



ORDINARY COUNCIL MEETING

**MINUTES**

WEDNESDAY 18 APRIL 2018

AT 4PM

COPACC

Next Council Meeting: 23 May 2018

## COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

18 APRIL 2018

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## COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at  
COPACC on 18 April 2018 at 4pm

### MINUTES

#### 1. I DECLARE THIS MEETING OPEN

##### OPENING PRAYER

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

**AMEN**

#### 2. PRESENT

Cr Kate Hanson  
Cr Stephen Hart  
Cr Joe McCracken (Mayor)  
Cr Chris Potter  
Cr Jason Schram  
Cr Chris Smith  
Cr Terry Woodcroft

Robert Dobrzynski, Acting Chief Executive Officer  
Errol Lawrence, General Manager, Corporate Services  
Tony McGann, General Manager, Infrastructure & Leisure Services  
Gareth Smith, General Manager, Development & Community Services  
Sarah McKew, Manager, Governance & Customer Service  
Lyndal McLean, Acting Governance Officer  
Sarah Osborne, Acting Public Relations Coordinator  
Gary Warrrener, Manager, Economic Development & Events  
Peter MacDonald, Rural Access Community Services Officer  
Michael Swanson, Economic Development Coordinator  
Stewart Anderson, Manager, Environment & Community Safety  
Frank Castles, Project Delivery Coordinator  
Kerim Sijercic, Manager, Bushfire & Flood Recovery Infrastructure  
Clare Wright, Executive Officer to CEO, Mayor & Councillors

#### 3. APOLOGIES

Nil

#### **4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY**

I would like to start this evening by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

#### **5. QUESTION TIME**

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

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

##### **James Judd**

- 1. When will the Colac Otway Shire Council consider the need for a 50m swimming pool in Colac, so bodies to conduct recognised swimming events do not have to move towns with 50m pools to conduct events? This is a financial and time penalty on event holders, plus reduction in funds that could remain and be spent in the local area. People are complaining about these added penalties put on them to live in Colac.**

##### ***Response from General Manager, Infrastructure & Leisure Services***

Twenty-five metre pools are officially recognised by relevant swimming governing bodies and Council has no plans to provide additional aquatic infrastructure in Colac at this time.

2. **The persistent push to increase the population of Colac could have dire adverse impacts on Colac when some are forced to leave Colac and Council's income collapses. Increased populations also add marked increases in traffic noise that has ruined very much the peace that used to exist in settlements close to Melbourne proper, prior to the 1940s extension of metropolitan Melbourne.**

*Response from General Manager, Development & Community Services*

We note your comments Mr Judd and note there is no question there. I'm happy to discuss this at any other time as well.

3. **Due to the claim by a senior State member that garbage collection fees are not subject to the rate cap, what is the Colac Otway Shire Council proposing to do about setting the 2018-2019 charges? Due to the impact on prices for collection and disposal of recyclable rubbish as a result of new regulations brought in by the Chinese Government on acceptance of recyclable rubbish, as already at least one major Council has given notice of a very big increase in garbage collection fees. This was given much coverage in print by a major print outlet.**

*Response from General Manager, Corporate Services*

Council's waste charge relates to the collection, transport and disposal of the kerbside garbage and green waste collection and the collection of recyclables, transportation to a facility for processing and the processing of these goods.

For the 2018-19 year, the waste charge may be set at an amount to ensure full cost recovery, inclusive of the State Government Landfill Levy.

4. **What were the following statistics for the planning department for the following months compared with one month earlier?**

**December 2017**

**January 2018**

**February 2018**

- a) **Number of applications lodged**
- b) **Value of applications lodged**
- c) **Number of applications processed**
- d) **Number and value of applications withdrawn or cancelled**
- e) **Number of applications not processed at the end of each month**
- f) **When lodged oldest outstanding application at end of each month**
- g) **Average length of time to process applications lodged.**

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

- a) **Number of applications lodged**
  - December = 25
  - January = 27
  - February = 24
- b) **Value of applications lodged**
  - December = \$4,638,763
  - January = 4,825,020
  - February = 3,047,186
- c) **Number of applications processed (approved)**
  - December = 29
  - January = 12
  - February = 21
- d) **Number and value of applications withdrawn or cancelled**
  - December = 1 \$10,000
  - January = 0
  - February = 3 \$ 319,000
- e) **Number of applications not processed at the end of each month**
  - December = 10 out of 25 lodged
  - January = 18 out of 27 lodged
  - February = 16 out of 24 lodged
- f) **When lodged oldest outstanding application at end of each month**
  - December an application from 2017
  - January an application from 2018
  - February an application from 2018
- g) **Average length of time to process applications lodged**
  - December = 47.2
  - January = 34.6
  - February = 39.4

5. **When will the Colac Otway Shire Council cease claiming to return plastic bags to Woolworths / Safeway? It has now been admitted on radio by a staff member that they will only accept bags that originate at one of their stores when the vast majority of stores issue plastic bags and will not receive them back.**

***Response from General Manager, Corporate Services***

Council is now trialling a soft plastic recycling service at the Council offices in Colac and Apollo Bay for the community to recycle their soft plastics. Please place your soft plastics in the big purple bin.

**Susan Tate**

**The action to adopt the draft of the Creative Colac Otway, Arts & Culture Strategy 2018-2022 was withdrawn at the last Council meeting because of a late submission containing items of some merit. Can you please describe what the items of merit were and when the draft will be re-published?**

***Response from General Manager, Infrastructure & Leisure Services***

The submission included information pertaining to the evolving fibre, art and craft wool culture in the region, along with the rise of cultural tourism. It was determined that to fully consider the submission, additional time would be required to make any possible amendments to the draft strategy. It is anticipated that the final Creative Colac Otway Arts and Culture Strategy 2018-2022 will be presented to Council's May 2018 Ordinary meeting for consideration.

**QUESTIONS RECEIVED VERBALLY AT THE MEETING**

**Simon Arundell, Bungador**

I think it's two months since I last stood here. Has the Shire done anything at all - formed a Committee, whatever - to tell us what's going to happen when the highway goes through Colac?

***Response from the Mayor***

I don't think there is a Committee.

You've done nothing. I'd like a show of hands from all Councillors as to whether they think they should be talking about this, calling public meetings, drawings, getting some ideas...

***Response from the Mayor***

Mr Arundell, we do have a position on that issue. You might be able to help me, Mr McGann?

***Response from General Manager, Infrastructure & Leisure Services***

Council's current position is that it seeks to advocate for a study to be carried out by the State Government into the costs and benefits from an economic, environmental and social perspective and that once that study is complete, Council would then be able to form a position on whether it supports - or its attitude - towards a bypass of Colac.

What a complete waste of public money. You have a decision to make; stop putting it off.

**Peter Jacobs, Separation Creek**

I am hoping that I can ask the Councillors a question, that they may wish to answer or not. It concerns the proposed works that is before Council today for Stanway Drive. Today you will decide and vote later on at this meeting about the fate of my creek at Separation Creek, the series of works that has not been altered or modified since the initial designs, when they were first drawn up a few months ago, with very little consultation with the six residences that border the creek. This will lead to a permanent disfigurement and scarring of a pristine creek for eternity, one that I have to pass every day to get out of my property. My question then to the Councillors: are you fully aware of the consequences of your vote today? Because this decision is irreversible in terms of man interfering with nature, and I am convinced that a more environmental solution could be found if this Shire really wanted to. Would any Councillors like to comment?

***Response from the Mayor***

Mr Jacobs, I know you have handed out some material. I won't ask each Councillor to comment but I will certainly say from my point of view and on behalf of Councillors that we have received it and we have also looked at the officer report and we will make the decision in good faith with the best information in front of us that we have which you have also been able to help us with, so we appreciate that.

**Yvonne Francis, Apollo Bay**

**1. Yvonne Francis, on behalf of Tim Cobb**

Council is doing some good work to improve pedestrian access at Skenes Creek. We appreciate it. However, the rebuilding of 40 metres of steep pathway between Vista Avenue, Skenes Creek which was started in February has only been half completed. It's not a large or expensive piece of work but it is important especially to the older members of our community who can't now use the path because it is so slippery and dangerous in autumn weather. Please confirm that this work will soon be completed and let us know what the expected completion date is.

***Response from General Manager, Infrastructure & Leisure Services***

Council intends to finish the path before the end of the financial year.

***Response from the Mayor***

The end date is 30 June 2018.

**2. Would the Colac Otway Shire kindly consider the lack of street lighting in Apollo Bay? As a disabled person, it was very scary for me last night to venture out in the dark; I had to take a torch and I only live one block from the main street.**

***Response from the Mayor***

Council is certainly happy to help and if you'd like, we can talk about where those particular places are where there is difficulty.

I raised it in the past in conjunction with our footpath and I'm very grateful for the new footpath in Montrose Avenue; it really has improved our quality of life.

**3. I work on community radio in Apollo Bay and we broadcast from an old building called the Youth Club in Moore Street, Apollo Bay. Huge efforts by local volunteers have been witnessed lately to roughly repaint the whole old building and I have raised this issue in the past, too. When can we look forward to a substantial investment into art and culture in Apollo Bay?**

***Response from the Mayor***

As was eluded to in a previous question, there is the draft Creative Colac Otway, Arts & Culture Strategy 2018-2022 which is going to return to Council at the next month's meeting. It will depend on Councillors' views at the time as to whether that is passed or not. On the specifics of the Youth Club, I don't have information in front of me but I might ask a General Manager to respond to that.



***Response from General Manager, Infrastructure & Leisure Services***

I'd be happy to take that question on notice and respond to Ms Francis in relation to the Youth Club. We will also provide her with details of community grant funding that the organisation may be able to apply for in the next financial year.

**Sam Auld, Warrion**

I am having difficulty getting any response to a problem that has arisen on Farrells Road. Apparently there has been the commencement of an operation which is taking waste from the saleyards in Colac and dumping it at a site in Farrells Road. This has now blown about and with the wind we have had recently particularly, this dust is now covering all the tanks in the area and farmers have not been consulted. I am their representative, if you like, at the moment. I have already written a letter; I sent it in November last year - no response. I spoke with a Mr Winckle recently - no response. We are un-notified objectors, if you like, and we object to this commercial operation on the grounds of its potential air, water and soil contamination, and the cattle troughs and the dust film and these piles of Council yard waste and excrement etcetera, may be germ-carrying as well. There has been a problem at the yards in previous times. Downwind, the properties use roof water. I just seem to get no response. My question is why? I want a response, that's all.

***Response from the Mayor***

I don't know why you haven't got a response but what I can undertake is to catch up with you and for Council officers to catch up with you, also.

**Graham Howard, Colac East**

1. Is the Council or are Councillors aware that at the moment, what they call a "road train" is going through the middle of Colac and down the Princes Highway on a fairly regular basis?

***Response from the Mayor***

It would be fair to say that we are aware that a lot of heavy traffic uses the highway and Murray Street in particular...

**Yes, but what about road trains? Are they legally allowed to do it or not? A road train is actually two semi-trailers hooked together.**

***Response from the Mayor***

Personally I haven't seen one. Your question is, is it legal?

**I just want to make sure that people are aware that this is going on at the moment. I don't think they were allowed to go through towns.**

***Response from the Mayor***

We will certainly undertake to take that up with VicRoads.

2. I've been asking for probably eighteen months to two years to get some slashing done between my property and the road which I used to maintain for ten to twelve years. It has been a bad fire season, as you're aware. There has been nothing done about it and up until last week, I actually approached them to get it slashed and they tell me they were going to slash it but it hasn't been done and I'm wondering why that is, with it being such a bad fire season and the way it is at home?

*Response from the Mayor*

When you say you approached them, was that the Shire you approached or was it VicRoads?

The Shire and VicRoads. The Shire told me they were going to do it. Then I go through Birregurra today and see them slashing all the streets in Birregurra from one edge to the other, yet I can't get this done at home.

*Response from the Mayor*

I'm not sure who you spoke to at the Shire but I am certainly happy to follow that up on your behalf. I'm not sure again who you may have contacted at VicRoads but we can certainly talk about that further.

I think most of the Councillors who have been up there and had a look are aware of it and that also VicRoads are well aware of it and they're pushing it off at the moment. It should be them doing it but they are pushing it off onto the Council to do it. Could you look into that, please?

*Response from the Mayor*

We'll definitely follow that up.

Susan Tate, Glen Aire

With regards to the arts strategy, what value of loading does the Council place on public versus commercial submissions because we are all just really surprised that a commercial submission - or what sounded like a commercial submission - would be accepted?

*Response from the Mayor*

We do take all submissions into consideration whether they are from a business or whether they are from an individual. I don't think one takes precedence over the other. We certainly don't show fear or favour between one submitter or another. They are all taken into consideration equally.

*Congratulations Ken Hanson, from the Mayor on behalf of Colac Otway Shire.*

Ken Hanson was recently awarded a gold medal at the Commonwealth Games for his bowling. We acknowledge and congratulate Ken on behalf of the Colac Otway Shire community. It's a really great thing for Ken to be achieving such a high standard at an international level.

6. **TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS**

Nil

7. **PETITIONS/JOINT LETTERS**

Nil

8. **DECLARATIONS OF INTEREST**

Nil

9. **CONFIRMATION OF MINUTES**

- Ordinary Council Meeting held on 28 March 2018.

*RESOLUTION*

*MOVED Cr Kate Hanson seconded Cr Jason Schram*

*That Council confirm the above minutes.*

*CARRIED 7 : 0*

ORDINARY COUNCIL MEETING  
**GREAT OCEAN ROAD TASKFORCE ISSUES  
PAPER RESPONSE**

OM181804-1

<b>LOCATION / ADDRESS</b>	Great Ocean Road	<b>GENERAL MANAGER</b>	Tony McGann
<b>OFFICER</b>	Tony McGann	<b>DIVISION</b>	Infrastructure & Leisure Services
<b>TRIM FILE</b>	F17/6554	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Great Ocean Road Taskforce Issues Paper		
<b>PURPOSE</b>	To consider a response to the newly released Great Ocean Road Taskforce Issues Paper.		

## RESOLUTION

*MOVED Cr Chris Potter seconded Cr Jason Schram*

*That Council:*

- 1) *Provides the responses below to the questions posed by the issues paper prepared by the Great Ocean Road Taskforce:*

1. *What do you love most about the Great Ocean Road and its landscapes?*

*Response: Council values the cultural significance of the Great Ocean Road, the natural environment on and off shore, the vibrant communities that live on the road, the economic significance of the visitor economy and the significance of the area to the Traditional Owners.*

2. *What aspect of the Great Ocean Road and its landscapes would you like most like to see protected?*

*Response: Council requires all of the above to be protected and enhanced.*

3. *What aspect of the Great Ocean Road and its landscapes would you most like to see changed?*

*Response: Council requires that strategic planning and implementation works are carried out to ensure that the visitor economy is supported and its impacts on local*

*communities and the environment are managed. A sustainable funding model is critical, incorporating a user pay principle which sees visitors contribute to the protection, maintenance and enhancement of the landscape that attracts them to the region.*

4. *Do you work for, or own or operate a business, or are you a member of a community organisation, that benefits from visitors to the Great Ocean Road region? What are the key issues for the organisation/business?*

*Response: Council represents the communities that live and holiday on the Great Ocean Road as well as the wider Colac Otway Shire community.*

*The key issues for Council have been captured and expressed in the Taskforce Issues Paper.*

5. *Is there any critical issue or opportunity that we have missed?*

*Response: In Council's view there are no critical issues or opportunities that have been missed.*

6. *Do you have any suggested changes to the overarching policy, goals and principles?*

*Response: Council does not have any suggested changes to the overarching policy, goals and principles*

7. *What elements would you like to see covered in a Strategic Framework Plan for the Great Ocean Road region?*

*Response: Council is of the opinion that the key elements of a Strategic Framework Plan for the Great Ocean Road Region have been captured in the Issues Paper. It will be critical to ensure that a sustainable funding model is identified which has an element of a user pay principle which sees visitors contribute to the protection, maintenance and enhancement of the landscape that attracts them to the region.*

8. *What are your thoughts about establishing a new organisation to oversee the development, and coordinate implementation, of a Strategic Framework Plan for the Great Ocean Road region?*

*Response: Council is of the view that a new Authority, created under statute, should be established to develop and coordinate the implementation of a Strategic Framework Plan for the Great Ocean Road region. The Authority should be the lead agency in the implementation of the Strategic Framework Plan. A lead Minister should also be confirmed that the Authority is accountable to. Council is of the view this could be a Tourism or Economic development related Minister and agency.*

*Based on the above, Council is of the view that Option 4 contained in the Issues Paper establishing a funded new authority by legislation is the preferred option.*

*Council is of the view that a dedicated and ongoing secure funding source is required that is not dependent on the annual budget cycle and allocation. This funding source*

would provide for the administration and activities of the new Authority, including existing operational funding gaps to maintain, renew and develop public infrastructure.

9. What current constraints need to be addressed in the future governance arrangements?

Response: Council is of the view that the current constraints have been captured in the Issues Paper with an additional constraint being a commitment with government agencies to accept change in accountabilities. This will be important as clearly the existing approach has failed.

Council wishes to reiterate a sustainable funding model is critical which would include a user pay principle which sees visitors contribute to the protection, maintenance and enhancement of the landscape that attracts them to the region. The existing funding model is equally as much of a constraint as that of the current poor governance model. Changing the governance model without an agreed funding model will not succeed.

10. Are there any other management models/options we should consider?

Response: Council is of the view that the feasible options have been highlighted and that Option 4, a legislatively established, funded separate authority with lead agency functions, is the most appropriate option.

Council's participation on the Taskforce has allowed access to the Taskforce work of reviewing other models national and internationally. Council is supportive of this work and the examples considered.

11. What criteria should the Taskforce use to evaluate the management model options?

Response: Council is of the view that the Taskforce should evaluate the management model options considering the organisational sustainability and the ability of the various options to address the problems which have been exposed by the Taskforce.

To assist the taskforce with this work Council offers the following criteria for consideration. It would be critical that the new authority:

- Has clear statutory powers and responsibilities with a lead Minister.
- Has a defined partnership role with the traditional owners.
- Ability to engage local communities.
- Has a sustainable funding model not subject to annual allocation.
- Improves the coordination and integration of relevant organisations in the region.
- Reduces the total number of agencies/organisations with responsibilities in the region.
- Maximises the strengths of existing organisations and ensures that there are not duplicated functions.
- Responsibility for the development, co-ordination and implementation of a Strategic Framework Plan.

2) *Indicates within its submission the following matters which it specifically draws to the attention of the Great Ocean Road Taskforce as important considerations:*

- i. The Authority established must place a high priority on advocating for significant improvements to major road routes connecting the Great Ocean Road to the Princes Highway to address major safety issues and cater for the high traffic volumes experienced.*
- ii. The Council anticipates the Authority will interface with major tourism infrastructure developers and have an on-going engagement with Councils to provide strategic framework plan recommendations and all advice and support to Councils. Council is open to considering improved approaches to statutory land use planning for the Great Ocean Road region which may include a role for a new Authority. It will be critical any changes maintain the existing opportunity for community input and Councils to represent their communities and influence decisions.*
- iii. A clear definition is required on "tourism development" that will fall within the jurisdiction of the Authority.*
- iv. The context of jurisdiction of the Authority should, in addition to the defined "tourism development" be spatially described defining the geographic area within which the Authority will operate.*
- v. Whilst the Council supports the Authority having revenue raising powers through user charges, the Council considers it premature to specify in its submission how the revenue should be raised at this time.*
- vi. The Council supports VicRoads continuing to be legislatively responsible for management and maintenance of the Great Ocean Road and other major roads within the Great Ocean Road tourist route. The Council supports strong advocacy to the State Government in order to secure specific, dedicated provisions within the State Budget for improvements and maintenance of the Great Ocean Road and its feeder roads.*
- vii. The Council urges the Taskforce to consider alternative models for membership of any separate Authority established. Membership representative of a skill based criteria, community membership and Council membership should be explored. In this regard the Council notes membership of Waste Boards with four (4) skills based members and four (4) members drawn from local government.*
- viii. The establishment of the separate Authority needs to encapsulate legislation providing referral authority powers to the Authority. This will mandate engagement with the Authority on matters relating to the Great Ocean Road region by the various organisations, government departments and agencies who have jurisdiction in specific matters which exist for the Great Ocean Road region.*
- ix. The Council provides advice to the Taskforce that it is undertaking an investigation on the viability of Colac Otway Shire assuming responsibility for functions currently undertaken by the Otway Coastal Committee.*

*In this regard, the Council seeks to specifically engage with the Taskforce to discuss the following:*

- *the Otway Coastal Committee is under resourced to undertake its functions to the standard the community expects, notwithstanding the commitment of the Committee*
- *many of the areas currently under the authority of the Otway Coastal Committee are crucial to the proper planning and delivery of high standard facilities and services to communities within Colac Otway Shire. This planning and delivery is currently suboptimal due to the limited resources available.*
- *the Colac Otway Shire seeks funding from the Taskforce to undertake business case modelling to determine areas of responsibility of the Otway Coastal Committee that should be transferred to Colac Otway Shire with an associated funding commitment to enable capital expenditure to upgrade facilities and recurrent expenditure to enable appropriate maintenance activities.*

- x. *The Council supports a program of transition arrangements to give effect to the establishment of a separate Authority and the transfer of arrangements from the current plethora of authorities engaged within the Great Ocean Road.*

- 3) *Hold a half day Council workshop, as appropriate, to consider the functions of a new Great Ocean Road Authority and sustainable models to fund it.*

**CARRIED 7 : 0**

Kerim Sijercic attended the meeting at 4.37pm.  
Frank Castles left the meeting at 4.43pm.



ORDINARY COUNCIL MEETING  
**LAKE COLAC COORDINATING COMMITTEE  
MEMBERSHIP**

OM181804-2

<b>LOCATION / ADDRESS</b>	Lake Colac	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Stewart Anderson	<b>DIVISION</b>	Development & Community Services
<b>TRIM FILE</b>	F17/7904	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	To seek Council's endorsement of the community representatives on the Lake Colac Coordinating Committee for a period of three years as per the Terms of Reference.		

## RESOLUTION

*MOVED Cr Chris Smith seconded Cr Jason Schram*

*That Council:*

- 1. Endorse the appointment of 3 applicants, Mr Edward John Martin, Mr Rodney Amos and Ms Jan Greig, as the community representatives on the Lake Colac Coordinating Committee for a period of 3 years.*
- 2. Delegate authority to the Chief Executive Officer to appoint any other community representatives that apply to be on the Lake Colac Co-ordinating Committee throughout the 3 year term, at their discretion, as long as the total number of local community representative does not exceed 6 and Council is informed of such appointments.*
- 3. Acknowledges and thanks Ms Julie Holbery, Mr Harry Reed and Mr David McKenzie for their contributions to the Lake Colac Coordinating Committee over the past 3 years.*

**CARRIED 7 : 0**

Stewart Anderson left the meeting at 4.52pm.

ORDINARY COUNCIL MEETING  
**AUSTRALIA DAY ADVISORY COMMITTEE -  
TERMS OF REFERENCE**

OM181804-3

<b>LOCATION / ADDRESS</b>	Across the shire	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Hege Eier	<b>DIVISION</b>	Development & Community Services
<b>TRIM FILE</b>	F18/3340	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Terms of Reference Australia Day Advisory Committee 20180405		
<b>PURPOSE</b>	This report is for Council to consider the Terms of Reference for the Australia Day Advisory Committee consisting of seven Councillors		

## RECOMMENDATION

*That Council endorse the attached draft Terms of Reference for the Australia Day Advisory Committee consisting of seven Councillors.*

### ALTERNATIVE MOTION

*MOVED Cr Stephen Hart seconded Cr Kate Hanson*

*That Council defers consideration of this matter and request Council officers to present a further report to Council which canvasses options for alternative membership and decision-making powers for the Australia Day Advisory Committee, including the possibility of community members.*

**CARRIED 4 : 3**

### DIVISION

*For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken*

*Against the Motion: Cr Chris Smith, Cr Chris Potter, Cr Jason Schram*

Clare Wright attended the meeting at 5.11pm.

Clare Wright left the meeting at 5.11pm.

ORDINARY COUNCIL MEETING  
**SMALL TOWN IMPROVEMENT PROGRAM  
REALLOCATION OF FUNDS**

OM181804-4

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Michael Swanson	<b>DIVISION</b>	Development & Community Services
<b>TRIM FILE</b>	F17/7903	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	To recommend changes to funding allocated to existing Small Town Improvement Program projects.		

## RESOLUTION

*MOVED Cr Jason Schram seconded Cr Chris Potter*

*That Council:*

- 1. Notes the Kennett River Tourism and Traffic Management Plan project has a saving of \$10,000 and the Kennett River Association's request to reallocate a portion of these savings to their Wild Life Walk project.*
- 2. Approves \$8,000 to the Kennett River Association for the Kennett River Wildlife Walk project subject to formal approval of the project from the Otway Coast Committee and the Department of Environment, Land, Water and Planning.*
- 3. Notes the Apollo Bay Memorial Options Plan project is no longer required and the Apollo Bay RSL request for this to be reallocated to Memorial upgrades following intersection works by Vic Roads.*
- 4. Approves \$7,000 to the Apollo Bay RSL for the Apollo Bay Memorial upgrades project and to carry-over these funds to 2018/19 financial year.*
- 5. Approves the carry-over of the remaining \$3,900 from the Small Town Improvement Program in the 2017/18 financial year and the remaining \$2,000 from the Kennett River Tourism and Traffic Management Plan project and increase the total amount of the funding for the new Community Grants Program category from \$160,000 to \$165,900 in the 2018/19 financial year.*

**CARRIED 7 : 0**

Michael Swanson left the meeting at 5.21pm.

Gary Warrenner left the meeting at 5.21pm.

**ORDINARY COUNCIL MEETING**  
**CONSIDERATION OF CONTRACT - CONTRACT 1805 - CONSTRUCTION**  
**OF LANDSLIP STABILISATION WORKS, DRAINAGE AND ASSOCIATED**  
**ROADWORKS, STANWAY DRIVE, SEPARATION CREEK**  
**OM181804-5**

<b>LOCATION / ADDRESS</b>	Stanway Drive, Separation Creek	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Andrew Kavanagh	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F18/1233	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Con 1805 - CCMA confirmation of Permit issue - 20180410		
<b>PURPOSE</b>	Council approval is required to award Contract 1805 - Construction of Landslip Stabilisation Works, Drainage and Associated Roadworks, Stanway Drive, Separation Creek.		

## RECOMMENDATION

*That Council:*

1. *That Council award Contract 1805 for Construction of Landslip Stabilisation Works, Drainage and Associated Roadworks, Stanway Drive, Separation Creek to Geotech Pty Ltd at the lump sum price of \$1,452,086 (excluding GST).*
2. *Authorises the Acting Chief Executive Officer to sign the contract documents following award of Contract 1805.*

## ALTERNATIVE MOTION

*MOVED Cr Chris Smith seconded Cr Jason Schram*

*That Council:*

1. *Defers this item until the May 2018 Ordinary Council meeting to allow further discussions on alternative treatments in Stanway Drive, Separation Creek.*
2. *Officers work with the immediately affected landholders to present their alternatives to Council to address concerns.*

**CARRIED 4 : 3**

***DIVISION***

***For the Motion: Cr Chris Smith, Cr Kate Hanson, Cr Chris Potter, Cr Jason Schram***

***Against the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Joe McCracken***

**Kerim Sijercic left the meeting at 5.53pm.**

**The meeting adjourned for a short break at 5.53pm.**

**The meeting resumed at 6.02pm.**

ORDINARY COUNCIL MEETING  
**SECTION 86 COMMITTEES**  
OM181804-6

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Sarah McKew	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F17/6554	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	To propose a revised governance structure for Colac Otway Shire Section 86 Committees		

## RECOMMENDATION

*That Council:*

- 1. endorses the replacement of the current Section 86 Committee structure with Community Asset Committees, in line with the proposed changes to the Local Government Bill;*
- 2. assists, financially and practically, the Community Asset Committees to become incorporated associations;*
- 3. enters into Management Agreements with the Community Asset Committees; and*
- 5. commences the transition of Section 86 Committees to Community Asset Committees in May 2018, to be completed by June 2020.*

## ALTERNATIVE MOTION

*MOVED Cr Chris Smith seconded Cr Stephen Hart*

- 1. That Council defers this item for one month so that Councillors can be briefed and fully informed of the advantages and disadvantages of changing from the current Section 86 structure to the Community Asset model for each of those committees.*
- 2. Also to inform Council the details as to why six of the current Section 86 Committees don't fit the model at this point and what is proposed for these six committees.*

**LOST 3 : 4**

**DIVISION**

*For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Kate Hanson*

*Against the Motion: Cr Terry Woodcroft, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram*

**RESOLUTION**

*MOVED Cr Jason Schram seconded Cr Chris Potter*

*That Council:*

- 1. endorses the replacement of the current Section 86 Committee structure with Community Asset Committees, in line with the proposed changes to the Local Government Bill;*
- 2. assists, financially and practically, the Community Asset Committees to become incorporated associations;*
- 3. enters into Management Agreements with the Community Asset Committees; and*
- 4. commences the transition of Section 86 Committees to Community Asset Committees in May 2018, to be completed by June 2020.*

**CARRIED 4 : 3**

**DIVISION**

*For the Motion: Cr Terry Woodcroft, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram*

*Against the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Kate Hanson*

Peter Macdonald left the meeting at 6.45pm.

ORDINARY COUNCIL MEETING  
**AUDIT COMMITTEE MINUTES –  
6 DECEMBER 2017**

OM181804-7

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Sarah McKew	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F17/6554	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Audit Committee Meeting - Minutes - Signed - 6 December 2017		
<b>PURPOSE</b>	To receive for information the Colac Otway Shire Audit Committee minutes dated 6 December 2017		

## RESOLUTION

*MOVED Cr Jason Schram seconded Cr Stephen Hart*

*That Council receives for information the Colac Otway Shire Audit Committee minutes dated 6 December 2017.*

*CARRIED 6 : 1*

*DIVISION*

*For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram*

*Against the Motion: Cr Chris Smith*



ORDINARY COUNCIL MEETING  
**ASSEMBLY OF COUNCILLORS**  
OM181804-8

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Sarah McKew	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F17/6554	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Assembly of Councillors - Council Meeting Preparation - 28 March 2018</li><li>2. Assembly of Councillors - Councillor Briefing - 4 April 2018</li></ol>		
<b>PURPOSE</b>	To report the Assemblies of Councillors		

## REPORTING

1. *The Assemblies of Councillors are reported herewith.*

*The Local Government Act 1989 does not require a Council decision.*

*Cr Chris Smith requested that his opposition to this item be noted.*

ORDINARY COUNCIL MEETING  
**NOTICE OF MOTION –**  
**COUNCILLOR VOTING ON CONFIDENTIAL CONTRACT**  
OM181804-9

<b>COUNCILLOR</b>	Stephen Hart
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. NOTICE OF MOTION No. 275 - Cr Stephen Hart - Signed - Councillor Voting on Confidential Contract</li><li>2. Notice of Motion No. 275 - Cr Stephen Hart - Councillor Voting on Confidential Contract -Councillor Comment - Background Information</li></ol>

## RECOMMENDATION

### MOTION 1

*MOVED Cr Stephen Hart seconded Cr Chris Potter*

Councillor voting on 'In Committee' item considered on 28/3/2018 with the title 'Confidential Contract':

*Council:*

1. *Notes that at the ordinary meeting on 28 March 2018 Council voted on a resolution 'In Committee' titled 'Confidential Contract' with the reason including 'this matter deals with personnel matters'. This was the last item on the 'In Committee' agenda,*
2. *Council resolves that the adopted resolution is not confidential ,*
3. *Council resolves that Councillors may disclose how they voted, and*
4. *If a 'division' was called then the notation of how each Councillor voted is also not confidential and is to be disclosed.*

**LOST 3 : 4**

**DIVISION**

*For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Chris Potter*

*Against the Motion: Cr Chris Smith, Cr Kate Hanson, Cr Joe McCracken, Cr Jason Schram*

**MOTION 2**

***MOVED Cr Stephen Hart seconded Cr Chris Smith***

Councillor voting on 'In Committee' item considered on 28/3/2018 with the title 'Confidential Contract':

Council :

1. Notes that at the ordinary meeting on 28 March 2018 Council voted on a resolution 'In Committee' titled 'Confidential Contract' with the reason including 'this matter deals with personnel matters'. This was the last item on the 'In Committee' agenda,
2. Council resolves that the adopted resolution is not confidential provided that names of the personnel are deleted and remuneration figures are deleted,
3. Council resolves that Councillors may disclose how they voted, and
4. If a 'division' was called then the notation of how each Councillor voted is also not confidential and is to be disclosed.

***LOST 3 : 4***

***DIVISION***

***For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Chris Potter***

***Against the Motion: Cr Chris Smith, Cr Kate Hanson, Cr Joe McCracken, Cr Jason Schram***

The meeting adjourned for a short break at 7.02pm.

The meeting resumed at 7.07pm.

ORDINARY COUNCIL MEETING  
**NOTICE OF MOTION –  
ROADS ADVISORY COMMITTEE**  
OM181804-10

**COUNCILLOR** Jason Schram

**ATTACHMENTS** 1. NOTICE OF MOTION No. 276 - Cr Jason Schram - Signed -  
Roads Advisory Committee

## RECOMMENDATION

*MOVED Cr Jason Schram*

*That Council:*

1. *Establishes a Community Roads Maintenance and Strategy Advisory Committee.*
2. *Membership of the Advisory Committee shall comprise:*
  - a) *Two Councillors, one of whom shall be Chair.*
  - b) *Two representatives of smaller communities within Colac Otway Shire.*
  - c) *One Apollo Bay representative.*
  - d) *Representation invited from Emergency Services, VicRoads and VicPol.*
  - e) *Any council officer as deemed necessary.*
3. *That the Advisory Committee has power to co-opt additional members as necessary.*

*Cr Jason Schram sought leave of Council after moving his Notice of Motion to amend the motion as per section 88 (1) of the Local Government Act 1989.*

## AMENDED MOTION

*MOVED Cr Jason Schram seconded Cr Chris Smith*

*That Council:*

1. *Establishes a Community Roads Maintenance and Strategy Advisory Committee.*
2. *Membership of the Advisory Committee may comprise:*

- a) Two Councillors, one of whom may be Chair.*
  - b) Two representatives of smaller communities within Colac Otway Shire.*
  - c) One Apollo Bay representative.*
  - d) Three representatives from the Colac community.*
  - e) Representation invited from Emergency Services, VicRoads, VicPol, road user groups and stakeholders.*
  - f) Any council officer as deemed necessary by the CEO.*
- 3. That the Advisory Committee not be constituted until the Council has considered and adopted Terms of Reference to guide the Advisory Committee's function, processes and accountabilities.*

**CARRIED 4 : 3**

**DIVISION**

***For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Joe McCracken, Cr Jason Schram***

***Against the Motion: Cr Terry Woodcroft, Cr Kate Hanson, Cr Chris Potter***

## CLOSED SESSION

### RESOLUTION

*MOVED Cr Kate Hanson*

*That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 7.27pm and Council move into Closed Session in order to deal with:*

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
<i>Minutes of the Closed Session Council Meeting held on 28 March 2018</i>	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
<i>Proposed Rates Recovery Sales - Beeac and Beech Forest</i>	this matter may cause personal hardship of any resident or ratepayer.	Section 89 (2) (b)

*CARRIED 7 : 0*

The meeting was reopened to the public at 7.55pm.

*The meeting was declared closed at 7.55pm*

**CONFIRMED AND SIGNED** at the meeting held on 23 MAY 2018

  
.....MAYOR