



Colac Otway
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 28 June 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 26 July 2023



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 28 June 2023

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the *COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on
Wednesday 28 June 2023 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 Chris Potter (Mayor)
Cr Max Arnott
Cr Graham Costin
Cr Tosh-Jake Finnigan
Cr Kate Hanson (by videoconference)
Cr Stephen Hart
Cr Margaret White

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

3 APOLOGIES

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

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

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

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

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

CONDOLENCES

Before we move on I would like to acknowledge Geoffrey Higgins, a former Councillor of Colac and Shire who passed away earlier this month. We send our condolences to Mr Higgins' family. I knew Geoff before I was on Council, but I didn't have the privilege of working with him. I'm wondering Cr Hart as you did some work with Mr Higgins, whether you want to make any comment about his service.

[Cr Hart] I would like to offer my condolences to Geoff Higgins' family and friends. Geoff Higgins was first elected to Council in November 2004 and served as a Councillor until December 2007. He was elected for a second term from November 2008 until October 2012 and I served on Council with him for that second period. I found Cr Higgins to be refreshing in his direct nature and ability to cut through to what was important.

In remembering Cr Higgins, we need to acknowledge what occurred in December 2007 to him, and two other Councillors. Around that time there was a proposal to rezone land on a coastal flood plain near Apollo Bay to allow the construction of houses on what is a recognised coastal flood plain. This re-zone process proceeded, despite the risk to future home owners and the legal risk to Council. Cr Higgins and two other Councillors deprived Council of a quorum by leaving the meeting which was set to approve the re-zoning. This was due to concerns about building houses on the coastal flood plain. As a result they were sacked, quite unfairly, by the Local Government Minister in December 2007. The Councillors, including Cr Higgins, were well supported by the community for their strong actions and re-instated at the 2008 Council election, less than a year later. By then the previous Council had approved the re-zoning and it was with the Planning Minister, awaiting his signature of approval. In 2009 the Planning Minister took what is an unusual, but sensible step of rejecting the re-zoning that had been approved by Council so that the houses could not be built on in the coastal floodplain.

Geoff Higgins, and two other Councillors, were unfairly sacked by the Local Government Minister in December 2007. They were re-instated by the community less than a year later and Geoff Higgins and the other two had their actions vindicated when the Planning Minister stopped the re-zoning. Can you imagine what would have happened if those houses had been built on the coastal floodplain?

A book has been written about this episode. Geoff Higgins and the other two Colac Otway Councillors are duly acknowledged in that book. The book is still available free as an e-book. It is called 'Great Ocean Gulf', by John Spencer who was a resident in the area at that time.

Mr Higgins' family can be proud of the significant contribution he made, especially at that difficult time in this Council's history.

5 QUESTION TIME

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

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

1. Is the Colac Otway Shire Council now so flush with funds to pay for all its known expenses and long-term wants, that it has no need of funds from government sources, so you persist in not flying any flag from the flagpoles at the Rae Street offices multiple times when people are present. Some still remember when Prince Leonard of the declared Hutt River Province tried to take part of Western Australian out of the Australian Nation. If you do not acknowledge Governments by flying their flags, you risk them ignoring the needs of a Municipality. Severance movements have been common in their nation going back almost 170 years to the outcry in the gold fields around Ballarat

Response from General Manager Corporate Services

Council flies the flags in Rae Street on workdays and more recently on days of national significance that might fall on weekends or public holidays.

We have had some issues recently with the mechanisms on the poles that have created some difficulty in inclement weather and so on a few days the flags weren't able to be flown, but this is being addressed.

In addition, the draft Budget for 2023-24 includes a project to install lighting so that the Australian flag can be flown continuously, day and night and through the week without being reliant on staff being rostered outside of normal business hours. This project is subject to adoption of the final budget that will be considered tonight.

2. Will the Colac Otway Shire Council please check with Barwon Water about its future priorities to upgrade water and sewerage services provided to this shire? This is now urgent due to the change of management and other troubles being reported about the city of greater Geelong, plus any delays will have a very big impact on the Colac 2050 growth plan.

Response from General Manager Community and Economy

Council has regular communication with Barwon Water and is confident that its future infrastructure planning appropriately takes into account the needs of our Shire. In addition, Barwon Water has a representative involved with Council in the development of the Deans Creek Precinct Structure Plan in Colac.

3. **Will the Colac Otway Shire Council take action against a commercial map producer that persists in producing maps to promote an area? They are erected at a Council controlled facility, the toilet block at Memorial Square in Colac. They have some facilities at addresses never at or exited this Shire over 15 years ago. This is no way for a town to be promoted when people consult a map then find out facilities do not exist as claimed. Council has had many complaints for years about false maps being put up by these promoters at this site, plus maps get worse every time a new goes up.**

Response from General Manager Community and Economy

The signage at the Memorial Square will be removed as part of the impending redevelopment of the toilets. Furthermore, the provision of tourism signage has been considered in the design of the new Memorial Square toilets.

4. **As a result of the penalty handed down by the Victorian State Government on property owners in the state budget for 2023-2024, on owners of more than one dwelling, will the Colac Otway Shire Council review its requirement that in certain developments, developers must provide sites for development as dwellings for rent? Since the penalty tax to be introduced on extra dwelling owned will cost developers a lot more with major risk this will further inflate rental charges, plus play havoc with those who own holiday homes in the country and the tourism industry.**

Response from General Manager Community and Economy

The Council does not have any policy requiring developers to provide rental properties. Council does have a policy that encourages the establishment of social housing in greenfield residential subdivisions but it is not mandated and so each landowner or developer can consider any taxation implications.

5. **Has the Colac Otway Shire Council done anything except talk and plan to eliminate the risk of Colac being isolated by flooding since the last major floods about one decade ago? We have periods when East Colac had no road access to Colac proper. Plus, the new highway bridge is still as low and Barongarook Creek has a very regular habit of flooding and blocking bridges. Colac has been isolated by road multiple times due to floods. While blockages may have been for a short time each time, in an emergency every second is very important.**

Do not forget all streams with watersheds in the Otways run down to Colac or the coast in very few hours. Extending closer development around Colac is only adding to the risk of more rapid runoff after rain and increased risks of floods. Do not forget large water flows into the Colac area do not run away fast as this area has a very slow slope.

Plus, once in 100 year rain and flood events can happen multiple times in any one year, since one in 100 years only means one chance in one hundred and every year has in excess of 360 days.

Response from General Manager Infrastructure and Operations

Council has undertaken comprehensive flood and stormwater drainage studies in Colac and Birregurra over the last seven years, and planning controls for new development have been updated accordingly. These studies have provided strategic direction to Council to plan for flood events, manage emergencies in partnership with other agencies, and progressively facilitate changes to Council drainage networks to improve their capacity and mitigate future flood events. These studies influence budget decisions and strategic planning for new commercial and industrial areas.

Pam Cuthbertson

1. I have watched our beautiful path (that every one used when COVID hit) deteriorate at “Ross’ Point”, I would like to think that this could be fixed (with rocks and shotcrete), before –

A: The Lake comes right back and work cannot be done to it.

B: It breaks and falls apart.

And the rate payers of Colac have to pay for it again, plus can’t use it. My father was a maintenance person and always said “A stitch in time saves nine!”

Response from General Manager Infrastructure and Operations

Council has received funding to undertake remediation works at the Ross Point footpath and construction works are planned to be undertaken in the summer.

2. We have in Colac, some amazing iconic buildings, e.g. the old Colac Post Office and right next door, is the old Shire Office. My concern is that someone planted two large pine trees, right next to this building; they would be best removed before they damage the footings. I love trees but feel they will do terrible damage if left to grow any bigger.

Response from General Manager Infrastructure and Operations

These trees are on private property and Council does not have any control over the plantings.

Jeff Cooke

The question of electrifying the Blue Water centre has been raised many times at Council, the latest response being that “it would cost millions”. However, the feasibility study conducted by Bridgeford Group in December 2021 presented five options available to Council.

Option 2 would result in emissions savings of 45%, net annual savings of \$15,502 and cost \$534,150.

Option 3 would save 49% of emissions, net annual savings of \$18,832 and cost \$675,780 and the report stated “biggest reduction in gas consumption and hence emissions for the site within current electrical requirements”.

1. Why does Council keep misrepresenting potential emissions savings and costs for the electrification of Blue Water and in the light of the increasing climate crisis why doesn't Council revisit all electrification options?
2. Will Council commit to using funds set aside for carbon offsets to service a loan for the capital works required at Blue Water and thereby spend the offset funds with the Shire?

Response from General Manager Community and Economy

Council made the Bluewater Heat Pump Concept Report public in full for our community to view so there could not be any misrepresentation of the details contained in the report.

As detailed in the report, the cost to fully electrify the Bluewater Leisure Centre would be in excess of three million dollars, which has been previously communicated publically. Whilst the report provides multiple options, these options are not recommended as they aren't considered feasible due to the considerable and extensive payback period. Therefore, any works are recommended to be undertaken when existing infrastructure is at the end of its asset life and due for replacement.

In regards to Council committing funds to undertake the works identified in the report, that is a matter for Councillors to determine when the Climate Change Action Plan is considered in the future.

Maude Berry

It was encouraging to see the Urban Greening is part of the Climate Change Action Plan and that there are some worthwhile actions such as developing Nature Strip Planting Guidelines and speeding up Council's tree planting on road reserves, nature strips and public open spaces.

The targets of increasing the tree canopy cover in urban settlements by 5% by 2030 and 20% by 2040 are welcome, however, there is no indication of what the current baseline level of canopy exists in each of the towns in the Shire.

1. Will Council undertake to remove the \$105 fee required to plant on a nature strip?
2. Will Council commit to the employment of or contracting of a suitably qualified Urban Forester to establish this baseline canopy cover and to assist Council in the development of an Urban Greening program?

Response from Manager Planning and Strategic Focus

At this time, Council is still seeking feedback on the draft climate Change Action Plan. If the target of increasing tree canopy remains in the plan when finally adopted, Council will undertake canopy mapping to determine the baseline for the target, and also consider how it can promote urban greening with the community which may consider whether the removal or reduction of some fees might assist in achieving the target. We are not at this point yet and are sure that Council will consider the issue you have raised in its future discussion.

Marina Lewis

1. Since the Climate Change Action Plan has been delayed by over 12 months and will not affect next financial year's budget, will Council, upon finalising the CCAP, undertake special consideration as to what should be prioritised in the 2023-24 budget to best deal with the climate crisis which Council has acknowledged?

Response from Manager Planning and Strategic Focus

That is a matter Councillors can consider when the final Climate Change Action Plan is considered.

Susan Langridge

Project Drawdown is an internationally recognised plan to reverse global warming. They look for solutions that are readily available for us to use, to reduce GHG emissions. Their number one action out of 100 was to recover, reclaim, recycle and destroy refrigerants at the end of their useful life. Fluorocarbon refrigerants in fridges and air conditioning unit damage the ozone layer and contribute to global warming when the unit is dumped, as it is a 1000 times more potent gas than CO₂.

1. Does the Colac Otway Shire recover refrigerants from fridges and air-conditioning units when they are brought to the transfer station?
2. If so, why isn't this action counted in the Climate Change Action Plan as an action to reduce the Shire's emissions?
3. If not, is this an action Council could consider doing with associated targets, to reduce emissions in a real way?

Response from Manager Planning and Strategic Focus

Thank you for the question. We'll take this on notice and provide you with a detailed reply.

At a broader level, Council encourages all members of the community to be raising issues through the community engagement process for the draft Environment and Sustainability Strategy and Climate Change Action Plan by making written submissions and completing the online survey. Officers will carefully assess all feedback received before identifying potential improvements to these documents for Council consideration.

Prabha Kutty

My questions relate to Council's low ratings in the most recent community satisfaction survey. Specifically in relation to the ratings from Apollo Bay where consultation and engagement, lobbying, and community decisions were highlighted as being below community expectations.

Some Council members may recollect that I had made a submission to Council on a few occasions with a proposal to use technology to network and engage with the community and to empower them as well.

I had also suggested that Apollo Bay surrounds be used to pilot the program so as to assess the relative merits of my proposal.

1. Could you let me know whether that proposal was considered and if not what Council plans to improve our customer satisfaction ratings especially in the Apollo Bay area?

Response from General Manager Corporate Services

Council understands that technology has a role in providing a convenient access for our customers but has not considered in detail any pilot as our focus in 2022-23 was to implement a new Customer Service Request system, which was a major initiative in this current year. We have just completed this technology upgrade and look forward to this improving our responsiveness to many service requests.

We understand that the customer survey results demonstrate that we have work to do with customers across the shire including Apollo Bay and surrounds. The results were only received recently and we are still considering the feedback.

Leigh Barrett

1. Under the Gender Equality Action Plan rules, how will the people we remember on Anzac Day and November 11, who left Australian shores to defend the Australian Way of Life, be described? Up until now they have been known as men, what are they to be described as now? Will it be discriminatory to say that men left our shores to defend woman, children and the vulnerable?

Response from General Manager Corporate Services

The Gender Equality Action Plan relates to Council's workplace and has no relevance to the matters included in your question above.

2. In the Colac Otway Shire Draft Budget 2023-24, numbers of males, females and SAGs, (self-appointed gender) are noted. In the CEO's department, there are eight females, two SAGs and no males. I would have thought, given that ten percent of employees are SAGs, and the rest are approximately 50 percent male and 50 percent female, that the make up would be one SAG, four/five males and four/five females. Would you clarify how the Gender Equality Action Plan is working in this situation, please?

Response from General Manager Corporate Services

The Draft Budget presented vacant positions as "self-appointed gender" because there is no person appointed to those roles and so we cannot report them as male, female or otherwise. We understand that this has been confusing to the reader, and the final budget document presented for adoption presents the roles as 'vacant positions'. We apologise for any concern that this may have caused.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Prabha Kutty

1. Can I ask if the General Manager has had a look at the proposal that I put forward?

Response from General Manager Corporate Services

No we haven't had a look at any specific proposals as yet and as we improve we'll take in all ideas and proposals on how we improve our customer service.

Response from the Mayor

Mr Seuren who's been here longer than Mr Tenni, may wish to add to that.

Response from General Manger Community and Economy

Just to add to that Mr Tenni hasn't yet been with us for twelve months. Your proposal was submitted I think in relation to the Governance Rules at the time?

Three different times.

Response from General Manger Community and Economy

A number of members of the Executive Management Team have had a look at the proposal. So to clarify that we have seen it we have reviewed it, but we haven't been in a position to roll something like that out at this point in time.

I won't waste any more time but if I may talk to you later so that I can assess why, so that I can then come up with something else.

Response from the Mayor

Thank you, that'll be helpful Mr Kutty.

Alan Billing

1. I'm making an assumption. I haven't had the opportunity to see the budget that's presented today, so my comments are reflective of the draft budget.

In the preamble to the draft budget there was much made of the impact of inflation on Council's operations. A three point five increase will add to inflation; when developing the budget did Council have regard for this impact?

Response from Chief Executive Officer

I can say that Council didn't have any detailed or even very much consideration about the impact of Colac Otway Shire Council's Budget on national inflation, no.

2. Council I trust will be aware of the increased demand on welfare services across Colac Otway Shire. In preparing the 2023-24 budget was an assessment done to determine the community's capacity to pay?

Response from Chief Executive Officer

I'm happy to again respond, so thank you Mr Billing. The affordability of the bills that our community face is a consideration that Council I think has put their mind to frequently, Councillors and officers, as the budget has been developed. We haven't done a formal assessment about individual capacity, but as a community we know that affordability of our rates, our bills and all of those that they receive from other agencies, service providers etc. are a challenge for our community. In terms of impact on Health Services etc. you know the State and Federal Governments, but the State Government in particular have also seen some reduction of budget in those areas and that is something that we've been looking at from a regional perspective, rather than necessarily a local perspective, because our community reach out to many providers. So we've looked at that in partnership with others, rather than specifically about Council's budget and our own services alone. So that's the response I can provide.

So the focus in determining the budget has been the issues that Council faces not necessarily the issues that the community face.

Response from Chief Executive Officer

No, I think actually that there's a consideration given to both - what Council needs to provide, the cost of the services that Council provide, the revenue streams available and where we can find alternative revenue to relieve the need to ask our community to pay for that. But there also is a need to make sure those services are sustainable and the budget is framed and based on a three and a half percent average rate increase

Has Council had a close look at its efficiencies and made assessments there?

Response from Chief Executive Officer

Yes. In the number of areas a closer look than others because that's progressive work that we will continue to do. The budget has included a number of savings that are achieved through efficiencies without any impact on customers and we did that last year in our budget, we've done it this year in our budget. We've quantified that to demonstrate the effort that we have made and we have more work to do.

Tony Webber, Otway Forum

1. With the Bruce Street development, is there any social housing provided in the 54 lot subdivision and if not why not?

Response from Manger Planning and Strategic Focus

The land sale agreement with the developer is such that there's a requirement for them to provide three lots of a minimum 500 square metres to Council for social housing. That agreement sits outside the planning permit process so that's why you wouldn't see any reference to it in the permit conditions recommended today.

2. I've asked a question before about Nelson Street in Apollo Bay. It's a major walking area. It has no footpath. With the next budget could that be considered to be part of the budget and funding and maybe not using concrete and try something else?

Response from General Manager Infrastructure and Operations

We can consider that for future works in a future budget or next year's budget if appropriate.

Leigh Barrett

1. My questions that were read out a few minutes ago I submitted in writing for this Council meeting asking that they not be read out, that I receive a prompt response and that they would be included in the minutes. The reason that I made the request was that if they were read out I would not receive a written response, even though it was stored and easily available on Council's computer system. This is Council's new ruling.

I had an email from a Council officer with the answers saying that unless it was read out it would not be included in the minutes. If I want to include it in the minutes it had to be read out, so get in touch which I did. So, I have my answer in writing and the questions and answers read out for the benefit of the public at the Council meeting. So why do we have this absurd situation Mr Mayor? Why don't you and Councillors rescind the motion today under a motion of urgent business? It doesn't need any lengthy discussion, just yes or no.

I mean some of these answers today are quite complex and they belong to groups. You know they want to take them back to their meeting I reckon it would take ten minutes every month for a Council officer to take the PDF and put it in the reply of the email.

Response from the Mayor

Thank you Mr Barrett. Council has discussed that. It is correct for you to have them in the minutes as you requested I did have to read them out. I thought I was doing the right thing.

Catherine Ford

1. Quick question. The Council is making decisions on the basis that there is a climate crisis. What is this particular climate crisis and where is it appearing in our Shire?

Response from the Mayor

I think we made that call on the basis of available science that many of us are aware of, but Mr McNeill might be able to expand a little bit.

Response from Manger Planning and Strategic Focus

Climate change and the challenge of climate change is documented well in a range of national and state strategies and in legislation that requires State and Federal Governments to act to reduce carbon emissions. Local Government also has its obligations in this regard and Council has prepared a Climate Change Action Plan and a Draft Environment Sustainability Strategy that documents how this Council aims to try and respond to those challenges.

Now this Shire it has seen over the last ten years changes in its climate in respect of drier weather, less rainfall and higher bushfire risk conditions. Those are the sorts of impacts that would continue to be evident over the subsequent years, in addition to some of the larger scale impacts such as higher coastal erosion and sea levels. This Shire as well as other places in Australia will continue to see those impacts occurring.

2. I'd like to ask has Council done its own research on the climate change before committing to this Climate action and Environmental plan. I've actually got some data here that shows since 1885 the sea levels haven't really moved a lot. This is from the main weather channel and the hot days, well it shows that the graph hasn't really changed much. I can leave these with you so you can have a look at them if you like. I live on a farm and I can tell you I've been on my farm for 35 years and you might have one hot year here or there, but it's wet. So I don't know where the global warming is coming from and the climate change, because it's wet.

Response from the Mayor

Thanks Catherine. I think you opened with a question at the start, have we done our own independent research is that what you asked?

Yes

Response from Manger Planning and Strategic Focus

Council in producing its current strategies that are available on exhibition has done research into the latest science in terms of climate change.

Barb Alford

1. Thanks for taking my question. At last Council meeting you revoked permission for a Committee of Management at the Barongarook Hall and Tennis Reserve Committee of Management. I would just like to know what public consultation took place on that and who made the decision to revoke that Committee and now that there is no Committee of Management, how do we go about hiring the hall as a Council asset? I assume it still is.

Response from Chief Executive Officer

I think we might take that on notice because I'm just not sure that it I can recall it being Barongarook. I accept that you've read it and come with a question specifically there was definitely a Community Asset Committee revoked recently and if this was Barongarook then this answer will apply. Who revoked it? Council through resolution. Council establishes Community Asset Committees through resolution and it makes appointment of members through resolution. We've recently been through a process in the last twelve months of reaffirming with members were they willing to continue in the role of members because they had a sunset in place. Those who came back, those committees with enough members who came back and said yes we want to stay members, we want to continue to do this work, then those committees have continued. But we did have a committee where we didn't have enough members to make it a viable committee and the remaining members said we just don't have enough for us to make this work.

So at this time Council has therefore revoked that committee and said we'll take carriage of the day-to-day responsibility etc., but we're working closely with the former members to see what the

way forward is. I think that's what I recall of the situation. In terms of consultation, none of this has been done without discussion with those people who we had on our books as registered volunteer committee members. If more members come forward, or potential members come forward then we would be absolutely delighted to work with them and see if that re-establishes a committee. I think it was Barwon Downs that I'm recalling, but I don't recall that being Barongarook. I do recall that was the situation with Barwon Downs and we've had recent meetings with the Barwon Downs people about that.

We'll take it on notice in case it was Barongarook and get back to you.

Thank you for that I know that in past there was community liaison officer or some such and public meetings were called to ascertain community interest in continuing those Committee of Management and I just wondered when that had happened and how we arrived at this and if there is no committee of management in place.

2. **My next question is why is the hall now listed as not available for hire when it is still, I assume, a Council asset?**

We'll take on notice the specifics around Barongarook. We haven't done a broad expression of interest advertised process etc., we've been more just re-establishing with those members that we had already registered and that's where we've started with as we regroup

6 PETITIONS / JOINT LETTERS

Nil

7 DECLARATIONS OF INTEREST

Cr Chris Potter	Item 9.3: Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Bluewater Leisure Centre
Nature of disclosure	Material Conflict of Interest
Nature of interest	General conflict in that I am a member of the Bluewater facility.

Cr Kate Hanson	Item 9.3: Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Bluewater Leisure Centre
Nature of disclosure	Material Conflict of Interest
Nature of interest	I am a member of Bluewater Leisure Centre.

Cr Max Arnott	Item 9.4: Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Community Services, OPASS
Nature of disclosure	Material Conflict of Interest
Nature of interest	Family member receives OPASS services.

Cr Tosh-Jake Finnigan	Item 9.5: Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Health Protection Administration
Nature of disclosure	General Conflict of Interest
Nature of interest	Until last week I was co-owner of Ti-Tree Hotel, Warrion, which would be impacted by any decision in this matter.

Cr Kate Hanson	Item 9.9: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Community Grants
Nature of disclosure	General Conflict of Interest
Nature of interest	I am a member of the Colac Football Netball Club. My children are members of the Colac Basketball Association. My husband is a committee member.

Ian Seuren	Item 9.9: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Community Grants
Nature of disclosure	General Conflict of Interest
Nature of interest	Member of the Colac Football Netball Club and Colac Basketball Association who have applied for grants through the 2023-24 Council Grants Program.

Cr Graham Costin	Item 9.10: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Events Grants
Nature of disclosure	Material Conflict of Interest
Nature of interest	I declare a conflict of interest in relation to items number 21 and 22 as these items have been auspiced by the Apollo Bay Chamber of Commerce who made a disclosable gift towards my election campaign.

Cr Max Arnott	Item 9.10: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Events Grants
Nature of disclosure	General Conflict of Interest
Nature of interest	Board member of Colac Area Health Board.

Cr Tosh-Jake Finnigan	Item 9.10: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Events Grants
Nature of disclosure	General Conflict of Interest
Nature of interest	I was an owner of the Ti-Tree Hotel, Warrion, until last week, which was the site of the Ska Nation festival subject to a grant application.

8 CONFIRMATION OF MINUTES

- Council Meeting held on Wednesday 24 May 2023.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Max Arnott

That Council confirm the minutes of the Council Meeting held on Wednesday 24 May 2023.

CARRIED 7 : 0

Item: 9.1

**Subdivision of land into 54 lots – 36-52 Bruce Street, Colac
(PP254/2022-1)**

ADDRESS AND PROPERTY DETAILS	36-52 Bruce Street, Colac	APPLICATION NUMBER	PP254/2022-1
PROPOSAL	Subdivision of Land into Fifty-Four (54) Lots and Associated Works		
PERMIT TRIGGERS	Clause 32.08 - General Residential 1 Zone (GRZ1) - subdivision of land		
TRIGGER FOR DETERMINATION BY COMMITTEE	Four or more objections received		
ZONE	General Residential 1 Zone (GRZ1)	OVERLAYS	Nil
COVENANTS	Nil		
CULTURAL HERITAGE	Not within an area of cultural heritage sensitivity		
OFFICER	Helen Evans	CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Planning and Strategic Focus		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Title information - Indicates Existing Easements [9.1.1 - 4 pages] 2. Subdivision plans [9.1.2 - 3 pages] 		

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Permit for the staged subdivision of land into fifty-four (54) lots and associated works at 36-52 Bruce Street Colac (Lot A on PS822881, Volume 12142 Folio 486), subject to the following conditions:

Amended Plans

- 1. Prior to certification of the plan of subdivision for stage 1 under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:*
 - a) A plan showing a 'no building' area on that part of any lot that is within 15 metres of the northern site boundary.*
 - b) A plan clearly identifying all land within 50 metres of the northern site boundary.*
 - c) The 1,227m² reserve adjacent to the northern boundary of the subject land identified as Reserve No. 1.*
 - d) The 508m² reserve adjacent to the western boundary of the subject land identified as Reserve No. 2.*
 - e) Removal of reference to lots set aside for affordable housing.*
 - f) Location of monitoring bores either side of the proposed landfill gas mitigation system along the northern boundary of the site as required for Council to meet its obligations to the EPA for monitoring of landfill gas migration, including any increase in width of the road reserve to provide sufficient width for this infrastructure alongside paths, street trees and the like.*

Endorsed Plan

- 2. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.*

Staging of Subdivision

- 3. The subdivision must proceed in order of stages shown on the endorsed plan, unless otherwise agreed in writing by the Responsible Authority.*

Easements

- 4. Prior to the certification of the plan of subdivision for each stage under the Subdivision Act 1988, all easements deemed necessary for that stage to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.*

Functional Layout Plan

- 5. Prior to the certification of the plan of subdivision for stage 1 under the Subdivision Act 1988, a Functional Layout Plan for the entire subdivision must be submitted to and approved by the Responsible Authority. The Functional Layout Plan, which must be drawn to scale with dimensions, must be generally in accordance with the application plans and must include the requisite information listed in Appendix I (Information to be Shown on Plans) of the*

Infrastructure Design Manual adopted by Council (2019, Local Government Infrastructure Design Association, or as amended).

Detailed Design Plans

6. *Prior to the commencement of any road and/or drainage works associated with either stage of the subdivision, detailed design plans must be submitted to and approved by the Responsible Authority. The detailed design plans, which must be drawn to scale with dimensions, must be generally in accordance with the approved Functional Layout Plan and must include the requisite information listed in the adopted Infrastructure Design Manual. The design plans must include:*

- a) *Internal roads designed in accordance with the adopted Infrastructure Design Manual.*
- b) *A concrete shared path, 2.5m in width, along the full length of the northern boundary of the site abutting the decommissioned landfill site.*
- c) *The Landfill Gas Monitoring system and infrastructure measures to comply with the requirements of the Statement of Environmental Audit for the adjoining landfill (including newly located landfill gas monitoring bores) fully contained within Reserve 1 and the road reserve along the northern boundary.*
- d) *The road within the subdivision that is to the immediate west and abutting Parkes Street terminating as a court bowl, with appropriately spaced barriers to prevent regular vehicle traffic accessing the existing Parkes Street. The barriers must allow for free movement of pedestrians and cyclists. Provision must be made for access by maintenance and emergency vehicles (e.g., barriers must be able to be unlocked with a universal key).*
- e) *The footpath in the court bowl of the proposed road to the immediate west and abutting Parkes Street must be joined to the existing Parkes Street court bowl to allow pedestrians and bicycles to access the Parkes Street road pavement.*
- f) *McGonigal Street must have kerb and channel and footpath on the western frontage (in front of Lots 48 to 54 inclusive), to connect to the existing kerb and channel, and full pavement width plus graded table drain on eastern side to match into table drains in Coads Lane.*
- g) *Retention of trees along McGonigal Street, to the satisfaction of the Responsible Authority.*
- h) *Extension of footpath, kerb and channel and associated drainage along east side of Bruce Street to connect with existing infrastructure at the Chapel Street intersection.*

The design plans must take account of the proposed landfill gas mitigation and monitoring infrastructure that will be located adjacent to the proposed concrete path.

Access

7. *Prior to the issue of a statement of compliance for each stage under the Subdivision Act 1988, vehicular access from the roadway to the property boundary of each lot in that stage must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*

Drainage

8. *Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.*

Stormwater Management Plan

9. *Prior to the commencement of any works associated with the subdivision, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must address the*

objectives and standards of Clause 56.07-4 (Stormwater Management Objectives) of the Colac Otway Planning Scheme, including water sensitive urban design and integrated water management. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended).

- 10. Prior to the commencement of works, a detailed written response to Clause 56.07 (Integrated Water Management) of the Colac Otway Planning Scheme to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The response to this clause must include specific details of how Water Sensitive Urban Design (WSUD) principles and Best Practice Environmental Management Guidelines for Stormwater Management requirements are incorporated into the subdivision design. The subdivision must be constructed in accordance with the endorsed document to the satisfaction of the Responsible Authority.*

Subsurface Flow Report

- 11. Prior to the certification of the plan of subdivision for stage 1 under the Subdivision Act 1988, an investigation into any existing or potential subsurface flows within the proposed subdivision must be carried out by an appropriately qualified person and the report containing methods and other details of the investigation, limitations, assumptions, findings, and recommendations must be submitted for review and approval by the Responsible Authority.*

Engineering Works

- 12. Prior to the issue of statement of compliance for that each stage under the Subdivision Act 1988, all works shown on the approved engineering plans for that stage must be constructed or carried out in accordance with the plans to the satisfaction of the Responsible Authority.*

Inspection of Stormwater Pipes

- 13. Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, CCTV inspection of all new underground stormwater pipes for that stage must be completed at the developer's expense and a report forwarded to the Responsible Authority for review. Any identified defects are to be addressed to the satisfaction of the Responsible Authority.*

Upon satisfactory completion, final reporting must be given to the Responsible Authority in digital formats suitable for integration with existing systems.

Inspection of Works

- 14. Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, an inspection of the new Council infrastructure must be requested and the written approval of the Responsible Authority to the works for that stage must be obtained. Any defects to the works identified during, or within 12 months of, that inspection must be rectified at the cost of the developer.*

Public Lighting

- 15. Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, details of public lighting for that stage of the subdivision must be submitted to and approved by the Responsible Authority. Public lighting must be designed in accordance with the relevant Australian Standards and must be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings to the satisfaction of the Responsible Authority.*
- 16. Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, the public lighting for that stage must be implemented in accordance with the approved plans.*

Submission of As Constructed Drawings and Information

17. Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, the following drawings and information are required to be submitted to the Responsible Authority in digital formats suitable for integration with existing systems:

- a) Digital copies of the as constructed detailed roads and drainage drawings.*
- b) Survey enhanced digital data for the asset information component of the subdivision.*

Open Space Provision

18. Prior to the issue of a statement of compliance for each stage under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to ten (10) per cent of the site value of all land in that stage of the subdivision.

Northern Boundary Interface

19. Prior to certification of the plan for stage 2 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, a North Boundary Interface Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan, which must be drawn to scale with dimensions, show the following in relation to residential lots abutting the Reserve No. 1 on the north boundary:

- a) Design detail of semi-permeable fencing (at least 50% permeable) along the northern boundary of the residential lots, which must be consistent along all of these lots.*
- b) Landscaping, including a plan and planting schedule, for a 1.0m wide landscaping buffer along the northern boundary of lots abutting Reserve No. 1, as shown on the endorsed plans.*

20. Prior to the issue of a statement of compliance for stage 2 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, the works associated with the endorsed North Boundary Interface Plan must be completed to the satisfaction of the Responsible Authority.

21. Prior to the issue of a statement of compliance for stage 2 under the Subdivision Act 1988, a 2.5m wide concrete shared path must be constructed to the satisfaction of the Responsible Authority in Reserve No. 1, for the length of that reserve.

22. Prior to the issue of a statement of compliance for stage 2 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, semi-permeable fencing (at least 50% permeable) must be erected along the full length of the north boundary of the subject land to the satisfaction of the Responsible Authority. All costs associated with the fencing must be borne by the applicant. The fencing type must be 1.8m high and be constructed of powder coated black steel vertical railing with a spear top or equivalent. The fence must intersect with the existing security fence running generally north/south along Bruce Street and must extend generally east/west across the width of the McGonigal Street road reserve at the northern end, to the satisfaction of the Responsible Authority.

Reserve No. 2

23. Prior to the issue of a statement of compliance for stage 1 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, details of semi-permeable fencing (at least 50% permeable) for the southern and eastern boundaries of Reserve No. 2 must be submitted to and approved in writing by the Responsible Authority.

24. Prior to the issue of a statement of compliance for stage 1 under the Subdivision Act 1988, the approved fencing for Reserve No. 2 must be erected along the full length of the southern and

eastern boundaries of the reserve to the satisfaction of the Responsible Authority. All costs associated with the fencing must be borne by the applicant.

Landscaping

25. Prior to certification of the plan for stage 1 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, a Landscape Plan for the entire subdivision must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of the permit. The Landscape Plan must include (but not be limited to):

- a) The staging of the landscaping, clearly showing the landscaping to be provided in association with each stage of the subdivision.
- b) The species, location, approximate height at planting and maturity, and spread of all trees, shrubs and ground covers.
- c) All surface works, including footpaths, paving, grass, mulch etc.
- d) Details of implementation and maintenance.

Street Trees

- e) One tree on the nature strip adjacent to each lot and two trees on corner lots with two road frontages.
- f) Retention of the trees on McGonigal Street, to the satisfaction of the Responsible Authority, including details of tree protection measures in accordance with AS 4970-2009 (Protection of Trees on Development Sites).
- g) Two trees adjacent to the northern boundary of Reserve No. 2 and one tree adjacent to the western boundary of that reserve.
- h) Unless otherwise approved by the Responsible Authority, trees along the northern side of the more northerly road reserve, of appropriate species and spacing to avoid impacting on landfill gas mitigation and monitoring infrastructure.

Court Bowl to West of Parkes Street

- i) Details of the locations of drainage and other servicing infrastructure.
- j) Details of the barriers at the eastern end of the court bowl, including type of barrier, height, spacing and arrangements for access by maintenance and emergency vehicles.
- k) Footpath at the court bowl to join to the existing Parkes Street court bowl, to provide access for pedestrians and bicycles to the Parkes Street road pavement.
- l) Details of garden beds.

Reserve No. 1

- m) A shared concrete path, being a minimum of 2.5m wide, with a bollard to be installed at each end of the reserve to restrict vehicle access, but allow for maintenance vehicle access. The bollards at each end must be able to be unlocked with a universal key.
- n) The shared path to connect to the proposed McGonigal Street footpath and to the shared path within the proposed road reserve to the west (which in turn connects to the pedestrian footpath on Bruce Street).
- o) Details of the mesh barrier to protect the gas mitigation and monitoring infrastructure.
- p) Locations of the monitoring bores and gas mitigation system.

Reserve No. 2

- q) *Details of drainage and landscaping in the reserve.*
- r) *Details of any infrastructure required to protect underground drainage assets.*

The landscaping must include native plants of species indigenous to the area, to the satisfaction of the Responsible Authority.

- 26. *Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, the landscaping for that stage must be implemented in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority at the expense of the applicant.*
- 27. *The street trees and landscaping within the road reserve and Reserves No. 1 and No. 2 must be maintained to the satisfaction of the Responsible Authority and in accordance with the detail in the Landscape Plan for a period of not less than 24 months from the date of issue of the statement of compliance (or by such later date as agreed in writing by the Responsible Authority) at the applicant's expense. Any dead, diseased, or damaged plants are to be replaced as soon as practicable.*
- 28. *Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, a bond must be lodged with the Responsible Authority for landscaping required in that stage equivalent to:*
 - a) *\$150 per street tree; and*
 - b) *two times the cost of delivering the landscaping works in accordance with the endorsed plan and a two-year maintenance period for the following landscaping:*
 - i. *the North Boundary Interface Plan; and*
 - ii. *the court bowl west of Parkes Street; and*
 - iii. *Reserves No. 1 and 2.*

Upon completion of the landscaping for each stage to the satisfaction of the Responsible Authority, the Responsible Authority may refund 50% of the bond required by condition 28(b) for that stage after receiving a written request from the applicant.

Upon completion of the two year maintenance period to the satisfaction of the Responsible Authority, the Responsible Authority may refund the balance of the bond after receiving a written request from the applicant. In the event that the landscaping works are not maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete or maintain the landscaping works and deduct the cost thereof, including supervision fee, from any security deposit lodgement.

Section 173 Agreement/s – Fencing and Building Restrictions

- 29. *Prior to the issue of a statement of compliance for stage 1 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement/agreements under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement/s 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/s, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement/s. The agreement/s must contain covenants to be registered on title so as to run with the lots affected by the relevant restriction, and must provide for the following:*

- a) *The fencing on the lots abutting the southern and eastern boundaries of Reserve No. 2 must be at least 50% permeable and maintained in accordance with the details approved under planning permit PP254/2022-1 (or as amended). Any replacement fencing must be constructed at the cost of the landowner and must be consistent with the approved fencing, unless otherwise agreed in writing by the Responsible Authority.*
- b) *The owner/s of Lots 40 - 47 and 54 must maintain the north boundary fencing on those lots and the landscaping in accordance with the Northern Boundary Interface Plan. Any replacement fencing must be constructed at the cost of the landowner and must be consistent with the fencing approved under PP254/2022-1 (or as amended) unless otherwise agreed in writing by the Responsible Authority.*
- c) *No buildings or structures are permitted within 15 metres of the northern site boundary, as identified on the plan endorsed under condition 1(a).*
- d) *No basements, cellars or other similar below-ground structures may be constructed for any future buildings constructed within 50 metres of the northern site boundary as per the plan endorsed under condition 1(b).*
- e) *Any proposed buildings with basements located beyond 50 metres from the northern site boundary [as per the plan endorsed under condition 1(b)] must be subject to a detailed Landfill Gas Risk Assessment by a suitably experienced professional tailored to the specific proposed development.*

The agreement/s will be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

Landfill Gas Mitigation

- 30. *Prior to the issue of a statement of compliance for stage 1 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, a landfill gas cut-off wall verified by an Environmental Auditor and in accordance with the Design, Technical Specification, and Construction Quality Assurance Report, 36-52 Bruce Street, Landfill Gas Cut-off Wall (SMEC, 27 April 2020) attached to the Statement of Environmental Audit (dated 17 September 2020 and contained in the 53X Environmental Audit of Land at 36-52 Bruce Street Colac), or an alternative landfill gas interception system verified by an EPA accredited Environmental Auditor as meeting the requirements of the Statement of Environment Audit (and which is accepted by the responsible authority), must be installed along the northern boundary of the site to protect future development on the site from landfill gas migration from the adjacent closed Bruce Street landfill site. Detailed designs of the system must be submitted to the Responsible Authority and, following installation, an Environmental Auditor must verify that the system has been installed in accordance with those detailed designs.*
- 31. *The landfill gas interception system must be protected from damage and be accessible to Council for undertaking monitoring.*
- 32. *In the event the landfill gas interception system is damaged or removed during construction works, the system must be re-instated in accordance with the verified design details and an Environmental Auditor must verify that the installed system is acceptable.*

Construction Management Plan

33. *Prior to the commencement of works, unless otherwise approved in writing by the Responsible Authority, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. Details of tree protection and management of all trees retained within the development area and road reserves, in accordance with AS 4970-2009 Protection of Trees on Development Sites must be included. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.*
34. *All works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them.*

CFA conditions

Hydrants

35. *Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:*
- *Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.*
 - *The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.*

Roads

36. *Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.*
- a) *The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.*
 - b) *Curves must have a minimum inner radius of 10 metres.*
 - c) *Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.*
 - d) *Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.*

Barwon Water conditions

General

37. *The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Servicing Requirements Manual, without cost to Barwon Water, over existing and proposed potable water (including recycled water where applicable) and sewerage infrastructure within the land. If further easements or reserves are required following*

design of the required infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.

38. *A restriction is to be created on title for any land where an existing or proposed sewer main is located within. The restriction is to allow for 'reasonable access' as required under the adopted sewer design code. Should Barwon Water agree to partial or no gravity control of sewer to any allotment, a separate restriction is to be created highlighting the limit of gravity control or the reliance on a non-gravity sewer connection.*
39. *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 proposal. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L020444.*

Potable Water

40. *The provision and installation of a potable water supply to the development.*
41. *Reticulated potable water mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the 'Developer Works' process.*
42. *The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.*

Sewer

43. *The provision and installation of a sewerage service to the development.*
44. *Reticulated sewer mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the 'Developer Works' process.*

AusNet Gas/Downer condition

45. *The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.*

Powercor conditions

46. *This letter shall be supplied to the applicant in its entirety.*
47. *The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.*
48. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.*

49. *The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).*
50. *The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.*
51. *The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.*

Telecommunications

52. *The owner of the land must enter into an agreement with:*

- *a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
- *a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

53. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*

- *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Expiry

54. *This permit will expire if one of the following circumstances applies:*

- a) *The plan of subdivision for the first stage of the subdivision is not certified within two years of the date of the permit.*
- b) *The plan of subdivision for each subsequent stage is not certified within two years of the certification of the previous stage.*
- c) *All stages of the subdivision have not been certified within four years of the date of this permit.*
- d) *The registration of the plan of subdivision for each stage is not completed within five years of certification of that stage.*

The Responsible Authority may extend the periods for certification referred to if a request is made in writing before the permit expires or within six months afterwards.

Notes

CFA

1. CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).

Powercor

2. Condition 48

Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

Condition 49

Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Condition 50

Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

Condition 51

- Existing easements may need to be amended to meet the Distributor's requirements.
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

3. It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Stephen Hart

That Council resolves to issue a Notice of Decision to Grant a Permit for the staged subdivision of land into fifty-four (54) lots and associated works at 36-52 Bruce Street Colac (Lot A on PS822881, Volume 12142 Folio 486), subject to the following conditions:

Amended Plans

- 1. Prior to certification of the plan of subdivision for stage 1 under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:*
 - a) A plan showing a 'no building' area on that part of any lot that is within 15 metres of the northern site boundary.*
 - b) A plan clearly identifying all land within 50 metres of the northern site boundary.*
 - c) The 1,227m² reserve adjacent to the northern boundary of the subject land identified as Reserve No. 1.*
 - d) The 508m² reserve adjacent to the western boundary of the subject land identified as Reserve No. 2.*
 - e) Removal of reference to lots set aside for affordable housing.*
 - f) Location of monitoring bores either side of the proposed landfill gas mitigation system along the northern boundary of the site as required for Council to meet its obligations to the EPA for monitoring of landfill gas migration, including any increase in width of the road reserve to provide sufficient width for this infrastructure alongside paths, street trees and the like.*

Endorsed Plan

- 2. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.*

Staging of Subdivision

- 3. The subdivision must proceed in order of stages shown on the endorsed plan, unless otherwise agreed in writing by the Responsible Authority.*

Easements

- 4. Prior to the certification of the plan of subdivision for each stage under the Subdivision Act 1988, all easements deemed necessary for that stage to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.*

Functional Layout Plan

- 5. Prior to the certification of the plan of subdivision for stage 1 under the Subdivision Act 1988, a Functional Layout Plan for the entire subdivision must be submitted to and approved by the*

Responsible Authority. The Functional Layout Plan, which must be drawn to scale with dimensions, must be generally in accordance with the application plans and must include the requisite information listed in Appendix I (Information to be Shown on Plans) of the Infrastructure Design Manual adopted by Council (2019, Local Government Infrastructure Design Association, or as amended).

Detailed Design Plans

6. *Prior to the commencement of any road and/or drainage works associated with either stage of the subdivision, detailed design plans must be submitted to and approved by the Responsible Authority. The detailed design plans, which must be drawn to scale with dimensions, must be generally in accordance with the approved Functional Layout Plan and must include the requisite information listed in the adopted Infrastructure Design Manual. The design plans must include:*
- a) Internal roads designed in accordance with the adopted Infrastructure Design Manual.*
 - b) A concrete shared path, 2.5m in width, along the full length of the northern boundary of the site abutting the decommissioned landfill site.*
 - c) The Landfill Gas Monitoring system and infrastructure measures to comply with the requirements of the Statement of Environmental Audit for the adjoining landfill (including newly located landfill gas monitoring bores) fully contained within Reserve 1 and the road reserve along the northern boundary.*
 - d) The road within the subdivision that is to the immediate west and abutting Parkes Street terminating as a court bowl, with appropriately spaced barriers to prevent regular vehicle traffic accessing the existing Parkes Street. The barriers must allow for free movement of pedestrians and cyclists. Provision must be made for access by maintenance and emergency vehicles (e.g., barriers must be able to be unlocked with a universal key).*
 - e) The footpath in the court bowl of the proposed road to the immediate west and abutting Parkes Street must be joined to the existing Parkes Street court bowl to allow pedestrians and bicycles to access the Parkes Street road pavement.*
 - f) McGonigal Street must have kerb and channel and footpath on the western frontage (in front of Lots 48 to 54 inclusive), to connect to the existing kerb and channel, and full pavement width plus graded table drain on eastern side to match into table drains in Coads Lane.*
 - g) Retention of trees along McGonigal and Bruce Streets, to the satisfaction of the Responsible Authority.*
 - h) Extension of footpath, kerb and channel and associated drainage along east side of Bruce Street to connect with existing infrastructure at the Chapel Street intersection.*

The design plans must take account of the:

- proposed landfill gas mitigation and monitoring infrastructure that will be located adjacent to the proposed concrete path.*
- retention of as many trees as possible within the Bruce Street and McGonigal Street.*

Access

7. *Prior to the issue of a statement of compliance for each stage under the Subdivision Act 1988, vehicular access from the roadway to the property boundary of each lot in that stage must be*

constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

Drainage

8. Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.

Stormwater Management Plan

9. Prior to the commencement of any works associated with the subdivision, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must address the objectives and standards of Clause 56.07-4 (Stormwater Management Objectives) of the Colac Otway Planning Scheme, including water sensitive urban design and integrated water management. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended).

10. Prior to the commencement of works, a detailed written response to Clause 56.07 (Integrated Water Management) of the Colac Otway Planning Scheme to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The response to this clause must include specific details of how Water Sensitive Urban Design (WSUD) principles and Best Practice Environmental Management Guidelines for Stormwater Management requirements are incorporated into the subdivision design. The subdivision must be constructed in accordance with the endorsed document to the satisfaction of the Responsible Authority.

Subsurface Flow Report

11. Prior to the certification of the plan of subdivision for stage 1 under the Subdivision Act 1988, an investigation into any existing or potential subsurface flows within the proposed subdivision must be carried out by an appropriately qualified person and the report containing methods and other details of the investigation, limitations, assumptions, findings, and recommendations must be submitted for review and approval by the Responsible Authority.

Engineering Works

12. Prior to the issue of statement of compliance for that each stage under the Subdivision Act 1988, all works shown on the approved engineering plans for that stage must be constructed or carried out in accordance with the plans to the satisfaction of the Responsible Authority.

Inspection of Stormwater Pipes

13. Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, CCTV inspection of all new underground stormwater pipes for that stage must be completed at the developer's expense and a report forwarded to the Responsible Authority for review. Any identified defects are to be addressed to the satisfaction of the Responsible Authority.

Upon satisfactory completion, final reporting must be given to the Responsible Authority in digital formats suitable for integration with existing systems.

Inspection of Works

14. Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, an inspection of the new Council infrastructure must be requested and the written approval of the Responsible Authority to the works for that stage must be obtained. Any defects to the works identified during, or within 12 months of, that inspection must be rectified at the cost of the developer.

Public Lighting

15. *Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, details of public lighting for that stage of the subdivision must be submitted to and approved by the Responsible Authority. Public lighting must be designed in accordance with the relevant Australian Standards and must be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings to the satisfaction of the Responsible Authority.*
16. *Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, the public lighting for that stage must be implemented in accordance with the approved plans.*

Submission of As Constructed Drawings and Information

17. *Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, the following drawings and information are required to be submitted to the Responsible Authority in digital formats suitable for integration with existing systems:*
 - a) *Digital copies of the as constructed detailed roads and drainage drawings.*
 - b) *Survey enhanced digital data for the asset information component of the subdivision.*

Open Space Provision

18. *Prior to the issue of a statement of compliance for each stage under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to ten (10) per cent of the site value of all land in that stage of the subdivision.*

Northern Boundary Interface

19. *Prior to certification of the plan for stage 2 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, a North Boundary Interface Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan, which must be drawn to scale with dimensions, show the following in relation to residential lots abutting the Reserve No. 1 on the north boundary:*
 - a) *Design detail of semi-permeable fencing (at least 50% permeable) along the northern boundary of the residential lots, which must be consistent along all of these lots.*
 - b) *Landscaping, including a plan and planting schedule, for a 1.0m wide landscaping buffer along the northern boundary of lots abutting Reserve No. 1, as shown on the endorsed plans.*
20. *Prior to the issue of a statement of compliance for stage 2 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, the works associated with the endorsed North Boundary Interface Plan must be completed to the satisfaction of the Responsible Authority.*
21. *Prior to the issue of a statement of compliance for stage 2 under the Subdivision Act 1988, a 2.5m wide concrete shared path must be constructed to the satisfaction of the Responsible Authority.*
22. *Prior to the issue of a statement of compliance for stage 2 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, semi-permeable fencing (at least 50% permeable) must be erected along the full length of the north boundary of the subject land to the satisfaction of the Responsible Authority. All costs associated with the fencing must be borne by the applicant. The fencing type must be 1.8m high and be constructed*

of powder coated black steel vertical railing with a spear top or equivalent. The fence must intersect with the existing security fence running generally north/south along Bruce Street and must extend generally east/west across the width of the McGonigal Street road reserve at the northern end, to the satisfaction of the Responsible Authority.

Reserve No. 2

23. Prior to the issue of a statement of compliance for stage 1 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, details of semi-permeable fencing (at least 50% permeable) for the southern and eastern boundaries of Reserve No. 2 must be submitted to and approved in writing by the Responsible Authority.

24. Prior to the issue of a statement of compliance for stage 1 under the Subdivision Act 1988, the approved fencing for Reserve No. 2 must be erected along the full length of the southern and eastern boundaries of the reserve to the satisfaction of the Responsible Authority. All costs associated with the fencing must be borne by the applicant.

Landscaping

25. Prior to certification of the plan for stage 1 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, a Landscape Plan for the entire subdivision must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of the permit. The Landscape Plan must include (but not be limited to):

- a) The staging of the landscaping, clearly showing the landscaping to be provided in association with each stage of the subdivision.**
- b) The species, location, approximate height at planting and maturity, and spread of all trees, shrubs and ground covers.**
- c) All surface works, including footpaths, paving, grass, mulch etc.**
- d) Details of implementation and maintenance.**

Street Trees

- e) One tree on the nature strip adjacent to each lot and two trees on corner lots with two road frontages.**
- f) Retention of the trees on McGonigal Street and Bruce Street, to the satisfaction of the Responsible Authority, including details of tree protection measures in accordance with AS 4970-2009 (Protection of Trees on Development Sites).**
- g) Two trees adjacent to the northern boundary of Reserve No. 2 and one tree adjacent to the western boundary of that reserve.**
- h) Unless otherwise approved by the Responsible Authority, trees along the northern side of the more northerly road reserve, of appropriate species and spacing to avoid impacting on landfill gas mitigation and monitoring infrastructure.**

Court Bowl to West of Parkes Street

- i) Details of the locations of drainage and other servicing infrastructure.**
- j) Details of the barriers at the eastern end of the court bowl, including type of barrier, height, spacing and arrangements for access by maintenance and emergency vehicles.**

k) *Footpath at the court bowl to join to the existing Parkes Street court bowl, to provide access for pedestrians and bicycles to the Parkes Street road pavement.*

l) *Details of garden beds.*

Reserve No. 1

m) *A shared concrete path, being a minimum of 2.5m wide, with a bollard to be installed at each end of the reserve to restrict vehicle access, but allow for maintenance vehicle access. The bollards at each end must be able to be unlocked with a universal key.*

n) *The shared path to connect to the proposed McGonigal Street footpath and to the shared path within the proposed road reserve to the west (which in turn connects to the pedestrian footpath on Bruce Street).*

o) *Details of the mesh barrier to protect the gas mitigation and monitoring infrastructure.*

p) *Locations of the monitoring bores and gas mitigation system.*

Reserve No. 2

q) *Details of drainage and landscaping in the reserve.*

r) *Details of any infrastructure required to protect underground drainage assets.*

The landscaping must include native plants of species indigenous to the area, to the satisfaction of the Responsible Authority.

26. *Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, the landscaping for that stage must be implemented in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority at the expense of the applicant.*

27. *The street trees and landscaping within the road reserve and Reserves No. 1 and No. 2 must be maintained to the satisfaction of the Responsible Authority and in accordance with the detail in the Landscape Plan for a period of not less than 24 months from the date of issue of the statement of compliance (or by such later date as agreed in writing by the Responsible Authority) at the applicant's expense. Any dead, diseased, or damaged plants are to be replaced as soon as practicable.*

28. *Prior to the issue of statement of compliance for each stage under the Subdivision Act 1988, a bond must be lodged with the Responsible Authority for landscaping required in that stage equivalent to:*

a) *\$150 per street tree; and*

b) *two times the cost of delivering the landscaping works in accordance with the endorsed plan and a two-year maintenance period for the following landscaping:*

i. *the North Boundary Interface Plan; and*

ii. *the court bowl west of Parkes Street; and*

iii. *Reserves No. 1 and 2*

Upon completion of the landscaping for each stage to the satisfaction of the Responsible Authority, the Responsible Authority may refund 50% of the bond required by condition 28(b) for that stage after receiving a written request from the applicant.

Upon completion of the two year maintenance period to the satisfaction of the Responsible Authority, the Responsible Authority may refund the balance of the bond after receiving a

written request from the applicant. In the event that the landscaping works are not maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete or maintain the landscaping works and deduct the cost thereof, including supervision fee, from any security deposit lodgement.

Section 173 Agreement/s – Fencing and Building Restrictions

29. Prior to the issue of a statement of compliance for stage 1 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement/agreements under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement/s 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/s, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement/s. The agreement/s must contain covenants to be registered on title so as to run with the lots affected by the relevant restriction, and must provide for the following:

- a) The fencing on the lots abutting the southern and eastern boundaries of Reserve No. 2 must be at least 50% permeable and maintained in accordance with the details approved under planning permit PP254/2022-1 (or as amended). Any replacement fencing must be constructed at the cost of the landowner and must be consistent with the approved fencing, unless otherwise agreed in writing by the Responsible Authority.
- b) The owner/s of Lots 40 - 47 and 54 must maintain the north boundary fencing on those lots and the landscaping in accordance with the Northern Boundary Interface Plan. Any replacement fencing must be constructed at the cost of the landowner and must be consistent with the fencing approved under PP254/2022-1 (or as amended) unless otherwise agreed in writing by the Responsible Authority.
- c) No buildings or structures are permitted within 15 metres of the northern site boundary, as identified on the plan endorsed under condition 1(a).
- d) No basements, cellars or other similar below-ground structures may be constructed for any future buildings constructed within 50 metres of the northern site boundary as per the plan endorsed under condition 1(b).
- e) Any proposed buildings with basements located beyond 50 metres from the northern site boundary [as per the plan endorsed under condition 1(b)] must be subject to a detailed Landfill Gas Risk Assessment by a suitably experienced professional tailored to the specific proposed development.

The agreement/s will be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

Landfill Gas Mitigation

30. Prior to the issue of a statement of compliance for stage 1 under the Subdivision Act 1988, unless an alternate timeframe is agreed in writing by the Responsible Authority, a landfill gas cut-off wall verified by an Environmental Auditor and in accordance with the Design, Technical Specification, and Construction Quality Assurance Report, 36-52 Bruce Street, Landfill Gas Cut-off Wall (SMEC, 27 April 2020) attached to the Statement of Environmental Audit (dated 17 September 2020 and contained in the 53X Environmental Audit of Land at 36-52 Bruce Street Colac), or an alternative landfill gas interception system verified by an EPA accredited Environmental Auditor as meeting the requirements of the Statement of Environment Audit (and

which is accepted by the responsible authority), must be installed along the northern boundary of the site to protect future development on the site from landfill gas migration from the adjacent closed Bruce Street landfill site. Detailed designs of the system must be submitted to the Responsible Authority and, following installation, an Environmental Auditor must verify that the system has been installed in accordance with those detailed designs.

- 31. The landfill gas interception system must be protected from damage and be accessible to Council for undertaking monitoring.*
- 32. In the event the landfill gas interception system is damaged or removed during construction works, the system must be re-instated in accordance with the verified design details and an Environmental Auditor must verify that the installed system is acceptable.*

Construction Management Plan

- 33. Prior to the commencement of works, unless otherwise approved in writing by the Responsible Authority, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. Details of tree protection and management of all trees retained within the development area and road reserves, in accordance with AS 4970-2009 Protection of Trees on Development Sites must be included. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.*
- 34. All works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them.*

CFA conditions

Hydrants

- 35. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:*
 - Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.*
 - The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.*

Roads

- 36. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.*
 - a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.*
 - b) Curves must have a minimum inner radius of 10 metres.*

- c) *Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.*
- d) *Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.*

Barwon Water conditions

General

- 37. *The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Servicing Requirements Manual, without cost to Barwon Water, over existing and proposed potable water (including recycled water where applicable) and sewerage infrastructure within the land. If further easements or reserves are required following design of the required infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.*
- 38. *A restriction is to be created on title for any land where an existing or proposed sewer main is located within. The restriction is to allow for 'reasonable access' as required under the adopted sewer design code. Should Barwon Water agree to partial or no gravity control of sewer to any allotment, a separate restriction is to be created highlighting the limit of gravity control or the reliance on a non-gravity sewer connection.*
- 39. *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 proposal. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L020444.*

Potable Water

- 40. *The provision and installation of a potable water supply to the development.*
- 41. *Reticulated potable water mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the 'Developer Works' process.*
- 42. *The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.*

Sewer

- 43. *The provision and installation of a sewerage service to the development.*

44. *Reticulated sewer mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the 'Developer Works' process.*

Gas condition

45. *In the event the owner choose to connect the subdivision to reticulated gas, the plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.*

Powercor conditions

46. *This letter shall be supplied to the applicant in its entirety.*

47. *The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.*

48. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.*

49. *The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).*

50. *The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.*

51. *The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.*

Telecommunications

52. *The owner of the land must enter into an agreement with:*

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

53. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Expiry

54. *This permit will expire if one of the following circumstances applies:*

- a) *The plan of subdivision for the first stage of the subdivision is not certified within two years of the date of the permit.*
- b) *The plan of subdivision for each subsequent stage is not certified within two years of the certification of the previous stage.*
- c) *All stages of the subdivision have not been certified within four years of the date of this permit.*
- d) *The registration of the plan of subdivision for each stage is not completed within five years of certification of that stage.*

The Responsible Authority may extend the periods for certification referred to if a request is made in writing before the permit expires or within six months afterwards.

Notes

CFA

1. *CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).*

Powercor

2. Condition 48

Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

Condition 49

Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Condition 50

Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- *RESERVES established by the applicant in favour of the Distributor.*
- *SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.*

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

Condition 51

- *Existing easements may need to be amended to meet the Distributor's requirements.*
- *Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:*

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

3. *It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor’s web portal, “mySupply” which can be accessed via the following link: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>*

CARRIED 7 : 0

Item: 9.2

Bulla Development Plan at 91-149 Forest Street, Colac

OFFICER	Ian Williams
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Planning and Strategic Focus
ATTACHMENTS	<ol style="list-style-type: none">1. Development Plan (DPO6) [9.2.1 - 32 pages]2. Development Plan (DPO6) - Master Plan [9.2.2 - 7 pages]

RESOLUTION

MOVED Cr Max Arnott, SECONDED Cr Margaret White

That Council approves the development plan for the land at 91-149 Forest Street, Colac with no changes.

CARRIED 7 : 0

APPOINTMENT OF ACTING CHAIR

MOVED Cr Margaret White, SECONDED Cr Tosh-Jake Finnigan

That Council appoint Cr Graham Costin as Acting Chair.

CARRIED 7 : 0

Item: 9.3

Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Bluewater Leisure Centre

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

Cr Chris Potter declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 5.12pm prior to discussion taking place on this matter.

Cr Chris Potter	Item 9.3: Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Bluewater Leisure Centre
Nature of disclosure	Material Conflict of Interest
Nature of interest	General conflict in that I am a member of the Bluewater facility.

Cr Kate Hanson declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 5.12pm prior to discussion taking place on this matter.

Cr Kate Hanson	Item 9.3: Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Bluewater Leisure Centre
Nature of disclosure	Material Conflict of Interest
Nature of interest	I am a member of the Bluewater Leisure Centre.

Cr Graham Costin assumed the role of Chair.

RESOLUTION

MOVED Cr Max Arnott, **SECONDED** Cr Margaret White

That Council adopts the fees and charges for the 'Bluewater Leisure Centre' on page 8 to 11 of 29 of the fees and charges 2023-24 document (at Attachment 3 to Agenda item 9.6).

CARRIED 5 : 0

Cr Chris Potter returned to the meeting at 5.15pm after the vote was taken and resumed the role of Chair.

Cr Kate Hanson returned to the meeting at 5.16pm after the vote was taken.

Item: 9.4

Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Community Services, OPASS

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

Cr Max Arnott declared a material conflict of interest pursuant to section 128 of the *Local Government Act 2020* and left the meeting at 5.17pm prior to discussion taking place on this matter.

Cr Max Arnott	Item 9.4: Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Community Services, OPASS
Nature of disclosure	Material Conflict of Interest
Nature of interest	Family member receives OPASS services.

RESOLUTION

MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Margaret White

That Council adopts the fees and charges for the 'Community Services – Older Persons Ability Support Service (OPASS)' on page 13 and 14 of 29 of the fees and charges 2023-24 document (at Attachment 3 to Agenda item 9.6).

CARRIED 6 : 0

Cr Max Arnott returned to the meeting at 5.19pm after the vote was taken.

Item: 9.5

Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Health Protection Administration

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

Cr Tosh-Jake Finnigan declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 5.20pm prior to discussion taking place on this matter.

Cr Tosh-Jake Finnigan	Item 9.5: Adoption of 2023-24 Budget - Endorsement of Fees and Charges for Health Protection Administration
Nature of disclosure	General Conflict of Interest
Nature of interest	Until last week I was co-owner of Ti-Tree Hotel, Warrion, which would be impacted by any decision in this matter.

RESOLUTION

MOVED Cr Graham Costin, *SECONDED* Cr Max Arnott

That Council adopts the fees and charges for the 'Public Health – Health Protection Administration (Registration Fees)' on page 23 and 24 of 29 of the fees and charges 2023-24 document (at Attachment 3 to Agenda item 9.6).

CARRIED 6 : 0

Cr Tosh-Jake Finnigan returned to the meeting at 5.23pm after the vote was taken.

Item: 9.6

Adoption of Operational 2023-24 Budget

OFFICER	Toni Uphill
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. 2023-24 Budget Submission Summary Listing [9.6.1 - 3 pages] 2. 2023-24 COS Budget - Final [9.6.2 - 72 pages] 3. 2023-24 Council Fees and Charges - Finalised [9.6.3 - 30 pages] 4. 2023-24 Statutory Fees and Charges - Finalised [9.6.4 - 12 pages]

RECOMMENDATION

That Council:

1. *Having considered all submissions received, adopts the Budget 2023-24 and subsequent three (3) financial years, including Fees and Charges, annexed to this resolution as Attachment 3 & 4 in accordance with Section 94 and 96 of the Local Government Act 2020 (the Act).*
2. *Authorises the Chief Executive to give public notice of Council's decision to adopt the Budget 2023-24 and subsequent three (3) financial years, and write to all submitters to the Draft Budget 2023-24 to thank them and advise them of the Council's decision.*

3. *Declares its intention to raise the following amount:*

An amount of \$34,964,596 as the amount that Council intends to raise by general rates (described later in this resolution), municipal charge and service rates and charges (Waste Management and Tirrengower Drainage Scheme), which is calculated as follows:

Category	Income
General Rates	\$28,123,362
Municipal Charge	\$3,105,862
Annual Service (Waste Management Charges)	\$3,712,872
Tirrengower Drainage Scheme Special Charge	\$22,500
TOTAL	\$34,964,596

4. *Declares a general rate in respect of the 2023-24 Financial Year.*

a. *It be further declared that, consistent with Council's Revenue and Rating Plan and having regard to the considerations outlined in the Budget for the 2023-24 financial year, the general rate be raised by the application of differential rates.*

b. *A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:*

i. *Residential – Colac/Elliminyt*

Any land whether vacant or built upon, which is located in Colac, Colac East, Colac West, and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

a. *Rural Farm Land;*

b. *Holiday Rental Land; or*

c. *Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt and whose highest and best use is deemed to be as residential land.*

ii. *Residential - Balance of Shire*

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West, and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

a. *Rural Farm Land;*

b. *Holiday Rental Land;*

c. *Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt and whose highest and best use is deemed to be as residential land.*

iii. *Holiday Rental*

Any land that contains a dwelling, cabin or house or part of a house that:

a. *is used for the provision of holiday accommodation for the purpose of generating income; or*

b. *is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.*

Note: Typically, the category will include absentee owned holiday houses publicly made available for short term accommodation for a tariff, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include:

– *absentee owned holiday houses that are not publicly made available for hire but are used by family/friends of the owner for short term holiday accommodation; and*

– *land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property.*

The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

iv. **Rural Farm**

Any land within the shire which is "Farm Land" within the meaning of Section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

In addition, it may include small parcels of undeveloped land that do not meet the meaning of "Farm Land" prescribed in of Section 2 of the Valuation of Land Act 1960, but are also deemed unlikely to be granted a town planning permit for a dwelling to be located on the property.

Typically these properties will be:

- a. *up to 5 hectares in area;*
- b. *be zoned to allow the land to be used for rural and/or farming purposes;*
- c. *been deemed unviable for the purposes of carrying on a business of primary production by Council; and*
- d. *been deemed unsuitable to allow the construction of a dwelling.*

v. **Commercial/Industrial – Colac/Elliminyt**

Any land which is located in Colac, Colac East, Colac West, or Elliminyt which does not have the characteristics of:

- a. *Rural Farm Land;*
- b. *Residential Land – Colac, Colac East, Colac West, or Elliminyt; or*
- c. *Holiday Rental Land; and*
- d. *is used primarily for:*
 - i. *the sale of goods or services;*
 - ii. *other commercial purposes; or*
 - iii. *industrial purposes, or**is vacant which is vacant but zoned for commercial or industrial use.*

vi. **Commercial/Industrial - Balance of Shire**

Any land which is located in localities other than Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a. *Rural Farm Land;*
 - b. *Residential Land – Balance of Shire; or*
 - c. *Holiday Rental Land;*
- and is used primarily for:*
- i. *the sale of goods or services;*

- ii. *other commercial purposes; or*
- iii. *industrial purposes; or*

is land which is vacant but zoned for commercial or industrial use.

- c. *Each differential rate will be determined by multiplying the Capital Improved Value of each piece of rateable land (categorised by the characteristics described in Clause 5(b) of this Resolution) by the relevant rate in the dollar indicated in the following table:*

<i>Rating Category</i>	<i>Rate in the dollar of CIV</i>
<i>Residential – Colac/Elliminyt</i>	<i>0.002628</i>
<i>Residential - Balance Of Shire</i>	<i>0.002234</i>
<i>Holiday Rental</i>	<i>0.002628</i>
<i>Rural Farm</i>	<i>0.001971</i>
<i>Commercial/Industrial – Colac/Elliminyt</i>	<i>0.004336</i>
<i>Commercial/Industrial - Balance Of Shire</i>	<i>0.003679</i>

- d. *It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:*

- i. *the respective:*
 - a. *objectives;*
 - b. *types or classes of land;*
 - c. *use of rate;*
 - d. *level of rate;*
 - e. *uses of land;*
 - f. *geographical locations;*
 - g. *Planning Scheme zoning; and*
 - h. *types of buildings*

of each differential rate be those specified in Section 4.1.1(n) of the 2023-24 Budget;

- 5. *Declares a Municipal Charge for the 2023-24 Financial Year to contribute to the administrative costs of the Council in the amount of \$206 per annum for each rateable property in respect of which a municipal charge can be levied.*
- 6. *Declares the following Annual Service (Waste Management) Charges for the 2023-24 financial year:*
 - a. *An Annual Service (Waste Management) Charge of \$351 per annum for the weekly kerbside collection and disposal service for all land used primarily for residential or commercial purposes that are located on the designated collection routes.*
 - b. *An Annual Service (Waste Management) Charge of \$268 per annum for the fortnightly kerbside collection and disposal service for all developed land used primarily for residential or commercial purposes that are located on the designated collection routes.*
- 7. *Declares a Special Charge for the Tirrengower drainage works to be calculated at \$2.50 per hectare for the 2023-24 financial year in respect of all land previously declared by Council in*

its resolution on 24 January 2018 and listed in the Schedule attached to the 24 January 2018 resolution.

8. Allows the general rates, Municipal Charge and Annual Service (Waste Management) Charges to be paid in accordance with Section 167 of the Local Government Act 1989 by four instalments due on or before:
 - a. 30 September 2023;
 - b. 30 November 2023;
 - c. 28 February 2024;
 - d. 31 May 2024.

9. Requires any person to pay interest (only to be calculated from 1 January 2022) at the maximum rate calculated in accordance with Section 172(2) of the Local Government Act 1989 on any amounts of rates and charges which:
 - a. that person is liable to pay; and
 - b. have not been paid by the date specified for their payment.

10. Authorises the Manager Financial Services to levy and recover the General Rates, Municipal Charge, Annual Service (Waste Management) Charges and Tirrengower Drainage Scheme Special Charge, in accordance with Section 313 of the Local Government Act 2020.

REVISED OFFICER RECOMMENDATION

That Council:

1. Having considered all submissions received, adopts the Budget 2023-24 and subsequent three (3) financial years, including Fees and Charges, annexed to this resolution as Attachment 3 & 4 (other than fees already adopted at this meeting) in accordance with Section 94 and 96 of the Local Government Act 2020 (the Act).

2. Authorises the Chief Executive to give public notice of Council's decision to adopt the Budget 2023-24 and subsequent three (3) financial years, and write to all submitters to the Draft Budget 2023-24 to thank them and advise them of the Council's decision.

3. Declares its intention to raise the following amount:

An amount of \$34,964,596 as the amount that Council intends to raise by general rates (described later in this resolution), municipal charge and service rates and charges (Waste Management and Tirrengower Drainage Scheme), which is calculated as follows:

Category	Income
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Tirrengower Drainage Scheme Special Charge	\$22,500
TOTAL	\$34,964,596

4. Declares a general rate in respect of the 2023-24 Financial Year.

a. *It be further declared that, consistent with Council's Revenue and Rating Plan and having regard to the considerations outlined in the Budget for the 2023-24 financial year, the general rate be raised by the application of differential rates.*

b. *A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:*

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c. *Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt and whose highest and best use is deemed to be as residential land.*

ii. *Residential - Balance of Shire*

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West, and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

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– *land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property.*

The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

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Any land within the shire which is "Farm Land" within the meaning of Section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

In addition, it may include small parcels of undeveloped land that do not meet the meaning of "Farm Land" prescribed in of Section 2 of the Valuation of Land Act 1960, but are also deemed unlikely to be granted a town planning permit for a dwelling to be located on the property.

Typically these properties will be:

- a. *up to 5 hectares in area;*
- b. *be zoned to allow the land to be used for rural and/or farming purposes;*
- c. *been deemed unviable for the purposes of carrying on a business of primary production by Council; and*
- d. *been deemed unsuitable to allow the construction of a dwelling.*

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Any land which is located in Colac, Colac East, Colac West, or Elliminyt which does not have the characteristics of:

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- c. *Holiday Rental Land; and*
- d. *is used primarily for:*
 - i. *the sale of goods or services;*
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- i. *the sale of goods or services;*

- ii. other commercial purposes; or
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is land which is vacant but zoned for commercial or industrial use.

- c. Each differential rate will be determined by multiplying the Capital Improved Value of each piece of rateable land (categorised by the characteristics described in Clause 5(b) of this Resolution) by the relevant rate in the dollar indicated in the following table:

Rating Category	Rate in the dollar of CIV
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Holiday Rental	0.002628
Rural Farm	0.001971
Commercial/Industrial – Colac/Elliminyt	0.004336
Commercial/Industrial - Balance Of Shire	0.003679

- d. It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

- i. the respective:
 - a. objectives;
 - b. types or classes of land;
 - c. use of rate;
 - d. level of rate;
 - e. uses of land;
 - f. geographical locations;
 - g. Planning Scheme zoning; and
 - h. types of buildings

of each differential rate be those specified in Section 4.1.1(n) of the 2023-24 Budget;

5. Declares a Municipal Charge for the 2023-24 Financial Year to contribute to the administrative costs of the Council in the amount of \$206 per annum for each rateable property in respect of which a municipal charge can be levied.
6. Declares the following Annual Service (Waste Management) Charges for the 2023-24 financial year:
 - a. An Annual Service (Waste Management) Charge of \$351 per annum for the weekly kerbside collection and disposal service for all land used primarily for residential or commercial purposes that are located on the designated collection routes.
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8. *Allows the general rates, Municipal Charge and Annual Service (Waste Management) Charges to be paid in accordance with Section 167 of the Local Government Act 1989 by four instalments due on or before:*
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9. *Requires any person to pay interest (only to be calculated from 1 January 2022) at the maximum rate calculated in accordance with Section 172(2) of the Local Government Act 1989 on any amounts of rates and charges which:*
 - a. *that person is liable to pay; and*
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10. *Authorises the Manager Financial Services to levy and recover the General Rates, Municipal Charge, Annual Service (Waste Management) Charges and Tirrengower Drainage Scheme Special Charge, in accordance with Section 313 of the Local Government Act 2020.*

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That Council:

1. *Having considered all submissions received, adopts the Budget 2023-24 and subsequent three (3) financial years, including Fees and Charges, annexed to this resolution as Attachment 3 & 4 (other than fees already adopted at this meeting) in accordance with Section 94 and 96 of the Local Government Act 2020 (the Act), subject to the fee for planting on nature strips beings set to \$0 in Attachment 3.*

2. *Authorises the Chief Executive to give public notice of Council's decision to adopt the Budget 2023-24 and subsequent three (3) financial years, and write to all submitters to the Draft Budget 2023-24 to thank them and advise them of the Council's decision.*

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TOTAL	<i>\$34,964,596</i>

4. *Declares a general rate in respect of the 2023-24 Financial Year.*

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a. Rural Farm Land;

b. Holiday Rental Land; or

c. Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt and whose highest and best use is deemed to be as residential land.

ii. Residential - Balance of Shire

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West, and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

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In addition, it may include small parcels of undeveloped land that do not meet the meaning of "Farm Land" prescribed in of Section 2 of the Valuation of Land Act 1960, but are also deemed unlikely to be granted a town planning permit for a dwelling to be located on the property.

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- b. *be zoned to allow the land to be used for rural and/or farming purposes;*
- c. *been deemed unviable for the purposes of carrying on a business of primary production by Council; and*
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v. Commercial/Industrial – Colac/Elliminyt

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- b. *Residential Land – Colac, Colac East, Colac West, or Elliminyt; or*
- c. *Holiday Rental Land; and*
- d. *is used primarily for:*
 - i. *the sale of goods or services;*
 - ii. *other commercial purposes; or*
 - iii. *industrial purposes, or**is vacant which is vacant but zoned for commercial or industrial use.*

vi. Commercial/Industrial - Balance of Shire

Any land which is located in localities other than Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a. *Rural Farm Land;*
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- and is used primarily for:*
- i. *the sale of goods or services;*

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- iii. industrial purposes; or

is land which is vacant but zoned for commercial or industrial use.

- c. Each differential rate will be determined by multiplying the Capital Improved Value of each piece of rateable land (categorised by the characteristics described in Clause 5(b) of this Resolution) by the relevant rate in the dollar indicated in the following table:

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Holiday Rental	0.002628
Rural Farm	0.001971
Commercial/Industrial – Colac/Elliminyt	0.004336
Commercial/Industrial - Balance Of Shire	0.003679

- d. It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

- i. the respective:
 - a. objectives;
 - b. types or classes of land;
 - c. use of rate;
 - d. level of rate;
 - e. uses of land;
 - f. geographical locations;
 - g. Planning Scheme zoning; and
 - h. types of buildings

of each differential rate be those specified in Section 4.1.1(n) of the 2023-24 Budget;

5. Declares a Municipal Charge for the 2023-24 Financial Year to contribute to the administrative costs of the Council in the amount of \$206 per annum for each rateable property in respect of which a municipal charge can be levied.
6. Declares the following Annual Service (Waste Management) Charges for the 2023-24 financial year:
 - a. An Annual Service (Waste Management) Charge of \$351 per annum for the weekly kerbside collection and disposal service for all land used primarily for residential or commercial purposes that are located on the designated collection routes.
 - b. An Annual Service (Waste Management) Charge of \$268 per annum for the fortnightly kerbside collection and disposal service for all developed land used primarily for residential or commercial purposes that are located on the designated collection routes.
7. Declares a Special Charge for the Tirrengower drainage works to be calculated at \$2.50 per hectare for the 2023-24 financial year in respect of all land previously declared by Council in its resolution on 24 January 2018 and listed in the Schedule attached to the 24 January 2018 resolution.

8. *Allows the general rates, Municipal Charge and Annual Service (Waste Management) Charges to be paid in accordance with Section 167 of the Local Government Act 1989 by four instalments due on or before:*
 - a. *30 September 2023;*
 - b. *30 November 2023;*
 - c. *28 February 2024;*
 - d. *31 May 2024.*

9. *Requires any person to pay interest (only to be calculated from 1 January 2022) at the maximum rate calculated in accordance with Section 172(2) of the Local Government Act 1989 on any amounts of rates and charges which:*
 - a. *that person is liable to pay; and*
 - b. *have not been paid by the date specified for their payment.*

10. *Authorises the Manager Financial Services to levy and recover the General Rates, Municipal Charge, Annual Service (Waste Management) Charges and Tirrengower Drainage Scheme Special Charge, in accordance with Section 313 of the Local Government Act 2020.*

CARRIED 7 : 0

The meeting adjourned for a short break at 5.58pm.
The meeting resumed at 6.05pm.

Item: 9.7

2023-24 Annual Plan

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Annual Plan Actions for 2023-24 [9.7.1 - 18 pages]

RECOMMENDATION

That Council endorses the 2023-24 Annual Plan developed to implement the adopted Council Plan 2021-2025 (refer Attachment 1).

RESOLUTION

MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Stephen Hart

That Council endorses the 2023-24 Annual Plan developed to implement the adopted Council Plan 2021-2025 (refer Attachment 1) with the inclusion of an action relating to strategy 2.2.1 to “investigate further the electrification of heat pumps and other plant at Bluewater Leisure Centre including exploration of external funding programs”.

CARRIED 7 : 0

Item: 9.8

Project Budget Adjustments and Cash Reserve Transfers

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

RECOMMENDATION

That Council:

1. Approves the new project as presented in Table 1 of this report, at a total cost to Council of \$100,000.
2. Approves the project budget adjustments in Table 3a of this report, with a net result of funds transferred:
 - a. To unallocated funds of \$488,087.
 - b. From Stormwater Renewal Program of (\$45,000).

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That Council:

1. Approves the new project as presented in Table 1 of this report, at a total cost to Council of \$100,000.
2. Approves the project budget adjustments in Table 3a of this report, with a net result of funds transferred:
 - a. To unallocated funds of \$488,087.
 - b. From Stormwater Renewal Program of (\$45,000).

3. *Notes that unallocated project funding released through Council resolution will be carried forward to 2023-24 for Council to consider through future Council reports.*

CARRIED 7 : 0

Item: 9.9

Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Community Grants

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	1. Guidelines 2023-2024 - Colac Otway Shire Grants Program [9.9.1 - 29 pages]

Cr Kate Hanson declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 6.20pm prior to discussion taking place on this matter.

Cr Kate Hanson	Item 9.9: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Community Grants
Nature of disclosure	General Conflict of Interest
Nature of interest	I am a member of the Colac Football Netball Club. My children are members of the Colac Basketball Association. My husband is a committee member.

RESOLUTION

MOVED Cr Max Arnott, **SECONDED** Cr Margaret White

That Council endorses the allocation of grants through the 2023-2024 Colac Otway Shire Grants Program under the Community Grants category:

Item No	Applicant	Project Title	Grant Recommended \$
1.	Elliminyt Tennis Club	Tennis Ball Machine	\$1,683
2.	Cake Decorators Association Colac	Engage Expert Teachers	\$725
3.	The Otway Light	New design pages for The Otway Light	\$3,000
4.	Warrion Public Hall Committee Inc	Storage shed security	\$3,572

<i>Item No</i>	<i>Applicant</i>	<i>Project Title</i>	<i>Grant Recommended \$</i>
5.	Otway Districts Historical Society	De-humidifiers for storage room	\$429
6.	Colac Maker's Space Inc	Heaters for the Community Screen Print Makers' Space at Colac Showgrounds	\$988
7.	Apollo Bay Mechanics Hall Committee of Management	Replace Western Weatherboards and Paint	\$9,378
8.	Colac Football Netball Club	Painting of Social Rooms	\$4,840
9.	Cororooke Hall	Solar Panels for Hall	\$8,866
10.	Otway Enduro Club	Communications Safety Equipment	\$4,875
11.	Otway Mushroom & Fungi Group Auspice by Southern Otway Landcare Network	Otways Fungi Education Workshops	\$3,616
12.	Conservation Ecology Centre	Monitoring equipment to manage feral pig population in the Otways	\$2,921
13.	Southern Otway Landcare Network	Evaluating Landcare's past revegetation projects to inform future Biodiverse regeneration projects	\$7,022
14.	3 rd /4 th Colac Scout Group	Paint Exterior of Building	\$6,072
15.	Apollo Bay SLSC	Patrol Room Roller Door	\$2,465
16.	Colac Woodcrafters Guild Inc	Purchase Heavy Duty Bandsaw	\$2,240
17.	Climate Action Team Inc	Let's Talk Town Greening – Open Gardens & Public Forum with an Urban Forester	\$4,500
18.	Warrion Recreation Reserve Auspice by West Warrion Cricket Club	Reclad Equipment Storage Shed	\$3,355
19.	Apollo Bay Football Netball Club	Solar Panels and Battery Installation	\$10,000
20.	Red Rock Regional Theatre and Gallery	Purchase Outdoor Chairs for Community Events	\$2,760
21.	Skills Connection	Embrace Difference to Build an Inclusive Community - 4 Vignette Films	\$10,000
22.	Colac Summer Netball Association	Eastern Reserve Change/Social Rooms – Stage 2 Painting	\$3,892
23.	Beech Forest & District Progress Association	Maintaining Community Outdoor Sculptures	\$1,046
24.	U3A Colac Otway Inc	Computer for Tutors	\$850
25.	Forrest Public Reserves Committee Inc	Chairs, Fridge & Repainting of the Hall Kitchen	\$2,936
26.	Colac Pony Club	Replace Yards	\$10,000
27.	City United Cricket Club	Travelling Irrigator at Eastern Reserve	\$5,473
28.	Coragulac & District Kindergarten	Replace Small Area of Kinder Roof	\$3,723
29.	Colac Basketball Association Inc	Spectator Seating	\$10,000

<i>Item No</i>	<i>Applicant</i>	<i>Project Title</i>	<i>Grant Recommended \$</i>
30.	Irrewarra Cricket Club	Electronic Cricket Scoreboard	\$9,838
31.	Let's Talk Colac	Walk the Walk Event Tops for Awareness Raising	\$5,000
32.	Old Beechy Rail Trail Friends Inc	Upgrade of Old Beechy Railway Building – Stage 1	\$5,000
33.	Alvie Football Netball Club Inc	Netball Court Resurfacing	\$10,000
34.	Warrowie Recreation Reserve	General Maintenance in Comfort Area of Hall – Painting, Carpet, Lining walls, Locks.	\$4,938
35.	Central Otway Landcare Network	Friends of Barongarook Creek – Education & Conservation Activities along Barongarook Creek, Colac	\$9,750
36.	Community Hub Inc	Purchase New Computers for Community Use and Education	\$4,500
Total			\$180,253

CARRIED 6 : 0

Cr Kate Hanson returned to the meeting at 6.24pm after the vote was taken.

Item: 9.10

Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Events Grants

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	1. Guidelines 2023-2024 - Colac Otway Shire Grants Program [9.10.1 - 29 pages]

Cr Tosh-Jake Finnigan declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 6.25pm prior to discussion taking place on this matter.

Cr Tosh-Jake Finnigan	Item 9.10: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Events Grants
Nature of disclosure	General Conflict of Interest
Nature of interest	I was an owner of the Ti-Tree Hotel, Warrion, until last week, which was the site of the Ska Nation festival subject to a grant application.

Cr Max Arnott declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 6.25pm prior to discussion taking place on this matter.

Cr Max Arnott	Item 9.10: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Events Grants
Nature of disclosure	General Conflict of Interest
Nature of interest	Board member of Colac Area Health Board.

Cr Graham Costin declared a material conflict of interest pursuant to section 128 of the *Local Government Act 2020* and left the meeting at 6.25pm prior to discussion taking place on this matter.

Cr Graham Costin	Item 9.10: Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Events Grants
Nature of disclosure	Material Conflict of Interest
Nature of interest	I declare a conflict of interest in relation to items number 21 and 22 as these items have been auspiced by the Apollo Bay Chamber of Commerce who made a disclosable gift towards my election campaign.

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Kate Hanson

That Council endorses the allocation of grants through the 2023-2024 Colac Otway Shire Grants Program for the Events Grants category:

Item No	Applicant	Project Title	Grant Recommended \$
1.	Colac West Primary School	School Concert 2023	\$2,517
2.	Colac Orchid Club	Colac Orchid Show 2023	\$1,500
3.	Southern Exposure	Run Forrest Trail Run 2024	\$5,000
4.	Swim Apollo Bay	Swim Apollo Bay 2024	\$4,000
5.	Elliminyt Primary School	School Production 2023	\$1,669
6.	Rapid Ascent Pty Ltd	Otway Odyssey & Great Otway Gravel Grind 2024	\$5,000
7.	Warrion Flower Show Auspice by Warrion Public Hall Committee Inc	Warrion Annual Flower Show 2023	\$3,600
8.	Birregurra Community Group Inc	Birregurra Community Day 2023	\$5,000
9.	Apollo Bay P-12 College	School Production 2023	\$1,000
10.	Two Daughters Events	A Ruby Red Christmas Market in July 2023	\$927
11.	Rotary Club of Colac	Otway Trail Run 2024	\$4,450
12.	Wye to Wongarra Landcare Group Auspice by Landcare Victoria	Snake Sense – Myths & Hisses. Community education workshop	\$765
13.	The Red Violets	The Power of Music all-abilities Choir	\$2,000
14.	Colac City Band Inc	Carols By Candlelight 2023	\$5,000
15.	Apollo Bay WORDFest Auspice by Apollo Bay Arts Inc	Apollo Bay WORDFest 2023 – Pearls & Monsters	\$5,000
16.	KSJ Event Management Pty Ltd	Lochard Energy Women's Warrnambool Cycling Classic 2024	\$5,000
17.	Colac Area Health Foundation	Christmas by the Lake 2023	\$10,000
18.	Elephant View Pty Ltd	Ska Nation Music Festival	\$2,755
19.	Birregurra Recreation Reserve Committee of Management	A night with Gill, Ross and Friends	\$2,000
20.	Colac Kana Festival Inc	Colac Kana Festival 2024	\$5,000
21.	WinterWild Apollo Bay Auspice by Apollo Bay Chamber of Commerce	WinterWild 2023	\$10,000

<i>Item No</i>	<i>Applicant</i>	<i>Project Title</i>	<i>Grant Recommended \$</i>
22.	Apollo Bay Seafood Festival Auspice by Apollo Bay Chamber of Commerce	Apollo Bay Seafood Festival 2024	\$10,000
23.	Internation Management Group of America Pty Ltd	Great Ocean Road Running Festival 2024	\$5,000
Total			\$97,183

CARRIED 4 : 0

Cr Tosh-Jake Finnigan returned to the meeting at 6.28pm after the vote was taken.

Cr Max Arnott returned to the meeting at 6.28pm after the vote was taken.

Cr Kate Hanson returned to the meeting at 6.28pm after the vote was taken.

Item: 9.11

Colac Otway Shire Grants Program 2023 - 2024 - Allocation of Funds for Business Grants

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	1. Guidelines 2023-2024 - Colac Otway Shire Grants Program [9.11.1 - 29 pages]

RESOLUTION

MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Graham Costin

That Council endorses the allocation of grants through the 2023-2024 Colac Otway Shire Grants Program under the Business Grants category:

Item No	Business Grant Type	Applicant	Project Title	Grant Recommended \$
1.	Building Facade	Baronga Motor Inn	Improving facade of building – cleaning & painting	\$3,000
2.	Building Facade	DJRM Trading (Apollo Bay YHA)	Facade improvement for the Apollo Bay YHA	\$3,000
3.	Building Facade	Richardson Real Estate Colac	External painting under verandah	\$1,500
4.	Building Facade	Selwyn Jewellery	Repaint fascia & above, re-sign write fascia	\$2,018
5.	Building Facade	Colac West Newsagency & Post Office	Replacement of signage to fascia	\$1,304
6.	Building Facade	Shalimar Nursery	Update signage	\$2,266
7.	Building Facade	Colac Central Motel	Paint façade & update signs	\$2,775

<i>Item No</i>	<i>Business Grant Type</i>	<i>Applicant</i>	<i>Project Title</i>	<i>Grant Recommended \$</i>
8.	Environmental Sustainability	Creative Minds Kindergarten & Early Learning Centre	Energy Efficient Window Furnishings	\$1,140
9.	Environmental Sustainability	Cardinal's Milk Supplies	Solar Panel Upgrade	\$5,000
10.	Environmental Sustainability	Vitality Health Hub	Replace west facing window with double glazing & install blinds	\$5,000
11.	Environmental Sustainability	The Project Space	Change old gas heating to electrical split system	\$2,445
12.	Environmental Sustainability	Gellibrand River Gallery	Replace gallery lighting with LED	\$390
13.	Environmental Sustainability	Assassin Weed & Vermin Control	Install Water Tank to harvest rainwater	\$4,226
				\$34,064

CARRIED 7 : 0

Item: 9.12

Part Road Closure - Hall Street Cressy

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

RECOMMENDATION

That Council:

- 1. Notes it gave notice of its intention to discontinue part of the road known as "Hall Street Cressy" by advertising in the Colac Herald and on Council's website on 24 February 2023.*
- 2. Thanks submitters for their written submissions and acknowledges and notes the verbal comments made in support of written submissions at the Submissions Committee meeting held on 3 May 2023.*
- 3. Resolves to discontinue part of the road known as "Hall Street, Cressy" in so far as it encroaches on the Freehold Title Volume 12427 Folio 485.*
- 4. Authorises the Chief Executive Officer to take all necessary actions and execute all necessary documents to implement the discontinuance of part of the road referred to in paragraph 3 above.*
- 5. Notifies in writing every person who has lodged a separate submission of the decision and the reasons for the decision.*

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Max Arnott

That Council:

- 1. Notes it gave notice of its intention to discontinue part of the road known as "Hall Street Cressy" by advertising in the Colac Herald and on Council's website on 24 February 2023.*
- 2. Thanks submitters for their written submissions and acknowledges and notes the verbal comments made in support of written submissions at the Submissions Committee meeting held on 3 May 2023.*
- 3. Resolves to discontinue part of the road known as "Hall Street, Cressy" in so far as it encroaches on the Freehold Title Volume 12427 Folio 485.*
- 4. Authorises the Chief Executive Officer to take all necessary actions and execute all necessary documents to implement the discontinuance of part of the road referred to in paragraph 3 above.*
- 5. Notifies in writing every person who has lodged a separate submission of the decision and the reasons for the decision.*
- 6. Receives a report before December 2023 to consider future options for the land that may be surplus to Council's needs as a result of the decision to discontinue the nominated section of road.*

CARRIED 6 : 1

DIVISION

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

Against the Motion: Cr Tosh-Jake Finnigan

Item: 9.13

Contract 2310 - Supply and Delivery of a Street Sweeper

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

RESOLUTION

MOVED Cr Max Arnott, SECONDED Cr Graham Costin

That Council:

- 1. Awards Contract 2310 – Supply of Delivery of a Street Sweeper to Rosmech Sales and Services Pty Ltd for a total contract value of \$465,396.80, including GST.*
- 2. Authorises the Chief Executive Officer to execute the contracts for Contract 2310 – Supply and Delivery of a Street Sweeper.*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal.*
- 4. Notes the unsuccessful tenderers will be advised of this decision and the relevant contract details will be published on Council's website.*

CARRIED 7 : 0

Item: 9.14

Contract 2306 - Planning Consultancy Panel Tender

OFFICER	Doug McNeill
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Max Arnott, SECONDED Cr Tosh-Jake Finnigan

That Council:

1. *Awards Contract 2306 – Planning Consultancy Services to the following consultants at their tendered schedule of rates for a three year term 1 August 2023 to 31 July 2026 with the option of two (2) x 12 month extensions:*
 - a. *David McGovan Builders Pty Ltd.*
 - b. *The Trustee for A & S Conway Family Trust.*
 - c. *Town Matters Pty Ltd.*
 - d. *MAB Property Corporation Pty Ltd.*
 - e. *Myers Planning Group*
 - f. *Transect Planning Pty Ltd*
 - g. *Currie & Brown (Australia) Pty Ltd*
 - h. *The Trustee for the Constap Trust*
 - i. *Hansen Partnership*
 - j. *Louise Lunn Planning*
 - k. *Mesh Planning*
 - l. *BJK Planning*
 - m. *Spiire.*
2. *Authorises the Chief Executive Officer to sign the contracts following award of Contract 2306 – Planning Consultancy Services.*

3. *Authorises the Chief Executive Officer to perform all roles of the principal in accordance with the terms of the Contracts, including exercising the option to extend the contracts at the conclusion of its original term where the Chief Executive Officer determines best value is achieved for Council.*

CARRIED 7 : 0

Item: 9.15

Community Asset Committees - Appointment of New Members to Eurack Public Hall and Tennis Reserve

OFFICER Janine Johnstone

CHIEF EXECUTIVE OFFICER Anne Howard

DIVISION Executive

ATTACHMENTS Nil

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Margaret White

That Council appoints the following new members to the Eurack Public Hall and Tennis Reserve Community Asset Committee:

- *Barry McDougall*
- *Simon Coverdale*
- *Gaylene Coverdale*
- *Megan Dodd.*

CARRIED 7 : 0

Item: 9.16

**Audit and Risk Committee Meeting - Unconfirmed Minutes -
17 May 2023**

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Unconfirmed Minutes - 17 May 2023 Audit and Risk Committee Meeting [9.16.1 - 26 pages]

RESOLUTION

MOVED Cr Max Arnott, SECONDED Cr Margaret White

That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 17 May 2023.

CARRIED 7 : 0

Item: 9.17

Report of Informal Meetings of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors - Councillor Briefing - 17 May 2023 [9.17.1 - 2 pages] 2. Informal Meeting of Councillors - Unscheduled Council Meeting preparation - 17 May 2023 [9.17.2 - 2 pages] 3. Informal Meeting of Councillors - Council Meeting preparation - 24 May 2023 [9.17.3 - 2 pages] 4. Informal Meeting of Councillors - Councillor Briefing - 7 June 2023 - CB 20230607 [9.17.4 - 2 pages] 5. Informal Meeting of Councillors - Friends of the Botanic Gardens Advisory Committee - 8 June 2023 [9.17.5 - 1 page] 6. Informal Meeting of Councillors - Councillor Briefing - 14 June 2023 [9.17.6 - 2 pages]

REPORTING

The Informal Meetings of Councillors are reported herewith;

<i>1. Councillor Briefing</i>	<i>17 May 2023</i>
<i>2. Unscheduled Council Meeting Preparation</i>	<i>17 May 2023</i>
<i>3. Council Meeting Preparation</i>	<i>24 May 2023</i>
<i>4. Councillor Briefing</i>	<i>7 June 2023</i>
<i>5. Friends of the Botanic Gardens Advisory Committee</i>	<i>8 June 2023</i>
<i>6. Councillor Briefing</i>	<i>14 June 2023</i>

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

The meeting was declared closed at 6.53pm.

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

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above a dotted line.

.....MAYOR

Responses to questions taken on notice – 24 May 2023 Council Meeting

Simon Arundell

Please refer to the minutes of the Council Meeting held on 24 May 2023 for the response to question one.

- 2. Right now these people are apparently accredited to look after this money and spend it. My question is who accredits the accreditor? Do they just put a sign up that say 'I am accredited' - how do you know they are accredited?**

Response from Manager Planning and Strategic Focus

Thank you for your questions to Council at its May 2023 meeting. Further to the responses provided to you at the meeting, please find below some additional information in response to your questions.

Council formally adopted its Carbon Neutral 2020 target via its Environment Strategy in 2010, which formalised Council's commitment to work towards reducing its climate impact to zero by becoming carbon neutral by 2020. Carbon neutral means reducing emissions where possible and compensating for the remainder by investing in carbon offset projects to achieve net zero overall emissions. Offsets are generated from an activity that prevents, reduces or removes greenhouse gas emissions from being released into the atmosphere. In the following ten years Council implemented many energy efficiency and emissions reduction projects that reduced its emissions by 68% to date and continues to save Council \$250,000 annually.

The remaining 32% of Council's emissions were offset for the 2020-21 financial year by purchasing certified carbon credits in line with the Federal Government's Carbon Neutral Standard (Climate Active) to honour its commitment to carbon neutrality by 2020 and formally account for its residual emissions directly resulting from its operations that are not yet economically or technologically viable to eliminate. The National Carbon Offset Standard and Carbon Neutral Program were developed and are administered by the Australian Government Department of the Environment and Energy to provide a credible framework for managing emissions and achieving carbon neutrality.

Organisations seeking to become carbon neutral can use Climate Active certified and eligible offset units to compensate for emissions that cannot be completely reduced through energy efficiency improvements and the procurement of renewable energy. The purchase of offset units supports projects that reduce or remove emissions from the atmosphere, such as through reforestation, renewable energy or energy efficiency. Many of these projects also deliver other environmental, social and economic benefits; for example, improved water quality, increased biodiversity and increased Indigenous employment.

The projects and offset units are verified by independent auditors through internationally recognised standards. These standards ensure the projects are implemented, run and managed properly and the credits they generate represent real and actual emissions sequestered or avoided. The Australian Government Department of the Environment and Energy reviews the credibility of publicly available offset units. Only offset units that have met the integrity principles (Additional, Permanent, Measurable, Transparent, Independently audited and Registered) are eligible for use in a carbon neutral claim in line with Climate Active's Carbon Neutral Standard to ensure they represent genuine and credible emissions reductions. The integrity principles are

based on the offsets integrity framework for Australian Carbon Credit Units (ACCUs) as set out in the *Carbon Credits (Carbon Farming Initiative) Act 2011*. The Department uses a decision framework based on the offsets integrity principles to determine the eligibility of offset units under its Carbon Neutral Standard.

I hope this information addresses your concerns.

Catherine Ford

1. I've got a different topic today. As the community is now aware the Pfizer documents released regarding the COVID injections are not great. I would like to advocate for the safety of our infant children up to young adolescents. The current Act for childhood vaccines currently protects all vaccine makers from liability. Data shows us we have more children with allergies, autism, ADHD, myocarditis, breathing problems, and cancer than ever before since the introduction of doubling these vaccines. As the Council runs the immunisation clinic under the health protection unit which would make you accountable, I ask could we please cease this clinic until our community carers have been re-educated into the dangers of these vaccines and if in fact they are causing more harm than help to our children.

Response from General Manager Infrastructure and Operations

Councils' Immunisation program operates in accordance with the National Immunisation Program.

It is a requirement of the National Immunisation Program that only trained and qualified Nurse Immunisers (Registered Nurses) administer vaccinations. Training of Nurse immunisers includes updates to First Aid Management of Anaphylaxis and Managing Immunisation Emergencies. A key part of the program is that parents have to give consent prior to vaccination occurring and that any adverse event is reported to SAEFVIC.

The advice from the Australian Government of Health and Aged Care on vaccine safety and autism states:

'There is no established link between vaccines and autism. The measles, mumps, rubella (MMR) vaccine doesn't cause autism. High-quality studies and reviews over many years have compared the health of large numbers of vaccinated and unvaccinated children. The studies found no link between the MMR vaccine and autism. Scientific studies and reviews continue to show no relationship between vaccines and autism.'

Andrew Beale

1. In a changing world it was brought to my attention the other day that numerous libraries across the state have allowed into the children's section quite sexually explicit material and not just normal - you know the normal type of sexual educational material that you might expect to find. A little bit beyond that and I won't go into detail. What I'd like to ask is within this room who or what department is responsible for what might turn up on the shelves of our local library in the children's department? Just so as we can know confidently that our children are not exposed, because obviously we don't go in there reading all the children's books and we'd like to confidently know that the children's section is free of this type of material, or at least regulated.

Response from General Manager Community and Economy

Council's library services are provided by the Geelong Regional Library Corporation (GRLC) through a Library Agreement. The GRLC's collections department is responsible for purchasing materials for its collections, and they are guided by the principles found in the Australian Library and Information Association (ALIA) guidelines for Australian public libraries and the GRLC Collection Management Policy. Below is an extract from the Collection Management Policy relevant to the concern you have raised.

In addition, GRLC has both a Child Safety Policy and a Child Safe Code of Conduct that all aspects of their services, including the management of our collection, is compliant with.

It should be noted that what is considered to be sexually explicit can be subjective. The GRLC is guided by the principles in their Collection Management Policy which recognise that while particular items may offend some people, the powers of censorship are vested only in Federal and State Governments and materials prohibited by law will not be included in the collection. If a customer were to have concerns about specific materials the GRLC would certainly welcome feedback.

If you have a specific reference to material that you believe is of a sexually explicit nature, I would encourage you to contact the GRLC directly to raise your concerns. GRLC can be contacted on 03 4201 0600 or info@grlc.vic.gov.au