.

Applications of serious misconduct are reviewed by the Principal Conduct Registrar and are the subject of a Council Conduct Panel (CPP) process of review.



## Appendix 1 – Definitions

Chief Executive	The Chief Executive Officer of the Colac Otway Shire Council
Chief Municipal Inspector	The Chief Municipal Inspector is responsible for investigating and prosecuting possible breaches and offences under the Local Government Act 2020, investigating allegations of Councillor misconduct, serious misconduct and gross misconduct, making an application for a Councillor Conduct Panel to make a finding of serious misconduct against a Councillor and making an application to the Victorian Civil and Administrative Tribunal for a finding of gross misconduct by a Councillor.
Conflict of Interest	A Councillor has: <ul style="list-style-type: none"> <li>• a general conflict of interest in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.</li> <li>• a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</li> </ul>
Conduct Standards	The standards of Councillor conduct prescribed under Schedule 1 to the Local Government (Governance and Integrity) Regulations 2020.
Councillor	All references to 'Councillor' include the Mayor, Deputy Mayor and elected members of the Colac Otway Shire Council except as expressly provided.
Councillor Conduct Panel	A panel established under the Local Government Act 2020 to hear applications and make findings of alleged misconduct or serious misconduct by a Councillor.
Employee	An employee of Council includes all members of staff, contractors and volunteers under the direct control or supervision of the Colac Otway Shire Council.
Gross Misconduct	'Gross misconduct' by a Councillor means behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of an egregious nature.
Improper Conduct	'Improper conduct' includes a failure to disclose a conflict of interest, a breach of confidentiality, the improper direction or influence of staff, the





	improper use of Council resources, or a breach of Council policy under the Code of Conduct by a Councillor.
Misconduct	<i>Misconduct</i> by a Councillor means any breach by a Councillor of the prescribed conduct standards included in this Councillor Code of Conduct.
Councillor Conduct Officer	A person appointed by the Chief Executive Officer to assist Council in implementing its internal arbitration process.
Principal Councillor Conduct Registrar	The Principal Councillor Conduct Registrar receives applications for the establishment of Councillor Conduct Panels under the Local Government Act 2020.
Secretary	Secretary to the Department of Environment, Land, Water and Planning
Confidential Information	<p>Confidential information is defined under section 3(1) of the Local Government Act 2020.</p> <p>(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;</p> <p>(b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;</p> <p>(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;</p> <p>(d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;</p> <p>(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;</p> <p>(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;</p> <p>(g) private commercial information, being information provided by a business, commercial or financial undertaking that—</p> <p>(i) relates to trade secrets; or</p> <p>(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;</p> <p>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);</p>



	<p>(i) internal arbitration information, being information specified in section 145;</p> <p>(j) Councillor Conduct Panel confidential information, being information specified in section 169;</p> <p>(k) information prescribed by the regulations to be confidential information for the purposes of this definition;</p> <p>(l) information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>.</p> <p><b>Note:</b> <i>In the interests of transparency, Council may, by resolution, determine to release information to the public even though it is Confidential Information. Refer to Council's Public Transparency Policy for more detail.</i></p>
<p>Vilification</p>	<p>Vilification is behaviour that incites physical harm or hatred, serious contempt, revulsion or severe ridicule of a person or group because of their race or religion. It is unlawful conduct</p>
<p>Victimisation</p>	<p>Victimisation is subjecting, or threatening to subject, someone to reprisal or detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else to make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation</p>
<p>Bullying</p>	<p>For the purposes of this Code, "bullying behaviour" is any behaviour in which:</p> <ul style="list-style-type: none"> <li>• a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons</li> <li>• the behaviour creates a risk to health and safety.</li> </ul> <p>Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:</p> <ul style="list-style-type: none"> <li>• aggressive, threatening or intimidating conduct</li> <li>• belittling or humiliating comments</li> <li>• spreading malicious rumours</li> <li>• teasing, practical jokes or 'initiation ceremonies'</li> <li>• exclusion from work-related events</li> <li>• unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level</li> <li>• displaying offensive material</li> <li>• pressure to behave in an inappropriate manner.</li> </ul> <p>The following are not bullying behaviours:</p>



	<ul style="list-style-type: none"> <li>• maintaining reasonable workplace goals and standards</li> <li>• legitimately exercising a regulatory function</li> <li>• legitimately implementing a council policy or administrative processes.</li> </ul>
Serious misconduct	<p><i>Serious misconduct</i> by a Councillor means:</p> <ul style="list-style-type: none"> <li>• failure by a Councillor to comply with the Council's internal arbitration process</li> <li>• failure by a Councillor to comply with a direction given to the Councillor by an Arbiter under section 147</li> <li>• the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor.</li> <li>• failure of a Councillor to comply with a direction of a Councillor Conduct Panel</li> <li>• continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an Arbiter or by a Councillor Conduct Panel under section 167(1)(b) of the <i>Local Government Act 2020</i></li> <li>• bullying by a Councillor of another Councillor or a member of Council staff</li> <li>• conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or member of Council staff</li> <li>• the disclosure by a Councillor of information the Councillor knows or should reasonably know, is confidential information</li> <li>• conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff</li> <li>• the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with the <i>Local Government Act 2020</i>.</li> </ul>
The Act	All references to 'the Act' are to the <i>Local Government Act 2020</i> .



## Appendix 2 - Overarching Governance Principles

A Council must in the performance of its role give effect to the overarching governance principles. (Section 8 & 9 of the Local Government Act 2020).

- 1 The following are the overarching governance principles—
  - (a) Council decisions are to be made and actions taken in accordance with the relevant law;
  - (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
  - (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
  - (d) the municipal community is to be engaged in strategic planning and strategic decision making;
  - (e) innovation and continuous improvement is to be pursued;
  - (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
  - (g) the ongoing financial viability of the Council is to be ensured;
  - (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
  - (i) the transparency of Council decisions, actions and information is to be ensured.
  
- 2 In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—
  - (a) the community engagement principles;
  - (b) the public transparency principles;
  - (c) the strategic planning principles;
  - (d) the financial management principles;
  - (e) the service performance principals.



## Appendix 3 – Undesirable Behaviours

To support and foster good working relationships, Councillors agree they do not want to see the following behaviours:

- Personal vindictiveness
  - Disrespect
  - Hostility
  - Aggression
- Closed mindedness to other people's opinions
- Manipulativeness, game playing and dishonesty
- Rude/abusive behaviour
- Badgering, belittling and put downs
- Being underprepared for meetings.





## **Appendix 4 - Relevant Legislation**

*Local Government Act 2020 (Vic)*

*Local Government (Governance and Integrity) Regulations 2020 (Vic)*

*Child Wellbeing and Safety Act 2005 (Vic)*

*Equal Opportunity Act 2010 (Vic)*

*Occupational Health and Safety Act 2004 (Vic)*

*Public Interest Disclosures Act 2012 (Vic)*

*Sex Discrimination Act 1984 (Cth)*

*Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)*



## **Appendix 5 - Relevant Council Policies**

Councillor and Staff Interactions – Chief Executive Officer Protocols

Fraud and Corruption Control Policy

Public Interest Disclosures Procedures

Governance Rules

Election Period Policy (incorporated in the Governance Rules)

Gifts, Benefits and Hospitality Policy

Public Transparency Policy

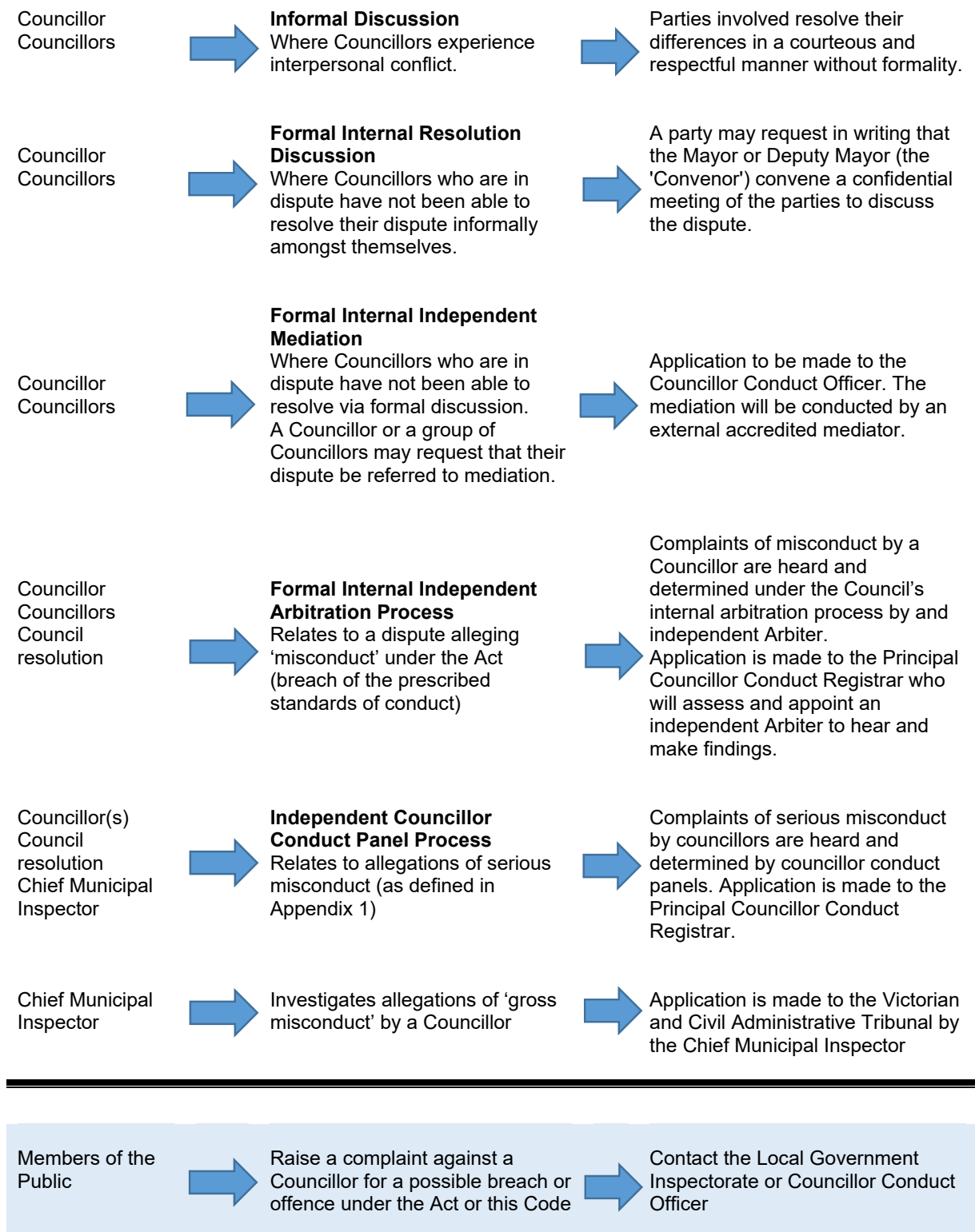
Council Expenses Policy

Information Privacy Policy

Complaints Policy



## Appendix 6 – Dispute resolution flowchart



Item: 10.13

## Review of Council's Public Transparency Policy and Governance Rules

<b>OFFICER</b>	Marlo Emmitt
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Marked up changes to Public Transparency Policy [<b>10.13.1</b> - 11 pages]</li> <li>2. Table of changes to Governance Rules [<b>10.13.2</b> - 4 pages]</li> <li>3. Marked up changes to Governance Rules [<b>10.13.3</b> - 46 pages]</li> </ol>
<b>PURPOSE</b>	To approve the revised Public Transparency Policy and Governance Rules for the purpose of public consultation.

### 1. EXECUTIVE SUMMARY

At its scheduled meeting held on 26 August 2020, Council adopted the Governance Rules and Public Transparency Policy in accordance with the requirements of the *Local Government Act 2020*.

Council also:

- Noted its previous resolution of 24 June 2020, recommending that the Governance Rules be reviewed within 12 months of adoption, with Council to consider a report in April 2021 in relation to commencing a review.
- Resolved at the 26 August 2020 meeting, that the Public Transparency Policy be reviewed within 12 months of adoption, with Council to consider a report in April 2021 in relation to commencing a review.

Workshops were held at Briefing Sessions with Councillors to review the Public Transparency Policy and Governance Rules on the following dates:

- 21 April 2021
- 14 July 2021
- 13 October 2021
- 30 October 2021.

The revised Public Transparency Policy and Governance Rules are now presented for Council endorsement for the purpose of public consultation.

## 2. RECOMMENDATION

**That Council:**

- 1. Notes the current Public Transparency Policy and Governance Rules have been reviewed in accordance with requirements of the previous resolutions of Council.**
- 2. Endorses the revised and marked-up Public Transparency Policy (as Attachment 1) and Governance Rules (as Attachment 3) for the purpose of public consultation.**
- 3. Determines that the public consultation period shall be no less than six-weeks from the public notice.**
- 4. Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee to be determined.**
- 5. Considers submissions prior to the adoption of the final Public Transparency Policy and Governance Rules at a future Council meeting.**

## 3. KEY INFORMATION

A total of four briefing sessions were held with Councillors to review the Public Transparency Policy and Governance Rules.

### **Public Transparency Policy**

Following review, no major changes to the Policy were recommended by officers. Minor recommendations include:

- Reference is made throughout the policy to clause 10.2. It should be amended to 10.3.
- The heading at clause 12 should be replaced with the following words, 'Public Awareness of Availability of Council Information'.
- Suggest the addition of the following headings:
  - Responsibilities section.
  - Related Policies and Legislation section.
- A number of minor changes to Appendix 1 (what Council information will be made available).

A marked-up copy of the Public Transparency Policy is provided as Attachment 1.

### **Governance Rules**

Various changes to the Governance Rules have been recommended as a result of workshops with Councillors. Attachment 2 articulates the recommended changes.

A marked-up copy of the Governance Rules is provided as Attachment 3.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

A Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules, except where the amendment adopts a good practice guideline issued by the Minister under section 87 of the Act.



While the Act does not stipulate that the Public Transparency Policy be subject to community consultation and engagement, the Public Transparency Principles state:

*“When developing or applying a public transparency policy, councils must have regard for the other principles contained in the Act. For example, a community engagement should be used in the development of a council’s public transparency policy; strategic planning should be undertaken with regard to public transparency.”*

As part of the review process, the intention is to put both the Public Transparency Policy and Governance Rules out for public consultation at the same time.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 4 - Strong Leadership and Management**

4.1 We commit to a program of best practice and continuous improvement

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The social and cultural considerations of reviewing the Public Transparency Policy and Governance Rules are reflective of Colac Otway Shire Council’s emphasis on good governance and community participation in the overall decision-making process of Council.

Transparency is a key theme of the Act and now underpins all aspects of local government in Victoria.

### LEGAL & RISK

As per the respective Council resolutions, Council has an obligation to review both the Governance Rules and the Public Transparency Policy within 12 months of their adoption (26 August 2020).

The initial review began in April 2021 and was finalised on 30 October 2021.

### FINANCIAL & BUDGETARY

Not applicable.

## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

Section 60(4) of the *Local Government Act 2020* requires a process of community engagement to be followed in developing or amending its Governance Rules. This requirement is met through the proposed exhibition process.

## **TIMELINE**

Both the revised Public Transparency Policy and Governance Rules will be promoted on the 'Have Your Say' section of Council's website, via the *Colac Herald*, community newsletters and Council's social media platforms, as soon as practicable following the Council meeting.

Following a minimum six-week consultation period, any written and verbal submissions will be considered at a Submissions Committee meeting with the final Public Transparency Policy and Governance Rules presented to Council for adoption at a Council meeting in the New Year.

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## 18.14 - Public Transparency Policy

### COUNCIL POLICY

#### 1. PURPOSE

This purpose of this Policy is to:

- 1.1 give effect to the Public Transparency Principles;
- 1.2 describe the ways in which Council Information will be made publicly available;
- 1.3 specify which Council Information will be made publicly available as of course; and
- 1.4 describe the categories of Council Information that may be unavailable to the public.

This Policy is adopted under section 57 of the Act.

#### 2. OBJECTIVE

The objective of this Policy is to formalise Council's support for transparency in its decision-making processes and availability of Council Information and to achieve the purpose stated in Part 1 of this Policy.

#### 3. SCOPE

This Policy applies to Councillors and Officers.

#### 4. DEFINITIONS

In this Policy, the following words and phrases mean:

"Act" means the *Local Government Act 2020*.

"Chief Executive Officer" includes an Acting Chief Executive Officer.

"Closed Meeting" means a Meeting that is closed to members of the public.

"Community" means the residents and ratepayers of, and visitors to, the Municipal District and may, depending on the context, refer to all of those people or to particular subsets of those people.

"Confidential Information" means confidential information as defined in section 3(1) of the Act.

"Council" means Colac Otway Shire Council.

"Council Information" means all documents and other information held by Council.

"Council Offices" means the offices of Council located at 2-6 Rae Street, Colac and 100 Great Ocean Road, Apollo Bay.

**Uncontrolled when printed**

CM reference	<a href="#">D20/188286</a>	Date of adoption	<a href="#">26 August 2020</a>
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“Council Website” means Council’s website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au).

“Governance Rules” means the governance rules adopted by Council under section 60 of the Act, as amended from time to time.

“Health Information” means health information as defined in section 3(1) of the *Health Records Act 2001*.

“Meeting” means a meeting of Council or a Delegated Committee.

“Municipal District” means the municipal district of Council.

“Officer” means a member of Council staff, and includes the Chief Executive Officer.

“Personal Information” means personal information as defined in section 3(1) of the *Privacy and Data Protection Act 2014*.

“Public Transparency Principles” means the public transparency principles set out in section 58 of the Act and reproduced in Part 5 of this Policy.

“Requestor” means a person making a request to access Council Information under and in accordance with this Policy.

## 5. RESPONSIBILITY FOR THIS POLICY

- 5.1 The Chief Executive Officer is responsible for the application and operation of this Policy.
- 5.2 The Chief Executive Officer may, from time to time, authorise another Officer or Officers to fulfil any of the Chief Executive Officer’s functions and duties under this Policy.
- 5.3 Where another Officer is, or other Officers are, authorised under clause 5.2, any reference in this Policy to the Chief Executive Officer is to be read as a reference to that Officer or those Officers.

## 6. PUBLIC TRANSPARENCY PRINCIPLES

- 6.1 The Public Transparency Principles are set out in section 58 of the Act as follows:
  - 6.1.1 Council decision-making processes must be transparent, except when Council is dealing with information that is confidential by virtue of the Act or any other Act.
  - 6.1.2 Council Information must be publicly available, unless:
    - (a) the information is confidential by virtue of the Act or any other Act; or
    - (b) public availability of the information would be contrary to the public interest.

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CM reference	<a href="#">D20/188286</a>	Date of adoption	<a href="#">26 August 2020</a>
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6.1.3 Council Information must be understandable and accessible to members of the Municipal District.

6.1.4 Public awareness of the availability of Council Information must be facilitated.

6.2 Council will give effect to and implement the Public Transparency Principles in accordance with this Policy.

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## 7. COUNCIL DECISION-MAKING PROCESSES

7.1 Council will ensure that the decision-making processes that it adopts are transparent and open to the Community so that the Community is provided with an opportunity for meaningful engagement with Council and its decision-making processes.

7.2 Without limiting the generality of clause 7.1, Council's decision-making processes will:

7.2.1 be conducted in accordance with the Act and the Governance Rules;

7.2.2 unless considering Confidential Information, be conducted in a forum that is open to, and accessible by, the Community; and

7.2.3 be informed by the:

(a) views of those members of the Community whose rights and interests will be directly affected by the decision; and

(b) responses, if any, to any process of community engagement conducted by Council in respect of the decision, whether in accordance with its Community Engagement Policy or otherwise.

7.3.1 Further details of Council's decision-making process can be found in Chapter 1 of the Governance Rules.

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## 8. AVAILABILITY OF COUNCIL INFORMATION

8.1 All Council Information will be made available to the public, unless the:

8.1.1 Council Information is Confidential Information; or

8.1.2 release of the Council Information is assessed by the Chief Executive Officer as being contrary to the public interest.

8.2 A list of the categories of Council Information which will generally, subject to this Policy, be made available either on the Council Website, at the Council Offices or on request is set out at Appendix 1 to this Policy.

**Uncontrolled when printed**

CM reference	<a href="#">D20/188286</a>	Date of adoption	<a href="#">26 August 2020</a>
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## 9. PUBLICATIONS

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to the Municipal District. These publications are available on the Council Website, at the Council Offices or on request to Council.

## 10. ACCESSIBILITY OF COUNCIL INFORMATION

10.1 Council Information will be made available on the Council Website, at the Council Offices and/or on request.

10.2 Council will, to the extent possible, facilitate access to Council Information by:

10.2.1 making Council Information available in accordance with this Policy;

10.2.2 endeavouring to make Council Information accessible electronically and in hard copy, where requested; and

10.2.3 endeavouring to convert Council Information to different accessible formats where necessary for members of the Community for whom either:

(a) English is their second language; or

(b) their disability requires an alternative means of access to be provided.

10.3 Where a request is made for access to Council Information that is not on the Council Website or otherwise available at the Council Offices, the Chief Executive Officer will:

10.3.1 review the request;

10.3.2 assess whether the Council Information requested is Confidential Information, or its release would be contrary to the public interest; and

10.3.3 notify the Requestor of the outcome of that assessment.

10.4 If the Council Information requested is assessed under clause ~~10.2~~10.3 as not being Confidential Information, or its release is assessed as not being contrary to the public interest, the Council Information will be provided to the Requestor.

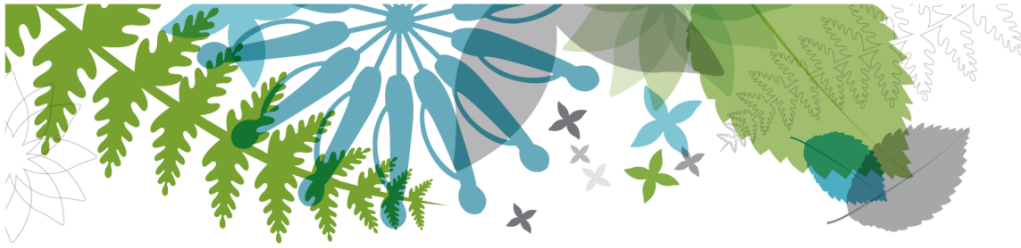
10.5 The Council Information will be provided to the Requestor by email unless either the:

10.5.1 Requestor seeks access in a different form, including by reference to the matters stated in clause 10.2.3, in which case the Council Information will be provided in that form, unless it is impracticable to do so; or

10.5.2 Chief Executive Officer, having regard to the nature of the Council Information requested, determines that the Council Information should be provided in a different form, such as by inspection.

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CM reference	<del>D20/188286</del>	Date of adoption	<del>26 August 2020</del>
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- 10.6 Council will provide such support to the Requestor as it considers reasonable to ensure that the Council Information provided is understood by them.
- 10.7 If, under clause ~~10.2~~10.3, the Council Information requested is assessed as being Confidential Information, or its release is assessed as being contrary to the public interest, the Requestor will be advised:
  - 10.7.1 that the request has been denied;
  - 10.7.2 of the reasons for the request being denied; and
  - 10.7.3 of alternative mechanisms by which they may seek access to the Council Information (eg by making a request made under the *Freedom of Information Act 1982*).
- 10.8 Any request for access to Council Information by way of an alternative mechanism under clause 10.7.3 will be assessed according to the process applicable to it, however:
  - 10.8.1 if the Council Information has previously been provided in the course of processing a request made under the *Freedom of Information Act 1982*, it will be provided but may be subject to Council's fees and charges in its provision.
- 10.9 Where:
  - 10.9.1 Council Information requested is assessed under clause ~~10.2~~10.3 as being Confidential Information, or its release is assessed as being contrary to the public interest; but
  - 10.9.2 it is practicable for that Council Information to be provided with deletions so that it is suitable for release to the Requestor; and
  - 10.9.3 the Chief Executive Officer believes that the Requestor would want the Council Information in that format,

the Council Information will be provided in that format.

11. COUNCIL INFORMATION THAT IS NOT AVAILABLE

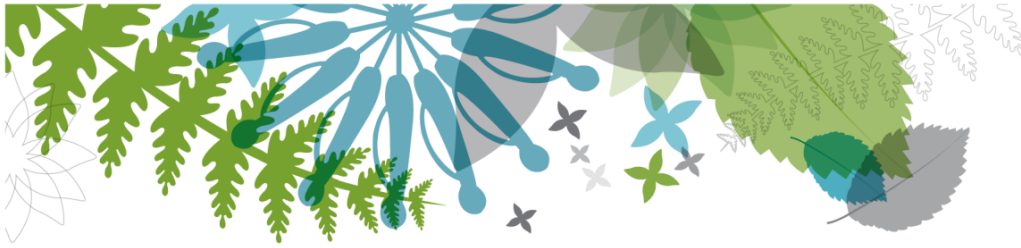
Some Council information may not be made publicly available. This will occur if the information is Confidential Information, or its release would be contrary to the public interest.

11.1 Confidential Information

11.1.1 What constitutes Confidential Information is set out in section 3(1) of the Act and includes information within the following categories:

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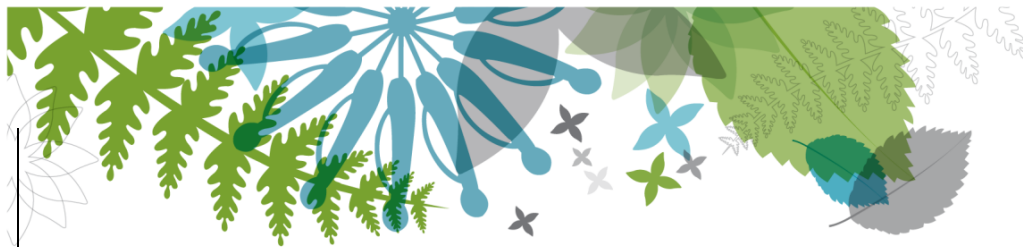
CM reference	<a href="#">D20/188286</a>	Date of adoption	<a href="#">26 August 2020</a>
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Type	Description
Council business information	Information that would prejudice Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs, if released, <u>or the disclosure of which would involve an interference with personal privacy under the <i>Privacy and Data Protection Act 2014</i>.</u>
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that, if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
Confidential meeting information	Records of Council and Delegated Committee meetings that are closed to the public <del>to consider confidential information</del> <u>under section 66(2)(a) of the <i>Local Government Act 2020</i>.</u>
Internal arbitration information	Information provided to, or produced by, an arbiter for the purpose of an internal arbitration process, other than the findings and the reasons.
Councillor Conduct Panel information	Information: <ul style="list-style-type: none"> <li>▪ provided to, or produced by, a Principal Councillor Conduct Registrar, for the purposes of an application to form a Councillor Conduct Panel; or</li> <li>▪ provided to, or produced by, a Councillor Conduct Panel for the purposes of conducting a hearing, other than a decision or reasons for a decision; or</li> <li>▪ comprising any part of a statement of reasons or other document under the control of a Councillor Conduct Panel that the Councillor Conduct Panel determines contains confidential information.</li> </ul>
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .

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11.1.2 In the interests of transparency, Council may, by resolution, determine to release information to the public even though it is Confidential Information.

11.1.3 A decision under clause 11.1.2 will generally only be made if Council, on the advice of the Chief Executive Officer, is satisfied that releasing the Confidential Information would not:

- (a) be inconsistent with any legal or contractual obligation;
- (b) cause unreasonable disadvantage to any person, including Council; and
- (c) otherwise be contrary to the public interest.

**11.2 Contrary to the Public Interest**

11.2.1 Council Information will not be made publicly available if doing so would be contrary to the public interest.

11.2.2 When assessing whether making certain Council Information publicly available would be contrary to the public interest, the Chief Executive Officer will have regard to, among other things:

- (a) the sensitivity of the Council Information;
- (b) whether the Council Information comprises a draft, or otherwise is no longer current; and
- (c) any adverse effect that releasing the Council Information would have on the effectiveness of Council's decision-making processes.

11.2.3 Without limiting clause 11.2.2, factors that might lead to a decision that the release of Council Information is contrary to the public interest might include whether release would be likely to:

- (a) disclose Personal Information or Health Information;
- (b) disclose information or opinions of a preliminary nature such that they might:
  - (i) mislead the Community with respect to Council's position on a matter; or
  - (ii) have a substantial adverse effect on the economy of the Municipal District;
- (c) prejudice discussions or negotiations between Council and any other party, in relation to a contract, legal proceedings or any other matter;
- (d) impair or otherwise impact on:
  - (i) Council's ability to obtain information in future that is similar in nature to the Council Information;
  - (ii) negotiations with respect to employment arrangements for Officers; or
  - (iii) defence, prosecution and settlement of legal proceedings; or

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- (e) impact on the reasonable allocation of Council’s resources, including in responding to requests for Council Information that are assessed by the Chief Executive Officer as being frivolous, vexatious or repetitious in nature.

12. ~~COUNCIL INFORMATION THAT IS NOT AVAILABLE~~ PUBLIC AWARENESS FO AVAILABILITY OF COUNCIL INFORMATION

Council will ensure public awareness of this Policy and the availability of Council Information by:

- 12.1 publishing this Policy on the Council Website;
- 12.2 making this Policy available for public inspection at Council’s offices;
- 12.3 converting this Policy to such accessible formats, having regard to clause 10.2.3, as the Chief Executive Officer determines; and
- 12.4 ensuring that all Officers:
  - 12.4.1 are aware of this Policy and its effect; and
  - 12.4.2 direct members of the Community to this Policy when access to Council Information is sought.

13. HUMAN RIGHTS CHARTER

This Policy has been assessed against the *Charter of Human Rights and Responsibilities Act 2006* as being consistent with that Act and, in particular, as promoting the rights of members of the Community:

- 13.1 not to have their privacy interfered with (section 13); and
- 13.2 take part in public life (section 18), by having the opportunity to:
  - 13.2.1 participate in the conduct of Council’s affairs; and
  - 13.2.2 have access to Council and Council Information.

14. DISSATISFACTION WITH THE APPLICATION OF THIS POLICY

- 14.1 If a Requestor is dissatisfied with Council’s application of, or believes that Council has acted inconsistently with<sup>7</sup> this Policy, they can report their dissatisfaction to Council’s Manager<sup>7</sup> Governance ~~and~~ & Communications by:
  - 14.1.1 email to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au); or
  - 14.1.2 telephone on 03 5232 9400.

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- 14.2 If the Requestor believes that the matter remains unresolved, it can be reported to the Victorian Ombudsman by:
- 14.3 making a complaint online at <https://www.ombudsman.vic.gov.au/complaints>; or
- 14.4 telephoning the Victorian Ombudsman on 03 9613 6222.

## 15. APPLICATION OF THIS POLICY

- 15.1 This Policy applies to all Council Information, except Council Information which is made available, or is otherwise accessible, under another Act (other than an Act which refers to this Policy).
- 15.2 Without limiting the generality of clause 15.1, this Policy does not apply to Council Information which is:
- 15.2.1 required to be made available under the *Planning and Environment Act 1987*;
- 15.2.2 required to be made available under the *Building Act 1993*; or
- 15.2.3 otherwise required to be made available on payment of a fee or charge.

## 16. RESPONSIBILITIES

<u>Party/parties</u>	<u>Roles and Responsibilities</u>	<u>Timelines</u>
<u>Council</u>	<u>Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.</u>	<u>Ongoing</u>
<u>Executive Management Team</u>	<u>Champion behaviours that foster transparency and drive the principles through policy, process and leadership.</u> <u>Monitor implementation of this policy.</u>	<u>Ongoing</u>
<u>Senior Leadership Team</u>	<u>Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.</u>	<u>Ongoing</u>
<u>All Staff</u>	<u>Public transparency is the responsibility of all employees as appropriate to their role and function.</u> <u>All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.</u>	<u>Ongoing</u>
<u>Manager Governance and Communications</u>	<u>To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.</u>	<u>Ongoing</u>
<u>Coordinator Governance</u>	<u>To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.</u>	<u>Ongoing</u>

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## 1-17. MONITORING, EVALUATION AND REVIEW

Council will review this Policy periodically to ensure that it continues to reflect the expectations of the Community with respect to the availability and accessibility of Council Information.

## 18. RELATED POLICIES AND LEGISLATION

### Council's:

- Governance Rules
- Community Engagement Policy
- Information Privacy Policy

Charter of Human Rights and Responsibilities Act 2006

Freedom of Information Act 1982

Local Government Act 2020

Privacy and Data Protection Act 2014

Equal Opportunity Act 2010

## 2-19. DOCUMENT CONTROL

Policy owner	Manager, Governance & Communications	Division	Executive
Adopted by Council	26 August 2020	Policy Number	18.14
File Number	F18/5081	Review date	August 2024, or sooner if required

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## APPENDIX 1

For the purposes of clause 8 of this Policy, the following Council Information will generally, and subject to this Policy, be made available either on the Council Website or on request by a member of the Community.

**1. Documents such as:**

- Plans and Reports adopted by Council;
- Council Policies;
- Project and Service Plans;
- Service Agreements, Contracts, Leases and Licences; and
- relevant technical reports and/or research that inform Council's decision-making.

**2. Process information such as:**

- application processes for approvals, permits, grants, access to Council services;
- decision-making processes;
- Guidelines and Manuals;
- Community Engagement Processes; and
- Complaints Handling Processes.

**3. The following Council Information will be available on Council's website:**

- Meeting Agendas and Reports to Council and Delegated Committees;
- Minutes of Meetings Council meetings and meetings of Delegated Committees;
- Audit and Risk Committee Charter;
- Terms of Reference for Delegated Committees, Community Asset Committees and Advisory Committees of Council;
- Gift Registers for Councillors and Council Staff;
- Travel Registers for Councillors and Council Staff;
- Registers of Conflicts of Interest disclosed by Councillors and Council Staff;
- Registers of Leases entered into by Council;
- Register of Delegations;
- Register of Authorised Officers;
- Register of Election Campaign Donations;
- Summary of Personal Interests;
- Councillor Allowances; ~~and~~
- any other Registers or Records required by the Act or any other Act.

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## Table of changes to Governance Rules

Document Reference	Summary of changes	Date discussed
<b>Chapter 1 – Governance Framework</b> <b>Rule 1 - Context</b> (Page 3)	Included the following additional reference documents: <ul style="list-style-type: none"> <li>Public Transparency Policy</li> <li>Livestreaming and Recording Policy.</li> </ul>	Councillor Briefing 21 April 2021
<b>Part A - Introduction</b> <b>Rule 3 - Definitions</b> (Page 7)	<ul style="list-style-type: none"> <li>Added definitions for ‘Joint Letter’ and ‘Petitions’ to provide more clarity.</li> </ul>	Councillor Briefing 21 April 2021
<b>Part C – Meetings Procedure</b> <b>Division 1 – Notices of Meetings and Delivery of Agendas</b>  (Pages 10 and 11)	<ul style="list-style-type: none"> <li>Rules 9 and 11 – addition of reference to Scheduled and Unscheduled Council meetings (fixed and not fixed).</li> <li>Rule 10 – reference added to cancelling meetings.</li> <li>Rule 11 – added that Council may by resolution call an unscheduled meeting.</li> <li>Rule 12 – defined ‘reasonable notice’ of meeting (seven days) and added wording around where extraordinary circumstances prevent giving ‘reasonable notice’ there is a requirement to minuted the reasons.</li> <li>New Rule 14 added (Availability of Council Meeting Documentation) to address availability of meeting documentation (to Councillors six days prior to meeting and members of the public five days prior to meeting).</li> </ul>	Councillor Briefing 21 April 2021
<b>Part C – Meetings Procedure</b> <b>Division 2 - Quorums</b>  (Pages 11 and 12)	<ul style="list-style-type: none"> <li>Sub-rule 16.1 – update to refer to correct Rule (15).</li> <li>Sub-rule 16.2 - added further reason where sub-rule 15.2 and 15.3 doesn’t apply – where it is the intention of the Council for the meeting to lapse/not proceed and prior notice is given.</li> <li>New Rule 18 - added (Time Limits for Meetings) to address length of meetings and impact on decision making (includes adjournments/breaks).</li> </ul>	Councillor Briefing 21 April 2021  Councillor Briefing 13 and 20 October 2021
<b>Part C – Meetings Procedure</b> <b>Division 3 – Business of Meetings</b>  (Pages 12 and 13)	<ul style="list-style-type: none"> <li>Sub-Rule 20 amended to add in reference to ‘consultation with the Mayor’, in line with the requirements of section 18(h) of the <i>Local Government Act 2020</i>.</li> <li>Rule 21 amended to include the words ‘through resolution of Council’ as opposed to ‘with the consent of Council’. It is a procedural motion.</li> <li>New Rule 22 added to introduce <i>En Bloc</i> voting (for meeting efficiency) and provide guidance around process and which items shouldn’t be moved <i>En Bloc</i>.</li> </ul>	Councillor Briefing 21 April 2021  Councillor Briefing 13 October 2021





Attachment 10.13.2 Table of changes to Governance Rules

	<p>instances where Council meets on a day other than Wednesday).</p> <ul style="list-style-type: none"> <li>• Amended sub-Rule 56.21 – so that the Chair asks the Chief Executive Officer to determine the most appropriate staff member to respond to a question (Councillors will not respond to questions).</li> <li>• Remove sub-Rule that gives the Chair the discretion to refrain from reading out a question if person not physically in public gallery.</li> <li>• Information condensed and reordered more generally.</li> </ul>	
<p><b>Part C – Meetings Procedure Division 9 – Petitions and Joint Letters</b></p> <p>(Pages 29 and 30)</p>	<ul style="list-style-type: none"> <li>• Removed sub-Rules referring to Councillors presenting petitions/joint letters – not reflective of current practice.</li> <li>• More guidance provided around electronic petitions and process generally.</li> </ul>	<p>Councillor Briefing 21 April 2021 and 20 October 2021</p>
<p><b>Part C – Meetings Procedure Division 10 - Voting (Page 32)</b></p>	<ul style="list-style-type: none"> <li>• Sub-Rule 64.1 - Removed reference to ‘maintaining a register’, dealt with in minutes of meeting.</li> <li>• Removed example box/text – not necessary.</li> </ul>	<p>Councillor Briefing 20 October 2021</p>
<p><b>Part C – Meetings Procedure Division 11 - Minutes (Pages 32 to 35)</b></p>	<ul style="list-style-type: none"> <li>• Condensed the section on Confirmation of Minutes (too prescriptive).</li> <li>• Removed requirement to record the names of Council staff present at the meeting (not necessary and time consuming for Governance) – prior sub-Rule 71.1.3. Limit to Executive and Governance Officers.</li> <li>• Only a very brief summary of public questions and responses to be provided in the minutes – recording of meeting on YouTube if people want to refer to it. Sub-Rule 67.1.13.</li> </ul>	<p>Councillor Briefing 14 July 2021</p> <p>Councillor Briefing 20 October 2021</p>
<p><b>Part C – Meetings Procedure Division 14 – Suspension of Meetings Procedure (Pages 36)</b></p>	<ul style="list-style-type: none"> <li>• Changed reference from ‘standing orders’ to ‘meetings procedure’ – easier to understand for public.</li> </ul>	<p>Councillor Briefing 14 July 2021</p>
<p><b>Part C – Meetings Procedure Division 15 – Miscellaneous (Pages 36 and 37)</b></p>	<ul style="list-style-type: none"> <li>• Deleted old Rules 79 and 80 - never going to refer to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament.</li> <li>• Added new section ‘Recording Proceedings’ to refer to recording of meetings and authorisation to edit where comments are defamatory etc.</li> </ul>	<p>Councillor Briefing 14 July 2021</p>
<p><b>Chapter 3 – Meeting Procedure for Delegated Committees (Page 38)</b></p>	<ul style="list-style-type: none"> <li>• Added new Rule 1 to address the fact the Mayor can appoint a Councillor to be the Chair of a Delegated Committee (section 19(1)(a) of the <i>Local Government Act 2020</i>).</li> <li>• Added new Rule 4 to make clear members of the public can address a delegated committee where the Instrument of Delegation permits.</li> </ul>	<p>Councillor Briefing 14 July 2021</p> <p>Councillor Briefing 20 October 2021</p>

Attachment 10.13.2 Table of changes to Governance Rules

	<ul style="list-style-type: none"> <li>Added new Rule 5 to make clear there will be no public question time at Delegated Committee meetings.</li> </ul>	
<b>Chapter 5 – Disclosure of Conflicts of Interest</b> (Page 40)	<ul style="list-style-type: none"> <li>Rule 1 – removed reference to the <i>Local Government Act 1989</i> because the relevant section has been repealed.</li> <li>Expanded definition (sub-Rule 3.1) of what a ‘meeting conducted under the auspices of Council’ means – so stand alone and people don’t have to refer elsewhere.</li> </ul>	Councillor Briefing 14 July 2021
<b>Chapter 6 - Miscellaneous</b> (Page 45)	<ul style="list-style-type: none"> <li>Clause 2 – remove reference to <i>Local Government Act 1989</i> because relevant section has been repealed.</li> <li>Tidied up references to Chief Executive Officer ‘designating’ information as confidential (changed to ‘advise’).</li> </ul>	Councillor Briefing 14 July 2021



# GOVERNANCE RULES

**Adopted by Council: 26 August 2020**

**Effective: 1 September 2020**





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## GOVERNANCE RULES

### Introduction

#### 1. Nature of Rules

These are the Governance Rules of Colac Otway Shire Council, made in accordance with section 60 of the *Local Government Act 2020*.

#### 2. Date of Commencement

These Governance Rules commence on 1 September 2020.

#### 3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

#### 4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

*Act* means the *Local Government Act 2020*.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

*Community Asset Committee* means a Community Asset Committee established under section 65 of the Act.

*Council* means Colac Otway Shire Council.

*Council meeting* has the same meaning as in the Act.

*Delegated Committee* means a Delegated Committee established under section 63 of the Act.

*Mayor* means the Mayor of Council.

*Special Unscheduled Council Meeting* means a Council meeting not fixed by Council.

*these Rules* means these Governance Rules.



## Chapter 1 – Governance Framework

### 1. Context

*These Rules* should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
  - (i) Council Plan; ~~and~~
  - (ii) Councillor Code of Conduct;-
  - (iii) Public Transparency Policy; and
  - (iv) Livestreaming and Recording of Council and Planning Committee Meetings Policy.

### 2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
  - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
  - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - (iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.



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## Part A – Introduction

### 1. Title

This Chapter will be known as the "Meeting Procedure Local Law".

### 2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

### 3. Definitions and Notes

3.1 In this Chapter:

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

"*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

"*joint letter*" means a formal application to Council in the form of a letter which has been signed by at least 12 people or executive/committee representatives from ten separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter.

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; ~~and~~

"*petition*" means a formal written application addressed to Council, submitted in printed or electronic format without erasure, signed or electronically endorsed by at least 12 people whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.





## Part B – Election of Mayor

**Introduction:** This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

### 4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

### 5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

### 6. Determining the election of the *Mayor*

6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.

6.2 Any nominations for the office of *Mayor* must be seconded by another Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

(a) a defeated candidate; and

(b) duly elected

the declaration will be determined by lot.

6.3.7 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:



- (a) each candidate will draw one lot;
- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

**7. Election of Deputy Mayor and Chairs of Delegated Committees**

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

**8. Appointment of Acting Mayor**

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.



## Part C – Meetings Procedure

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

### Division 1 – Notices of Meetings and Delivery of Agendas

#### 9. Dates and Times of Meetings Fixed by Council (Scheduled Meetings)

Subject to Rule 11, Council must from time to time fix the date, time and place of all Council meetings.

#### 10. Council May Cancel or Alter Meeting Dates

Council may cancel or change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.

#### 11. ~~Special~~ Meetings Not Fixed by Council (Unscheduled Meetings)

11.1 The Council may be resolution, call an unscheduled meeting of the Council. The resolution must specify the date, time and place of the meeting and the business to be transacted.

~~11.1~~11.2 The Mayor or at least ~~three~~3 Councillors may by a written notice call an unscheduled~~Special~~ Council Mmeeting.

~~11.2~~11.3 The notice must specify the date and time of the unscheduled~~Special~~ Council Mmeeting and the business to be transacted.

~~11.3~~11.4 The Chief Executive Officer must convene the unscheduled~~Special~~ Council Mmeeting as specified in the notice.

~~11.4~~11.5 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Special~~unscheduled~~ Council Mmeeting.

#### 12. Notice of Meeting

12.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council meetings at least 48 hours before the meeting.

12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of his or her absence.

12.3 Reasonable notice of each Council meeting must be provided to the public at least seven days before the meeting. Council may do this:

12.3.1 for meetings which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the municipal district either at various times throughout the year, or prior to each such Council meeting; and

12.3.2 for any meeting by giving notice on its website and:



(a) in each of its Customer Service Centres; and/or

(b) in at least one newspaper generally circulating in the *municipal district*.

12.4 If urgent or extraordinary circumstances prevent Council from complying with sub-Rule 12.3, the Council must:

12.4.1 give such notice as is practicable; and

12.4.2 specify the urgent or extraordinary circumstances which prevented the Council from complying with sub-Rule 12.3 in the minutes of the meeting.

### 13. Prohibition of Unauthorised Recording of Meetings

Other than an official *Council* recording, no video or audio recording of proceedings of *Council meetings* will be permitted without specific approval by resolution of the relevant *Council meeting*.

### 14. Availability of Council Meeting Documentation

14.1 All endeavours will be made to make Council meeting documentation available:

14.1.1 to Councillors and relevant staff members six days prior to a scheduled meetings; and

14.1.2 on Council's website five days prior to a schedule meeting and hard copies provided at its Customer Service centres.

14.2 Council may, on occasion, be unable to comply with sub-Rule 14.1, where the meeting is an unscheduled meeting.

## Division 2 – Quorums

### ~~14.15.~~ Inability to Obtain a Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

~~14.1~~15.1 the meeting will be deemed to have lapsed;

~~14.2~~15.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and

~~14.3~~15.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.

### ~~15.16.~~ Inability to Maintain a Quorum

~~15.1~~16.1 If during any *Council meeting*, a quorum cannot be maintained then Rule ~~13-15~~ will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

~~15.2~~16.2 Sub-Rule ~~14~~15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be



considered, or where prior notification has been given that the meeting will not proceed and there was no opportunity for Council to formally resolve to cancel it.

#### **16-17. Adjourned Meetings**

16-17.1 Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.

16-217.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

17.3 If it is impracticable for the notice given under sub-Rule 1517.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

#### **18. Time Limits for Meetings**

18.1 The Chair will pause a Council meeting after four hours and the Council will consider if it wants to continue. A majority of Councillors present must vote in favour of its continuance.

18.2 In the absence of a continuance, the meeting must stand adjourned to a time and date to be announced by the Chair, immediately prior to the meeting standing adjourned and where possible, within two business days.

18.3 No meeting is to continue past six hours. In that event, the provisions of sub-Rules 17.2 and 17.3 will apply.

16-318.4 The Council may adjourn for a short break every hour, after a period of two hours, or at the Chair's discretion.

#### **17-19. Cancellation or Postponement of a Meeting**

17-119.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.

17-219.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 1719.1.

### **Division 3 – Business of Meetings**

#### **18-20. Agenda and the Order of Business**

The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer*, following consultation with the Mayor, so as to facilitate and maintain open, efficient and effective processes of government.

#### **19-21. Change to Order of Business**

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered with the consent through resolution of *Council*.





## 22. En Bloc Voting

- 22.1 Subject to sub-Rule 22.4 below, Council may move agenda items *en bloc*, so long as the *motion* is moved, seconded and carried unanimously.
- 22.2 During discussion on any items to be moved *en bloc*, the Chair will ask Councillors if any of the items to be considered are:
- 22.2.1 Items where the motion is expected to be different to the officer recommendation?
- 22.2.2 Items where a disclosure of conflict of interest is to be declared by a Councillor?
- 22.2.3 Items where a Councillor would like the recommendation to be considered separately?
- 22.3 If a Councillor indicates an item falls within sub-Rule 22.2, then the Chair will request the item be removed from the group of items to be considered *en bloc*.
- 22.4 The following items must not be considered *en bloc*:
- 22.4.1 Items that relate to planning matters or that involve statutory third-party rights;
- 22.4.2 Items of a controversial nature which may attract a large amount of interest; and
- 22.4.3 Items where a special majority vote is required (eg Councillor Code of Conduct is required to be passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council).
- 22.5 Questions/discussion from Councillors are permitted on the items moved *en bloc*.
- 22.6 The minutes of the meeting must clearly identify which matters are decided *en bloc* and each individual resolution must be recorded in full.

## 20.23. Urgent Business

If the *agenda* for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

20.423.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and

20.223.2 cannot safely or conveniently be deferred until the next *Council meeting*.

## Division 4 – Motions and Debate

### 21.24. Councillors May ~~Propose Notices of Motion~~ Give Notice of Motions

Councillors may ensure that an ~~issue is listed on an agenda by lodging a~~ matter is considered by a scheduled Council meeting by giving Notice of a Motion.

### 22.25. Notice of Motion

22.125.1 A notice of motion must be in writing signed by a Councillor, and be lodged with or sent to the Chief Executive Officer at least 8 eight days prior to the Council



meeting, to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in the agenda papers for a *Council meeting*.

~~22.2~~25.2 The *Chief Executive Officer* may reject any *notice of motion* which:

~~22.2.1~~25.2.1 is vague or unclear in intention

~~22.2.2~~25.2.2 it is beyond *Council's* power to pass; or

~~22.2.3~~25.2.3 if passed would result in *Council* otherwise acting invalidly

but must:

~~22.2.4~~25.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

~~22.2.5~~25.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.

~~22.3~~25.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*; and include an officer comment. No officer comment will be provided for a *notice of rescission*.

~~22.4~~25.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

~~22.5~~25.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.

~~25.6~~ Where a *notice of motion* is listed on an agenda, the *Chair* will first invite the Councillor who gave the *notice of motion* to move it, in accordance with clause 25.

~~22.6~~25.7 No material changes may be made to a Notice of Motion at the meeting.

~~22.7~~25.8 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.

~~22.8~~25.9 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

~~22.9~~25.10 Unless Council resolves to re-list at a future *Council meeting* a *notice of motion* which has been lost, a similar motion must not be put before Council for at least three months from the date it was lost.

### ~~23-26.~~ **Chair's Duty**

Any motion which is determined by the *Chair* to be:

~~23.1~~26.1 defamatory;

~~23.2~~26.2 objectionable in language or nature;

~~23.3~~26.3 vague or unclear in intention;

~~23.4~~26.4 outside the powers of *Council*; or



~~23.5~~~~26.5~~ irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

#### ~~24-27.~~ **Introducing a Report**

~~24.1~~~~27.1~~ Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report if invited by the *Chair* by indicating:

~~24.1.1~~~~27.1.1~~ its background; or

~~24.1.2~~~~27.1.2~~ the reasons for any recommendation which appears.

~~24.2~~~~27.2~~ Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

#### ~~25-28.~~ **Introducing a Motion or an Amendment**

The procedure for moving any motion or amendment is:

~~25.1~~~~28.1~~ the mover must state the motion without speaking to it;

~~25.2~~~~28.2~~ the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;

~~25.3~~~~28.3~~ if a motion or an amendment is moved and seconded the *Chair* must ask:

*"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"*

~~25.4~~~~28.4~~ if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;

~~25.5~~~~28.5~~ if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;

~~25.6~~~~28.6~~ after the mover has addressed the meeting, the seconder may address the meeting;

~~25.7~~~~28.7~~ after the seconder has addressed the meeting, or has, without speaking on the motion, reserved ~~his or her~~their address until later in debate (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion, prior to the seconder addressing the meeting, if ~~he or she~~they chose to reserve ~~his or her~~their address;

~~25.8~~~~28.8~~ the mover of the original motion retains the right of reply to that motion; and

~~25.9~~~~28.9~~ if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

#### ~~26-29.~~ **Right of Reply**

~~26.1~~~~29.1~~ The mover of a motion, including an amendment, has a right of reply to matters raised during debate.



~~26-2~~29.2 After the right of reply has been taken but subject to any Councillor exercising ~~his~~  
~~or her~~their right to ask any question concerning or arising out of the motion, the  
motion must be put to the vote without any further discussion or debate.

### ~~27-30.~~ **Moving an Amendment**

~~27-4~~30.1 Subject to sub-Rule ~~27-2~~30.2 a motion which has been moved and seconded may  
be amended by leaving out or adding words. Any added words must be relevant to  
the subject of the motion.

~~27-2~~30.2 A motion to confirm a previous resolution of *Council* cannot be amended.

~~27-3~~30.3 An amendment must not be directly opposite to the motion.

### ~~28-31.~~ **Who May Propose an Amendment**

~~28-4~~31.1 An amendment may be proposed or seconded by any Councillor, except the mover  
or seconder of the original motion.

~~28-2~~31.2 Any one Councillor cannot move more than two amendments in succession without  
the leave of the *Chair* and that leave will not be unreasonably withheld.

### ~~29-32.~~ **How Many Amendments May be Proposed**

~~29-4~~32.1 Any number of amendments may be proposed to a motion but only one  
amendment may be accepted by the *Chair* at any one time.

~~29-2~~32.2 No second or subsequent amendment, whether to the motion or an amendment of  
it, may be taken into consideration until the previous amendment has been dealt  
with.

### ~~30-33.~~ **An Amendment Once Carried**

~~33.1~~ If the amendment is carried, the motion as amended then becomes the motion  
before the meeting (substantive motion), and ~~the amended motion~~ may be debated  
before it is put.

~~30-4~~33.2 Debate on the substantive motion doesn't recommence. Only Councillors who  
didn't speak to the original motion have a right to speak to the substantive motion.

~~30-2~~33.3 The mover of the original motion retains the right of reply to that motion.

### ~~31-34.~~ **Foreshadowing Motions**

~~31-4~~34.1 At any time during debate a Councillor may foreshadow a motion so as to inform  
*Council* of ~~his or her~~their intention to move a motion at a later stage in the meeting,  
but this does not extend any special right to the foreshadowed motion.

~~31-2~~34.2 A motion foreshadowed may be prefaced with a statement that in the event of a  
particular motion before the *Chair* being resolved in a certain way, a Councillor  
intends to move an alternative or additional motion.

~~31-3~~34.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not  
expected to record foreshadowed motions in the minutes until the foreshadowed  
motion is formally moved.



**~~32-35.~~ 32-35. Withdrawal of Motions**

Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.

**~~33-36.~~ 33-36. Separation of Motions**

Where a motion contains more than one part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.

**~~34-37.~~ 34-37. Chair May Separate Motions**

The *Chair* may decide to put any motion to the vote in several parts.

**~~35-38.~~ 35-38. Priority of address**

Outside of the specific application of Rule ~~2528~~ in the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

**~~36-39.~~ 36-39. Motions in Writing**

~~36-139.1~~ 36-139.1 The *Chair* may require that a complex or detailed motion be in writing.

~~36-239.2~~ 36-239.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

**~~37-40.~~ 37-40. Repeating Motion and/or Amendment**

The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

**~~38-41.~~ 38-41. Debate Must Be Relevant to the Motion**

~~38-141.1~~ 38-141.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.

~~38-241.2~~ 38-241.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.

~~38-341.3~~ 38-341.3 A speaker to whom a direction has been given under sub-Rule ~~38-241.2~~ must comply with that direction.

**~~39-42.~~ 39-42. Speaking Times**

~~39-142.1~~ 39-142.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*:

~~39-1-142.1.1~~ 39-1-142.1.1 \_\_\_\_\_ the mover of a motion or an amendment which has been opposed: ~~5~~ five minutes ~~and three minutes if no opposition~~;

~~39-1-242.1.2~~ 39-1-242.1.2 \_\_\_\_\_ any other Councillor: ~~3~~ three minutes; and

~~39-1-342.1.3~~ 39-1-342.1.3 \_\_\_\_\_ the mover of a motion exercising a right of reply/closing statement: ~~2~~ two minutes.



~~39.2~~42.2 Where the *Chair* allows discussion on an item, the maximum speaking time for a Councillor will be ~~3~~three minutes.

**~~40.43.~~ 43. Addressing the Meeting**

If the *Chair* so determines:

~~40.1.43.1~~ any person addressing the *Chair* must refer to the *Chair* as:

~~40.1.1~~43.1.1 ~~Madam~~ Mayor; or

~~40.1.2~~ Mr Mayor; or

~~40.1.3~~43.1.2 ~~Madam~~ Chair or Acting Chair; or

~~40.1.4~~ Mr Chair

as the case may be;

~~40.2~~43.2 all Councillors, other than the *Mayor*, must be addressed as

Cr .....(name).

~~40.3~~43.3 all members of Council staff, must be addressed as ~~Mr or Ms~~

.....(name) as appropriate or by their official title.

**~~41.44.~~ 44. Right to Ask Questions**

~~41.1~~44.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*.

~~41.2~~44.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

**Division 5 – Procedural Motions**

**~~42.45.~~ 45. Procedural Motions**

~~42.1~~45.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.

~~42.2~~45.2 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:





**PROCEDURAL MOTIONS TABLE**

Procedural Motion	Form	Mover	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
<b>1. Adjournment of debate to later hour and/or date</b>	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
<b>2. Adjournment of debate indefinitely</b>	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
<b>3. The closure <u>(of debate)</u></b>	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No



Procedural Motion	Form	Mover	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
<b><u>4. Deferral of a matter (to a future meeting)</u></b>	<u>'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...</u>	<u>Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion</u>	<u>(a) During the election of the Mayor/Deputy Mayor;</u> <u>(b) During the election of a Chairperson; or</u> <u>(c) When another Councillor is speaking</u>	<u>Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated</u>	<u>Debate continues unaffected</u>	<u>Yes</u>
<b><u>5. Laying a motion on the table (pausing debate)</u></b>	<u>'That the motion be laid on the table'</u>	<u>A Councillor who has not spoken for/against the motion</u>	<u>During the election of the Mayor/Deputy Mayor</u>	<u>Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting</u>	<u>Debate continues unaffected N</u>	<u>No</u>
<b><u>6. Take a motion from the table (resume debate on a matter)</u></b>	<u>'That the motion in relation to xx be taken from the table'</u>	<u>Any Councillor</u>	<u>When no motion is on the table</u>	<u>Debate of the item resumes</u>	<u>Debate of the item remains paused</u>	<u>No</u>
<b><u>7. Alter the order of business</u></b>	<u>'That the item listed at xx on the agenda be considered before/after the item listed as xy'</u>	<u>Any Councillor</u>	<u>(a) At a Meeting to elect the Mayor; or</u> <u>(b) During any debate</u>	<u>Alters the order of business for the meeting</u>	<u>Items are considered in the order as listed in the Agenda</u>	<u>No</u>
<b><u>8. Suspension of Meetings Procedure</u></b>	<u>'That the Meetings Procedure be suspended to ...' (reason must be provided)</u>	<u>Any Councillor</u>		<u>The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Meetings Procedure, is permitted</u>	<u>The meeting continues unaffected</u>	<u>No</u>



Procedural Motion	Form	Mover	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
<b><u>9. Resumption of Meetings Procedure</u></b>	<u>'That the Meetings Procedure be resumed'</u>	<u>Any Councillor</u>	<u>When Meeting Procedures have not been suspended</u>	<u>The temporary suspension of the rules of the meeting is removed</u>	<u>The meeting cannot continue</u>	<u>No</u>
<b><u>10. Consideration of confidential matter(s) (Close the meeting to members of the public)</u></b>	<u>That, in accordance with Section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to [insert reason]</u>	<u>Any Councillor</u>	<u>During the election of the Mayor/Deputy Mayor</u>	<u>The meeting is closed to members of the public</u>	<u>The meeting continues to be open to the public</u>	<u>Yes</u>
<b><u>11. Reopen the meeting</u></b>	<u>'That the meeting be reopened to members of the public'</u>	<u>Any Councillor</u>		<u>The meeting is reopened to the public</u>	<u>The meeting remains closed to the public</u>	<u>No</u>



## Division 6 – Rescission Motions

### ~~43.46.~~ 46. Notice of Rescission

~~43.1~~46.1 A Councillor may ~~propose~~ give notice of ~~rescission~~ a motion to rescind a previous resolution of Council provided:

~~46.1.1~~ 46.1.1 the resolution proposed to be rescinded has not been acted on; ~~and~~

~~43.1~~46.1.2 the effect of rescinding the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations; and

~~43.1~~46.1.3 the ~~#~~Notice of ~~#~~Rescission is delivered to the Chief Executive Officer within 48 hours of the resolution having been made setting out -

(a) the resolution to be rescinded; and

(b) the meeting and date when the resolution was carried.

*It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.*

~~43.2~~46.2 A resolution will be deemed to have been acted on if:

~~43.2~~46.2.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or

~~43.2~~46.2.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on *Council* or any other person.

~~43.3~~46.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:

~~43.3~~46.3.1 has not been acted on; and

~~43.3~~46.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule ~~43.1~~46.1.3,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

~~43.4~~46.4 This section does not apply to an officer recommendation to supersede a previous resolution of Council.

*~~By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).~~*

*~~In these circumstances, deferring implementation of the resolution would have the effect of~~*



~~depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.~~

~~Sub-Rule 43.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.~~

**44.47. If Lost**

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least three months from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

**45.48. If Not Moved**

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

**46.49. May be Moved by any Councillor**

A motion for rescission listed on an *agenda* may be moved by any Councillor present but may not be amended.

**47.50. When Not Required**

~~47.1~~50.1 ~~Unless sub-Rule 47.2 applies, a~~A motion for rescission is not required where *Council* wishes to change policy.

~~47.2~~ — The following standards apply if *Council* wishes to change policy:

~~47.2.1~~ — if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and

~~47.2.2~~ — any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

**Division 7 – Points of Order**

**51. Valid Points of Order**

A point of order may be raised in relation to anything which, a motion, amendment or statement made that:

51.1 is contrary to *these Rules*;

51.2 is defamatory;

51.3 is irrelevant to the matter under consideration or offensive;

51.4 is outside *Council's* legal powers;

51.5 constitutes improper behaviour;

\_\_\_\_\_ is offensive;



51.6 constitutes a tedious repetition of something already said;

51.7 a motion, which, under Rule ~~23~~26, or a question which, under Rule ~~53~~56, should not be accepted by the *Chair*.

51.8 a question of procedure; or

51.9 any act of disorder.

~~Rising to express~~Expressing a difference of opinion or to contradict a speaker is not a valid point of order.

## 52. Procedure for Point of Order

52.1 A Councillor raising a point of order must:

52.1.1 state the point of order; and

52.1.2 state any section, Rule, paragraph or provision of *these Rules* or the Councillor Code of Conduct relevant to the point of order.

~~before resuming his or her seat.~~

52.2 A Councillor who is interrupted by another Councillor calling for a point of order must immediately stop speaking and remain silent until the Councillor raising the point of order has been heard and the question disposed of by the *Chair*.

## 53. Chair May Adjourn to Consider

53.1 The Chair may adjourn the meeting to consider a point of order which has been raised but otherwise must rule on it as soon as it is raised.

53.2 All other questions or matters before the meeting are suspended until the point of order is decided.

## ~~48-54.~~ Chair to Decide

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which ~~he or she~~they considers applicable to the point raised without entering into any discussion or comment.

## ~~49.1.~~ Chair May Adjourn to Consider

~~49.11.1~~ ~~The Chair may adjourn the meeting to consider a point of order which has been raised but otherwise must rule on it as soon as it is raised.~~

~~49.21.1~~ ~~All other questions or matters before the meeting are suspended until the point of order is decided.~~

## ~~50-55.~~ Final Ruling on a Point of Order

~~50.1~~55.1 The decision of the Chair in respect of a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present carry a motion of dissent.





~~50.2~~55.2 A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the *Chair's* ruling.

~~50.3~~55.3 A motion of dissent in relation to a point of order is not a motion of dissent in the Chair, and the Chair must at all times remain in the Chair and ~~he or she~~they will retain ~~his or her~~their right to a second vote.

~~50.4~~55.4 A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the *Chair*.

#### ~~51.1.~~51.1. ~~Procedure for Point of Order~~

~~51.11.1~~ A Councillor raising a point of order must:

~~51.1.11.1.1~~ state the point of order; and

~~51.1.21.1.1~~ state any section, Rule, paragraph or provision of *these Rules* or the Councillor Code of Conduct relevant to the point of order

~~before resuming his or her seat.~~

~~51.21.1~~ A Councillor who is interrupted by another Councillor calling for a point of order must immediately stop speaking and remain silent until the Councillor raising the point of order has been heard and the question disposed of by the *Chair*.

#### ~~52.1.~~52.1. ~~Valid Points of Order~~

A point of order may be raised in relation to anything which:

~~52.11.1~~ is contrary to *these Rules*;

~~52.21.1~~ is irrelevant to the matter under consideration;

~~52.31.1~~ is outside *Council's* legal powers;

~~52.41.1~~ constitutes improper behaviour;

~~52.51.1~~ is offensive;

~~52.61.1~~ constitutes a tedious repetition of something already said;

~~52.71.1~~ a motion, which, under Rule 23, or a question which, under Rule 53, should not be accepted by the *Chair*;

~~52.81.1~~ a question of procedure; or

~~52.01.1~~ any act of disorder.

~~Rising to express a difference of opinion or to contradict a speaker is not a valid point of order.~~



## Division 8 – Public Question Time

### ~~53-56.~~ Question Time

~~53-4~~56.1 Unless Council resolves differently, there must be a public question time at every *Council meeting* fixed under Rule 9 or every ~~Special~~Unscheduled *Council Meeting* fixed under Rule 11 to enable members of the public to submit written questions and to ask verbal questions of ~~Council~~the meeting. Question time is specifically for succinct questions in form and character, rather than forums for making statements and discussion.

56.2 Sub-Rule ~~53-4~~56.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Act.

#### Scheduled meetings

56.3 A 30 minute period shall be provided for questions at the beginning of Scheduled Council meetings.

56.4 Each question asked/submitted must not be greater than 90 seconds in duration (or 225 words if in writing).

56.5 During public question time, members of the public may either:

56.5.1 Raise their hand and ask their question from the public gallery;

56.5.2 Register by no later than 5pm two days prior to the scheduled meeting to join the meeting virtually or by phone to ask their question.

56.5.3 Submit a question (online, by post or hand delivered to our Customer Service centre) by no later than 5pm two days prior to the scheduled meeting, to be read out at the meeting.

56.6 A time limit of ~~5~~five minutes per person applies, irrespective of the number of questions submitted/asked by that person. If a person has submitted or wants to ask more questions to at a meeting than can be answered in the ~~5~~five minutes allocated, their remaining questions may:

56.6.1 at the discretion of the Chair, be dealt with after all other persons have had their ~~first~~questions asked and answered (or their ~~five~~5 minutes has expired), time permitting; or

56.6.2 not be asked and answered if the time allotted for public question time has expired; and

56.6.3 where questions have not been asked and answered at the relevant Council meeting, a response ~~can~~will be provided in writing after the meeting.

56.7 The Chair or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this Rule.

#### Unscheduled meetings

56.8 A 15 minute period shall be provided for questions at the beginning of Unscheduled Council meetings.



~~56.9~~ Only questions related to the agenda for that meeting will be accepted for *Special* *Unscheduled Council Meetings* ~~fixed under Rule 11~~.

~~53.2~~~~56.10~~ Sub-Rules 56.4 to 56.7 apply to questions at *Unscheduled Council meetings*.

~~53.3~~~~56.11~~ Public question time will not exceed 30 minutes in duration.

~~53.4~~~~56.12~~ Public question time may be extended at the discretion of the *Chair*.

~~53.5~~~~56.13~~ Written questions submitted to *Council* will be given preference and will take precedence at the *Council meeting*. Written questions must state the name and address (and organisation if applicable), of the person submitting the question, and generally be in a form approved or permitted by Council. and must be:

~~53.5.1~~ ~~in writing, state the name and address, and the organisation if applicable, of the person submitting the question, and generally be in a form approved or permitted by Council; and~~

~~53.5.2~~ ~~physically received by Council or lodged electronically at the prescribed email address or via the electronic form on Council's website, clearly marked as a question for the Council meeting, prior to 5pm on the Monday preceding the relevant Council meeting.~~

~~53.6~~~~56.14~~ If a member of the public intends to ask a question that is unrelated to an item on the agenda, they are *particularly* encouraged to register a question, in writing, prior to the relevant *Scheduled Council meeting* so that a better-researched and more complete response can be provided.

~~53.7~~~~56.15~~ The *Chair* will exercise discretion so that the maximum number of people present will be permitted to ask their questions within the time available for public question time.

~~53.8.1.1~~ A time limit of 5 minutes per person applies, irrespective of the number of questions submitted by that person. ~~If a person has submitted more questions to a meeting than can be answered in the 5 minutes allocated, their remaining questions may:~~

~~53.8.11.1.1~~ ~~at the discretion of the Chair, be dealt with after all other persons have had their first question asked and answered (or their 5 minutes has expired), time permitting; or~~

~~53.8.21.1.1~~ ~~not be asked and answered if the time allotted for public question time has expired; and~~

~~53.8.31.1.1~~ ~~where questions have not been asked and answered at the relevant Council meeting, a response can be provided in writing after the meeting.~~

~~53.9.1.1~~ ~~The Chair or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this Rule.~~

~~53.10~~ Notwithstanding sub-Rule ~~53.9~~, the *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.



~~53.14~~56.16 The Chair of the meeting may disallow any question on the ground that it is repetitive of a question already asked (including at previous meetings), objectionable, irrelevant, raises an issue that is the type of information deemed confidential (including questions relating to compliance or enforcement matters or other legal proceedings), is asked to embarrass a Councillor or member of the administration. ~~A question may be disallowed by the Chair if the Chair determines that it:~~

~~53.11.1~~ ~~relates to a matter outside the duties, functions and powers of Council;~~

~~53.11.2~~ ~~is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;~~

~~53.11.3~~ ~~deals with a subject matter already answered;~~

~~53.11.4~~ ~~is aimed at embarrassing a Councillor or a member of Council staff;~~

~~53.11.5~~ ~~is a not question of Council, but rather is seeking the views of a particular Councillor or officer.~~

~~53.11.6~~ ~~relates to personnel matters;~~

~~53.11.7~~ ~~relates to the personal hardship of any resident or ratepayer;~~

~~53.11.8~~ ~~relates to industrial matters;~~

~~53.11.9~~ ~~relates to contractual matters;~~

~~53.11.10~~ ~~relates to proposed developments;~~

~~53.11.11~~ ~~relates to legal advice;~~

~~53.11.12~~ ~~relates to matters affecting the security of Council property; or~~

~~53.11.13~~ ~~relates to any other matter which Council considers would prejudice Council or any person.~~

~~53.12~~56.17 Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.

~~53.13~~56.18 Any member of the public asking a question of Council must extend due courtesy and respect to Council and the processes under which it operates, and must take direction from the Chair whenever called upon to do so.

~~53.14~~56.19 All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

~~53.15~~56.20 Like questions may be grouped together and a single answer provided.

~~53.16~~56.21 Questions from the public gallery or virtually/by phone, shall be addressed to the Chair. The Chair will then ask the Chief Executive Officer to determine who will answer each the question. The Chair may nominate a Councillor, the Chief Executive Officer, or a senior officer may be nominated to General Manager to respond to a question.



~~53.17~~56.22 If the *Chair* so permits, a second speaker may support or add to an answer given, but questions shall not be debated by *Council* during public question time.

~~53.18~~56.23 ~~A Councillor or the~~The *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question and will be included in the minutes of the following *Council meeting*.

~~53.19~~56.24 ~~A Councillor or the~~The *Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The ~~Councillor or Chief Executive Officer~~ ~~(as the case may be)~~ must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

## Division 9 – Petitions and Joint Letters

### ~~54-57.~~ 56. Petitions and Joint Letters

~~57.1~~ 56.1 A petition or joint letter must be presented to the next available scheduled meeting of Council where the petition or joint letter is received at least 10 days before the Council meeting.

~~54.1~~57.2 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, ~~or joint letter, memorial or other like application,~~ until the next *Council meeting* after that at which it has been presented.

~~54.2~~ — It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.

~~54.3~~ — Every Councillor presenting a petition or joint letter to *Council* must:

~~54.3.1~~ — write or otherwise record his or her name at the beginning of the petition or joint letter; and

~~54.3.2~~ — confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the request.

~~54.4~~57.3 Every petition or joint letter presented to *Council*:

~~54.4.1~~57.3.1 must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people;

~~54.4.2~~57.3.2 must be addressed to the *Council*, *Mayor*, a Councillor or Councillors, containing a request for action to be taken by *Council*;

~~54.4.3~~57.3.3 may be submitted electronically, by post or delivered in person;

~~54.4.4~~57.3.4 must be in the English language, or accompanied by a translation, which will need to be certified by the *Chief Executive Officer* who will present it to be correct;



~~54.4.5~~57.3.5 must not be defamatory or objectionable in language or nature;  
and

~~54.4.6~~57.3.6 must not relate to matters outside the powers of Council or relate to neighbourhood disputes/issues;

~~54.4.7~~57.3.7 must be received by Council in its original form ~~eight (8)~~10 days prior to a Council ~~M~~mmeeting and, if it is not, will be presented at the next Council ~~M~~mmeeting; and

~~54.4.8~~57.3.8 may, at the discretion of the *Chief Executive Officer*, be refused if the same, or substantially the same, petition is received more than once in a twelve (12) month period during the course of a term of *Council*.

~~54.5~~57.4 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

~~54.6~~57.5 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.

~~54.7~~57.6 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.

~~54.8~~57.7 If a petition, or joint letter, ~~memorial or other like application~~, relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

~~54.9~~57.8 If a petition relates to:

~~54.9.1~~57.8.1 a 'planning matter' which is the subject of a public notification process under the *Planning and Environment Act 1987*; or

~~54.9.2~~57.8.2 a 'statutory matter' which is the subject of ~~a public submissions process under section 223 of the Local Government Act 1989~~a community engagement process;

the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).

~~57.9~~ The Chief Executive Officer may accept electronic petitions received via online websites if they are satisfied that the petition is authentic and from a legitimate website and provided that the electronic petition has been closed and a copy has been forwarded to Council.

~~57.10~~ A petition or joint letter shall not be presented at a meeting of Council or received by Council unless it meets the definition under these Governance Rules, unless it is specifically resolved by Council to receive the petition or joint letter in a non-conforming format. Only the wording of the request and the number of signatories will be included in the public agenda for a Council meeting.

~~57.11~~ If the petition or joint letter relates to any item already on the agenda for the Council meeting at which the petition or joint letter is submitted, the Chair may decide that the petition or joint letter will be dealt with in conjunction with that agenda item.

~~57.12~~ A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated or if it is not obvious who the intended contact person is, Council will reply to the first signatory who appears on the petition or joint letter.





## Division 10 – Voting

### ~~55-58.~~ 58. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

### ~~56-59.~~ 59. Silence

Voting must take place in silence.

### ~~57-60.~~ 60. Recount

The *Chair* may direct that a vote be recounted to satisfy himself or herself of the result.

### ~~58-61.~~ 61. Casting Vote

~~58-1~~61.1 In the event of a tied vote, the *Chair* must exercise a casting vote.

~~58-2~~61.2 In the event of an item first coming before Council having an equality of votes, Council's expectation is that the Chair will generally vote in the negative unless there is an imminent deadline that requires an immediate decision.

~~58-3~~61.3 Council's expectation is that the item should then be listed for the next Council meeting. If there is an equality of votes when the item is re-presented to Council, then the expectation is that the Chair will use the casting vote to finally resolve the matter.

~~58-4~~61.4 Council acknowledges that the Chair is always free to exercise the casting vote as ~~he or she~~they sees fit, notwithstanding the expectations outlined in sub-Clauses ~~58-2~~61.2 and ~~58-3~~61.3.

### ~~59-62.~~ 62. By Show of Hands

Voting on any matter is by show of hands.

### ~~60-63.~~ 63. Procedure for a Division

~~60-1~~63.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

~~60-2~~63.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

~~60-3~~63.3 When a division is called for, the *Chair* must:

~~60-3-1~~63.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of ~~his or her~~their hands. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and

~~60-3-2~~63.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to



vote in the negative must raise one of ~~his or her~~their hands. The *Chair* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative.

#### ~~61.64.~~ **No Discussion Once Declared**

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

~~61.1~~64.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes ~~or a register maintained for that purpose~~;

~~61.2~~64.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

*For example, Rule 61 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.*

*Equally, Rule 61 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution — to the effect that a planning permit now be granted — the planning permit application will be left in limbo. Hence the reference, in sub-Rule 61.2, to discussion about a positive motion were a resolution has just been rescinded.*

## Division 11 – Minutes

### ~~62.65.~~ **Confirmation of Minutes**

~~62.1~~65.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:

~~62.1.1~~65.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;

65.1.2 no discussion or debate on the confirmation of the minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned;

65.1.3 following the moving and seconding of the minutes, if no Councillor indicates opposition, the question is put to the vote; and

~~62.1.2~~ if no Councillor indicates opposition, the minutes must be declared to be confirmed;

~~62.1.3~~ if a Councillor indicates opposition to the minutes:

(a) he or she must specify the item(s) to which he or she objects;

(b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;



- ~~(c) — the Councillor objecting must move accordingly without speaking to the motion;~~
- ~~(d) — the motion must be seconded;~~
- ~~(e) — the Chair must ask:  
"Is the motion opposed?"~~
- ~~(f) — if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 62.1.3(k);~~
- ~~(g) — if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;~~
- ~~(h) — after the mover has addressed the meeting, the seconder may address the meeting;~~
- ~~(i) — after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;~~
- ~~(j) — if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and~~
- ~~(k) — the Chair must, after all objections have been dealt with, ultimately ask:  
"The question is that the minutes be confirmed" or  
"The question is that the minutes, as amended, be confirmed",  
and he or she must put the question to the vote accordingly;~~

~~62.1.4~~65.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;.

~~62.1.5~~ the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively; and

~~62.1.6~~ unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

### ~~63.~~ **No Debate on Confirmation of Minutes**

~~No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.~~



~~64-66.~~ **Deferral of Confirmation of Minutes**

*Council* may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.

~~65-67.~~ **Form and Availability of Minutes**

~~65.1-67.1~~ The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:

~~65.1.1-67.1.1~~ the date, place, time and nature of the meeting;

~~65.1.2-67.1.2~~ the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

~~65.1.3~~ the names of the members of Council staff present for the purpose of participation in the *Council meeting*;

~~65.1.4-67.1.3~~ any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;

~~65.1.5-67.1.4~~ arrivals and departures (including temporary departures) of Councillors during the course of the meeting;

~~65.1.6-67.1.5~~ each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);

~~65.1.7-67.1.6~~ the outcome of every motion, that is, whether it was put to the vote and the result of either carried, lost, withdrawn, lapsed, amended, etc.;

~~65.1.8-67.1.7~~ the vote cast by each Councillor upon a division;

~~65.1.9-67.1.8~~ the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;

~~65.1.10-67.1.9~~ questions upon notice;

~~65.1.11-67.1.10~~ the failure of a quorum;

~~65.1.12-67.1.11~~ any adjournment of the meeting and the reasons for that adjournment;

~~67.1.12~~ the time at which standing orders were suspended and resumed; ~~and~~

~~65.1.13-67.1.13~~ a brief summary of any public questions and responses provided by the *Chief Executive Officer* or their nominee; ~~and~~

~~65.1.14-67.1.14~~ any other matter which the *Chief Executive Officer* thinks should be recorded to clarify the intention of the *Council meeting* or the recording of the minutes.

~~65.2-67.2~~ The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:

~~65.2.1-67.2.1~~ published on *Council's* website; and



~~65.2.2~~67.2.2 available for inspection at *Council's* office during normal business hours.

~~65.3~~67.3 Nothing in sub-Rule ~~65.2~~67.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

## Division 12 – Behaviour

### ~~66.68.~~ 68. Public Addressing the Meeting

~~66.1~~68.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.

~~66.2~~68.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.

~~66.3~~68.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

### ~~67.69.~~ 69. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule ~~66.2~~68.2.

*It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.*

### ~~68.70.~~ 70. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, ~~he or she~~the Chair may adjourn the meeting to a later time on the same day or to some later day as ~~he or she~~the Chair thinks proper. In that event, the provisions of sub-Rules ~~45.2~~47.2 and ~~45.3~~47.3 apply.

### ~~69.71.~~ 71. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule ~~70~~69.

## Division 13 – Additional Duties of Chair

### ~~70.72.~~ 72. The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

~~70.1~~72.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and

~~70.2~~72.2 must call to order any person who is disruptive or unruly during any meeting.



## Division 14 – Suspension of ~~Standing Orders~~ Meetings Procedure

### ~~71.73.~~ 73. Suspension of ~~Standing Orders~~ Meetings Procedure

~~71.1~~73.1 To expedite the business of a meeting, *Council* may suspend ~~standing orders~~ meetings procedure.

*The suspension of ~~standing orders~~ meetings procedure should be used to enable full discussion of any issue without the constraints of ~~formal meeting procedure~~ formality.*

*Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.*

~~71.2~~73.2 The suspension of ~~standing orders~~ meetings procedure should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That ~~standing order~~ meetings procedure be suspended to enable discussion on....."

~~71.3~~73.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of ~~standing orders~~ meetings procedure.

~~71.4~~73.4 Once the discussion has taken place and before any motions can be put, the resumption of ~~standing orders~~ meetings procedure will be necessary. An appropriate motion would be:

"That ~~standing orders~~ meetings procedure be resumed."

## Division 15 – Miscellaneous

### ~~72.74.~~ 74. Meetings Conducted Remotely

If:

~~72.1~~74.1 by law a meeting may be conducted electronically; and

~~72.2~~74.2 *Council* decides that a meeting is to be conducted electronically,

the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

### ~~73.~~ 73. ~~Procedure not provided in this Chapter~~

~~In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).~~

### 75. Recording Proceedings

75.1 The proceedings of open Council meetings will be audio recorded to facilitate the preparation of the minutes of the meeting and to ensure their accuracy.

75.2 Where practicable, the proceedings of open Council meetings will be streamed live on Colac Otway Shire Council's website so that interested parties can watch the





proceedings in real time. A recording of the live stream will be made available on the Colac Otway Shire's website the day following the meeting.

75.3 The Chief Executive Officer has the discretion and authority to delay publication of a recording in instances where comments made by members of the public at the meeting are considered to be objectionable, offensive, defamatory or inappropriate.

75.4 The Council is authorised to resolve that audio and live stream recordings of meetings be edited by the deletion of comments from the public which the Council considers to be objectionable, offensive, defamatory or inappropriate.

**74.76. Criticism of members of Council staff**

74.176.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising him or her or any member of Council staff.

74.276.2 A statement under sub-Rule 74.176.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.



## Chapter 3 – Meeting Procedure for Delegated Committees

### 1. Appointing Chairs of Delegated Committees

The Act provides the Mayor with specific power to appoint a Councillor to be the Chair of a Delegated Committee.

The Council may also resolve to appoint a Councillor to be Chair of a Delegated Committee (however the appointment by the Mayor prevails).

### 1.2. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

1.2.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and

1.2.2 any reference in Chapter 2 to:

1.2.1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee meeting*;

1.2.2.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and

1.2.3.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

### 2.3. Meeting Procedure Can Be Varied

Notwithstanding Rule 4.2, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

2.3.1 *Council* may; or

2.3.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

### 4. Requests to address a Delegated Committee

Where the Instrument of Delegation specifically permits, a person may request to be heard at a Delegated Committee meeting, comprising all Councillors, in relation to a matter listed on the Agenda.

### 5. No Public Question Time

There will be no public question public time at Delegated Committee meetings.



## **Chapter 4 – Meeting Procedure for Community Asset Committees**

### **1. Introduction**

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

### **2. Meeting Procedure**

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.



## Chapter 5 – Disclosure of Conflicts of Interest

### 1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.<sup>5</sup>

### 2.3. Definition

In this Chapter:

~~2.1~~3.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and ~~includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name)~~ is a meeting of Councillors that is a scheduled or planned meeting for the purpose of discussing the business of Council or briefing Councillors, which is attended by at least one member of Council staff, and is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting; and

~~2.2~~3.2 a member of a *Delegated Committee* includes a Councillor.

### 3.4. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which ~~he or she~~they:

~~3.1~~4.1 ~~is~~ are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or

~~3.2~~4.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:

~~3.2.1~~4.2.1 advising of the conflict of interest;

~~3.2.2~~4.2.2 explaining the nature of the conflict of interest; and

~~3.2.3~~4.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:

- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- (c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that ~~he or she has~~ they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

<sup>5</sup>-At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.



**4.5. Disclosure of Conflict of Interest at a Delegated Committee Meeting**

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which ~~he or she~~they:

~~4.1~~5.1 ~~is~~are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or

~~4.2~~5.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:

~~4.2.1~~5.2.1 \_\_\_\_\_ advising of the conflict of interest;

~~4.2.2~~5.2.2 \_\_\_\_\_ explaining the nature of the conflict of interest; and

~~4.2.3~~5.2.3 \_\_\_\_\_ detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:

- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

~~4.2.4~~5.2.4 \_\_\_\_\_ nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that ~~he or she has~~they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

**5.6. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting**

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which ~~he or she~~they:

~~5.1~~6.1 ~~is~~are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or

~~5.2~~6.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:

~~5.2.1~~6.2.1 \_\_\_\_\_ advising of the conflict of interest;

~~5.2.2~~6.2.2 \_\_\_\_\_ explaining the nature of the conflict of interest; and

~~5.2.3~~6.2.3 \_\_\_\_\_ detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:



- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

~~5.2.4~~6.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that ~~he or she has~~they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

#### ~~6.7.~~6.7. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which ~~he or she is~~they are present must:

~~6.4~~7.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;

~~6.2~~7.2 absent ~~himself or herself~~themselves from any discussion of the matter; and

~~6.3~~7.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

#### ~~7.8.~~7.8. Disclosure by Members of Council Staff Preparing Reports for Meetings

~~7.4~~8.1 A member of Council staff who, in ~~his or her~~their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which ~~he or she is~~they are preparing or contributing to the preparation of a Report for the consideration of a:

~~7.1.4~~8.1.1 *Council meeting*;

~~7.1.2~~8.1.2 *Delegated Committee meeting*;

~~7.1.3~~8.1.3 *Community Asset Committee meeting*

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

~~7.2~~8.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule ~~7.4~~8.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

~~7.3~~8.3 If the member of Council staff referred to in sub-Rule ~~7.4~~8.1 is the *Chief Executive Officer*:

~~7.3.1~~8.3.1 the written notice referred to in sub-Rule ~~7.4~~8.1 must be given to the *Mayor*; and

~~7.3.2~~8.3.2 the obligation imposed by sub-Rule ~~7.2~~8.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.





**~~8-9.~~ Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

~~8-4~~9.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

~~8-2~~9.2 If the member of Council staff referred to in sub-Rule ~~8-4~~9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**~~9-10.~~ Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

~~9-4~~10.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

~~9-2~~10.2 If the member of Council staff referred to in sub-Rule ~~9-4~~10.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**~~10-11.~~ Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.



## Chapter 6 – Miscellaneous

### 1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

### 2. Confidential Information

- 2.1 ~~If, after the repeal of section 77(2)(c) of the Local Government Act 1989,~~ Where the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, ~~he or she~~ they may ~~designate~~ advise the information ~~as is~~ confidential and advise Councillors and/or members of Council staff in writing accordingly. If not advised then the information may still be confidential by virtue of the Act.
- 2.2 Information which has been ~~designated~~ advised by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 2.3 Notwithstanding sub-Clauses 2.1 and 2.2, *Council* may resolve to release confidential information within the meaning of the *Act*, or that which has been ~~designated~~ advised by the *Chief Executive Officer* as confidential information within the meaning of the *Act*.

## Chapter 7 – Election Period Policy

**[Election Period Policy not part of review]**

## Item: 10.14

### Appointments to Committees and external organisations

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To appoint Council representatives to committees and external organisations.

## 1. EXECUTIVE SUMMARY

The *Local Government Act 2020* acknowledges the need for various committee to enable Council to conduct its business effectively.

Council has Councillor and officer representation on a number of committees associated with a variety of interests. This includes managing Council owned or managed facilities, advising Council on issues and representing Council views on regional and state-wide matters.

A number of the committees are not managed by Council and operate under their own charter and determine their procedures, policies and practices. Council involvement is to participate and influence the activities of those external groups where those activities are in the public's interest.

In addition to the committees that currently have Councillor representation, the following committee has requested that a Councillor be appointed to it:

- Central Reserve Advisory Committee.

Further to the appointment of Councillors to committees, it is intended that Councillor representation on the following committees cease:

- Barnard Trust
- Corangamite Regional Library Corp.

## 2. RECOMMENDATION

**That Council:**

- Endorses the schedule of Councillor appointments to committees and external organisations as outlined below:**

<b>Committee name</b>	<b>Councillor Representative/s</b>
<b>Committees Established by Council/Colac Otway Shire</b>	
Audit and Risk Committee	Cr Graham Costin and Cr Margaret White
Central Reserve Advisory Committee	Cr Chris Potter
Colac Municipal Aerodrome Advisory Committee	Cr Joe McCracken
Colac Regional Saleyards Advisory Committee	Cr Jamie Bell
Friends of the Colac Botanic Gardens Advisory Committee	Cr Margaret White
Lake Colac Co-ordinating Committee	Cr Jamie Bell and Cr Margaret White
Apollo Bay Harbour Precinct Redevelopment Project Control Group	The Mayor and Cr Graham Costin
City Deals Project – Colac Otway Shire Executive Steering Committee	Cr Stephen Hart
COPACC Trust	Cr Joe McCracken and Cr Margaret White
Mooleric Road Quarry Consultative Committee	Cr Jamie Bell
Municipal Emergency Management Planning Committee	Cr Chris Potter
Municipal Fire Management Planning Committee	Cr Chris Potter
Ondit Quarry Consultative Committee	Cr Jamie Bell
Port of Apollo Bay Consultative Committee	Cr Chris Potter
Weeds Consultative Committee	Cr Jamie Bell
<b>External Committees and other bodies</b>	
Australian Local Government Association (ALGA)	Cr Chris Potter
Barwon South West Waste and Resource Recovery Local Government Forum	Cr Graham Costin
Colac Community Library and Learning Centre Joint Use Committee	Cr Stephen Hart
Colac Road Safety Group	Cr Chris Potter
Geelong Regional Library Corporation	Cr Stephen Hart
G21 Board	Cr Kate Hanson
Lavers Hill Swimming Pool Committee of Management	Cr Stephen Hart
Municipal Association of Victoria	Cr Stephen Hart
Rural Councils of Victoria	Cr Margaret White
Rural Financial Counselling Service Vic – Wimmera Southwest (RFC)	Cr Kate Hanson
Timber Towns Victoria Committee	Cr Chris Potter
G21 Pillar Membership – Arts and Culture	Cr Kate Hanson
G21 Pillar Membership – Economic Development	Cr Chris Potter
G21 Pillar Membership – Education and Training	Cr Joe McCracken
G21 Pillar Membership – Environment	Cr Stephen Hart
G21 Pillar Membership – Health and Well Being	Cr Margaret White
G21 Pillar Membership – Planning and Services	Cr Graham Costin

Committee name	Councillor Representative/s
G21 Pillar Membership – Sports and Recreation	Cr Chris Potter
G21 Pillar Membership – Transportation	Cr Jamie Bell

- Notes that all Councillors are appointed to the Planning Committee, Submissions Committee and Chief Executive Officer Employment Matters Advisory Committee as set out in their respective Terms of Reference.**
- Endorses the Chief Executive Officer as Council's representative on the board of Great Ocean Road Regional Tourism Ltd. (GORRT).**

### 3. KEY INFORMATION

As part of the process of appointing Councillors to committees, the committees are reviewed by the relevant officers for their performance and relevance against the Council Plan and each committee's objectives. This approach ensures that committees do not operate in perpetuity beyond achieving their purpose. Following this review, it has been determined that Council will not be making appointments to the following committees:

#### Barnard Trust

As Council involvement is no longer required from the end of the 2021 scholarship payments, a Councillor appointment is not required.

#### Corangamite Regional Library Corp.

Council's library services transitioned to the Geelong Regional Library Corporation and membership of the Corangamite Regional Library Corp ceased on 30 June 2021. Therefore, a Councillor appointment is not required.

The committee listed below has requested Councillor representation during 2021.

#### Central Reserve Advisory Committee

During 2021 the Central Reserve Advisory Committee requested that a Councillor representative be appointed to the committee. The purpose of the Central Reserve Advisory Committee is to facilitate communication between Council and regular reserve user groups and key stakeholders about matters concerning planning, development, maintenance and operation of the reserve.

The following table outlines the required Councillor representation for each committee. It is noted that Council Officers attend a number of committee meetings, either as a member of the committee or as an administrative resource person.

Committee name	Required representative/s
<b>Committees Established by Council/Colac Otway Shire</b>	
Planning Committee	all Councillors
Submissions Committee	all Councillors
CEO Employment Matters Advisory Committee	all Councillors
Audit and Risk Committee	2 Councillors
Central Reserve Advisory Committee	1 Councillor



<b>Committee name</b>	<b>Required representative/s</b>
Colac Municipal Aerodrome Advisory Committee	1 Councillor
Colac Regional Saleyards Advisory Committee	1 Councillor
Friends of the Colac Botanic Gardens Advisory Committee	1 Councillor
Lake Colac Co-ordinating Committee	2 Councillors
Apollo Bay Harbour Precinct Redevelopment Project Control Group	The Mayor, plus 1 other Councillor
City Deals Project – Colac Otway Shire Executive Steering Committee	1 Councillor
COPACC Trust	2 Councillors
Mooleric Road Quarry Consultative Committee	1 Councillor
Municipal Emergency Management Planning Committee	1 Councillor
Municipal Fire Management Planning Committee	1 Councillor
Ondit Quarry Consultative Committee	1 Councillor
Port of Apollo Bay Consultative Committee	1 Councillor
Weeds Consultative Committee	1 Councillor
<b>External Committees and other bodies</b>	
Australian Local Government Association (ALGA)	1 Councillor
Barwon South West Waste and Resource Recovery Local Government Forum	1 Councillor
Colac Community Library and Learning Centre Joint Use Committee	1 Councillor
Colac Road Safety Group	1 Councillor
Geelong Heritage Centre Advisory Committee	1 Councillor
Geelong Regional Library Corporation	1 Councillor
G21 Board	1 Councillor (The Mayor)
Lavers Hill Swimming Pool Committee of Management	1 Councillor
Municipal Association of Victoria	1 Councillor
Rural Councils of Victoria	1 Councillor
Rural Financial Counselling Service Vic – Wimmera Southwest (RFC)	1 Councillor
Timber Towns Victoria Committee	1 Councillor
G21 Pillar Membership – Arts and Culture	1 Councillor
G21 Pillar Membership – Economic Development	1 Councillor
G21 Pillar Membership – Education and Training	1 Councillor
G21 Pillar Membership – Environment	1 Councillor
G21 Pillar Membership – Health and Well Being	1 Councillor
G21 Pillar Membership – Planning and Services	1 Councillor
G21 Pillar Membership – Sports and Recreation	1 Councillor
G21 Pillar Membership – Transportation	1 Councillor

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

**Alignment to Council Plan 2021-2025:**

**Theme 3 – Healthy and Inclusive Community**

3.3 We are a safe, equitable and inclusive community

## 6. CONSIDERATIONS

### **ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC**

Not applicable.

### **LEGAL & RISK**

Not applicable.

### **FINANCIAL & BUDGETARY**

Not applicable.

## 7. IMPLEMENTATION STRATEGY

### **COMMUNICATION**

Following the November 2021 Council Meeting, officers will advise the committee (where appropriate) of the Council representative.

### **TIMELINE**

Not applicable.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Item: 10.15

## Council Meeting and Planning Committee Dates 2022

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To consider the dates, times and venues for meetings of the Council and its Planning Committee for 2022.

### 1. EXECUTIVE SUMMARY

The Governance Rules require Council to fix the date, time and place of its Council and delegated committee meetings. Unscheduled meetings may also be called by the Mayor, or at least three Councillors, as required.

Typically Planning Committee meetings are scheduled on the second Wednesday of the month (commencing at 2pm) and Council meetings are scheduled on the fourth Wednesday of the month (commencing at 4pm).

Rather than schedule meetings in January, it is recommended unscheduled meetings be called if/when the need arises.

## 2. RECOMMENDATION

**That Council:**

- Approves the schedule of Council and Planning Committee meetings for 2022 as detailed below:**

<b>February 2022</b>		
Planning Committee	Wednesday, 9 February	2pm
Council	Wednesday, 23 February	4pm
<b>March 2022</b>		
Planning Committee	Wednesday 9 March	2pm
Council	Wednesday 23 March	4pm
<b>April 2022</b>		
Planning Committee	Wednesday 13 April	2pm
Council	Wednesday 27 April	4pm
<b>May 2022</b>		
Planning Committee	Wednesday 11 May	2pm
Council	Wednesday 25 May	4pm
<b>June 2022</b>		
Planning Committee	Wednesday 8 June	2pm
Council	Wednesday 22 June	4pm
<b>July 2022</b>		
Planning Committee	Wednesday 13 July	2pm
Council	Wednesday 27 July	4pm
<b>August 2022</b>		
Planning Committee	Wednesday 10 August	2pm
Council	Wednesday 24 August	4pm
<b>September 2022</b>		
Planning Committee	Wednesday 14 September	2pm
Council	Wednesday 28 September	4pm
<b>October 2022</b>		
Planning Committee	Wednesday 12 October	2pm
Council	Wednesday 26 October	4pm
<b>November 2022</b>		
Council meeting to elect the Mayor and Deputy Mayor	Wednesday 9 November	4pm
Council	Wednesday 23 November	4pm
<b>December 2022</b>		
Planning Committee	Wednesday 7 December	2pm
Council	Wednesday 14 December	4pm

- Notes that all Council meetings and Planning Committee meetings will be held at Colac Otway Performing Arts and Cultural Centre (COPACC), Colac and livestreamed, unless otherwise advertised.**

### 3. KEY INFORMATION

Traditionally, Council meetings have been held on the fourth Wednesday of the month, commencing at 4pm. Planning Committee meetings have been held on the second Wednesday of the month (as required), commencing at 2pm at COPACC in Colac.

These meetings are also livestreamed (where possible) and the recording made available on Council's website.

During 2021, both Council and Planning Committee meetings have also been held virtually, where COVID restrictions have prevented Councillors meeting in person. The *Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021* extends measures to allow for meetings to be held virtually until 26 April 2022.

#### **Council meeting dates for 2022**

It is proposed that for 2022, Council meetings continue to be scheduled on the fourth Wednesday of the month, except for:

- January 2022 – no Council meeting is scheduled for January 2022. An unscheduled Council meeting will be called if/when the need arises between 16 December 2021 and 23 February 2022.
- December 2022 - to facilitate Council business prior to the office closure over the Christmas/New Year period, the December meeting has been scheduled for the second Wednesday of the month.

#### **Planning Committee dates for 2022**

It is proposed that for 2022, Planning Committee meetings continue to be scheduled on the second Wednesday of each month, except for:

- January 2022 – no Planning Committee meeting is scheduled for January 2022. An unscheduled meeting will be called if/when the need arises between 16 December 2021 and 9 February 2022.
- November 2022 – no Planning Committee meeting is scheduled for November 2022 as it falls on the same day as the Council meeting for the election of the Mayor and Deputy Mayor. Any planning matters requiring decision will proceed directly to the Council meeting.
- December 2022 – due to the Council meeting being scheduled on the second Wednesday of the month in December 2022, the Planning Committee has been scheduled for the first Wednesday of December 2022.

### 4. COMMUNITY CONSULTATION & ENGAGEMENT

In accordance with the Governance Rules, Council is required to provide to the public reasonable notice of each Council and Planning Committee meeting. The Council's consideration of meeting dates for the calendar year ahead provides certainty and transparency for the community about decision-making at Colac Otway Shire Council.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

### Alignment to Council Plan 2021-2025:

#### Theme 4 - Strong Leadership and Management

4.1 We commit to a program of best practice and continuous improvement

### Alignment to Policies or Strategies:

Governance Rules.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Council meetings which are open to the public allow community members to participate in the decision-making processes of local government. Community members can participate in question time by submitting their questions in writing prior to the meeting, asking questions in person at the meeting, or by registering to ask their questions by videoconference. Meetings are livestreamed, enabling the community to watch proceedings in real time. Furthermore, the recording of the live stream is made available on Council's website as soon as practicable following the meeting.

### LEGAL & RISK

Nil.

### FINANCIAL & BUDGETARY

The proposed arrangements generally match those already in place.

## 7. IMPLEMENTATION STRATEGY

The proposed schedule of Council and Planning Committee meeting dates commence in January 2022 and conclude at the end of December 2022.

### COMMUNICATION

The dates, times and locations of Council meetings will be published in the local press and on Colac Otway Shire Council's website.

### TIMELINE

With the meeting schedule for 2022 determined, Councillors will consider meeting dates for 2023 in November 2022.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



Item: 10.16

## Report of Informal Meetings of Councillors

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Informal Meeting of Councillors - Councillor Briefing - 13 October 2021 - CB 20211013 [<b>10.16.1</b> - 2 pages]</li> <li>2. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20211019 [<b>10.16.2</b> - 1 page]</li> <li>3. Informal Meeting of Councillors - Councillor Briefing - 20 October 2021 - CB 20211020 [<b>10.16.3</b> - 3 pages]</li> <li>4. Informal Meeting of Councillors - Council Preparation Meeting - 27 October 2021 CM 20211027 [<b>10.16.4</b> - 2 pages]</li> <li>5. Informal Meeting of Councillors - Councillor Briefing - 3 November 2021 - CB 20211103 [<b>10.16.5</b> - 3 pages]</li> <li>6. Informal Meeting of Councillors - Councillor Briefing - 10 November 2021 - CB 20211110 [<b>10.16.6</b> - 2 pages]</li> <li>7. Informal Meeting of Councillors - Planning Committee Meeting Preparation - 10 November 2021 PCM 2021 [<b>10.16.7</b> - 2 pages]</li> </ol>
<b>PURPOSE</b>	To report the Informal Meetings of Councillors.

### 1. EXECUTIVE SUMMARY

#### INFORMAL MEETINGS OF COUNCILLORS

The Colac Otway Shire Governance Rules require that records of Informal Meetings of Councillors which meet the following criteria:

*If there is a meeting of Councillors that:*

- *is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;*
- *is attended by at least one member of Council staff; and*

- *is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting*

be tabled at the next convenient meeting of Council and recorded in the minutes of that Council meeting.

All relevant meetings have been recorded and documented, as attached.

## 2. REPORTING

*The Informal Meetings of Councillors are reported herewith:*

- |  |                         |
|--|-------------------------|
| • <i>Councillor Briefing</i>                     | <i>13 October 2021</i>  |
| • <i>City Deals Executive Steering Committee</i> | <i>19 October 2021</i>  |
| • <i>Councillor Briefing</i>                     | <i>20 October 2021</i>  |
| • <i>Council Meeting Preparation</i>             | <i>27 October 2021</i>  |
| • <i>Councillor Briefing</i>                     | <i>3 November 2021</i>  |
| • <i>Councillor Briefing</i>                     | <i>10 November 2021</i> |
| • <i>Planning Committee Meeting Preparation</i>  | <i>10 November 2021</i> |

## 3. KEY INFORMATION

The following Informal Meetings of Councillors have been held and are attached to this report:

- |   |                  |
|---|------------------|
| • Councillor Briefing                     | 13 October 2021  |
| • City Deals Executive Steering Committee | 19 October 2021  |
| • Councillor Briefing                     | 20 October 2021  |
| • Council Meeting Preparation             | 27 October 2021  |
| • Councillor Briefing                     | 3 November 2021  |
| • Councillor Briefing                     | 10 November 2021 |
| • Planning Committee Meeting Preparation  | 10 November 2021 |

## 4. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## Informal Meeting of Councillors Record

**Councillor Briefing**

**Date:** 13 October 2021

**Time:** 11:00am

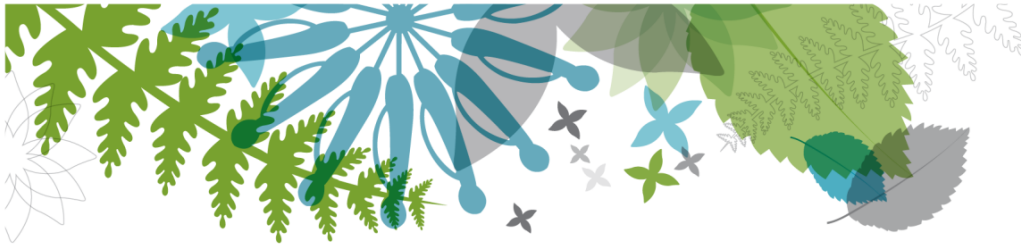
**Meeting Location:** By videoconference

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Doug McNeill, Erin Sonego, Simon Clarke, Bláithín Butler, Ravi Ayyagari, Ian Williams, Madeleine Bisits, Tamzin McLennan, Sharyn Ryan, James Myatt, Louise Harvey, Simon McBeth
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Cr Jamie Bell
<b>Absent:</b>
Nil

**Meeting Commenced at:** 11:03am

**Declarations of Interest:**

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing 13 October 2021		
Time	Item	Attendees
11:03am-11:27am	Combined Planning Scheme Amendment & Planning Permit Application – Red Rock Art Gallery, Cororooke  Cr McCracken attended the meeting at 11:26am.	Doug McNeill Erin Sonogo Simon Clarke Bláithín Butler Ravi Ayyagari
11:27am-11:44am	Proposed Planning Scheme Amendment – Adjustments to Colac Flood based overlays	Doug McNeill Simon Clarke Ian Williams Madeleine Bisits
11:44am-12:10pm	Winifred Nance Kindergarten playspace upgrade - Grant Proposal	Tamzin McLennan Sharyn Ryan Madeleine Bisits
12:10pm-12:11pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey
12:11pm-12:13pm	Councillor update from Committee Meetings	
12:13pm-12:36pm	Break	
12:36pm-1:00pm	Future Management of Operations at the Port of Apollo Bay and City Deals Update	Tony McGann Simon McBeth
1:00pm-3:03pm	Break	
3:03pm-3:59pm	Final Review of Governance Rules	Marlo Emmitt
3:59pm-4:17pm	Former petrol station, Princes Highway Colac East	Ian Seuren Doug McNeill James Myatt
4:17pm-4:35pm	City Deal Projects - Clause 52.30 'State projects' Planning Approval Pathway  Cr McCracken left the meeting at 4:22pm and did not return.	Tony McGann Doug McNeill
4:35pm-5:00pm	General Business: <ul style="list-style-type: none"> <li>• COVID update</li> </ul> Cr Hart left the meeting at 4:47pm and did not return.	
5:00pm	Meeting closed	



## Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to [governance@colacotway.vic.gov.au](mailto:governance@colacotway.vic.gov.au) for reporting at the next practicable Council Meeting.

Please refer to Chapter 5 (Disclosure of Conflict of Interest) and Chapter 6 (Informal Meetings of Councillors) of the Governance Rules and the guidelines over page.

### Meeting Details

**Meeting name:** City Deal Projects COS Executive Steering Committee Meeting

**Date:** 19/10/2021      **Time:** 11:15am

**Meeting Location:** Online – Microsoft Teams

(eg. COPACC; Colac Otway Shire Offices – 2-6 Rae Street, Colac; Shire Offices – Nelson Street, Apollo Bay)

**Matter/s Discussed:** Kennett River Tourism Infrastructure Improvements City Deal, Apollo Bay to Skenes Creek Coastal Trail City Deal, Apollo Bay Harbour Redevelopment City Deal and Geelong City Deal

(eg. Discussions with property owners and/or residents; Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay; Council Plan steering committee with Councillors and officers.)

### In Attendance:

<b>Councillors:</b>
Cr Stephen Hart
<b>Officers:</b>
Tony McGann (COS GM Environment & Infrastructure), Ian Seuren (COS GM Development & Community), Errol Lawrence (COS GM Corporate Services), Frank Castles (City Deals - Project Director), Emma Ashton (City Deals – Communications & Engagement Officer)

### Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
Nil			

**Completed by:** Lisa Healey

Updated 24 October 2020



## Informal Meeting of Councillors Record

**Councillor Briefing**

**Date:** 20 October 2021

**Time:** 11:00am

**Meeting Location:** By videoconference

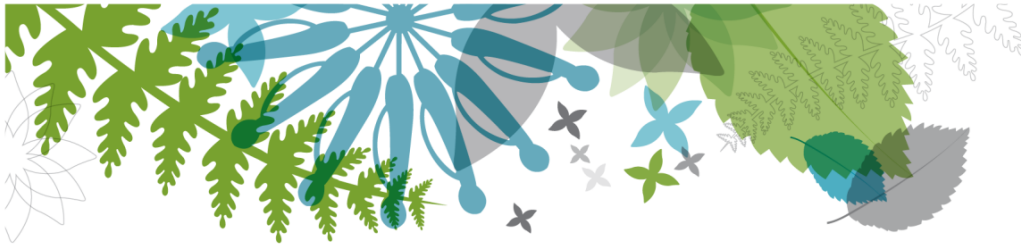
<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
<b>Attendees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Louise Harvey, Belinda Rocka, Nicole Frampton, Tamzin McLennan, Steven Crawford, James Myatt, Amanda Barber, Paul Carmichael
<b>External attendees:</b>
Chair and Executive Officer, Great South Coast Food and Fibre Council Climate Action Team representatives Secretary, Colac Otway Rovers AFC, Soccer Club
<b>Apologies:</b>
Cr Kate Hanson
<b>Absent:</b>
Nil

**Meeting Commenced at:** 11:01am

**Declarations of Interest:**

Name	Type of Disclosure	Item	Reason
Nil			





<b>Councillor Briefing 20 October 2021</b>		
<b>Time</b>	<b>Item</b>	<b>Attendees</b>
11:01am-11:32am	Great South Coast Food and Fibre	Great South Coast Food and Fibre Council Chair and Executive Officer  Louise Harvey Belinda Rocka
11:32am-12:03pm	Call for Action for a Climate and Biodiversity Action Plan Cr Bell attended the meeting at 11:40am.	Climate Action Team representatives  Louise Harvey Belinda Rocka
12:03pm-12:10pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey Belinda Rocka
12:10pm-12:18pm	Councillor update from Committee Meetings Cr Bell left the meeting at 12:18pm.	
12:18pm-12:40pm	Break	
12:40pm-1:03pm	Colac Otway Rovers Soccer Club Cr McCracken attended the meeting at 12:40pm	Secretary, Colac Otway Rovers AFC, Soccer Club  Nicole Frampton Tamzin McLennan
1:03pm-1:36pm	CEO Delegation	Errol Lawrence
1:36pm-1:50pm	Update on Organisational Cyber Security Risk	Steven Crawford
1:50pm-2:39pm	Final Review of Governance Rules Cr Bell returned to the meeting at 1:50pm.	Marlo Emmitt
2:39pm-2:54pm	Break	
2:54pm-3:08pm	Councillor Code of Conduct Review and Delegation Review – Council to Delegated Committee	Marlo Emmitt
3:08pm-3:24pm	COVID-19 Assistance Package discussion	James Myatt Amanda Barber Paul Carmichael



Councillor Briefing 20 October 2021		
Time	Item	Attendees
3:24pm-4:24pm	General Business: <ul style="list-style-type: none"> <li>▪ Mayoral Election</li> <li>▪ Wildlife Wonders</li> <li>▪ Historic Navigation Beacon</li> <li>▪ Youth Engagement Services</li> <li>▪ Public Toilet Strategy</li> </ul>	
4:24pm	Meeting closed	



## Informal Meeting of Councillors Record

### Council Meeting Preparation

**Date:** 27 October 2021

**Time:** 2:00pm

**Meeting Location:** By videoconference

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal McLean
<b>Attendees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal McLean, Tamzin McLennan, Peter Macdonald, Nicole Frampton, Madeleine Bisits, Paul Carmichael, Doug McNeill, Ravi Ayyagari, Bláithín Butler, Amanda Barber, James Myatt, Frank Castles
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 2:03pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Council Meeting Preparation 27 October 2021		
Time	Item	Attendees
2:03pm – 3:30pm	Council Meeting preparation	Tamzin McLennan Peter Macdonald Nicole Frampton Madeleine Bisits Paul Carmichael Doug McNeill Ravi Ayyagari Bláithín Butler Amanda Barber James Myatt Frank Castles
3:30pm	Meeting closed	



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 3 November 2021

**Time:** 11:15am

**Meeting Location:** Meeting Rooms 1 and 2 COPACC, and by videoconference

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
<b>Attendees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Bernadette McGovan, Bláithín Butler, Doug McNeill, Nicole Frampton, Paula Gardiner, Belinda Rocka, Paula Gardiner, Paul Carmichael, Amanda Barber, Simon Clarke, Sally Conway
<b>External attendees:</b>
Associate - Tract Consulting Director - Tract Consulting
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 11:19am

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



<b>Councillor Briefing 3 November 2021</b>		
<b>Time</b>	<b>Item</b>	<b>Attendees</b>
11:19am – 11:46am	PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers	Bernadette McGovan Bláithín Butler Doug McNeill
11:46am – 12:25pm	LRCI Phase 3 Funding Proposed Projects	Nicole Frampton
12:25pm – 12:27pm	Councillor update from Committee Meetings	Belinda Rocka
12:27pm – 12:53pm	Break	
12:53pm – 12:59pm	Contract 2128 - Construct Only - King Track Bridge over Gellibrand River, Chapple Vale	Paula Gardiner
12:59pm – 1:08pm	Bruce Street Land Sale: Consideration of s223 Submissions	Paula Gardiner Doug McNeill
1:08pm – 1:18pm	Council Meeting and Planning Committee Dates 2022	Marlo Emmitt
1:18pm – 1:26pm	Break	
1:26pm – 2:05pm	2022 - 2025 Rating Strategy - Economic Profile	Paul Carmichael Amanda Barber
2:05pm – 3:05pm	Draft Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan Cr McCracken left the meeting at 2:36pm; returned at 2:43pm.	Associate - Tract Consulting Director - Tract Consulting  Doug McNeill Simon Clarke Sally Conway
3:05pm – 3:15pm	Break	





Councillor Briefing 3 November 2021		
Time	Item	Attendees
3:15pm – 3:28pm	General Business <ul style="list-style-type: none"> <li>▪ Entrance signs</li> <li>▪ Lavers Hill speed signs</li> <li>▪ Lavers Hill power and Telstra phone tower</li> <li>▪ Storm damage</li> <li>▪ Shared paths</li> </ul> Cr Bell attended the meeting at 3:27pm.	
3:28pm – 3:58pm	Special Council meeting discussion	Anne Howard
3:58pm	Meeting closed	



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 10 November 2021

**Time:** 11:15am

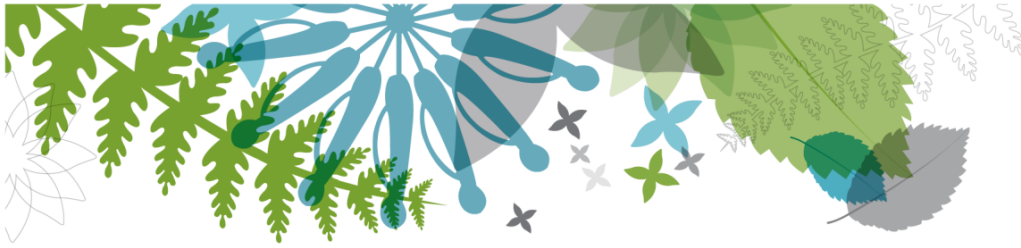
**Meeting Location:** Meeting Rooms a and 2, COPACC and by videoconference

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Simon Clarke, Doug McNeill, Tim Brain (by videoconference), Paula Gardiner (by videoconference), Frank Castles
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Cr Jamie Bell
<b>Absent:</b>
Nil

**Meeting Commenced at:** 11:42am

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



<b>Councillor Briefing 10 November 2021</b>		
<b>Time</b>	<b>Item</b>	<b>Attendees</b>
11:42am – 11:54am	Colac West Development Plan Submissions  Cr McCracken attended the meeting at 11.46am.	Simon Clarke Doug McNeill Tim Brain Paula Gardiner
11:54am – 12:01pm	General Business: <ul style="list-style-type: none"> <li>▪ LRCI funding priorities</li> <li>▪ Landline reliability in Gellibrand</li> </ul>	
12:01pm – 12:41pm	Break	
12:41pm – 12:49pm	Contract 2114 – Apollo Bay Harbour Redevelopment – Fisherman’s Co-operative Building – Architectural Design Services  Cr Potter attended the meeting at 12:43pm.	Frank Castles
12:49pm	Meeting closed	



## Informal Meeting of Councillors Record

### Planning Committee Meeting Preparation

**Date:** 10 November 2021

**Time:** 1:00pm

**Meeting Location:** Meeting Room 1 and 2, COPACC and by videoconference

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal Redford
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal Redford, Doug McNeill, Bláithín Butler, Bernadette McGovern (by videoconference)
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Cr Jamie Bell
<b>Absent:</b>
Nil

**Meeting Commenced at:** 1:03pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Cr Graham Costin	General Conflict of Interest	Item 8.2 PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers	General conflict. I received a disclosable gift from Apollo Bay Chamber of Commerce who has made a submission in relation to this item.



Planning Committee Meeting Preparation 10 November 2021		
Time	Item	Attendees
1:03pm – 1:53pm	<p>Planning Committee meeting preparation</p> <p>Having declared a conflict of interest for Item 8.2 PP258/2016-3 – Part 465 &amp; 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers, Cr Costin left the meeting at 1:14pm, prior to discussion taking place on this item. Cr Costin returned to the meeting at 1:53pm, once discussion on this item had concluded.</p>	<p>Doug McNeill Bláithín Butler Bernadette McGovern</p>
1:53pm	Meeting closed	

