



COUNCIL MEETING

MINUTES

Wednesday 22 February 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 29 March 2023



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 22 February 2023

TABLE OF CONTENTS

1 Declaration of Opening of Meeting	3
2 Present.....	3
3 Apologies and Leave of Absence	3
4 Welcome and Acknowledgement of Country.....	3
5 Question Time	4
6 Petitions / Joint Letters.....	17
7 Declarations of Interest	17
8 Confirmation of Minutes	17
9 Officer Reports.....	18
9.1 Finalisation of Development Plan - Irrewillipe Road, Elliminyt.....	18
9.2 Bruce Street (allocation of net income from the sale of the property, and other)	19
9.3 Part Road Closure - Hall Street Cressy	21
9.4 G21 Geelong Region Plan Refresh Project	22
9.5 Quarterly Performance Report - 1 October to 31 December 2022	23
9.6 MAV State Council Motion - Regional Library Corporation transition.....	24
9.7 Gender Equality Action Plan Update	25
9.8 Review of Colac Otway Shire Grants Program and Guidelines 2023-2024	26
9.9 Update on Appointments to Committees and External Organisations	28
9.10 Audit and Risk Committee Meeting - Confirmed Minutes - 7 December 2022	29
9.11 Authorisation of Officer under the Planning and Environment Act 1987 - Scott McKenzie ...	30
9.12 Report of Informal Meetings of Councillors	31

COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on
Wednesday 22 February 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 Graham Costin
Cr Tosh-Jake Finnigan
Cr Kate Hanson
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 and Communications
Lyndal McLean, Coordinator Council Business

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council 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).

OATH OF OFFICE

I would like to note that Councillor Tosh Jake-Finnigan took the Oath of Office, before the Chief Executive Officer in the Rae Street Administration Building, Colac, on Wednesday 18 January 2023. A copy of their Oath will be attached to these minutes in accordance with the requirements of section 30(2)(c) of the *Local Government Act 2020*.

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

Statement from the Mayor

Councillors and officers welcome and encourage questions from our community at our Council meetings.

The majority of questions received are respectful; however, some of the questions we receive are presented in a manner that reflects emotion rather than respect, and accusation rather than enquiry. Some questions include statements, allegations and accusations that aim to embarrass or damage Council, current and former Councillors, officers and other organisations. This is unacceptable and disrespectful of our Council and this meeting.

Council's Governance Rules provide clear guidance about the expectations we have of people who ask questions of Council. I intend to chair our meetings in a manner that is consistent with these standards. The majority of questions tonight will be read out without omission.

In a small number of cases, I will read the relevant part of the question, but I will not repeat unreasonable statements or allegations, nor will they be published in our minutes.

I believe that this approach is consistent with what our community should expect of their Mayor and Councillors.

Questions that are not responded to at today's meeting will receive a written response.

James Judd

- 1. Has the Colac Otway Shire Council yet done anything definite to make certain the Colac 2050 Growth Plan will be introduced on time? Do not forget it is under 30 years until it must be delivered in full. Plus, planning takes years before it is delivered, and to introduce this plan very much construction must be done first, while you are persistently cutting down on infrastructure expenditure.**

Response from General Manager Community and Economy

The Colac 2050 Growth Plan is a strategic land use plan that guides the future development of Colac.

Council is currently working on a number of initiatives, including the Deans Creek Precinct Structure Plan, and two re-zonings to increase residential housing supply at Elliminyt. These projects seek to progress development in accordance with Colac 2050. Each of these projects is considering the infrastructure that is required to support new development, and the timing of delivery of infrastructure upgrades will be linked to the staging of development.

Land developers will pay for much of the infrastructure for new residential development on Greenfield developments and therefore Colac 2050 is a very important strategic plan that does have Council's commitment, and will guide public and private investment in infrastructure, but is not a plan that directly determines Council's infrastructure budgets.

- 2. Why are Council letterheads allowed to be used by staff of this Council to answer queries to Council, when no reference or person's name sending out a letter or section of Council the letter is sent from quoted?**

Response from Manager Communications and Governance

I am aware that you have received responses compiled by many officers, not any one person, and so no one signature was relevant. There are a number of other circumstances where letterhead is used to provide information or a position of Council not an individual staff member. We agree that people may want to follow up on information provided in this manner, and we will try to be sure to include information about this in future correspondence.

- 3. How does the Colac Otway Shire Council justify its existence now it is telling residents of this Shire to chase up governments to provide services it is responsible to provide?**

Response from Chief Executive Officer

As always, some specific examples are helpful for Council to understand your concern. Council does receive requests about a variety of things that are the responsibility of other authorities and agencies, however, if that was not the case with your example, and it was a matter that Council

should have addressed then we want to make sure that we do that. If you could please let us know a specific example that has caused you concern and we will make sure that it is investigated through our complaints policy and procedure so that we can learn and do better next time.

4. **Why was proper English not used by Council when it rolled out the purple glass only bin? It should have been beer and spirit bottles plus glass containers with no lids. By including beer bottles, you are authorising non-glass items to be put in this bin. Since beer bottles have not legally been allowed to be manufactured in Australia for many decades of glass. Beer bottles in this country are made of material with very difference quality to true glass.**

Response from General Manager Infrastructure and Operations

The type of glass that is used in beer bottles is able to be disposed of in Council's kerbside bins with the purple lid. This information is included in our A-Z Waste Guide (under 'B' for beer) and our 'Purple Bin Fact Sheet'. Both of these documents are found on our website, but we are happy to provide them to anyone who phones or emails seeking this information.

Your question prompted us to review the advice about beer bottles on our Good Sort app, which has been very popular with our residents. I didn't see anything specifically listed on the app, so thank you for helping us identify another improvement we can make to the Good Sort app.

Dave Wilson

1. **After several weeks of operation, I find this new drop-off scheme is un-workable. The new scheme provides a large skip (bin) with segments for mixed recyclables and glass. Rubbish continues to be hydraulically lifted into the truck, as before. The issue is that the lip of the skip is too high, roughly 1.5m off the ground. This requires lifting a very heavy bin containing glass or mixed. It is not possible for many people, especially older or physically challenged, to lift their wheelie bins into the skip. For those of us with families, a fortnightly collection schedule means we require a 240L bin for mixed recycling and a 100L bin for glass, both of which are extremely heavy when full. Even replacing our 240L bin with multiple smaller bins would leave us with bins too heavy to lift into the skip. Surely this issue would've been discovered during the trial of the new scheme? Another solution must be found.**

Response from General Manager Infrastructure and Operations

We want to make sure the service works well for our contractors and community and appreciate your feedback.

We have had this issue raised by some other people and Council has lifting equipment ordered and on the way to help remove some of the manual handling challenges.

Unfortunately, this equipment has been delayed, and so we will take on your feedback, review how our sites are operating and look into interim solutions to help make our drop off stations work better for our customers.

Emma Colson

1. **Colac Otway Shire recently awarded the tenure of the Forrest Caravan Park to Belgravia Leisure. This large-scale corporate entity now has notified the permanent van site holders that they must remove their vans from the site. There is a core group of locals who have for many years**

had their 'second home' in the Forrest Caravan Park. These 'locals' contribute a great deal to the fabric of society of Forrest and have worked closely with the recent Forrest MTB trails revitalization project (a project partly funded by Colac Otway Shire). They will now be 'kicked out' of 'Highview Crescent' in scenes reminiscent of the street made famous under similar circumstance. Why were protections not put in place for these locals when the tenure was awarded? Has Council any re-course to negotiate with Belgravia to ask them to re-consider this decision?

Response from General Manager Community and Economy

Thanks Ms Colson. I have quite a long response to read out because your question has been asked by a number of people for response today.

Council undertook a community consultation exercise prior to preparing the Expression of Interest document. This consultation was reported to Council at a public meeting.

The Expression of Interest document subsequently prepared by Council stated that proposals for the lease of the Forrest Holiday Park were to include 'the proponents plan for the option of medium term and annual tenants'. This clause is included in the final lease.

Council understood when it entered the lease agreement with BelgraviaPRO for the Forrest Holiday Park that they had committed to providing existing annual site holders with an initial 12 month agreement and during that period there would be a review of the existing arrangements and future improvement plans.

The previous lease holder had established arrangements with a number of site holders that were independent of Council. We now understand that many of these arrangements were informal and may not have properly considered compliance matters in sufficient detail.

At the conclusion of that lease, there was a situation where the new leaseholder BelgraviaPRO and the existing annual site holders needed to establish fresh arrangements with the new operator. Council is not a party to these agreements and so Council wrote directly to as many annual site holders as we could to make sure that this was clear. The proposal from BelgraviaPRO, which has been incorporated into the lease, is also consistent with this.

Council is aware that the way that BelgraviaPRO's future plans have been presented and explained to annual site holders has been more alarming than expected. Council agrees that the annual site holders should be provided more information, particularly about compliance matters that BelgraviaPRO has identified, as well as reassurance about how this matter will be resolved. We have asked BelgraviaPRO to slow the process down so that these things can be worked through.

We also understand that BelgraviaPRO has recently informed annual site holders that it is open to offering all long-term annual site holders a site. This is an encouraging update.

We also understand that the location of annual sites will be based on the response of annual site holders wishing to return, but that all sites will be required to meet current safety codes and regulations regardless of where the final locations are. This requirement should not be new and is not driven by BelgraviaPRO. This is simply an important requirement to keep everyone safe and ensure sites and the overall park comply with the relevant laws and regulations. Again, this means that everyone should have a common understanding about these issues and hopefully solutions

can then be found that deliver the benefits expected and needed by the operator and the community.

Nasser Kotb

1. **Why the 'Contact a Councillor' still lists (on COSC Website) two ex-Councillors and not listing their replacement?**

Response from Manager Communications and Governance

The website has been updated and is current.

2. **I noticed that the Council has granted BelgraviaPRO the right to evict annuals from the Forrest Caravan Park. This was NOT stated in the lease contract released for community consultation. The annuals are part of the fabric of the community. The Council should have been aware of this fact.**

a) **What are the reasons for such an action?**

b) **As best practice, can this action be reversed and put to community consultation first?**

Response from the Mayor

The officers' response to Ms Colson's earlier question, which covers the same ground, has explained how the community consultation informed the Expression of Interest process, and then what has occurred since.

Mr Kotb provided introductory comments to his next question but I am just going to read out the question.

3. **Would the Council consider instituting a CEO Code of Conduct as well as a more comprehensive Staff code of conduct to improve productivity, accountability and transparency?**

Response from the Mayor

The Local Government Act establishes a framework that applies to CEO's, their responsibilities and performance.

Council has a Chief Executive Officer Employment and Remuneration policy which is made pursuant to Section 45 of the Act, and Council has established a Chief Executive Officer Employment Matters Advisory Committee.

The position description for the CEO includes further details about expectations and key performance indicators. Council hasn't considered instituting a CEO Code of Conduct as there are already a range of things in place that relate to how CEO's conduct themselves.

4. **Judging by the publicly available plans and reports, the Economic Development Strategies & Plans are focused on tourism. This is disappointing and a narrow minded approach. The Shire has far more economic growth opportunities than the Council outlines. The Council does not provide a vision and does not even consult the community [on] vision 2050. On that score, the Council failed to deliver.**

The Council needs to diversify the Shire's economy. There are many opportunities for the Shire's economy to grow beyond the hospitality industry. The Shire has a robust dairy industry, sheep and beef production and various crops. Fishing, timber and saleyards, all contribute to the local food and fibre sector. This can be further complemented by emerging high-quality niche producers.

Renewable energy projects hold opportunities to embrace a high-tech and increasingly vital industry. Similarly, opportunities in aquaculture, especially seaweed are enormous growth areas. Council officers can consult the Moyne, Yarra Ranges and Alexandrina's Councils' economic growth plans to understand the way vision is.

Would the Council consider developing an economic growth strategy that goes beyond hospitality into manufacturing and serving our farmers, renewables, aquaculture (especially seaweed) as well as connecting with the natural environment?

Response from General Manager Community and Economy

The Colac Otway Shire Economic Development Strategy 2019-2024, which can be found on the Council's website, recognises the diverse nature of economic opportunities in our Shire. The Strategy identifies numerous sectors, which reflects the broad diversity of our Shire's economy, and articulates actions to be undertaken for each of these.

Identified sectors in the Strategy include, but are not limited to; agriculture, forestry, fishing, construction, manufacturing and food production, energy, retail and services, visitor economy (tourism, culture and cultural landscape, events), health care and social services. While the document identifies the visitor economy as a key sector, it's not the primary focus of the Strategy.

The Strategy adequately addresses the manufacturing, agriculture and energy sectors. While the strategy may not identify every economic opportunity available in the Shire, it doesn't preclude Council from considering and supporting new and emerging sectors and opportunities on their merit, as they emerge.

Noor Petersen

1. Where in the lease contract to Belgravia does it state they have the power to evict the annual tenants? Why, when the town was consulted about the new lease, the issue of eviction and the running of a commercial business by Belgravia was not part of the parameters of the lease? What are the reasons for such decisions? Given the long, tense and sensitive topic between COS and the caravan park, why has the Forrest community not been consulted, given the impact it will have on the township?

Response from General Manager Community and Economy

The response to Ms Colson's earlier question has explained how the community consultation informed the Expression Of Interest and the arrangements under the lease that resulted.

Edward Martin

Mr Martin has a number of questions for today, and I am going to read them out first and then have officers provide a single response.

Questions pertaining to Mount Gellibrand Fire Access Track

Recently on the 7-2-2023, the Irrewarra CFA and other CFA brigades, were called to a tractor/grass fire on the property of Turkeith. And as a result of this fire call, some CFA brigades were required to use the Mount Gellibrand Fire Access Track. What the CFA tankers encountered, was a fire access track, that was in a serious state of disrepair. Certainly not fit for emergency vehicle response, with large holes, and very rough etc., not to mention the very long grass.

So with that explanation in mind, I therefore ask the following questions of Council.

1. Who is responsible for the upkeep and maintenance of the Mount Gellibrand Access Track (over its entire length)?
2. Would it be Council or Acciona Energia (Acciona)?
3. Would I be correct in assuming, that Acciona would be responsible for this maintenance?
4. I refer you to the original Mount Gellibrand Wind Energy Facility, Planning Permit PL-SP/O5/0257, and the conditions attached, specifically relating to this fire access track. Page 9, Environmental Management Plan, Part 12, Section D, Subsection 1.

Section D of the Environmental Plan, states that (A wildfire and emergency prevention and response plan) be developed. The plan must be prepared in consultation with the Country Fire Authority, the Department of Sustainability and Environment, and the Colac Otway Shire Council Municipal Emergency Management Committee. Could you provide me a copy of this original emergency response plan?

Mr Martin submitted a further six questions in relation to this topic that exceed our word count for a response here. I understand that our officers are going to catch up with Mr Martin and work through these issues at a meeting, hopefully in the near future.

Response from General Manager Infrastructure and Operations

Thank you Mr Martin for the questions raised by the local community. Council will undertake to investigate the issues raised through the Emergency Management Unit as an operational matter due to the number of external agencies that will need to be contacted and to provide information and responses.

As the [Victorian] Planning Minister provided planning approval, we do not have a copy of the documents you have referenced and our Emergency Management Unit will work with you and the Department of Transport and Planning in seeking copies of those documents mentioned and to engage with the required stakeholders to ensure the review of the plans are taking place as well as future risk reduction strategies.

Slashing, where possible, was undertaken this week, a little later than normal due to the weather and recovery activities across the Shire and we will undertake an inspection of the potholes.

I thank Mr Martin on behalf of the community in agreeing to work with our Emergency Management Unit going forward in addressing some of the longer-term considerations.

Jan Ratcliff

1. We are in a climate emergency. Natural disasters like fires and floods are occurring at an alarming and unprecedented rate and scientists tell us this will only get worse unless we drastically cut our carbon emissions. In our Shire, the Bluewater Fitness Centre uses large amounts of gas and therefore produces a lot of carbon emissions. When community members called on Council to convert it from gas to heat pumps, we were told that this would not be possible without a grant. Towards the end of last year I enquired of the Victorian Minister for the Environment about the availability of such grants and was told that there had been some but that applications had now closed. My question to Council is did Council apply for one of these grants? If not, why not?

Response from General Manager Community and Economy

Council has not applied for a grant to convert its heating system from gas to electricity. Based on the feasibility study undertaken, it wasn't deemed viable to undertake the project at this point in time unless fully funded by other parties. Council is unaware of any grant programs available that would fully fund this project.

Jason Schram

1. How could this Council possibly think that spending money from the sale of Bruce St which is a windfall for the ratepayers on more feasibility studies and strategic work is a good idea?
2. Would it not be better spent on infrastructure projects that would otherwise not be budgeted for, like a few things in the myriad of master plans adopted or requests from the from the people that live in the Shire that come via petitions or budget suggestions?

Response from Chief Executive Officer

Councillors will consider whether Bruce Street proceeds should be allocated later in today's Council meeting, and therefore it would not be appropriate for officers to pre-determine the debate or decision.

3. Would this Council have the leadership to direct the CEO to do better with the Budget to allow for strategic plans and feasibility studies in the mega millions of dollars collected from ratepayers so that other income or windfalls that come Councils way won't be wasted and this community can get a few things built?

Response from the Mayor

As you are aware, developing the Council budget to meet the many expectations and needs of our community is a well-considered activity.

Infrastructure and non-infrastructure initiatives are both important to building a great future for our community. I am not going to say anymore as the Bruce Street matter will be considered shortly.

Peter Fillmore

The Apollo Bay community are very interested to hear, from COS, the answers to the following two questions, regarding the now scrapped Wild Dog Creek to Skenes Creek walking and cycling trail.

Members of the community have indicated to COS, over the last 4 years that the trail would be unlikely to be passed by the State Government, as it clashed with many government policies and legislation, but they were ignored.

1. Can COS please detail a breakdown the spending of \$1m on the planning of the now scrapped Wild Dog Creek to Skenes Creek trail?

Response from General Manager Infrastructure and Operations

Council expended funds provided by the Australian Government for this Trail Project on investigations, design, approvals and project delivery resources. The total expenditure to date is in the order of \$1 million dollars. These costs will be acquitted through the funding agreement to the Victorian Government. Council has obligations to other levels of government under the funding agreement and will not disclose further detail or publicly release documents without the explicit approval of the funding bodies.

2. Did any Councillors have a conflict of interest when voting for the trail and the awarding on the contract to the planning company?

Council awarded the contract at a meeting open to the public and held on 27 January 2021. The minutes did not record any declarations of interest by Councillors.

Sandy Maxwell

1. During the tender process we were told by the Council representative in charge of the process that this would be "Best practice". Given that Colac Otway Shire went on to engage a company who, for the first four years of their tenure, pay a mere \$4000 per annum, claims to have never seen the community feedback that the Shire undertook, kick out 27 families who contribute to not only the towns economy but to its volunteer base and who also now intends to set up, in a town with a very small permanent population, a store, bottle shop and bike hire in direct competition with local businesses. How is this "Best practice" and do the Shire ever look into the ethics of how a company operates before handing them the Golden Goose?

Response from General Manager Community and Economy

We have addressed part of your question through an earlier response to Ms Colson, however you have included additional issues regarding checks that Council may do on potential lessees.

Our standard practice includes due diligence with respect to financial capacity, as well as undertaking reference-checking and discussing performance elsewhere with key stakeholders or lessors.

David Walsh

1. After recognising the importance of the Irrewillipe road basin upgrade in 2014 and allocating ratepayer funds two years ago in 2021 plus government funding, my first question to Council is when will this project be finished?

Response from General Manager Infrastructure and Operations

The project is subject to two external funding agreements, one with the Australian Government and one with the Victorian Government, and both agreements set the timeframes for the project.

The preliminary concept design has been completed, and the procurement process has commenced appointing a consultant to undertake the detailed design.

The project is planned to be completed by April 2025.

2. How many times has the water over road signs been put up in Deans Creek road in the past 12 months?

Response from General Manager Infrastructure and Operations

Over the past 12 months, water on the road signs have been put in place 10 times. Each time they are left for approximately one week. On one occasion in October 2022 during the flood event we left them for three weeks.

3. How many times has the road closed sign been put up in Deans Creek road due to flooding over the road in the past 12 months?

Response from General Manager Infrastructure and Operations

The road closed signed has been utilised four times over the last twelve months.

4. Is Deans Creek road the most flooded road in the Colac district?

Response from General Manager Infrastructure and Operations

Deans Creek road is the most frequently flooded. Other than the October flood event, we rarely have to close any other road if at all. Water on road signage are rarely placed on any other road.

5. Since my first submission to Council with regards to an extra culvert under the Dean Creek road in August 2020, Council were planning to survey and design this in the 20-21 financial year, after many interactions with Council officers, lost emails, unanswered emails etc., we have had a concept design and now we are down to detailed design (Heath Chasemore 15th Nov 22) The question is when are you going to do this culvert?

Response from General Manager Infrastructure and Operations

At this time only design work has been funded. The design work will inform a cost estimation that can be considered as part of budget process, therefore we have not commitment to timing for the culvert works.

Leigh Barrett

1. In a media release on 25 January 2023, Council announced that it had established an interim agreement with BelgraviaPRO until 30 June 2023, for the park to operate while it considers options for longer-term arrangements. Is Council paying BelgraviaPRO to manage the park until 30 June or is BelgraviaPRO paying Council?

Response from General Manager Community and Economy

It is not appropriate for Council to discuss the details of the commercial arrangements with BelgraviaPRO. The financial result of these arrangements will be dependent on occupancy rates and in turn, income, along with operating costs incurred to operate the Park.

Marina Lewis

The Council Plan 2021 undertook to deliver a Climate Change Action Plan in partnership with other organisations by June 2022. It is now February 2023.

1. When will Council deliver its Climate Change Action plan for community feedback?
2. What other organisations are involved in the development of the plan?

Response from Manager Planning and Strategic Focus

It is expected that the draft Climate Action Plan will be considered at the April 2023 Council meeting before it is released for community input through a public exhibition process.

Many organisations, government departments, agencies and community groups have been consulted during the engagement phase of the development of Council's Draft Environmental Sustainability Strategy and Action Plan as well as information being sought from other resources. This includes the Climate Action Team's 'A Call for Action for a Climate and Biodiversity Action Plan in Colac Otway Shire'.

Local organisations that have participated in the development of the Plan, include:

- Colac Chamber of Commerce
- Colac Large Employers Group
- Southern Landcare Network
- Otway Climate Emergency Action Network
- Climate Action Team
- Southern Otway Sustainability
- Colac Otway Landcare
- Upper Barwon Landcare
- Gerangamete and District Landcare
- Birregurra Community Group
- Friends of Barwon
- Colac Sustainability Group.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Alan Billing

1. On the 26 of January this year, Australia Day, I attended the Citizenship Ceremony at COPACC. As I arrived at the venue I was struck by two things; one was that there was no external evidence that a significant Australia Day event was to take place, and the second was that there was no Australian flag on the Council complex. When I entered the venue, a young lady introduced herself to me as the Events Manager for the Colac Otway Shire. I raised with her the issue of no Australian flag flying on the Civic complex. Her response to me was that maybe it was a breach of flag protocols. She did undertake to pass on my concern. I also spoke to a Councillor the next day.

On 8 February I received correspondence from Council's General Manager of Corporate Services in response to what he deemed as my complaint regarding no flags [on display outside Council's Rae St office on 26 January 2023]. I quote from his response:

'Flags are displayed outside Council offices when staff are in attendance. With the day of the 26 of January 2023 being the Australia Day public holiday, there were no staff working at the Council offices so no flags were raised on that day.'

It is my contention that the only item correct in that correspondence is that January 26 was a public holiday. There was on that day, in the Civic complex, a Council event for which the Australian flag should have been raised. It is my understanding that there was a number of staff present including three Councillors. My questions to you Mr Mayor, do you endorse the content of the correspondence to me from the General Manager, Corporate Services? Will you make a public apology to the Colac Otway community for not flying the Australian flag on Civic buildings on Australia Day?

Response from the Mayor

Thank you for the question Mr Billing and the preamble. I haven't seen the correspondence you refer to but certainly, the Australian flag should have been flown on that day, in accordance with protocol.

Will you make a public apology? It's nice to hear this but a number of community people had raised the issue with me. I seem to be more accessible than some Councillors and there is general concern out there that it was an appalling oversight. So will the public apology to the community be forthcoming?

Response from the Mayor

First, I am not sure why you are more accessible than Councillors are. Our phone numbers are on the website. We are well known and no one has raised it with me. I am pretty accessible down the street, just about every day, but that having been said, I think is appropriate that in answering your question, I do apologise there was no Australian flag being flown from this building on Australia Day.

I appreciate that. I'm sure the community will. The next is another, more private issue. I've received correspondence from some Council officers now on two occasions. It would probably be courteous if they checked the spelling. Thank you.

Tony Webber

1. The first question is about house demolitions. There's been two houses demolished in Apollo Bay, one in Marengo and one in Apollo Bay. The one in Marengo had just been renovated with double glazed windows, new kitchen. The ownership then changed. The new owners came in with a large demolition crew and just destroyed the house. A lot of people got quite emotional about this and they feel that there should be recycling done, not just 'demolishing' of the house. In Apollo Bay itself another house was demolished, an older one. It probably had really good hardwood timber, there's a shortage of that, so can the Council do anything about this?

Response from Chief Executive Officer

Thank you Mr Webber for your question, the short answer is I don't think that Council does have a role in prescribing what happens to waste in these situations or actually reusable material. 'It is not waste' is clearly your message and I accept that. I think that this is something that I would hope the Victorian Government does consider as it implements its Recycling Victoria Strategy over the next ten years. We are in year one so nine more years [to go]. At the moment their focus is very much on helping Councils do better with municipal collected waste but I would expect that commercial waste from construction sites in particular, is another ripe opportunity to see material reused. We don't have a role at this time in enforcing that however. As long as it's not disposed of inappropriately, i.e. dumping in public areas, asbestos etc. then it's actually not something we can intervene with at this time, to my knowledge.

2. Thank you. The second question is about a property up Tuxion Road [Apollo Bay] that's about 150 acres. The people will not have any stock on the property. It's quite steep. The neighbours have offered to graze it because they're worried about the fire situation with dry lightning and it is [a] real concern because if we have a westerly blowing it could come down into the town. Can the Council do anything about large properties that will not graze them and leave the grass at waist height?

Response from Chief Executive Officer

That is one for us to take on notice Mr Webber. I would encourage you to follow it up if we have not captured enough details and we will see what our fire prevention officers might be able to do.

Emma Colson

1. Thank you. I already submitted the questions to the General Manager here [Community and Economy]. I don't understand the response, in plain English. I think the response means that the existing leaseholders will be kicked out, albeit slowly. Sorry I find the response quite long and wordy and not simple and straightforward for me.

Response from General Manager Community and Economy

I appreciate it was a long response and when someone is reading it out it might be hard to comprehend the full information and so we are happy to send you the detailed response. I was not saying that all site holders were going to be kicked out and I do not believe that BelgraviaPRO are saying that either. The latest information we have, which I think the 'annuals' have as well, is that any annual site holder that wants to remain at the Park will be given that option to remain.

Remain in their current situation or have to bid for a new allotment at a certain price, which is to be disclosed? So kicked out by stealth is my question.

Response from General Manager Community and Economy

To me that is a statement.

Response from the Mayor

Can I just interrupt there. I am not sure that this is the forum to have that debate. I am certainly happy to talk to you but I do not think it is appropriate to use terms like 'kicked out by stealth' and certainly, Council are not kicking anyone out.

Well, evicted by stealth. I understand Council is not, but the guts of it is there was Council consultation with community that said these people are important and now it seems like the contract, perhaps doesn't allow for them to remain, which was against the wishes of the community. I still don't understand where we're at.

Response from the Mayor

Perhaps we need to have another discussion offline. Some Councillors and the Chief Executive Officer did attend a meeting at Forrest a few weeks ago and there were ongoing discussions. I am aware of some of them but they are still progressing. Mr Seuren, perhaps we need to set something up in due course with the affected people again.

6 PETITIONS / JOINT LETTERS

Nil

7 DECLARATIONS OF INTEREST

Nil

8 CONFIRMATION OF MINUTES

- Council meeting held on 14 December 2022.
- Unscheduled Council meeting held on 1 February 2023.

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Graham Costin

That Council confirm the minutes of the Council meeting held on 14 December 2022 and the minutes of the Unscheduled Council meeting held on 1 February 2023.

CARRIED 6 : 0

Item: 9.1

Finalisation of Development Plan - Irrewillipe Road, Elliminyt

OFFICER	Simon Clarke
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Existing Development Plan - DPO2 Area 4 - Irrewillipe Road, Elliminyt [9.1.1 - 1 page]2. Proposed New Development Plan (for adoption) [9.1.2 - 1 page]

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Stephen Hart

That Council:

- 1. Adopts the Development Plan dated October 2022 for land within Development Plan Overlay 2 – Area 4 at Irrewillipe Road, Main Street, Aireys Street and Hart Street in Elliminyt (Attachment 1).*
- 2. Advises the submitter of the outcome and thank them for their submission.*

CARRIED 6 : 0

Item: 9.2

Bruce Street (allocation of net income from the sale of the property, and other)

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

RECOMMENDATION

That Council:

1. *Notes the progress of the sale of 36-52 Bruce Street, Colac, since its decision on 4 May 2022.*
2. *Allocates proceeds from the sale of Bruce Street, Colac, as follows:*
 - a. *\$120,000 to "Feasibility of key worker housing development at 69-71 Nelson St, Apollo Bay".*
 - b. *\$300,000 to support future strategic land use planning projects that support ongoing supply of residential land.*
 - c. *\$500,000 allocation to capital investment in long-term infrastructure at Lake Colac Holiday Park.*
3. *Transfers the above allocations to the Strategic Project Reserve until they are needed for the intended purposes.*
4. *Retains the balance of net proceeds in the Strategic Project Reserve for consideration as part of the development of the 2023-24 Budget.*

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Margaret White

That Council:

- 1. Notes the progress of the sale of 36-52 Bruce Street, Colac, since its decision on 4 May 2022.*
- 2. Allocates proceeds from the sale of Bruce Street, Colac, as follows:*
 - a. \$120,000 to the feasibility of key worker housing development at 69-71 Nelson St, Apollo Bay.*
 - b. \$300,000 to support future strategic land use planning projects that support ongoing supply of residential land.*
 - c. \$500,000 allocation to capital investment in long-term infrastructure at Lake Colac Holiday Park, subject to a commitment from a future lessee to make a matching investment in the park to implement a masterplan to be agreed with Council.*
- 3. Transfers the above allocations to the Strategic Project Reserve until they are needed for the intended purposes.*
- 4. Retains the balance of net proceeds in the Strategic Project Reserve for consideration as part of the development of the 2023-24 Budget.*

CARRIED 4 : 2

DIVISION

For the motion: Cr Stephen Hart, Cr Margaret White, Cr Graham Costin, Cr Chris Potter

Against the motion: Cr Kate Hanson, Cr Tosh-Jake Finnigan

Item: 9.3

Part Road Closure - Hall Street Cressy

OFFICER	Mark McLennan
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Stephen Hart, **SECONDED** Cr Kate Hanson

That Council:

1. Gives public notice of its intention to discontinue the road described as the Government Road, Hall Street Cressy, in so far as it encroaches within Certificate of Title Volume 12427 Folio 485, pursuant to sections 12 of the Road Management Act 2004 and 206 of the Local Government Act 1989.
2. Determines that the public consultation period shall be no less than six weeks from public notice.
3. Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee scheduled to be held on Wednesday 3 May 2023, commencing at 4pm.
4. Considers any submissions received prior to making a decision to discontinue the road at a future Council meeting.
5. Authorises the Chief Executive Officer, or their delegate, to do all things required to discontinue the road described as the Government Road Hall Street Cressy in so far as it encroaches within Certificate of Title Volume 12427 Folio 485, where no submissions are received.

CARRIED 6 : 0

Item: 9.4

G21 Geelong Region Plan Refresh Project

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

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

That Council provides \$10,000 (exc. GST) to the G21 Region Alliance to refresh the G21 Geelong Region Plan to be paid from 2022-23 recurrent operations budget.

CARRIED 6 : 0

Item: 9.5

Quarterly Performance Report - 1 October to 31 December 2022

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. 2022-23 Quarterly Performance Report - October to December 2022 [9.5.1 - 46 pages]

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Graham Costin

That Council notes the Quarterly Performance Report for the second quarter 2022-23, for the period 1 October to 31 December 2022.

CARRIED 6 : 0

Item: 9.6

MAV State Council Motion - Regional Library Corporation transition

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

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

That Council submits the following motion to the Municipal Association of Victoria for consideration at its next State Council meeting:

- 1. That the Municipal Association of Victoria:*
 - 1.1. Notes that regional library corporations are largely funded by their member Councils.*
 - 1.2. Notes that the Local Government Act 2020 requires existing regional library corporations to be wound up by 30 June 2031, which is 10 years after the commencement of section 110 of the Act.*
 - 1.3. Notes that the cost to transition to an alternate management model may be significant and will be borne by the regional library corporations and their member Councils.*
 - 1.4. Supports regional library corporations and their member Councils to advocate to the Victorian Government for resources, both financial and other support, to transition to an alternative model.*

CARRIED 6 : 0

Item: 9.7

Gender Equality Action Plan Update

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Colac Otway Shire Council - Statement of Commitment to Gender Equality [9.7.1 - 1 page]

RECOMMENDATION

That Council:

1. *Notes the update on the Gender Equality Action Plan.*
2. *Endorses the Statement of Commitment to Gender Equality (Attachment 1).*
3. *Agrees to fly the Rainbow Flag on 17 May 2023 being the IDAHOBIT, to demonstrate Council's allyship with our Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning and Asexual (LGBTQIA+) communities, and to take a stand against discrimination.*

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Tosh-Jake Finnigan

That Council:

1. *Notes the update on the Gender Equality Action Plan.*
2. *Endorses the Statement of Commitment to Gender Equality (Attachment 1).*
3. *Agrees to fly the Rainbow Flag at least annually on 17 May, being the IDAHOBIT, to demonstrate Council's allyship with our Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning and Asexual (LGBTQIA+) communities, and to take a stand against discrimination.*
4. *Requests that the Chief Executive Officer include Council's decision to fly the Rainbow Flag on IDAHOBIT in the Gender Equality Action Plan.*

CARRIED 6 : 0

Item: 9.8

Review of Colac Otway Shire Grants Program and Guidelines 2023-2024

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none">1. DRAFT Colac Otway Shire Grants Program Guidelines 2023 - 2024 [9.8.1 - 27 pages]2. Summary of Changes - Grants Program 2023-2024 Guidelines [9.8.2 - 2 pages]

RECOMMENDATION

That Council:

1. *Endorses the Colac Otway Shire Grants Program Guidelines 2023-24.*
2. *Notes the allocation of funding through the Colac Otway Shire Grants Program 2023-24 will be subject to approval of the Council budget 2023-24.*
3. *Notes officers may make administrative changes to the guidelines where these changes do not have a material impact.*
4. *Notes that the endorsement of the revised Colac Otway Shire Grants Program 2023-24 does not supersede the Point 4 of the Council resolution relating to agenda item 6 on 28 March 2018.*

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Tosh-Jake Finnigan,

That Council:

- 1. Endorses the Colac Otway Shire Grants Program Guidelines 2023-24.*
- 2. Notes the allocation of funding through the Colac Otway Shire Grants Program 2023-24 will be subject to approval of the Council budget 2023-24.*
- 3. Notes officers may make administrative changes to the guidelines where these changes do not have a material impact.*
- 4. Notes that the endorsement of the revised Colac Otway Shire Grants Program 2023-24 does not supersede Point 1(o) or Point 4 of the Council resolution relating to agenda item 6 on 28 March 2018, noting these items related to student achievement awards and capital investment in small towns.*

CARRIED 6 : 0

Item: 9.9

Update on Appointments to Committees and External Organisations

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Margaret White

That Council:

- 1. Notes a Countback will be held at 10am on Wednesday 1 March 2023, to fill the extraordinary vacancy that occurred due to Councillor Jamie Bell's resignation on 25 January 2023.*
- 2. Defers consideration of the remaining appointments to committees and external organisations to the Council meeting scheduled to be held on Wednesday 29 March 2023, to enable participation by all seven Councillors.*

CARRIED 6 : 0

Item: 9.10

**Audit and Risk Committee Meeting - Confirmed Minutes - 7
December 2022**

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. 7 December 2022 Audit and Risk Committee Meeting Minutes [9.10.1 - 15 pages]

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Margaret White

That Council receives for information the Colac Otway Shire Audit and Risk Committee confirmed minutes, dated 7 December 2022.

CARRIED 6 : 0

Item: 9.11

**Authorisation of Officer under the Planning and
Environment Act 1987 - Scott McKenzie**

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. S 11 A - Delegations - Instrument of Appointment Planning and Environment Act Scott Mc Kenzie [9.11.1 - 2 pages]

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Kate Hanson

That Council:

- 1. Appoints Scott McKenzie as an authorised officer pursuant to section 147(4) of the Planning and Environment Act 1987.*
- 2. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.*
- 3. Notes that the Instrument of Appointment and Authorisation (Instrument) comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.*

CARRIED 6 : 0

Item: 9.12

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 - Online Planning Committee Briefing - 05 December 2022 [9.12.1 - 2 pages] 2. Informal Meeting of Councillors - Councillor Briefing - 07 December 2022 [9.12.2 - 2 pages] 3. Informal Meeting of Councillors - Planning Committee Meeting Preparation - 07 December 2022 [9.12.3 - 2 pages] 4. Informal Meeting of Councillors - Councillor Briefing - 14 December 2022 [9.12.4 - 2 pages] 5. Informal Meeting of Councillors - Council Meeting Preparation - 14 December 2022 [9.12.5 - 2 pages] 6. Informal Meeting of Councillors - Councillor Briefing - 25 January 2023 [9.12.6 - 2 pages] 7. Informal Meeting of Councillors - Councillor Briefing - 01 February 2023 [9.12.7 - 2 pages] 8. Informal Meeting of Councillors - Unscheduled Council Meeting Preparation - 01 February 2023 [9.12.8 - 2 pages] 9. Informal Meeting of Councillors - Councillor Briefing - 08 February 2023 [9.12.9 - 2 pages] 10. Informal Meeting of Councillors - Planning Committee Meeting Preparation - 08 February 2023 [9.12.10 - 2 pages]
PURPOSE	To report the Informal Meetings of Councillors

REPORTING

The Informal Meetings of Councillors are reported herewith;

<i>1. Online Planning Committee Briefing</i>	<i>5 December 2022</i>
<i>2. Councillor Briefing</i>	<i>7 December 2022</i>
<i>3. Planning Committee Meeting Preparation</i>	<i>7 December 2022</i>
<i>4. Councillor Briefing</i>	<i>14 December 2022</i>
<i>5. Council Meeting Preparation</i>	<i>14 December 2022</i>
<i>6. Councillor Briefing</i>	<i>25 January 2023</i>
<i>7. Councillor Briefing</i>	<i>1 February 2023</i>
<i>8. Unscheduled Council Meeting Preparation</i>	<i>1 February 2023</i>
<i>9. Councillor Briefing</i>	<i>8 February 2023</i>
<i>10. Planning Committee Meeting Preparation</i>	<i>8 February 2023</i>

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

CLOSED SESSION

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Tosh-Jake Finnigan

That pursuant to the provisions of Section 66 of the Local Government Act 2020, the meeting be closed to the public and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 26 October 2022.</i>	This matter deals with confidential meeting information, being records of meetings closed to the public under section 66(2)(a).	Section 3(1)(h)
<i>Community Awards Nominations 2023</i>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)

CARRIED 6 : 0

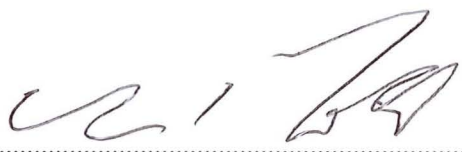
The meeting adjourned at 5.59pm.

Closed Session commenced at 6.05pm.

The meeting re-opened to the public at 6.17pm.

The meeting was declared closed at 6.17pm.

CONFIRMED AND SIGNED at the meeting held on 29 March 2023.


.....MAYOR

Responses to questions taken on notice – 14 December 2022 Council Meeting

Elizabeth Ryan

1. I have a question about the Public Transport Victoria bus timetable for Colac to Lorne and would like to know what Colac Otway Shire [Council] would be doing for this upcoming period timetable? If they're going to be able to promote it for us please?

Response from Chief Executive Officer

Thank you Ms Ryan for your question. I'm going to take that one on notice because Public Transport Victoria is a State Government responsibility. We're happy to take that question, see what we can find out and come back to you.

Thank you, we're just pre-empting that they don't promote it early enough, because it starts this Friday.

Further response from Manager Governance and Communications

Thank you for raising promotion of the Colac to Lorne bus with Council. The bus is a useful service for workers and members of our community to visit Colac, Birregurra, Deans Marsh and Lorne; a link to the 2022-2023 timetable has been added to Council's website <https://www.colacotway.vic.gov.au/Community-services/Transport/Public-Transport> and the service has been promoted on Council's social media channels. We will continue to promote the service via Council's social media channels through January while the bus is operating.

2. My second question is regarding the Surf Coast Shire's proposed reduction of the speed limit on the Cape Otway Road to 80 kilometres per hour, from Moriac Township to Salt Creek Lane, which is the Shire boundary, which was eloquently put in the Colac Herald today but didn't actually mention it was to the Colac Otway Shire boundary. It's 30 kilometres of road that'll be 80 kilometres per hour in this proposal and I've actually sent emails about it, thank you.

Response from Mayor

Did you have a specific question or were you just bringing it to our attention again?

I'd like to know what Colac Otway Shire Council was going to do about it please, from your perspective, and what's going to happen to Conns Lane and Cape Otway Road with that impact and how people are going to then get to Apollo Bay, et cetera.

Response from Chief Executive Officer

Thanks Ms Ryan. I have seen the subject line of the email but I haven't had a chance to open it and we have an acting General Manager in that area today and Mr Castle also hasn't [seen it]. We'll come back to you as quickly as we can in writing.

This survey closes on the 18 [December] so we won't have much time.

Response from Chief Executive Officer

I haven't read the email yet so can't respond.

Further response from General Manager Infrastructure and Operations

Colac Otway Shire Council (COS) note that the Surf Coast Shire Council (SCS) is seeking community feedback about proposed speed reductions on a number of roads for which it is the Responsible Road Authority, including Cape Otway Rd. This feedback is open now and closes on 15 January 2023. Link/URL: <https://www.surfcoast.vic.gov.au/About-us/Your-Say/Proposed-speed-limit-changes>.

These proposed changes are coming on the back of SCS adopting strategies relating to Road Safety and Safe Cycling.

COS awaits the outcome of this consultation and will communicate closely with SCS officers about the timing and impact of any changes. COS has not considered any speed limit reductions on adjoining roads, though this may need to be reviewed following work by SCS to ensure that adjoining roads, such as Conns Lane, do not become a rat-run between 100kph arterial roads.



Colac Otway Shire Council

COUNCILLOR OATH OF OFFICE

Tosh-Jake Finnigan

Before the Chief Executive Officer,
Anne Howard, on Wednesday 18 January 2023

I, Tosh-Jake Finnigan swear by Almighty God that I will undertake the duties of the office of Councillor in best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

Signed

Councillor

Tosh-Jake Finnigan

Date: 18/1/23.

Chief Executive Officer

Anne Howard

Date: 18/1/23.