



Colac Otway
SHIRE

SUBMISSIONS COMMITTEE MEETING

AGENDA

Wednesday 16 August 2023

at 3:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

Wednesday 16 August 2023

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COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

NOTICE is hereby given that the next **SUBMISSIONS COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 16 August 2023 at 3:00 PM.

AGENDA

1 DECLARATION OF OPENING

OPENING PRAYER

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

AMEN

2 PRESENT

3 APOLOGIES

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY AND REASON FOR MEETING

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Submissions Committee 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 Submissions Committee 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 Submissions Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Submissions Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting will be livestreamed to the public via Council's You Tube channel (search Colac Otway

Shire Council at www.youtube.com).

The sole purpose of this Submissions Committee meeting is to hear persons who indicated they wish to speak in support of their written submissions to the:

- Events Policy
- Proposed Local Law.

5 DECLARATIONS OF INTEREST

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

6 CONFIRMATION OF MINUTES

- **Submissions Committee meeting held on Wednesday 2 August 2023.**

RECOMMENDATION

That the Submissions Committee confirm the minutes of the Submissions Committee meeting held on Wednesday 2 August 2023.

7 VERBAL SUBMISSIONS

The Mayor is to read out the names of the people who have confirmed they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A limit of 5 minutes will apply.

Item: 8.1

Events Policy - Public Submissions

OFFICER	Maddison Harty
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none">1. Redacted Submission - Draft Events Policy - Submitter 1 [8.1.1 - 1 page]2. Redacted Submission - Draft Events Policy - Submitter 2 [8.1.2 - 2 pages]

1. PURPOSE

The purpose of this report is to hear verbal submissions in relation to the draft Events Policy.

2. EXECUTIVE SUMMARY

At its 24 May 2023 meeting, Council resolved to exhibit the draft Events Policy for the purpose of seeking feedback from the community. The draft Events Policy was publicly exhibited between 31 May and 14 July 2023.

During the six-week period event organisers and community members were able to provide feedback by written submission, via an online survey or by attending one of the two events policy workshops held in Apollo Bay and Colac. Event organisers who host annual events in the Colac Otway Shire were also contacted directly via email requesting their feedback on the draft Events Policy. A total of 30 survey responses and one written response was received with two of the submitters requesting to be heard on the matter.

3. RECOMMENDATION

That the Submissions Committee:

- 1. Acknowledges and notes the verbal comments made in support of written submissions.*
- 2. Thanks the submitters for their contribution to the submission process.*
- 3. Having heard all persons wishing to speak to their submissions, recommends that Council consider all submissions to the draft Events Policy at a future Council meeting.*

4. KEY INFORMATION

At its 24 May 2023 meeting, Council resolved to exhibit the draft Events Policy for the purpose of seeking feedback from the community. The draft policy was publicly exhibited between 31 May and 14 July 2023.

Council provided a number of mechanisms to provide feedback on the draft Events Policy including an online survey, written submissions and in person workshops.

One written submission was received, with the submitter indicating they wished to present to the Submissions Committee.

The online survey received 30 complete responses, with four respondents indicating they wished to speak to someone regarding their feedback. When contacted, one survey respondent confirmed they wished to speak to the Submissions Committee.

Two workshops (Colac and Apollo Bay) were held to assist in facilitating feedback on the draft Events Policy. The workshops were well attended and supported productive discussion around the draft Events Policy, as well as general event permitting processes. Feedback from the workshops was noted and will be considered with the survey feedback.

Following the public exhibition process, two submitters indicated that they wished to be heard at the Submission Committee meeting.

All submissions and feedback will be considered to inform the final Events Policy which will be presented to Council for consideration at a future Council meeting.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The Governance Principles have been considered throughout the draft Events Policy review process, with the following rule being regarded as having particular relevance:

- s(9)(2)(i) the transparency of Council decisions, actions and information is to be ensured; despite there being no legislative requirement, the draft Events Policy has undergone a public exhibition and community engagement process. The Submissions Committee meeting is being held to give people an opportunity to verbally address the Committee in support of their written submissions.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Not applicable.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

In accordance with Council's Community Engagement Policy, the draft Events Policy was exhibited for public consultation, for a period of no less than six weeks. The consultation period commenced on 31 May 2023 and concluded on 14 July 2023. A meeting of the Submissions Committee was subsequently scheduled for 16 August 2023 to hear any person wishing to speak at the Committee meeting in support of their written submission.

Public Transparency (s58 LGA 2020)

Public transparency has been ensured through the public exhibition and community engagement process.

Alignment to Plans and Strategies**Financial Management (s101 Local Government Act 2020)**

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Following the hearing of submissions, Council will consider all submissions with the final Events Policy at a future Council Meeting. The outcome of that meeting will be communicated to the community via a number of ways. Those that made submissions to the draft Events Policy will be informed of the outcome directly.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options**Option 1 – Adopt the recommendation as presented.**

This option is recommended as it enables submitters to speak to their submissions, providing further information and clarification on their feedback to the draft Events Policy. Council will then consider all feedback received during the public exhibition process for the draft Events Policy at a future Council meeting.

Option 2 – Adopt the recommendation with amendments.

This option is not recommended. The purpose of this report to the Submissions Committee to is hear verbal submissions on the draft Events Policy and then consider all feedback at a future Council meeting.

Submission to Colac Otway Shire

Events policy

I attended the Colac Otway Shire General Meeting and asked 3 questions in relation to this item. In reply to question 2, I was told by a manager that guidelines were coming. I attended the Colac Otway Shire Events Policy Community Workshop only to be told that there was not going to be separate guidelines.

As a result of the workshop, I have more questions than answers

- 1) Where in this draft policy does it refer to the Events Officer and what that officer's role is?
- 2) Where is it clearly stated what is the council's role in events?
- 3) Definition of Private Land – confusing
- 4) Under - Statement of Policy – “Ratepayer do not subsidise events” – then who subsidises events through the Colac Otway Shire Community Grants – Events?
- 5) Under – Timelines and Compliance – “the application timelines below are a guide only” but this is NOT expressed in the grid below.
- 6) The definition of a Policy – is a statement of intent and is implemented as a procedure or protocol. It is an accepted set of rules or ideas about what should be done WHILE a Guideline aims to streamline particular processes according to a set routine or sound practise. Isn't this policy a mixture of policy and guidelines which don't meet either definition?
- 7) Where is the event application process?
- 8) Where is the Event Grants mentioned?
- 9) The policy has listed a list of 18 legislative requirements that an applicant is required to demonstrate compliance with. Building Act 1993 is 609 pages long and nowhere in the table of contents is events listed. Pages 89 – 94 Division 2 Occupancy permits (places of public entertainment) is the only easily identified reference to anything to do with events. When Victorian Legislation was “googled” and then Events was search, I stopped counting the number of Acts after 114 and looked at the first Act listed “Major Events Act 2009” and after finding that it was 218 pages long, I gave up. Would it not be less of a deterrent to add that the Events Officer will be of assistance in ensuring event organisers are aware of these requirements

In conclusion I wish to state that I find the combination of policy and guidelines confusing and this draft is a deterrent to volunteers who deliver most of the events in the Colac Otway Shire rather than encouraging or supportive. This policy is officer “speak” not community user friendly and is a lazy attempt to get out of producing user friendly guidelines which support, assist and encourage volunteerism and events.

A lot of volunteers who produce events in Colac Otway Shire are older and we do not have the computer skills to navigate multiple forms, documents and applications online. Please take these valuable members of the community into consideration and give us clear, concise, user friendly guidelines and policies

I am available to speak to this submission

Regards

#28

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, July 04, 2023 11:19:06 PM
Last Modified: Tuesday, July 04, 2023 11:25:10 PM
Time Spent: 00:06:03
IP Address: 49.185.170.111

Page 1: Overview

Q1 **Yes**
Have you been or are you involved in organising an event in the Colac Otway Shire?

Q2 **Individual**
Are you responding as an individual or as part of an organisation?

Q3 **Commercial**
What type of organisation?

Page 2

Q4 **Yes**
Have you ever submitted an Event in a Public Place Permit application?

Q5 **Commemorative**
What type of events have you been or are you involved in organising?

Q6 **50-250**
What is the scale of your event(s)?

Page 3: After reading the Draft Events policy

Q7 **No**
Does the Draft Policy clearly convey the requirements that apply to event(s)?

Page 4

Draft Events Policy Survey

Q8

Please specify how the policy could be improved

And engagement team on hand to fill in all necessary paperwork to make it happen

Q9

Are there any sections of the policy that could be improved?

Permit Criteria (when and under what conditions is a Event in a Public Place Permit needed)

Page 5

Q10

Acknowledging there is a lot to consider when organising an event, what would assist your understanding of event requirements?

Discussion with Events Officer

Q11

Would you like to be kept informed of further developments regarding this consultation:

Yes - I would like to speak to someone regarding my feedback

Q12

Please provide your email or postal address

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Q13

Please state whether you give consent to have your responses published once the consultation closes. This will exclude any personal information that could be used to identify you.

Yes, I give consent to have my responses published

Item: 8.2

Proposed Local Law Public Submissions

OFFICER	Rhassel Mhasho
GENERAL MANAGER	Heath Chasemore
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Summary of comments proposed local law submissions Aug 2023 [8.2.1 - 4 pages]

1. PURPOSE

To hear from submitters who have requested to speak in support of their submissions and to receive written submissions to the Proposed Local Law No 1 General Local Law August 2023

2. EXECUTIVE SUMMARY

During the 5 July 2023 Council meeting, Council resolved to schedule a Submissions Committee meeting on Wednesday 19 August 2023, at the Colac Otway Performing Arts and Cultural Centre, to provide the opportunity for any person wishing to speak to their written submission to be heard, or a nominated representative to speak to their submission on behalf of the person. Three submitters have requested to speak to their submissions.

3. RECOMMENDATION

That the Submissions Committee:

- 1. Acknowledges the written submissions received.*
- 2. Acknowledges and notes the verbal comments made in support of written submissions.*
- 3. Thanks, the submitters for their submissions.*
- 4. Having heard all the submissions, recommends that Council consider the submissions at the Council meeting to be held on Wednesday 23 August 2023 when considering the adoption of the Local Law No 1 General Local Law August 2023.*

4. KEY INFORMATION

Over the past ten months Council staff have been reviewing the existing provisions in the three existing local laws, to assess the relevance and effectiveness of these provisions. A single proposed Local Law No 1 General Local Law was developed after a series of internal and external consultation with stakeholders.

During the unscheduled meeting in July 2023 council resolved to exhibit the proposed Local Law No 1 General Local Law August 2023 in accordance with the section 73 of the Local Government Act 2020.

A total of 36 written submissions and 1 petition (with 295 signatures) were received in response to the exhibition of the proposed Local Law No 1 General Local Law. Seven (7) submitters requested to speak to their submissions.

A summary of the submissions is provided in attachment 1.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The overarching governance principles are:

- a) Council decisions are to be made and actions taken in accordance with the relevant law
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations
- c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted
- d) the municipal community is to be engaged in strategic planning and strategic decision making
- e) innovation and continuous improvement is to be pursued
- f) collaboration with other Councils and Governments and statutory bodies is to be sought
- g) the ongoing financial viability of the Council is to be ensured
- h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making
- i) the transparency of Council decisions, actions and information is to be ensured

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

All Local Government authorities are required to develop a Local Law in accordance with the Local Government Act 2020 (Act)

Section 71 of the Act gives the power to Councils to Make a Local Law. Section 72 of the Act outlines the requirements for the making of a Local Law, including a requirement that a local law must not be inconsistent with any Act (including Charter of Human Rights and Responsibilities Act 2006) or regulations.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

The proposed Local Law was formally placed on public exhibition from the 6 July 2023 to 10 August 2023. A total of 36 submissions and 1 petition (with 295 signatures) were received with seven (7) submitters opting to speak to their submission during the Submission committee meeting.

Public Transparency (s58 LGA 2020)

The Submissions Committee meeting provides an opportunity for people to speak to their submission. The submitters will also be invited to attend the Council Meeting at which the decision on the Local Law will be made. The officer report on the Local Law No1 General Local Law 2023 will be made publicly available prior to that meeting.

Alignment to Plans and Strategies

The officer report presented to the 23 August Council meeting will make an assessment of how the proposal meets relevant plans and strategies.

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable

Risk Assessment

Not applicable.

Communication/Implementation

Following the Submissions Committee meeting, the Local Law No 1 General Local Law August 2023 will be presented to Council for consideration and adoption at its meeting scheduled to be held on Wednesday 23 August 2023. Following adoption, these documents will be uploaded to Council's website.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Option**Options 1 – Note the verbal submissions**

This option is recommended by officers, as the purpose of the meeting is to hear verbal submissions. The decision on whether to amend the Local Law to include the issues raised in the submissions will be considered at the 23 August 2023 Council meeting.

Summary of comments - Proposed Local Law Submissions	
Clause: Behaviour and Activities in Council Buildings - Deletion of 2.3(10)	Submission No's: 1, 2, 5, 7, 8,9, 10, 11, 14, 15, 16, 21, 24, 27, 28, 29, 30, 31, 32 (295 signatures), 33, 35
<ul style="list-style-type: none"> • Not Good – NO gender restrictions for facilities or other area set aside for people of the opposite gender. Safety of people is paramount & tops gender • I strongly object to this! The above proposal is a complete violation of women's rights & a threat to their safety, wellbeing and peace of mind. • Concerns are that women's safe space are now under threat of becoming unsafe. • Protection of young girls and women using these facilities must remain Council's priority. Asking Council to step up and keep these spaces safe for biological females • I would not like men using women's toilets, change rooms for privacy reasons. • Not against unisex toilets • Disadvantage to women in the community • Should never be gender neutral. It is a danger for all women and children • Females should have the right to privacy & right to feel safe • COS is not ready for this change • Pushing a cultural change on the older population • Families would feel nervous • Strongly disagree • Strongly support, creates a more equitable access to public toilet facilities • Disgusted with such a change • Don't think vast majority understands the implications these changes will have • I will cease to use Bluewater if I come across a man in the change rooms as I will no longer feel safe • We have same sex spaces for a reason – please do everything within your power to protect them • Needs to be thrown out • Make sure cubicles can be locked from the inside so no one can force entry when engaged • Urge to raise issue with the State Government • Impact on women who have had awful experiences with men and their trauma will be made worse • Laws are not for law abiding citizens, but for law breakers • Will cause anxiety 	

<ul style="list-style-type: none"> • Makes our community less safe and to deconstruct long accepted social norms that will have serious consequences • Not adequate infrastructure for this change • Omission is in conflict with Council's stated aim of the Local law Review • Council needs to commit to building additional uni-sex and single cubicle toilets to cater for all needs 	
295 Signatures to reinstate the clause	
Clause 3.2: Consumption of Alcohol	Submission No: 10
Need signage in parks and reserves	
Clause: 4.8 Damaging Council land or Roads	Submission No: 6
<ul style="list-style-type: none"> • 4.8(a)(5) so effectively we are not allowed to cut the nature strips anymore 	
Clause 5.5: Controlling Mud, Dirt & Debris from Building Sites	Submission No:6
<ul style="list-style-type: none"> • any footprint or vehicle mark on COS land could result in a penalty 	
Clause 6.4: Camping on Vacant Private Land	Submission No's: 3, 34
<ul style="list-style-type: none"> • I think needs more rules around this to make it enforceable. • Does the caravan, tiny house/movable dwelling or motor home on that land need to be moved off the land or does the structure stay there & is just not occupied? • Need to take consideration for access for emergency services • Inherently seems to imply tiny houses are caravans, despite this not being established from a planning perspective • Does the local law relating to camping override planning controls? 	
Clause 7.5: Vegetation on Road & Council Owned/managed Land	Submission No: 6
(a)(1) - so can't plant grass – let alone gardens, trees, etc.	
Clause 8.1: Fire Hazards	Submission No's: 4, 5, 10, 12, 35
<ul style="list-style-type: none"> • Owners could comply with this using the fortnightly green waste serve & occasional small fire • Wording of "stubble and grass" – weird as we all have grass!! • What about plantations of trees? • This local law seeks to prohibit/restrict activity 	
Clause 8.2: Open Air Fires & Incinerators	Submission No's: 4, 6, 11, 12

<ul style="list-style-type: none"> • The “designated area” are too broad given that the designated area includes a significant number of lifestyle blocks • Good for small lots • Larger blocks need to be excised from the township area • Practical for small 500sqm block with limited vegetation – for larger blocks this will be very prohibitive • No mention of household fire pits • Requires more detail to explain the difference between cities and farms/land • Concern for property outside town area when large bonfires are necessary • Need to add that the person controlling the burn have an adequate means to extinguishing the fire <p>That there be a 3m surround of non-flammable materials</p>	
Clause 9.3: Sale of Vehicles	Submission No: 6, 23
<ul style="list-style-type: none"> • Means all these will need to be parked on private land, and never taken down the street in COS. • Restriction on what roads can be used. • Road width is a concern 	
Clause 9.5: Storage of Caravans and trailers in public place	Submission No: 20
if a caravan or large vehicle is parked in a position that impacts emergency services egress and access	
Clause 10.1: Commercial Activities on Council Land	Submission No: 19
<ul style="list-style-type: none"> • don’t see the need for tear drop flags and A frames in Murray Street • Causes clutter and reduces access space • Street furniture should be uniform • Should not impede accessibility <p>Use of banners make it very difficult for the elderly people with mobility issues</p>	
Part 11: Animals and Livestock	Submission No: 34
This section includes details of livestock numbers, but has no regard to planning scheme provisions around poultry farms or other planning controls over animal’s numbers.	
Clause 11.4: Cat Curfew	Submission No’s: 1, 6, 10, 11, 13, 17, 18, 19, 22, 25, 35, 36
<ul style="list-style-type: none"> • Good – restriction of cats in the evening • Cat captures approx. 50 rats and/or mice each yr. whilst out at night. We will have a rat/mice plaque fairly quickly – not to mention problems that will arise to local fauna (raiding nets, etc.) • Happy for a cat curfew – sunrise to sunset 	

<ul style="list-style-type: none"> • Cats not to be confined • Help control rodents • Happy for curfew – prevents cats leaving properties and will save our native animals • No possible to do on larger acreage • Love it – not sure on how it will be enforced • Does not go far enough – cats defecate, mewl, predate and damage property all times of the day and nigh • Need to make sure they are desexed • Cats cause devastation to the ecology • Cats should be confined during non-sunlight hours is to avoid facts. • Cause more trouble in daylight hours • Strongly supported and well overdue • For some reason some cat owners think they’re exempt from the law • the survival of an animal species in the wild is threatened, the first predators they hold responsible are foxes and cats 	
Clause 11.6: Animal Excrement	Submission No: 14
Waste disposal is a continuous process and composting is very effective way of making a material that can be used on gardens	
Clause 13.1: Application for permits	Submission No: 26
Consideration that a permit can be attached to a property rather than a person (when selling a property)	

