



Colac Otway  
SHIRE

**COUNCIL MEETING**

**MINUTES**

**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

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on  
Wednesday 24 November 2021 at 4:00 PM.

## MINUTES

### 1 DECLARATION OF OPENING OF MEETING

#### OPENING PRAYER

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

AMEN

### 2 PRESENT

Cr Kate Hanson (Mayor)  
Cr Graham Costin (Deputy Mayor)  
Cr Jamie Bell  
Cr Stephen Hart  
Cr Joe McCracken  
Cr Chris Potter  
Cr Margaret White

Anne Howard, Chief Executive Officer  
Errol Lawrence, General Manager Corporate Services  
Tony McGann, General Manager Environment and Infrastructure  
Ian Seuren, General Manager Development and Community Services  
Marlo Emmitt, Manager Governance and Communications  
Lyndal McLean, Governance Coordinator  
Kristy Cochrane, Project Delivery Coordinator  
Melanie Duvé, Corporate Planning and Reporting Officer  
Madeleine Bisits, Manager Assets and Project Delivery  
James Myatt, Manager Economy and Business Enterprises (by videoconference)  
Doug McNeill, Manager Planning, Building and Health  
Bláithín Butler, Coordinator Statutory Planning  
Dani Wright, Communications Coordinator  
Sarah Osborne, Communications Officer  
Dora Novak, Acting Manager Environment and Community Safety (by videoconference)  
Mark McLennan, Strategic Property Coordinator (by videoconference)  
Peter Macdonald, Strategic Engagement Coordinator

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

Nil

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

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

#### **RECORDING AND PUBLICATION OF MEETINGS**

Please note: All Council and Committee meetings are live streamed and recorded (where it is practicably possible to do so), and the meeting location has the required equipment and internet capability. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be live streamed or recorded.

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.

### **5 QUESTION TIME**

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

#### **QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING**

**Jason Schram, Colac**

- 1. Why are questions in writing and the answers not given to Councillors prior to the meeting so that our representatives, the Councillors, can fact check answers or ask questions of officers in relation to the answers given and to at least make sure that the answers given remotely relate to the questions asked?**

***Response from Manager Governance and Communications***

Councillors are provided with the responses to questions in writing in advance of meetings.



Relating to Item 10.5 Sale of Bruce St consideration of submissions.

2. In point 2 of the recommendation it states, "Council Acknowledges and notes the verbal comments made in support of written submissions at the Submissions Committee meeting held on 1 September 2021".

Nowhere in this agenda report does it make mention of the verbal submissions or any of the issues or points raised in it. Why have the verbal parts of the submissions not been addressed and omitted from this report?

*Response from General Manager, Development and Community Services*

In the report to Council, a response to the relevant issues identified in both written and verbal submissions has been provided. Council have heard submissions which will inform their decision making.

- 3 How can council sell the land prior to the environmental cut off wall being built?

*Response from General Manager, Development and Community Services*

Council is not obliged to construct the 'cut-off wall' or other protective measures prior to selling the land. However, these protective measures are required to be implemented before residential development of the land.

4. If the cut off wall is to be built by Council would it not then have to get a new valuation of the site after this wall is constructed?

*Response from General Manager, Development and Community Services*

The valuation of the land has considered the impact of the 'cut off wall' being constructed.

5. If council is to retain ownership of the section of Cut off wall land and have it subdivided off from the residential land to be sold would it make the advertised sale of land the wrong size and also the valuation incorrect as the actual land would be smaller?

*Response from General Manager, Development and Community Services*

This was clearly communicated in the Expression of Interest documentation with prospective purchasers having knowledge of this. The size of the land and valuation of the property are both accurate.

6. If the sale of the land is not finalised until the cut off wall is built how will council pay for it, what will it cost to build and if it takes longer than 6 months to complete would council then need a new valuation on the land? As per the local government act states that a valuation must be current within six months.

*Response from General Manager, Development and Community Services*

Council is yet to determine if it will construct the 'cut off wall' itself. The cost of the construction is yet to be determined. If Council did determine to construct the 'cut off wall' itself, the intention is to pay for the construction through proceeds of the sale of the land. Council would still need to determine though how it cash flowed the project. Council would only proceed with construction of the wall if it was to be accompanied by a sale of the site that recovers the cost. A valuation is required to be obtained within six months of sale of land.

7. The sale of land by councils is usually done to generate other income other than rates. If council breaks even or makes no money from this sale wouldn't this parcel of land be more value as public open space or recreation?

And how would you know the answer to this without presenting costs to the public or preferred outcomes or doing any form of community consultation to gauge the expectations of the community in relation to the future of this site?

*Response from General Manager, Development and Community Services*

The sale of Council owned land is typically done to dispose of assets that aren't required to provide a service to its community. The land is zoned General Residential and appropriate for residential development. Having available residential land available will provide a range of benefits to Council and our community.

Council continues to work through the costs and potential revenue from the proposed sale of the land. The report in today's Council meeting agenda is to establish whether Council intends to sell the land. The method of sale and financial outcome sought from this sale would be confirmed by Council through later resolutions once other processes are finalised.

Luke Hume, Apollo Bay

Regarding PP258 2016-3 Agenda item 10.1

1. Is the Council aware that the original requested trading hours of 9am to 5pm was considered by the neighbours to be friendly and in-keeping with the tranquillity that we share living in this Rural Conservation Zone?

Is the Council also aware that extended hours before and beyond 9-5 pm for a licensed restaurant unrelated to conservation and detrimental to the Rural Conservation Zone would not have received neighbours approval ?

*Response from General Manager, Development and Community Services*

The concerns of objectors about the potential impact of the application on their amenity will be considered by Councillors at tonight's meeting. Councillors have received copies of all submissions to the application, and have heard verbal presentations from objectors at the Planning Committee on 10 November 2021.

2. Does the Council think that allowing by a licensed restaurant, soliciting walk in custom that is not 'ancillary' to the primary activity, that this would set a precedent that would lead to the demise of the Rural conservation zone and negatively affect the lives of it's residents.

*Response from General Manager, Development and Community Services*

The application must be considered on its planning merits, and does not in itself represent a precedent for other applications in the Rural Conservation Zone. Council will consider all of the issues raised by residents when making a decision on the application.

3. If this permit is approved, and the actual noise and light pollution is found to be unacceptable, what is planned to be done to resolve this?

*Response from General Manager, Development and Community Services*

If approved, the amended permit would contain a number of conditions that seek to address



potential amenity impacts. Council Planning Compliance staff would investigate any concerns of residents and seek to address these where possible to the extent that is reasonable within these conditions.

4. **This change of use and operating hours is being introduced to combat the effects of no international visitors due to Covid 19. Once international travel is restored, do the owners plan to revert back to the original use and operating hours?**

***Response from General Manager, Development and Community Services***

The applicant has sought the amendment to the permit without any limit on the time frame for an approval. Council must assess the proposal on the basis that it is a permanent change to the permit.

5. **I see that Wildlife Wonders has just been named in National Geographic's top 25 places on earth to visit in 2022. This is a remarkable achievement, and, having supported this project from the start, I am happy for the team. I must reiterate that my only concern with Wildlife Wonders is the changes new planning permit will bring, and not what the existing business operations are.**

This announcement will ensure the park gets a boost in daytime visitors, something it truly needs to remain open. Referring to the attached groundswell of support on social media - it is apparent that plenty of people intend to visit the park.

The permit application has been made to address the effects to business that the pandemic has had, by allowing increased opening hours and opening up another revenue stream with the restaurant.

Given this announcement, and the fact that international travel is set to return shortly, is this planning application now redundant, and if not, why not?

***Response from General Manager, Development and Community Services***

Council is required to consider any application submitted on its merits and only applicants can decide if they no longer wish to pursue a proposal. A decision must be taken on the current application on its planning merits, notwithstanding the change to international travel.

**Alan Nicholls, Apollo Bay**

**Re PP258 2016-3 Agenda item 10.1**

1. **The Planning report written in June 2021 refers to economic climate affected by COVID being central to the change of use application, and for the alternative income stream of a licensed restaurant. Where in the Colac Otway Planning Scheme does it state to support changes in land use due to COVID impacts?**

***Response from General Manager, Development and Community Services***

Whilst the loss of trade from international visitors arising from COVID has been identified as a reason for seeking changes to the permit, Council can only consider the planning merits of the application against the relevant provisions of the planning scheme and planning legislation.

2. **Is the Council aware that local residents and neighbours 'agreed' as part of the original planning permit to operating hours of 9am -5pm, and now an extension is sought from 6am-9am. Does**



Council understand why locals and neighbours feel that they have been totally betrayed and that trust has been abused?

*Response from General Manager, Development and Community Services*

The concerns of objectors concerning the proposal are well understood. Council will consider these concerns when it considers this item at tonight's meeting.

3. Does the Council have any insight into why the original application states operating hours of 9am until 5pm, with dawn and dusk walks unmentioned?

*Response from General Manager, Development and Community Services*

It is common for businesses to evolve over time in the way that they choose to operate. The applicant has sought approval for this change, and Council is obliged to consider its appropriateness on its merits, including the concerns of objectors.

4. Is Council aware that the original plan shows the café situated on the southern elevation of building and therefore any noise emanating from the terrace of the café would have been partially buffered by the building. The café terrace was also situated inside of the line of the predator proof fencing so suggesting it's activities were for the benefit of paying guests. Now we are faced with a restaurant on the Northern elevation of the building, in visual and audible range my house and front garden and that the restaurant is to solicit trade unrelated to conservation or nature walking experiences. Does Council fully understand the level of dismay and disappointment within the group of neighbours and some local residents that we feel betrayed and let down by the Applicant and the planning process system?

*Response from General Manager, Development and Community Services*

The amendment application seeks planning permission for those changes, including the proposed licenced restaurant being open to the public. Any applicant can apply to amend a proposal after a permit has been issued, and Council is required to assess any such changes on their planning merits.

5. The Planning Report submitted by Applicant states the need for an alternative income stream. As there are at least 9 vacant shops and blocks in the township and the desire is now to have a restaurant, wouldn't the Applicant be better advised to make use of one of those sites within the commercial zone and not further disturb the wild life and residents of the Rural Conservation Zone?

*Response from General Manager, Development and Community Services*

Council must assess and determine the submitted application on its planning merits.

David Hume, Apollo Bay

1. Does Council consider that a fully licenced restaurant operating dawn till dusk in conjunction with a nature walk experience is a conflict of land uses?

*Response from General Manager, Development and Community Services*

Officers have recommended support for the application. Council will consider objectors' concerns when it makes a decision on the application.

2. Is Council aware that the existing café is operating independently and not ancillary to the nature walk experience as the permit stipulates?

*Response from General Manager, Development and Community Services*

Council has not been aware of any breach of the issued planning permit and has not received any complaints that would have led to the matter being investigated.

3. What is the correlation between an interpretive wild life centre and an alcohol licence?

*Response from General Manager, Development and Community Services*

Licences to serve alcohol are granted to a range of land uses, as evidenced elsewhere in the Shire and balance of Victoria. Council is obliged to consider the appropriateness of this use under the current amendment application.

**Michelle Hayat, Apollo Bay**

1. As Wildlife Wonders has not been trading previously during the intense holiday period of Christmas through January, does the Council think that it would be appropriate and prudent for all to witness how trading within the existing "permitted use" actually develops before any amendment is considered?

*Response from General Manager, Development and Community Services*

As with any application submitted, Council is required to consider the acceptability of the proposal on its merits. Council cannot delay decisions on planning applications in the manner suggested and the applicant would have the option of taking the matter to VCAT on the basis of Council's failure to determine the matter if it did so.

**Jeff Cooke, Colac**

1. Are Councillors confident that there is sufficient staffing (in number and expertise) in the Environment and Sustainability Department to complete the Climate Change Action Plan by June 2022?

The General Manager of Environment and Infrastructure responded in the affirmative.

2. Given Council's legislated responsibility to ensure engagement with the community, what process will Council use to engage community members, particularly those with specific knowledge and expertise, in writing the Climate Change Action Plan?

*Response from General Manager, Environment and Infrastructure*

Council has recently undertaken extensive community consultation in preparation of the Community Vision 2050 and the Council Plan 2021-2025 which showed strong support from the community for environmental protection, environmental sustainability and climate change action that is within the remit of Council as well as supporting our community to take action. The Climate Action Team also recently presented to and briefed Council about their detailed report titled 'A call for action for a Biodiversity and Climate Action Plan for the Colac Otway Shire' which will also help inform the development of the Colac Otway Shire Climate Change Action Plan. Once a draft plan is prepared by council officers early next year Council will seek feedback on the draft plan via public consultation from the community, relevant public and government organisations



and agencies and other stakeholders in accordance with Council's Community Engagement Policy.

3. Is Council aware that the Climate and Biodiversity Action Committee or Taskforce, as suggested by the Climate Action Team, is based on the community led Climate Emergency Response Plan of the Borough of Queenscliffe which has recently won the Climate Council's Cities Power Partnership Climate Award and is easily adaptable to Colac Otway Shire?

*Response from General Manager, Environment and Infrastructure*

Thank you for bringing the Borough of Queenscliffe's approach to developing their Climate Emergency Response Plan to council's attention. With the wealth of resources and examples available to council from other local governments, government agencies, scientists and the information provided to council by community groups such as the Climate Action Team Council feels confident that the Climate Change Action Plan can be developed by Council staff without the need for a similar taskforce or committee.

**QUESTIONS RECEIVED VERBALLY AT THE MEETING**

**Bob Knowles, Apollo Bay**

I'm just here as a neighbour and not as the President of the [Apollo Bay] Chamber of Commerce and we're neighbours of Wildlife Wonders. Our property fronts the Great Ocean Road and it used to drive me crazy when people stopped on the side of the road to take pictures. It's particularly annoying when the surfers pull up at the surf point and park their cars everywhere, and it's particularly annoying when people stop at the sign just up from Wildlife Wonders that says 'The Great Ocean Road's Most Southerly Point' and take selfies there as well. Needless to say these activities don't have opening hours; they happen all the time. This stuff used to annoy me until someone from the Great Ocean Road Tourism Group pointed out that the Great Ocean Road itself is not a thoroughfare, it's not a means: it is a destination - all of it.

But when people stop at Wildlife Wonders they're not on the roadside or taking a photo; they're pulled off the road into the car park that's discreetly located. And when they go to Wildlife Wonders they're behind a purpose-built mound. So my questions for Council are:

1. As you consider the overwhelming community support and the incredible economic and environmental value of this not-for-profit enterprise are you going to deny visitors the same glass of champagne that balloon tourists enjoy elsewhere in the state, and visitors to wineries obviously?
2. Are you going to prevent quiet guided groups of people from visiting at times when there are actually wildlife wonders to see? Because in the middle of the day they're all asleep.
3. And are you going to imagine that loud music and debauchery will be permitted in a precinct established for the nurturing and protection of some of the most vulnerable species?
4. Are you going to let the unproven concerns of a few cripple the experience for the very, very many?

*Response from the Mayor*

I'll probably just answer those questions in that the decision on Wildlife Wonders amendment to their Planning Permit is subject of a decision at Council tonight. So we'll have to wait for that decision of Councillors. Thank you.



Jason Schram, Colac

1. This is relating to item 10.10 on the Agenda: considering Council has recognised that a series of project and contractual governance failings contributed to the circumstances that it finds itself in - it's blowing a million dollars of ratepayer's money - has the staff member or members responsible for Procurement, Finance and Governance been held accountable for blowing a million dollars of ratepayer money, or have they been terminated as would be the minimum expectation of this community, or has the matter been referred to IBAC or the Municipal Inspector for an outside investigation?

*Response from the Chief Executive Officer*

Thank you, Mr Schram, for your question and you know completely understandable that this is a matter that would raise considerable concern for you and members in the community - we're very aware of that. The matter has been looked at before my arrival here and a range of actions have been taken. The ones that you're specifically referring to would really be HR matters that I'm not about to discuss in this forum but the Councillors have certainly been raising this issue with me and I have given a commitment to undertake a further review to make sure that all of the possible learnings can be identified, all of the corrective actions to avoid this in the future can be implemented and to just give that reassurance to Councillors - which is appropriate - that I believe all that all action that should be taken was taken. That's a matter that I'm still working through with the Councillors and there will be discussions about that with the Councillors. I expect they'll also be further information to the public about what we have learned and what we're putting in place but I'm not going to discuss HR matters specifically here.

2. In the recent financial plan adopted by the Council it states that Council finds itself in a possible financial cash shortage in years to come. A reason given by officers in that report was due to past Council decisions not to slug the rate payers at the full cap. Would Council consider an amendment to the 10-year plan to state that financial mismanagement and not presenting all the facts to Councillors to make informed decisions by Council officers has led to Council finding itself in a possible cash shortage in future years using the one million dollars of rate payout money blown on one project, the two-way radio, as an example?

*Response from the Chief Executive Officer*

Thank you Mr Schram. I will take on notice your specific reference to the financial plan because I don't recall that wording being in there but you may have read it more recently than me. I think what you're highlighting is the need for Council to have a look at all of our operations not just revenue and rate capping but actually having a look at all of our operations to make sure that we are using every dollar of Council's and the rate payer's money effectively and that includes good governance around project and contract management and there is a commitment to do that. It's something that, again, the Councillors have been very clear around that expectation with the new CEO and I take that on board. So there will be a focus on project and contract governance as well.

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

Nil

## 7 PETITIONS / JOINT LETTERS

Nil

## 8 DECLARATIONS OF INTEREST

Cr Graham Costin	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
Nature of Disclosure	General conflict of interest
Nature of interest	I received a disclosable gift in the form of an election campaign donation from the Apollo Bay Chamber of Commerce, which made a submission in relation to this item.

## 9 CONFIRMATION OF MINUTES

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

### **RESOLUTION**

***MOVED Cr Stephen Hart, SECONDED Cr Chris Potter***

***That Council confirm the minutes of the:***

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

**CARRIED 7 : 0**

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.		
<b>CULTURAL HERITAGE</b>	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.		
<b>OFFICER</b>	Bernadette McGovan	<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services		



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**

**ATTACHMENTS**

1. Application Documents [10.1.1 - 64 pages]

Cr Graham Costin	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
Nature of Disclosure	General conflict of interest
Nature of interest	I received a disclosable gift in the form of an election campaign donation from the Apollo Bay Chamber of Commerce, which made a submission in relation to this item.

Cr Graham Costin declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 4.31pm prior to discussion taking place.

**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, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*
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>
5/3/19	<ul style="list-style-type: none"> <li>• Site description amended</li> <li>• Preamble amended</li> <li>• Condition 9 – typographical error corrected</li> <li>• Condition 10 inserted and subsequent conditions re-numbered</li> <li>• Condition 11 (original condition 10) amended</li> <li>• Condition 33 (original condition 32) updated</li> <li>• Conditions 34 and 35 amended (original conditions 33, 34 and 35)</li> <li>• Conditions 36 - 40 inserted and subsequent conditions renumbered</li> <li>• Condition 44 (former condition 39) updated and condition 45 (former condition 40) amended</li> <li>• Condition 46 (former condition 41) deleted</li> <li>• Conditions 57, 58 and 59 inserted</li> <li>• Expiry condition (previously 52) renumbered</li> <li>• Note 6 amended</li> <li>• Note 7 deleted</li> <li>• Notes 8, 9 and 10 inserted</li> </ul>	Colac Otway Shire
5/12/19	<p>Correction of errors under Section 71 of the Planning and Environment Act 1987:</p> <ul style="list-style-type: none"> <li>• Deletion of 'condition 34' in condition 36 and replacing with 'condition 35'</li> </ul>	
25/11/21	<ul style="list-style-type: none"> <li>• Preamble amended</li> <li>• Amended plans endorsed</li> <li>• Conditions 2, 5, 6, 7, 8, 9, 22 and 23 amended</li> <li>• Notes 11, 12 and 13 added</li> </ul>	



## MOTION

*MOVED Cr Margaret White, SECONDED Cr Chris Potter*

*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 170 visitors/patrons may be present on the land at any time. Visitor/patron numbers are further limited at specified times as follows:*
  - a) *6am to 7am – a maximum of 20 visitors/patrons, in accordance with condition 6 of this permit.*
  - b) *7am to 9am – a maximum of 120 visitors/patrons at any one time.*
  - c) *5pm to 9pm in June, July and August (excluding Friday and Saturday nights, and public holidays) – a maximum of 80 visitors/patrons at any one 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 and 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 and Licensed Hours*

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 midday and 7pm.*
  - d) *outdoor dining must cease at 7pm AEST.*
  - e) *deliveries by truck to the premises must only occur between the hours of 8am and 6pm.*
  - f) *the sale of liquor is only permitted during the following hours:*
    - *7am to 8.15pm, Monday to Saturday (excluding ANZAC Day and Good Friday)*
    - *10am to 8.15pm on Sunday*
    - *Noon to 8.15pm, ANZAC Day and Good Friday*
    - *A 30-minute grace period is allowed for customers to finish the drinks they have already purchased.*

*The sale and consumption of liquor prior to midday is limited to patrons in a guided tour group.*

*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 and licensed premises 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).*

*An acoustic assessment by an appropriately qualified acoustic consultant must be undertaken within three (3) months of the commencement of use of the licensed restaurant and the change to patron numbers and hours, to audit compliance with the conditions of this permit and EPA Noise Protocols and Guidelines, to the satisfaction of the Responsible Authority. A report based on the findings of that assessment must be submitted to the Responsible Authority no later than two (2) months after the assessment is undertaken and, in the event of non-compliance, the report must make recommendations to address the areas of non-compliance. Those recommendations must be implemented to the satisfaction of the Responsible Authority within one (1) month of the date of the submission of the report, unless an alternative timeframe is agreed in writing by the Responsible Authority, with a follow up report to be submitted following the implementation of the recommendations to demonstrate compliance with conditions.*

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):*

#### *Site plan;*

- a) Site description;*
- b) List of the objectives for the property;*
- c) A description of native plant and animals on site and in the area;*
- d) A description of the site outside the native vegetation areas;*
- e) Bushfire Management;*
- f) Identification of Land Management Issues;*



- g) *Goal setting and specification of actions and implementation and monitoring of the identified actions.*
- h) *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, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*
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.*
3. *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.*
4. *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.*
5. *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.*
6. *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.*
7. *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.*
8. *Deleted.*
9. *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.*



10. *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.*

11. 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.*

12. 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.*

13. *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.*

14. *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>
5/3/19	<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>	Colac Otway Shire
5/12/19	<p><i>Correction of errors under Section 71 of the Planning and Environment Act 1987:</i></p> <ul style="list-style-type: none"> <li>• <i>Deletion of ‘condition 34’ in condition 36 and replacing with ‘condition 35’</i></li> </ul>	
10/11/21	<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>	

**CARRIED 5 : 1**

Cr Graham Costin returned to the meeting at 5.04pm after the vote was taken.



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.

## RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Chris Potter*

*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.*

**CARRIED 7 : 0**

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.

### 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.*

### RESOLUTION

*MOVED Cr Graham Costin, SECONDED Cr Stephen Hart*

*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.*
3. *Adopts the Environmental Sustainability Framework with the following additions:*



- a. *That in the Greenhouse Gas Reduction column, in the row marked Strategic Path, that the words "Climate Change Action Plan" be added.*
- b. *That the existing second bullet point in that section be corrected to "Colac Otway Carbon Neutral Roadmap".*

**CARRIED 7 : 0**

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.

## RESOLUTION

*MOVED Cr Margaret White, SECONDED Cr Joe McCracken*

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

*CARRIED 7 : 0*

The meeting adjourned for a short break at 5.28pm.

The meeting resumed at 5.41pm.



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)

### 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.*

### RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Chris Potter*

*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 subject to conditions to the satisfaction of Council.*

4. *Will determine the details of sale, including purchase and conditions, at a future meeting of Council.*

**CARRIED 7 : 0**

Item: 10.6

## Key Worker Seasonal Housing - Local Law Exemption

OFFICER	James Myatt
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. Draft Temporary Worker Accommodation Permit - PDF [10.6.1 - 2 pages]
PURPOSE	To consider use of General Local Law No 2, Part 4, Section 55-57 to facilitate temporary worker housing.

## 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.*



## RESOLUTION

*MOVED Cr Graham Costin, SECONDED Cr Chris Potter*

*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.*
- 8. Notes that advice on acceptable sites can be provided to businesses prior to submission of a permit application to give businesses site feedback prior to advertising job vacancies.*
- 9. Reviews the effectiveness of the permit system in supporting businesses through key worker housing accommodation by June 2022.*

**CARRIED 7 : 0**

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.

### 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.*

## MOTION

*MOVED Cr Joe McCracken, SECONDED Cr Stephen Hart*

*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 \$235,000 inclusive of a \$10,000 allowance for a water play area.*
- 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 \$13,750 per year.*

*LOST 2 : 5*

## RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Margaret White*

*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.*

*CARRIED 6 : 1*



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

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Jamie Bell*

*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.*

**CARRIED 7 : 0**

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.

## 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.*

## RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Chris Potter*

*That Council:*

- 1.1 *Awards Contract 2119 - Road Reconstruction McLachlan Street, Apollo Bay to R Slater & Sons Pty Ltd for the tendered price of \$637,710 (ex GST).*
- 1.2 *Authorises the Chief Executive Officer to execute the contracts for Contract 2119 - Road Reconstruction McLachlan Street, Apollo Bay.*
- 1.3 *Authorises the Chief Executive Officer to perform all roles of the Principal for Contract 2119 - Road Reconstruction McLachlan Street, Apollo Bay.*
- 1.4 *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.*
- 1.5 *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.*
  
- 2.1 *Awards Contract 2124 - Road Reconstruction Stewart Street, Colac to Draper's Civil Contracting Pty Ltd for the tendered price of \$409,065 (ex GST).*
- 2.2 *Authorises the Chief Executive Officer to execute the contracts for Contract 2124 - Road Reconstruction Stewart Street, Colac.*
- 2.3 *Authorises the Chief Executive to perform all roles of the Principal for Contract 2124 - Road Reconstruction Stewart Street, Colac.*
- 2.4 *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.*
- 2.5 *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.*
  
- 3.1 *Awards Contract 2200 - Road Reconstruction Strachan Street, Birregurra to Blue Civil & Construction Pty Ltd for the tendered price of \$644,508 (ex GST).*
- 3.2 *Authorises the Chief Executive Officer to execute the contracts for Contract 2200 - Road Reconstruction Strachan Street, Birregurra.*
- 3.3 *Authorises the Chief Executive Officer to perform all roles of the Principal Contract 2200 - Road Reconstruction Strachan Street, Birregurra.*

- 3.4 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.*
- 3.5 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.*
- 4.1 Awards Contract 2203 - Road Reconstruction Forest Street, Colac to R. Slater & Sons Pty Ltd for the tendered price of \$814,125 (ex GST).*
- 4.2 Authorises the Chief Executive Officer to execute the contracts Contract 2203 - Road Reconstruction Forest Street, Colac.*
- 4.3 Authorises the Chief Executive Officer to perform all roles of the Principal for Contract 2203 - Road Reconstruction Forest Street, Colac.*
- 4.4 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.*
- 4.5 Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.*

**CARRIED 7 : 0**

The meeting adjourned for a short break at 6.45pm.

The meeting resumed at 6.53pm.

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.

### RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken*

*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.*

**CARRIED 7 : 0**



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 [10.11.1 - 7 pages]</li><li>2. 2.7 Social Media Policy [10.11.2 - 7 pages]</li></ol>
<b>PURPOSE</b>	For Council to adopt the updated Communications Policy, following community consultation.

## RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Graham Costin*

*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).*

*CARRIED 7 : 0*

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.

## RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Margaret White*

*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.*

**CARRIED 7 : 0**

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 [10.13.1 - 11 pages]</li><li>2. Table of changes to Governance Rules [10.13.2 - 4 pages]</li><li>3. Marked up changes to Governance Rules [10.13.3 - 46 pages]</li></ol>
<b>PURPOSE</b>	To approve the revised Public Transparency Policy and Governance Rules for the purpose of public consultation.

## RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Chris Potter*

*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.*

**CARRIED 7 : 0**



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.

## RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Margaret White*

*That Council:*

- Endorses the schedule of Councillor appointments to committees and external organisations as outlined below:*

Committee name	Councillor Representative/s
<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

<b>Committee name</b>	<b>Councillor Representative/s</b>
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
G21 Pillar Membership – Sports and Recreation	Cr Chris Potter
G21 Pillar Membership – Transportation	Cr Jamie Bell

2. *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.*
3. *Endorses the Chief Executive Officer as Council's representative on the board of Great Ocean Road Regional Tourism Ltd. (GORRT).*

**CARRIED 7 : 0**

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.

## RECOMMENDATION

*That Council:*

- Approves the schedule of Council and Planning Committee meetings for 2022 as detailed below:*

February 2022		
Planning Committee	Wednesday, 9 February	2pm
Council	Wednesday, 23 February	4pm
March 2022		
Planning Committee	Wednesday 9 March	2pm
Council	Wednesday 23 March	4pm
April 2022		
Planning Committee	Wednesday 13 April	2pm
Council	Wednesday 27 April	4pm
May 2022		
Planning Committee	Wednesday 11 May	2pm
Council	Wednesday 25 May	4pm
June 2022		
Planning Committee	Wednesday 8 June	2pm
Council	Wednesday 22 June	4pm
July 2022		
Planning Committee	Wednesday 13 July	2pm
Council	Wednesday 27 July	4pm
August 2022		



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

2. *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.*

## RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Jamie Bell*

*That Council:*

1. *Approves the schedule of Council and Planning Committee meetings for 2022 as detailed below:*

<b>February 2022</b>		
Planning Committee	Wednesday, 9 February	4pm
Council	Wednesday, 23 February	4pm
<b>March 2022</b>		
Planning Committee	Wednesday 9 March	4pm
Council	Wednesday 23 March	4pm
<b>April 2022</b>		
Planning Committee	Wednesday 13 April	4pm
Council	Wednesday 27 April	4pm
<b>May 2022</b>		
Planning Committee	Wednesday 11 May	4pm
Council	Wednesday 25 May	4pm
<b>June 2022</b>		
Planning Committee	Wednesday 8 June	4pm
Council	Wednesday 22 June	4pm
<b>July 2022</b>		
Planning Committee	Wednesday 13 July	4pm
Council	Wednesday 27 July	4pm
<b>August 2022</b>		
Planning Committee	Wednesday 10 August	4pm
Council	Wednesday 24 August	4pm

<b>September 2022</b>		
Planning Committee	Wednesday 14 September	4pm
Council	Wednesday 28 September	4pm
<b>October 2022</b>		
Planning Committee	Wednesday 12 October	4pm
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	4pm
Council	Wednesday 14 December	4pm

2. *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. *Will take all reasonable steps to hold at least one meeting every six months in Apollo Bay in 2022 at the Apollo Bay Senior Citizens' Centre or other suitable Apollo Bay location.*
4. *Notes that nothing in this resolution prevents meetings being held in locations other than Apollo Bay and Colac.*

**CARRIED 7 : 0**

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 [10.16.1 - 2 pages]</li> <li>2. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20211019 [10.16.2 - 1 page]</li> <li>3. Informal Meeting of Councillors - Councillor Briefing - 20 October 2021 - CB 20211020 [10.16.3 - 3 pages]</li> <li>4. Informal Meeting of Councillors - Council Preparation Meeting - 27 October 2021 CM 20211027 [10.16.4 - 2 pages]</li> <li>5. Informal Meeting of Councillors - Councillor Briefing - 3 November 2021 - CB 20211103 [10.16.5 - 3 pages]</li> <li>6. Informal Meeting of Councillors - Councillor Briefing - 10 November 2021 - CB 20211110 [10.16.6 - 2 pages]</li> <li>7. Informal Meeting of Councillors - Planning Committee Meeting Preparation - 10 November 2021 PCM 2021 [10.16.7 - 2 pages]</li> </ol>
<b>PURPOSE</b>	To report the Informal Meetings of Councillors.

### 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> |

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



*The meeting was declared closed at 7:17pm.*

**CONFIRMED AND SIGNED** at the meeting held on 15 December 2021.

*Cliffenson*

.....**MAYOR**